Florida Senate - 2006

By Senator Haridopolos

26-240A-06 See HB 273 A bill to be entitled 1 2 An act relating to outdoor advertising; 3 amending s. 479.106, F.S.; revising provisions 4 relating to the proximity of vegetation and 5 beautification projects to outdoor advertising б signs; specifying distances that constitute a 7 view zone on the State Highway System and expressways for outdoor advertising signs; 8 9 authorizing the Department of Transportation 10 and owners of outdoor advertising signs to enter into agreements identifying view zone 11 12 locations; requiring governmental entities and 13 other violators to pay for lost revenues or sign market values for violation of view zone 14 requirements; amending s. 479.25, F.S.; 15 allowing permitted, conforming, lawfully 16 17 erected outdoor advertising signs to be increased in height if visibility is blocked 18 due to construction of specified 19 20 noise-attenuation barriers; requiring sign 21 reconstruction to meet the requirements of the 22 Florida Building Code; requiring the issuance 23 of local permits for the reconstruction of signs, notwithstanding local ordinances or land 2.4 development regulations to the contrary; 25 requiring local governments or local 26 jurisdictions to pay just compensation for 27 2.8 refusal to issue a reconstruction permit; providing an effective date. 29 30 31 Be It Enacted by the Legislature of the State of Florida: 1

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

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1 Section 1. Subsection (6) of section 479.106, Florida 2 Statutes, is amended to read: 479.106 Vegetation management.--3 (6) Beautification projects, trees, or other 4 vegetation shall not be planted or located in the view zone of 5 б an area which will screen from view legally erected and 7 permitted outdoor advertising signs which have been permitted 8 prior to the date of the beautification project or other planting, where such planting will, at the time of planting or 9 after future growth, screen such sign from view. For the State 10 Highway System and expressways, the view zone shall consist of 11 500 linear feet within the first 1,000 feet as measured along 12 the edge of the pavement in the direction of approaching 13 traffic from a point on the edge of the pavement perpendicular 14 to the edge of the sign facing nearest the highway. For the 15 State Highway System and expressways, the view zone shall be a 16 17 continuous 500 linear feet unless interrupted by existing, 18 naturally occurring vegetation. The department and the sign owner may enter into an agreement identifying the specific 19 location of the view zone for each sign facing. In the absence 2.0 21 of such agreement, the view zone shall be defined as the first 2.2 continuous 500 linear feet from the sign. Any governmental 23 entity or other party violating this subsection shall pay to the sign owner a penalty equal to the lesser of the revenue 2.4 from the sign lost during the time of the screening or the 25 fair market value of the sign. 26 27 Section 2. Section 479.25, Florida Statutes, is 2.8 amended to read: 29 479.25 Application of chapter. -- The owner of a lawfully erected sign that is governed by and conforms to 30 state and federal requirements for land use, size, height, and 31

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SB 566 See HB 273

1 spacing may increase the height above ground level of such 2 sign This chapter does not prevent a governmental entity from 3 entering into an agreement allowing the height above ground 4 level of a lawfully erected sign to be increased at its 5 permitted location if a noise-attenuation barrier, visibility 6 screen, or other highway improvement is permitted by or 7 erected by any governmental entity in such a way as to screen 8 or block visibility of the sign. However, if a nonconforming 9 sign is located on the federal aid primary highway system, as 10 such system existed on June 1, 1991, or on any highway that 11 was not a part of such system as of that date but that is or 12 becomes after June 1, 1991, a part of the National Highway 13 System, the agreement must be approved by the Federal Highway Administration. Any increase in height permitted under this 14 section may only be the increase in height which is required 15 to achieve the same degree of visibility from the right-of-way 16 17 which the sign had prior to the construction of the 18 noise-attenuation barrier, notwithstanding the restrictions contained in s. 479.07(9)(b). A sign reconstructed under this 19 section shall comply with the building standards and wind load 2.0 21 requirements set forth in the Florida Building Code. A local 2.2 government or local jurisdiction must issue the permits 23 required for the reconstruction of a sign under this section, notwithstanding any provision to the contrary contained in the 2.4 ordinances or land development regulations of the local 25 government or local jurisdiction. If the local government or 26 27 local jurisdiction refuses to issue the required permits for 2.8 reconstruction of a sign under this section, the sign may not be reconstructed and the local government or local 29 jurisdiction must pay just compensation to the owner of the 30 sign visibility screen, or other highway improvement. 31

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