Florida Senate - 2005

CS for CS for SB 1850

 $\ensuremath{\textbf{By}}$ the Committees on Community Affairs; Transportation; and Senator Peaden

578-2283-05

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.;	
4 planting of trees or other vegetation that 5 screens a sign from view; providing the 6 criteria for a view zone; providing penalties	
5 screens a sign from view; providing the 6 criteria for a view zone; providing penalties	
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.	
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19 Be It Enacted by the Legislature of the State of Florida:	
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21 Section 1. Subsection (6) of section 479.106, Florida	
22 Statutes, is amended to read:	
23 479.106 Vegetation management	
(6) Beautification projects, trees, or other	
25 <u>vegetation may shall</u> not be <u>planted or</u> located in <u>the view</u>	
26 <u>zone of</u> an area which will screen from view legally erected	
27 and permitted outdoor advertising signs which have been	
28 permitted <u>before</u> 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 For the State Highway System and expressways, the view zone	

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1 consists of 500 linear feet within the first 1,000 feet as 2 measured along the edge of pavement in the direction of approaching traffic from a point on the edge of the pavement 3 4 perpendicular to the edge of the sign facing nearest the highway. For the State Highway System and expressways, the 5 6 view zone is a continuous 500 linear feet unless interrupted 7 by existing naturally occurring vegetation. The department and 8 the sign owner may enter into an agreement identifying the specific location of the view zone for each sign facing. In 9 10 the absence of an agreement, the view zone is the first continuous 500 linear feet from the sign. Any government 11 12 entity or other party violating this subsection must pay to the sign owner a penalty equal to the lesser of the revenue 13 from the sign lost during the time of the screening or the 14 fair market value of the sign. 15 Section 2. Section 479.25, Florida Statutes, is 16 17 amended to read: 18 479.25 Application of chapter. -- The owner of a lawfully erected sign that is governed by and conforms with 19 state and federal requirements for land use, size, height, and 20 21 spacing requirements may increase the height above the ground 2.2 level of the sign This chapter does not prevent a governmental 23 entity from entering into an agreement allowing the height above ground level of a lawfully erected sign to be increased 2.4 25 at its permitted location if a noise-attenuation barrier, 26 visibility screen, or other highway improvement is permitted 27 by or erected by any governmental entity in such a way as to 2.8 screen or block visibility of the sign. However, if a nonconforming sign is located on the federal aid primary 29 highway system, as such system existed on June 1, 1991, or on 30 31 any highway that was not a part of such system as of that date

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1	but that is or becomes after June 1, 1991, a part of the
2	National Highway System, the agreement must be approved by the
3	Federal Highway Administration. Any increase in height
4	permitted under this section may only be the increase in
5	height which is required to achieve the same degree of
6	visibility from the right-of-way which the sign had prior to
7	the construction of the noise-attenuation barrier,
8	notwithstanding the restrictions contained in s. 479.07(9)(b)
9	visibility screen, or other highway improvement. <u>A sign</u>
10	reconstructed under this section must comply with the building
11	standards and wind load requirements set forth in the Florida
12	Building Code. A local government or local jurisdiction must
13	issue the permits required for the reconstruction of a sign
14	under this section, notwithstanding any provision to the
15	contrary contained in the ordinances or land development
16	regulations of the local government or local jurisdiction or,
17	if the local government or local jurisdiction refuses to issue
18	the required permits for reconstruction of a sign under this
19	section, the sign may not be reconstructed and the local
20	government or local jurisdiction must pay just compensation to
21	the owner of the sign.
22	Section 3. This act shall take effect July 1, 2005.
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1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	<u>CS/SB 1850</u>
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4	The committee substitute for committee substitute (CS) clarifies that the definition of a view zone applies to the
5	State Highway System and expressways. The CS provides that a party violating the view zone provisions of the bill must pay
6 the sign owner a penalty equal to the lesser of the lost	the sign owner a penalty equal to the lesser of the lost revenue from the screened or blocked billboard or the sign's
7	fair market value. It also clarifies that a noise-attenuation barrier that is permitted by a local government is subject to
8	s. 479.25, F.S. Finally, it also clarifies that the owner of a lawfully erected sign under s. 479.25, F.S., that is governed
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10	increase the sign s neight under certain circumstances.
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