

Bill No. SB 1850

Barcode 912802

CHAMBER ACTION

Senate

House

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
. .  
. .  
. .  
. .  
. .

The Committee on Transportation (Clary) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

479.106 Vegetation management.--

(6) Beautification projects, trees, or other vegetation may ~~shall~~ not be planted or located in the view zone of an area which will screen from view legally erected and permitted outdoor advertising signs which have been permitted before ~~prior to~~ the date of the beautification project or other planting when the planting will, at the time of planting or after future growth, screen the sign from view. The view zone consists of 500 linear feet within the first 1,000 feet as measured along the edge of pavement in the direction of approaching traffic from a point on the edge of the pavement perpendicular to the edge of the sign facing

Bill No. SB 1850

Barcode 912802

1 nearest the highway. The view zone is a continuous 500 linear  
2 feet unless interrupted by existing naturally occurring  
3 vegetation. The department and the sign owner may enter into  
4 an agreement identifying the specific location of the view  
5 zone for each sign facing. In the absence of an agreement, the  
6 view zone is the first continuous 500 linear feet from the  
7 sign. Any government entity violating this subsection must pay  
8 to the sign owner a penalty equal to the lesser of the revenue  
9 from the sign lost during the time of the screening or the  
10 fair market value of the sign.

11 Section 2. Section 479.25, Florida Statutes, is  
12 amended to read:

13 479.25 Application of chapter.--The owner of a  
14 lawfully erected sign that conforms with state and federal  
15 requirements for land use, size, height, and spacing  
16 requirements may increase the height above the ground level of  
17 the sign ~~This chapter does not prevent a governmental entity~~  
18 ~~from entering into an agreement allowing the height above~~  
19 ~~ground level of a lawfully erected sign to be increased at its~~  
20 ~~permitted location if a noise-attenuation barrier, visibility~~  
21 ~~screen, or other highway improvement is erected in such a way~~  
22 ~~as to screen or block visibility of the sign. However, if a~~  
23 ~~nonconforming sign is located on the federal aid primary~~  
24 ~~highway system, as such system existed on June 1, 1991, or on~~  
25 ~~any highway that was not a part of such system as of that date~~  
26 ~~but that is or becomes after June 1, 1991, a part of the~~  
27 ~~National Highway System, the agreement must be approved by the~~  
28 ~~Federal Highway Administration.~~ Any increase in height  
29 permitted under this section may only be the increase in  
30 height which is required to achieve the same degree of  
31 visibility from the right-of-way which the sign had prior to

Bill No. SB 1850

Barcode 912802

1 the construction of the noise-attenuation barrier,  
 2 notwithstanding the restrictions contained in s. 479.07(9)(b)  
 3 visibility screen, or other highway improvement. A sign  
 4 reconstructed under this section must comply with the building  
 5 standards and wind load requirements set forth in the Florida  
 6 Building Code. A local government or local jurisdiction must  
 7 issue the permits required for the reconstruction of a sign  
 8 under this section, notwithstanding any provision to the  
 9 contrary contained in the ordinances or land development  
 10 regulations of the local government or local jurisdiction or,  
 11 if the local government or local jurisdiction refuses to issue  
 12 the required permits for reconstruction of a sign under this  
 13 section, the sign may not be reconstructed and the local  
 14 government or local jurisdiction must pay just compensation to  
 15 the owner of the sign.

Section 3. This act shall take effect July 1, 2005.

----- T I T L E   A M E N D M E N T -----

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to outdoor advertising;  
 amending s. 479.106, F.S.; prohibiting the  
 planting of trees or other vegetation that  
 screens a sign from view; providing the  
 criteria for a view zone; providing penalties  
 for violation; amending s. 479.25, F.S.;

authorizing the owner of a sign to increase the

Bill No. SB 1850

Barcode 912802

1 height of the sign under certain circumstances;  
2 deleting a requirement that certain signs be  
3 approved by the Federal Highway Administration;  
4 requiring that a reconstructed sign be in  
5 compliance with the Florida Building Code;  
6 requiring the department and local governmental  
7 entity to issue permits for reconstruction,  
8 notwithstanding rules or ordinances to the  
9 contrary; providing an effective date.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31