

1 A bill to be entitled

2 An act relating to outdoor advertising; amending s.
3 479.106, F.S.; revising provisions relating to the
4 proximity of vegetation and beautification projects to
5 outdoor advertising signs; specifying distances which
6 constitute a view zone on the State Highway System and
7 expressways for outdoor advertising signs; authorizing the
8 Department of Transportation and owners of outdoor
9 advertising signs to enter into agreements identifying
10 view zone locations; requiring governmental entities and
11 other violators to pay for lost revenues or sign market
12 values for violation of view zone requirements; amending
13 s. 479.25, F.S.; allowing permitted, conforming, lawfully
14 erected outdoor advertising signs to be increased in
15 height if visibility is blocked due to construction of
16 specified noise attenuation barriers; requiring sign
17 reconstruction to meet Florida Building Code requirements;
18 requiring the issuance of local permits for the
19 reconstruction of signs notwithstanding local ordinances
20 or land development regulations to the contrary; requiring
21 local governments or local jurisdictions to pay just
22 compensation for refusal to issue a reconstruction permit;
23 providing an effective date.

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

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

29 479.106 Vegetation management.--
 30 (6) Beautification projects, trees, or other vegetation
 31 shall not be planted or located in the view zone of an area
 32 ~~which will screen from view~~ legally erected and permitted
 33 outdoor advertising signs which have been permitted prior to the
 34 date of the beautification project or other planting, where such
 35 planting will, at the time of planting or after future growth,
 36 screen such sign from view. For the State Highway System and
 37 expressways, the view zone shall consist of 500 linear feet
 38 within the first 1,000 feet as measured along the edge of the
 39 pavement in the direction of approaching traffic from a point on
 40 the edge of the pavement perpendicular to the edge of the sign
 41 facing nearest the highway. For the State Highway System and
 42 expressways, the view zone shall be a continuous 500 linear feet
 43 unless interrupted by existing, naturally occurring vegetation.
 44 The department and the sign owner may enter into an agreement
 45 identifying the specific location of the view zone for each sign
 46 facing. In the absence of such agreement, the view zone shall be
 47 defined as the first continuous 500 linear feet from the sign.
 48 Any governmental entity or other party violating this provision
 49 shall pay to the sign owner a penalty equal to the lesser of the
 50 revenue from the sign lost during the time of the screening or
 51 the fair market value of the sign.

52 Section 2. Section 479.25, Florida Statutes, is amended to
 53 read:

54 479.25 Application of chapter.--The owner of a lawfully
 55 erected sign that is governed by and conforms to state and
 56 federal requirements for land use, size, height, and spacing may

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

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85 government or local jurisdiction must pay just compensation to
86 the owner of the sign ~~visibility screen, or other highway~~
87 ~~improvement.~~

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