

CHAMBER ACTION

1 The State Infrastructure Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

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6 A bill to be entitled

7 An act relating to outdoor advertising; amending s.
8 479.106, F.S.; revising provisions relating to the
9 proximity of vegetation and beautification projects to
10 outdoor advertising signs; specifying distances which
11 constitute a view zone for outdoor advertising signs;
12 authorizing the Department of Transportation and owners of
13 outdoor advertising signs to enter into agreements
14 identifying view zone locations; requiring governmental
15 entities to pay for lost revenues or sign market values
16 for violation of view zone requirements; amending s.
17 479.25, F.S.; allowing permitted, conforming, lawfully
18 erected outdoor advertising signs to be increased in
19 height if visibility is blocked due to construction of a
20 noise attenuation barrier; requiring sign reconstruction
21 to meet Florida Building Code requirements; requiring the
22 issuance of local permits for the reconstruction of signs
23 notwithstanding local ordinances or land development

HB 1497 CS

2005
CS

24 regulations to the contrary; requiring local governments
 25 or local jurisdictions to pay just compensation for
 26 refusal to issue a reconstruction permit; providing an
 27 effective date.

28

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

30

31 Section 1. Subsection (6) of section 479.106, Florida
 32 Statutes, is amended to read:

33 479.106 Vegetation management.--

34 (6) Beautification projects, trees, or other vegetation
 35 shall not be planted or located in the view zone of an area
 36 ~~which will screen from view~~ legally erected and permitted
 37 outdoor advertising signs which have been permitted prior to the
 38 date of the beautification project or other planting, where such
 39 planting will, at the time of planting or after future growth,
 40 screen such sign from view. The view zone shall consist of 500
 41 linear feet within the first 1,000 feet as measured along the
 42 edge of the pavement in the direction of approaching traffic
 43 from a point on the edge of the pavement perpendicular to the
 44 edge of the sign facing nearest the highway. The view zone shall
 45 be a continuous 500 linear feet unless interrupted by existing,
 46 naturally occurring vegetation. The department and the sign
 47 owner may enter into an agreement identifying the specific
 48 location of the view zone for each sign facing. In the absence
 49 of such agreement, the view zone shall be defined as the first
 50 continuous 500 linear feet from the sign. Any governmental
 51 entity violating this provision shall pay to the sign owner a

HB 1497 CS

2005
CS

52 penalty equal to the lesser of the revenue from the sign lost
 53 during the time of the screening or the fair market value of the
 54 sign.

55 Section 2. Section 479.25, Florida Statutes, is amended to
 56 read:

57 479.25 Application of chapter.--The owner of a lawfully
 58 erected sign that conforms to state and federal requirements for
 59 land use, size, height, and spacing may increase the height
 60 above ground level of such sign ~~This chapter does not prevent a~~
 61 ~~governmental entity from entering into an agreement allowing the~~
 62 ~~height above ground level of a lawfully erected sign to be~~
 63 ~~increased~~ at its permitted location if a noise-attenuation
 64 barrier, ~~visibility screen, or other highway improvement is~~
 65 erected in such a way as to screen or block visibility of the
 66 sign. ~~However, if a nonconforming sign is located on the~~
 67 ~~federal-aid primary highway system, as such system existed on~~
 68 ~~June 1, 1991, or on any highway that was not a part of such~~
 69 ~~system as of that date but that is or becomes after June 1,~~
 70 ~~1991, a part of the National Highway System, the agreement must~~
 71 ~~be approved by the Federal Highway Administration.~~ Any increase
 72 in height permitted under this section may only be the increase
 73 in height which is required to achieve the same degree of
 74 visibility from the right-of-way which the sign had prior to the
 75 construction of the noise-attenuation barrier, notwithstanding
 76 the restrictions contained in s. 479.07(9)(b). A sign
 77 reconstructed under this section shall comply with the building
 78 standards and wind load requirements set forth in the Florida
 79 Building Code. A local government or local jurisdiction must

HB 1497 CS

2005
CS

80 issue the permits required for the reconstruction of a sign
81 under this section, notwithstanding any provision to the
82 contrary contained in the ordinances or land development
83 regulations of the local government or local jurisdiction or, if
84 the local government or local jurisdiction refuses to issue the
85 required permits for reconstruction of a sign under this
86 section, the sign may not be reconstructed and the local
87 government or local jurisdiction must pay just compensation to
88 the owner of the sign ~~visibility screen, or other highway~~
89 ~~improvement.~~

90 Section 3. This act shall take effect upon becoming a law.