

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to outdoor advertising; amending s.
7 479.106, F.S.; revising provisions relating to the
8 proximity of vegetation and beautification projects to
9 outdoor advertising signs; prohibiting planting that will
10 block the signs; specifying distances that constitute a
11 view zone on interstate highways, expressways, federal-aid
12 primary highways, and the State Highway System for outdoor
13 advertising signs; authorizing the Department of
14 Transportation and owners of outdoor advertising signs to
15 enter into agreements identifying view zone locations;
16 requiring governmental entities and other parties to pay a
17 penalty amount equal to the lesser of the lost revenue or
18 sign market value for violation of view zone requirements;
19 providing conditions for the payment; providing exemptions
20 from such payment requirement; amending s. 479.25, F.S.;
21 revising provisions for height increase of certain outdoor
22 advertising signs; authorizing the height to be increased
23 if visibility is blocked due to installation of certain

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24 noise-attenuation barriers; requiring sign reconstruction
 25 to meet the requirements of the Florida Building Code;
 26 providing for resolution when a sign height increase
 27 conflicts with local ordinances or land development
 28 regulations; providing options for resolution by the local
 29 government or jurisdiction; providing for application;
 30 providing an effective date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

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

36 479.106 Vegetation management.--

37 (6) Beautification projects, trees, or other vegetation
 38 shall not be planted or located in the view zone of an area
 39 ~~which will screen from view~~ legally erected and permitted
 40 outdoor advertising signs which have been permitted prior to the
 41 date of the beautification project or other planting, where such
 42 planting will, at the time of planting or after future growth,
 43 screen such sign from view.

44 (a) View zones are established along the public rights-of-
 45 way of interstate highways, expressways, federal-aid primary
 46 highways, and the State Highway System in the state, excluding
 47 privately owned property as follows:

48 1. A view zone of 350 feet for posted speed limits of 35
 49 miles per hour or less.

50 2. A view zone of 500 feet for posted speed limits of over
 51 35 miles per hour.

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52 (b) The established view zone shall be within the first
53 1,000 feet measured along the edge of the pavement in the
54 direction of approaching traffic from a point on the edge of the
55 pavement perpendicular to the edge of the sign facing nearest
56 the highway and shall be continuous unless interrupted by
57 existing, naturally occurring vegetation. The department and the
58 sign owner may enter into an agreement identifying the specific
59 location of the view zone for each sign facing. In the absence
60 of such agreement, the established view zone shall be measured
61 from the sign along the edge of the pavement in the direction of
62 approaching traffic as provided in this subsection.

63 (c) Any governmental entity or other party violating this
64 subsection shall pay to the sign owner a penalty equal to the
65 lesser of the revenue from the sign lost during the time of the
66 screening or the fair market value of the sign; however, the
67 governmental entity or other party allegedly violating this
68 subsection shall be given 90 days' written notice by the sign
69 owner of such alleged violation and no penalty shall be assessed
70 if the alleged violation is cured by the governmental entity or
71 other party within the 90-day period. Any modification or
72 removal of material within a beautification project or other
73 planting by the governmental entity or other party to cure an
74 alleged violation shall not require the issuance of a permit
75 from the Department of Transportation provided not less than 48
76 hours' notice is provided to the department of the modification
77 or removal of the material. A natural person, private
78 corporation, or private partnership licensed under part II of
79 chapter 481 providing design services for beautification or

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80 other projects shall not be subject to penalty under this
81 section when the initial project design meets the requirements
82 of this section.

83 Section 2. Section 479.25, Florida Statutes, is amended to
84 read:

85 479.25 Application of chapter.--The owner of a lawfully
86 erected sign that is governed by and conforms to state and
87 federal requirements for land use, size, height, and spacing may
88 increase the height above ground level of such sign ~~This chapter~~
89 ~~does not prevent a governmental entity from entering into an~~
90 ~~agreement allowing the height above ground level of a lawfully~~
91 ~~erected sign to be increased at its permitted location if a~~
92 ~~noise-attenuation barrier, visibility screen, or other highway~~
93 ~~improvement is permitted by or erected by any governmental~~
94 ~~entity in such a way as to screen or block visibility of the~~
95 ~~sign. However, if a nonconforming sign is located on the~~
96 ~~federal aid primary highway system, as such system existed on~~
97 ~~June 1, 1991, or on any highway that was not a part of such~~
98 ~~system as of that date but that is or becomes after June 1,~~
99 ~~1991, a part of the National Highway System, the agreement must~~
100 ~~be approved by the Federal Highway Administration.~~ Any increase
101 in height permitted under this section may only be the increase
102 in height which is required to achieve the same degree of
103 visibility from the right-of-way which the sign had prior to the
104 construction of the noise-attenuation barrier, notwithstanding
105 the restrictions contained in s. 479.07(9)(b). A sign
106 reconstructed under this section shall comply with the building
107 standards and wind load requirements set forth in the Florida

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

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108 Building Code. If an increase in the height of a sign as
109 permitted under this section will violate a provision contained
110 in an ordinance or land development regulation of a local
111 government or local jurisdiction, the provisions of such
112 ordinance or regulation notwithstanding, the local government or
113 local jurisdiction shall have the authority to choose by
114 resolution one of the following options:

115 (1) Issuance of a permit by variance or otherwise for the
116 reconstruction of a sign under this section;

117 (2) Allow the relocation of a sign, or construction of
118 another sign, at an alternative location if the sign owner
119 agrees to relocate the sign or construct another sign;

120 (3) Refuse to issue the required permits for
121 reconstruction of a sign under this section and pay fair market
122 value of the sign and its associated interest in the real
123 property to the owner of the sign; or

124 (4) Notify the department that application of this section
125 will violate a provision contained in an ordinance or land
126 development regulation of the local government or local
127 jurisdiction and that the local government or local jurisdiction
128 prohibits the installation of the noise-attenuation barrier to
129 the extent the barrier screens or blocks visibility of the sign,
130 whereby the department shall not permit or erect the noise-
131 attenuation barrier to the extent the barrier screens or blocks
132 visibility of the sign ~~visibility screen, or other highway~~
133 ~~improvement.~~

134 Section 3. This act shall not apply to any existing
135 settlement agreement executed before the effective date of this

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136 | act between any local government and the owner of an outdoor
137 | advertising sign.

138 | Section 4. This act shall take effect upon becoming a law.