

HB 273

2006

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 that
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 the requirements of the Florida
18 Building Code; requiring the issuance of local permits for
19 the reconstruction of signs, notwithstanding local
20 ordinances or land development regulations to the
21 contrary; requiring local governments or local
22 jurisdictions to pay just compensation for refusal to
23 issue a reconstruction permit; providing an effective
24 date.

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

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

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

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

55 479.25 Application of chapter.--The owner of a lawfully
 56 erected sign that is governed by and conforms to state and
 57 federal requirements for land use, size, height, and spacing may
 58 increase the height above ground level of such sign ~~This chapter~~

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

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