

1 A bill to be entitled
 2 An act relating to outdoor advertising signs; creating s.
 3 479.095, F.S.; providing that nonconforming signs may
 4 continue under certain conditions; providing definitions;
 5 providing for maintenance and repair; providing for
 6 modifications; requiring documentation upon request of the
 7 Department of Transportation; providing that a
 8 nonconforming sign continue if it is not destroyed,
 9 abandoned, or discontinued; providing conditions for a
 10 nonconforming sign to be destroyed, abandoned, or
 11 discontinued; providing an effective date.

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

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 15 Section 1. Section 479.095, Florida Statutes, is created
 16 to read:

17 479.095 Nonconforming signs.--

18 (1) A nonconforming sign may continue so long as it is not
 19 improperly maintained, improperly modified, destroyed,
 20 abandoned, or discontinued. Any change, modification, or repair
 21 done to a nonconforming sign in violation of this chapter, or
 22 the rules promulgated by the department, which is not corrected
 23 within the 30-day period provided for in s. 479.08 shall
 24 terminate the nonconforming status of the sign and cause it to
 25 become illegal. Upon failure of a permittee to timely request a
 26 hearing or after final determination, as provided in s. 479.08,
 27 that nonconforming status has terminated, the status cannot be
 28 restored and the sign must be removed.

29 (2) In addition to the definitions contained in s. 479.01,
30 the following definitions apply to this section:

31 (a) "Configuration" means the physical arrangement of a
32 sign whether single-faced, V-type, back-to-back, side-to-side,
33 or stacked.

34 (b) "Public service message" means a message that promotes
35 programs, activities, or services of federal, state, or local
36 government or the programs, activities, or services of nonprofit
37 organizations.

38 (c) "Structural materials" means the materials
39 incorporated into the sign as load-bearing parts, including
40 vertical supports, horizontal stringers, and braces. Structural
41 materials do not include the sign face, any skirt, any
42 electrical service, or electric lighting.

43 (d) "Vertical support" means the poles or other members of
44 a sign structure that elevate the sign message above the ground
45 or other supporting surface.

46 (3) Reasonable repair and maintenance of nonconforming
47 signs, including change of advertising message, is permitted and
48 is not a change that will terminate a sign's nonconforming
49 status. Reasonable repair and maintenance means the work
50 necessary to keep a sign structure in a state of good repair,
51 including the replacement in kind of the vertical supports and
52 structural materials in the sign structure; however, such
53 replacement may not exceed 50 percent of the sign's vertical
54 supports within a 24-month period or 50 percent of the
55 cumulative value of the structural materials in the sign
56 structure within a 24-month period. Documentation of replaced

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57 vertical supports or replaced structural materials shall be
58 provided to the department upon request.

59 (4) (a) The following modifications to nonconforming signs
60 are allowed:

61 1. Any change of the advertising message.

62 2. Any replacement of, or repair to, the sign facing,
63 provided the dimensions of the sign facing and the height above
64 ground level remain the same; however, any reduction in the size
65 of the sign facing which is required by a local governmental
66 entity with jurisdiction over the sign is permitted.

67 3. Any modifications to the vertical supports of a sign in
68 order to meet the wind load requirements of the Florida Building
69 Code as required by a local governmental entity. Documentation
70 of such modifications, under seal by a registered engineer,
71 shall be provided to the department upon request.

72 4. Any addition of catwalks or other fall protection
73 device for safety reasons, where the addition does not increase
74 the structural integrity of the sign or prolong the life of the
75 sign.

76 5. Any addition of embellishments, not to exceed 10
77 percent of the area of the existing sign facing.

78 6. Any incidental modifications that do not affect the
79 visibility of the sign's message or the duration of such
80 visibility.

81 (b) The following modifications to nonconforming signs,
82 other than incidental modifications, are prohibited:

83 1. Modifications that change the configuration of a sign.

84 2. Modifications that change the type of materials in a

85 sign structure.

86 3. Modifications to the size of a sign facing, except as
 87 provided in subparagraph (a)2.

88 4. Modifications to the height of a sign facing.

89 5. Modifications to the height above ground level of a
 90 sign facing.

91 6. Addition of variable message capability, unless
 92 otherwise allowed by state or federal law.

93 7. Addition of lighting to a previously unlighted sign,
 94 and existing lighting may not be increased to enhance the
 95 visibility of the sign facing or the period of time the sign is
 96 visible. Prohibited lighting includes any lighting that
 97 illuminates the sign facing whether or not such lighting is
 98 physically part of the sign.

99 (5) (a) A nonconforming sign may continue so long as it is
 100 not destroyed. A nonconforming sign is destroyed when its
 101 vertical supports are physically damaged such that, in order for
 102 the structure to be maintained in the same configuration as
 103 existed prior to occurrence of the damage, one of the following
 104 applies:

105 1. More than 50 percent of the wooden vertical supports
 106 must be replaced or have bracing added; or

107 2. Metal vertical supports require replacement of at least
 108 25 percent of the length above ground of the broken, bent, or
 109 twisted supports.

110 (b) If a determination is made that destruction was caused
 111 by vandalism or other tortious act, the sign may be restored to
 112 the same size and configuration and with the same type of

113 materials as existed in the sign immediately prior to
114 destruction. If a nonconforming sign is destroyed by a natural
115 event that results in the declaration of a major or catastrophic
116 disaster by the President of the United States or the Governor,
117 and such destruction does not exceed 75 percent of vertical
118 supports of a wooden structure or 50 percent of the vertical
119 supports of a metal structure, such sign may be restored to the
120 same size and configuration and with the same type of materials
121 as existed in the sign immediately prior to destruction.

122 (6) A nonconforming sign may continue so long as it is not
123 abandoned. A nonconforming sign is abandoned when it fails to
124 display advertising copy on the sign facing for a period of 12
125 months or more, except where a third party interferes with the
126 permittee's maintenance activities. Signs displaying a public
127 service or noncommercial message are not considered abandoned
128 within the meaning of this section. The following conditions
129 shall be considered failure to display advertising copy within
130 the meaning of this section:

131 (a) A sign displaying only an "available for lease" or
132 similar message;

133 (b) A sign displaying advertising for a product, service,
134 or facility that is no longer available; or

135 (c) A sign that is blank or does not identify a particular
136 product, service, or facility.

137 (7) A nonconforming sign may continue so long as it is not
138 discontinued. A nonconforming sign is discontinued when more
139 than 50 percent of the vertical supports have been detached from
140 the structure and the ground or other supporting surface and not

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141 replaced. A sign shall not be considered discontinued if the
142 vertical supports have been removed and are being replaced in
143 connection with the maintenance of a nonconforming sign.

144 Section 2. This act shall take effect July 1, 2007.