

By Senator Latvala

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1 A bill to be entitled

2 An act relating to transportation; amending s.

3 163.3180, F.S.; extending the period within

4 which certain transportation facilities needed

5 to serve new development must be in place or

6 under actual construction; amending s. 334.044,

7 F.S.; authorizing the Department of

8 Transportation to expend funds to promote

9 scenic highways; authorizing the department to

10 delegate to other governmental entities the

11 authority to issue drainage permits under

12 certain circumstances; amending s. 479.15,

13 F.S.; defining the term "federal-aid primary

14 highway system" for purposes of provisions

15 governing the alteration of certain lawfully

16 erected signs; creating s. 479.25, F.S.;

17 authorizing local governments to enter into

18 agreements with the department which allow

19 outdoor signs to be erected above sound

20 barriers; providing an effective date.

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22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Paragraph (c) of subsection (2) of section

25 163.3180, Florida Statutes, is amended to read:

26 163.3180 Concurrency.--

27 (2)

28 (c) Consistent with the public welfare, and except as

29 otherwise provided in this section, transportation facilities

30 designated as part of the Florida Intrastate Highway System

31 needed to serve new development shall be in place or under

1 actual construction not more than 5 years after issuance by
2 the local government of a certificate of occupancy or its
3 functional equivalent. Other transportation facilities needed
4 to serve new development shall be in place or under actual
5 construction no more than 3 years after issuance by the local
6 government of a certificate of occupancy or its functional
7 equivalent.

8 Section 2. Subsection (5) and paragraph (b) of
9 subsection (15) of section 334.044, Florida Statutes, are
10 amended to read:

11 334.044 Department; powers and duties.--The department
12 shall have the following general powers and duties:

13 (5) To purchase, lease, or otherwise acquire property
14 and materials, including the purchase of promotional items as
15 part of public information and education campaigns for the
16 promotion of scenic highways, traffic and train safety
17 awareness, alternatives to single-occupant vehicle travel, and
18 commercial motor vehicle safety; to purchase, lease, or
19 otherwise acquire equipment and supplies; and to sell,
20 exchange, or otherwise dispose of any property that is no
21 longer needed by the department.

22 (15) To regulate and prescribe conditions for the
23 transfer of stormwater to the state right-of-way as a result
24 of manmade changes to adjacent properties.

25 (b) The department is specifically authorized to adopt
26 rules which set forth the purpose; necessary definitions;
27 permit exceptions; permit and assurance requirements; permit
28 application procedures; permit forms; general conditions for a
29 drainage permit; provisions for suspension or revocation of a
30 permit; and provisions for department recovery of fines,
31 penalties, and costs incurred due to permittee actions. In

1 order to avoid duplication and overlap with other units of
2 government, the department shall accept a surface water
3 management permit issued by a water management district, the
4 Department of Environmental Protection, a surface water
5 management permit issued by a delegated local government, or a
6 permit issued pursuant to an approved Stormwater Management
7 Plan or Master Drainage Plan; provided issuance is based on
8 requirements equal to or more stringent than those of the
9 department. The department may enter into a permit-delegation
10 agreement with a governmental entity if issuance of a permit
11 is based on requirements that the department finds will ensure
12 the safety and integrity of facilities of the Department of
13 Transportation.

14 Section 3. Subsection (2) of section 479.15, Florida
15 Statutes, is amended to read:

16 479.15 Harmony of regulations.--

17 (2) A municipality, county, local zoning authority, or
18 other local governmental entity may not remove, or cause to be
19 removed, any lawfully erected sign along any portion of the
20 interstate or federal-aid primary highway system without first
21 paying just compensation for such removal. A local
22 governmental entity may not cause in any way the alteration of
23 any lawfully erected sign located along any portion of the
24 interstate or federal-aid primary highway system without
25 payment of just compensation if such alteration constitutes a
26 taking under state law. The municipality, county, local zoning
27 authority, or other local government entity that adopts
28 ~~promulgating~~ requirements for such alteration shall pay ~~must~~
29 ~~be responsible for payment of~~ just compensation to the sign
30 owner if such alteration constitutes a taking under state law.
31 This subsection applies only to a lawfully erected sign the

1 subject matter of which relates to premises other than the
2 premises on which it is located or to merchandise, services,
3 activities, or entertainment not sold, produced, manufactured,
4 or furnished on the premises on which the sign is located. As
5 used in this subsection, the term "federal-aid primary highway
6 system" means the federal-aid primary highway system in
7 existence on June 1, 1991, and any highway that was not a part
8 of such system as of that date, but that is, or becomes after
9 July 1, 2002, a part of the National Highway System. This
10 subsection shall not be interpreted as explicit or implicit
11 legislative recognition that alterations do or do not
12 constitute a taking under state law.

13 Section 4. Section 479.25, Florida Statutes, is
14 created to read:

15 479.25 Application of chapter.--This chapter does not
16 prevent a governmental entity from entering into an agreement
17 with the department allowing the height above ground level of
18 a lawfully erected sign to be increased at its permitted
19 location if a noise-attenuation barrier, visibility screen, or
20 other highway improvement is erected in such a way as to
21 screen or block visibility of the sign. However, if a
22 nonconforming sign is located on the federal-aid primary
23 highway system, as such system existed on June 1, 1991, or on
24 any highway that was not a part of such system as of that
25 date, but that is, or becomes after July 1, 2002, a part of
26 the National Highway System, the agreement must be approved by
27 the Federal Highway Administration. Any increase in height
28 permitted under this section may only be the increase in
29 height which is required to achieve the same degree of
30 visibility from the right-of-way which the sign had prior to

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1 the construction of the noise-attenuation barrier, visibility
2 screen, or other highway improvement.

3 Section 5. This act shall take effect July 1, 2002.

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SENATE SUMMARY

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Extends from 3 years to 5 years the period within which transportation facilities designated as part of the Florida Intrastate Highway System which are needed to serve new development must be in place or under actual construction. Authorizes the Department of Transportation to expend funds to promote scenic highways. Authorizes the department to delegate its authority to issue drainage permits to other governmental entities. Authorizes a local government to enter into an agreement with the department to increase the height of an outdoor sign above certain sound barriers.