

Bill No. CS for SB 566

Barcode 042972

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Baker) recommended the following amendment:

Senate Amendment (with title amendment)

On page 4, line 20, through page 5, line 19, delete those lines

and insert: (2) If construction of a proposed noise-attenuation barrier will screen a sign lawfully permitted under this chapter, the department must give notice to the governmental entity within which the sign is located before erecting the noise-attenuation barrier. If the governmental entity finds that an increase in the height of a sign as permitted under this section will violate an ordinance or land development regulation of the governmental entity, the governmental entity must so notify the department. If the department receives notice of a possible violation of an ordinance or land development regulation from the governmental entity before the noise-attenuation barrier is erected, the department shall:

(a) Conduct a written survey of all property owners

Bill No. CS for SB 566

Barcode 042972

1 identified as impacted by the highway noise and who may
2 benefit from the proposed noise-attenuation barrier. The
3 survey must specifically advise the impacted property owners
4 that;

5 1. Erecting the noise-attenuation barrier may block
6 the visibility of an existing outdoor advertising sign;

7 2. By increasing the height of the existing outdoor
8 advertising sign in order to make it visible over the barrier,
9 the increased height will violate an ordinance or land
10 development regulation of the governmental entity; and

11 3. If a majority of the impacted property owners vote
12 for construction of the noise-attenuation barrier, the
13 governmental entity must allow an increase in the height of
14 the sign in violation of an ordinance or land development
15 regulation, allow the sign to be relocated or reconstructed at
16 another location if the sign owner agrees, or pay the fair
17 market value of the sign and its associated interest in the
18 real property.

19
20 The written survey must inform the property owners of the
21 location, date, and time of the public hearing set forth in
22 paragraph (b).

23 (b) Hold a public hearing within the boundaries of the
24 affected governmental entity to receive comments on the
25 proposed noise-attenuation barrier, the conflict with the
26 local ordinance or land development regulation, and any
27 suggested alternatives or modifications to the proposed
28 noise-attenuation barrier that would alleviate or minimize the
29 conflict with the local ordinance or land development
30 regulation or minimize any costs which may be associated with
31 relocating, reconstructing, or paying for the affected sign.

Bill No. CS for SB 566

Barcode 042972

1 The public hearing may be held concurrent with other public
 2 hearings scheduled for the project. The department shall
 3 provide written notification to the governmental entity of the
 4 date and time of the public hearing and shall provide general
 5 notice of the public hearing in accordance with the notice
 6 provisions of s. 335.02(1). Notice may not be placed in that
 7 portion of the newspaper where legal notices and classified
 8 advertisements appear. The notice shall specifically state
 9 that:

10 1. Erecting the proposed noise-attenuation barrier may
 11 block the visibility of an existing outdoor advertising sign;

12 2. By increasing the height of the existing outdoor
 13 advertising sign in order to make it visible over the barrier,
 14 the increased height will violate an ordinance or land
 15 development regulation of the governmental entity; and

16 3. If a majority of the impacted property owners vote
 17 for construction of the noise-attenuation barrier, the
 18 governmental entity must allow an increase in the height of
 19 the sign in violation of a local ordinance or land development
 20 regulation, allow the sign to be relocated or reconstructed at
 21 another location if the sign owner agrees, or pay the fair
 22 market value of the sign and its associated interest in the
 23 real property.

24 (3) The department may not erect a noise-attenuation
 25 barrier to the extent the barrier screens or blocks visibility
 26 of the sign until after the public hearing is held and until
 27 such time as the survey has been conducted and a majority of
 28 the impacted property owners have indicated approval to erect
 29 the noise-attenuation barrier. If the impacted property owners
 30 approve constructing a noise-attenuation barrier the
 31 department shall notify the governmental entity.

Bill No. CS for SB 566

Barcode 042972

1 Notwithstanding any conflicting ordinance or land development
2 regulation, the governmental entity shall issue a permit by
3 variance or otherwise for the reconstruction of a sign under
4 this section, allow the relocation of a sign, or construction
5 of another sign, at an alternative location which is
6 permissible under the provisions of this chapter if the sign
7 owner agrees to relocate the sign or construct another sign,
8 or refuse to issue the required permits for reconstruction of
9 a sign under this section and pay fair market value of the
10 sign and its associated interest in the real property to the
11 owner of the sign.

12 (4) This section does not apply to any existing
13 written agreement executed before July 1, 2006 between any
14 governmental entity and the owner of an outdoor advertising
15 sign visibility screen, or other highway improvement.

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18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 1, line 28, through page 2, line 4, delete
21 those lines

22
23 and insert:

24 Florida Building Code; requiring the Department
25 of Transportation notify a governmental entity
26 before erecting a noise-attenuation barrier if
27 its construction will screen a lawfully
28 permitted sign; requiring a governmental entity
29 to notify the department if increasing the
30 height of a sign will violate an ordinance or
31 land development regulation of the governmental

Bill No. CS for SB 566

Barcode 042972

1 entity; requiring the department to conduct a
2 survey and to conduct a public hearing;
3 providing procedures and notice; prohibiting
4 department to erect a noise-attenuation barrier
5 to the extent that the barrier screens or
6 blocks visibility of the sign until after the
7 public hearing and survey are completed;
8 requiring the governmental entity to issue a
9 variance for the reconstruction of a sign,
10 allow the relocation of a sign to an
11 alternative location, or refuse to issue the
12 required permits for reconstruction and pay
13 fair market value of the sign and its
14 associated interest in the real property to the
15 owner of the sign; providing for applicability;
16 providing an effective date.

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