

By Senator Peaden

2-970-05

1                                   A bill to be entitled

2           An act relating to outdoor advertising;

3           amending s. 479.106, F.S.; prohibiting the

4           planting of trees or other vegetation that

5           screens a sign from view; requiring enforcement

6           of the prohibition by the Department of

7           Transportation; providing that a violation

8           constitutes a removal of the sign for which

9           just compensation is required; amending s.

10          479.25, F.S.; authorizing the owner of a sign

11          to increase the height of the sign under

12          certain circumstances; deleting a requirement

13          that certain signs be approved by the Federal

14          Highway Administration; requiring that a

15          reconstructed sign be in compliance with the

16          Florida Building Code; requiring the department

17          and local governmental entity to issue permits

18          for such reconstruction, notwithstanding rules

19          or ordinances to the contrary; providing an

20          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. Subsection (6) of section 479.106, Florida

25 Statutes, is amended to read:

26           479.106 Vegetation management.--

27           (6) Beautification projects, trees, or other

28 vegetation that ~~shall not be located in an area which~~ will

29 screen from view legally erected and permitted outdoor

30 advertising signs may not be planted within the viewing area

31 of such signs ~~which have been permitted prior to the date of~~

1 ~~the beautification project. As used in this subsection, the~~  
2 ~~term "viewing area" means 1,000 feet from a permitted outdoor~~  
3 ~~advertising sign to approaching traffic. The department shall~~  
4 ~~enforce this subsection. A violation of this subsection~~  
5 ~~constitutes prima facie removal under s. 479.15(2).~~

6 Section 2. Section 479.25, Florida Statutes, is  
7 amended to read:

8 479.25 Application of chapter.--This chapter does not  
9 prevent the owner of a lawful conforming sign or a lawful  
10 nonconforming sign from increasing a governmental entity from  
11 ~~entering into an agreement allowing~~ the height above ground  
12 level of such a lawfully erected sign to be increased at its  
13 permitted location if a noise-attenuation barrier, visibility  
14 screen, or other highway improvement is erected in such a way  
15 as to screen or block visibility of the sign. ~~However, if a~~  
16 ~~nonconforming sign is located on the federal aid primary~~  
17 ~~highway system, as such system existed on June 1, 1991, or on~~  
18 ~~any highway that was not a part of such system as of that date~~  
19 ~~but that is or becomes after June 1, 1991, a part of the~~  
20 ~~National Highway System, the agreement must be approved by the~~  
21 ~~Federal Highway Administration.~~ Any increase in height  
22 permitted under this section may only be the increase in  
23 height which is required to achieve the same degree of  
24 visibility from the right-of-way which the sign had prior to  
25 the construction of the noise-attenuation barrier, visibility  
26 screen, or other highway improvement. A sign reconstructed  
27 under this section must be in compliance with the building  
28 standards set forth in the Florida Building Code. The  
29 department and the local governmental entity shall issue any  
30 permits that may be required for the reconstruction of a sign  
31 pursuant to this section, notwithstanding any provisions to

1 the contrary contained in rules of the department or local  
2 ordinances.

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

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6 SENATE SUMMARY

7 Prohibits the planting of trees or other vegetation that  
8 screens a sign from view. Provides that a violation of  
9 such prohibition constitutes a removal of the sign for  
10 which just compensation is required. Deletes a  
11 requirement that certain signs be approved by the Federal  
12 Highway Administration. Requires that a reconstructed  
13 sign be in compliance with the Florida Building Code.  
14 Requires that the Department of Transportation and local  
15 governmental entities issue permits for such  
16 reconstruction, notwithstanding rules or ordinances to  
17 the contrary. (See bill for details.)  
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