By the Committee on Transportation; and Senator Peaden

596-2127-05

| 1  | A bill to be entitled                                          |
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| 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; providing the                        |
| 6  | criteria for a view zone; providing penalties                  |
| 7  | for violation; amending s. 479.25, F.S.;                       |
| 8  | authorizing the owner of a sign to increase the                |
| 9  | height of the sign under certain circumstances;                |
| 10 | deleting a requirement that certain signs be                   |
| 11 | approved by the Federal Highway Administration;                |
| 12 | requiring that a reconstructed sign be in                      |
| 13 | compliance with the Florida Building Code;                     |
| 14 | requiring the department and local governmental                |
| 15 | entity to issue permits for reconstruction,                    |
| 16 | notwithstanding rules or ordinances to the                     |
| 17 | contrary; providing an effective date.                         |
| 18 |                                                                |
| 19 | Be It Enacted by the Legislature of the State of Florida:      |
| 20 |                                                                |
| 21 | Section 1. Subsection (6) of section 479.106, Florida          |
| 22 | Statutes, is amended to read:                                  |
| 23 | 479.106 Vegetation management                                  |
| 24 | (6) Beautification projects, trees, or other                   |
| 25 | vegetation may shall not be planted or located in the view     |
| 26 | zone of an area which will screen from view legally erected    |
| 27 | and permitted outdoor advertising signs which have been        |
| 28 | permitted before prior to the date of the beautification       |
| 29 | project or other planting when the planting will, at the time  |
| 30 | of planting or after future growth, screen the sign from view. |
| 31 | The view zone consists of 500 linear feet within the first     |

1,000 feet as measured along the edge of pavement in the 2 direction of approaching traffic from a point on the edge of the pavement perpendicular to the edge of the sign facing 3 4 nearest the highway. The view zone is a continuous 500 linear feet unless interrupted by existing naturally occurring 5 6 vegetation. The department and the sign owner may enter into 7 an agreement identifying the specific location of the view 8 zone for each sign facing. In the absence of an agreement, the view zone is the first continuous 500 linear feet from the 9 10 sign. Any government entity violating this subsection must pay to the sign owner a penalty equal to the lesser of the revenue 11 12 from the sign lost during the time of the screening or the 13 fair market value of the sign. Section 2. Section 479.25, Florida Statutes, is 14 amended to read: 15 479.25 Application of chapter. -- The owner of a 16 17 lawfully erected sign that conforms with state and federal 18 requirements for land use, size, height, and spacing requirements may increase the height above the ground level of 19 2.0 the sign This chapter does not prevent a governmental entity 21 from entering into an agreement allowing the height above 2.2 ground level of a lawfully erected sign to be increased at its 23 permitted location if a noise-attenuation barrier, visibility screen, or other highway improvement is erected in such a way 2.4 as to screen or block visibility of the sign. However, if a 2.5 26 nonconforming sign is located on the federal aid primary 27 highway system, as such system existed on June 1, 1991, or on 2.8 any highway that was not a part of such system as of that date but that is or becomes after June 1, 1991, a part of the 29 National Highway System, the agreement must be approved by the 30 Federal Highway Administration. Any increase in height 31

| 1  | permitted under this section may only be the increase in                                                                                      |
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| 2  | height which is required to achieve the same degree of                                                                                        |
| 3  | visibility from the right-of-way which the sign had prior to                                                                                  |
| 4  | the construction of the noise-attenuation barrier,                                                                                            |
| 5  | notwithstanding the restrictions contained in s. 479.07(9)(b)                                                                                 |
| 6  | visibility screen, or other highway improvement. A sign                                                                                       |
| 7  | reconstructed under this section must comply with the building                                                                                |
| 8  | standards and wind load requirements set forth in the Florida                                                                                 |
| 9  | Building Code. A local government or local jurisdiction must                                                                                  |
| 10 | issue the permits required for the reconstruction of a sign                                                                                   |
| 11 | under this section, notwithstanding any provision to the                                                                                      |
| 12 | contrary contained in the ordinances or land development                                                                                      |
| 13 | regulations of the local government or local jurisdiction or,                                                                                 |
| 14 | if the local government or local jurisdiction refuses to issue                                                                                |
| 15 | the required permits for reconstruction of a sign under this                                                                                  |
| 16 | section, the sign may not be reconstructed and the local                                                                                      |
| 17 | government or local jurisdiction must pay just compensation to                                                                                |
| 18 | the owner of the sign.                                                                                                                        |
| 19 | Section 3. This act shall take effect July 1, 2005.                                                                                           |
| 20 |                                                                                                                                               |
| 21 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN                                                                                                 |
| 22 | COMMITTEE SUBSTITUTE FOR<br><u>Senate Bill 1850</u>                                                                                           |
| 23 |                                                                                                                                               |
| 24 | This CS establishes law concerning "viewing zones" for                                                                                        |
| 25 | lawfully permitted outdoor advertising signs and requires any governmental entity violating the established view zone                         |
| 26 | provisions to pay the sign's owner a penalty equal to the lesser of lost revenue from the sign being blocked or the sign's fair market value. |
| 27 | 5                                                                                                                                             |
| 28 | Additionally, this CS allows the owners of lawfully erected outdoor advertising signs to increase the sign's height if a                      |
| 29 | noise wall blocks or screens the sign and specifies if a sign is reconstructed for this purpose it must comply with the                       |
| 30 | Florida Building Code standards and wind load requirements.  This CS also specifies local governments are required to issue                   |
| 31 | permits, if necessary, to reconstruct these signs and those local governments which refuse to issue such permits are                          |
|    | required to pay just compensation to the sign's owner.                                                                                        |

CODING: Words stricken are deletions; words underlined are additions.