

By Senator Haridopolos

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1 A bill to be entitled
2 An act relating to outdoor signs; creating s.
3 479.095, F.S.; providing definitions;
4 permitting nonconforming signs to be maintained
5 under specific conditions; specifying
6 conditions, upkeep, repairs, and modifications
7 that are allowed and enumerating those that are
8 not allowed; providing an effective date.

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

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12 Section 1. Section 479.095, Florida Statutes, is
13 created to read:

14 479.095 Nonconforming signs.--

15 (1) As used in this section, the term:

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

19 (b) "Structural materials" means the materials used to
20 create the load-bearing parts in the sign structure, including
21 vertical supports, horizontal stringers, and braces.
22 Structural materials do not include the sign face, skirt,
23 electrical service, or electric lighting.

24 (2) A nonconforming sign may be maintained unless it
25 is improperly repaired, modified, destroyed, abandoned, or
26 discontinued. A modification or repair of a nonconforming sign
27 in violation of this chapter or the rules adopted under this
28 chapter, which is not corrected within the 30-day period
29 provided in s. 479.08, terminates the nonconforming status of
30 the sign and makes it illegal. If a permittee does not timely
31 request a hearing or, after a final determination under s.

1 479.08 that the nonconforming status of a sign has terminated,
2 the sign may not be restored and must be removed.

3 (3) Reasonable repair and upkeep of a nonconforming
4 sign which is necessary to keep the sign structure in a state
5 of good repair, including the replacement in kind of the
6 vertical supports and structural materials in the sign
7 structure or a change of the advertising message, is permitted
8 and does not terminate a sign's nonconforming status. However,
9 any replacement may not exceed 50 percent of a sign's vertical
10 supports within a 24-month period or 50 percent of the
11 cumulative value of the structural materials in the sign
12 structure within a 24-month period. Documentation of replaced
13 vertical supports or structural materials shall be provided to
14 the department upon request.

15 (4) The following modifications to nonconforming signs
16 are permitted:

17 (a) Change of advertising message;

18 (b) Replacement or repair of the sign facing if the
19 dimensions of the sign facing and the height above ground
20 level remain the same. However, the size of the sign facing
21 may be reduced if such reduction is required by a local
22 government having jurisdiction over the sign;

23 (c) Modifications to the vertical supports for the
24 purpose of meeting wind-load requirements of the Florida
25 Building Code if required by a local government. Documentation
26 of such modifications, under seal by a registered engineer,
27 shall be provided to the department upon request;

28 (d) Addition of catwalks or other safety devices that
29 do not increase the structural integrity or life span of the
30 sign;

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1 (e) Addition of embellishments that do not exceed 10
2 percent of the area of the existing sign facing; or

3 (f) Incidental modifications that do not affect the
4 visibility of the sign's message or the duration of such
5 visibility.

6 (5) Modifications to nonconforming signs, other than
7 incidental modifications, are prohibited if the modifications:

8 (a) Change the configuration of the sign;

9 (b) Change the type of materials in the structure of
10 the sign;

11 (c) Change the height, size, or height above ground
12 level of the sign facing;

13 (d) Add variable-message capability, unless otherwise
14 allowed by state or federal law;

15 (e) Add lighting to an unlighted sign or change the
16 existing lighting to enhance the visibility of the sign facing
17 or extend the period the sign is visible, whether or not such
18 lighting is attached to the sign structure.

19 (6)(a) A nonconforming sign is considered destroyed
20 and may not be maintained if the vertical supports are damaged
21 such that in order for the structure to be maintained in the
22 same configuration as it existed before the damage, more than
23 50 percent of the wooden vertical supports must be replaced or
24 have bracing added, or at least 25 percent of the length above
25 ground of any damaged metal vertical supports must be
26 replaced.

27 (b) If it is determined that damage was caused by
28 vandalism or other tortuous acts, the sign may be restored to
29 the same size and configuration using the same type of
30 materials that were in the sign immediately before the damage.

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1 (c) If a nonconforming sign is damaged by a natural
2 event that results in the declaration of a major or
3 catastrophic disaster by the Governor or the President of the
4 United States, and such damage does not exceed 75 percent of
5 the vertical supports of a wooden structure or 50 percent of
6 the vertical supports of a metal structure, the sign may be
7 restored to the same size and configuration using the same
8 type of materials that were in the sign immediately before the
9 damage.

10 (7)(a) A nonconforming sign is considered abandoned
11 and may not be maintained if for 12 consecutive months or
12 longer it does not display advertising copy on the sign
13 facing. An abandoned sign includes one that:

14 1. Displays only an "available for lease" or similar
15 message;

16 2. Displays advertising for a product, service, or
17 facility that is no longer available; or

18 3. Is blank or does not identify a particular product,
19 service, or facility.

20 (b) A sign is not considered abandoned if a third
21 party interferes with the permittee's upkeep or repair
22 activities.

23 (c) Notwithstanding paragraph (a), a sign that
24 displays a public service or noncommercial message that
25 promotes programs, activities, or services of any government
26 agency or nonprofit organization is not considered abandoned.

27 (7)(a) A nonconforming sign is considered discontinued
28 and may not be maintained if more than 50 percent of the
29 vertical supports are detached from the structure and the
30 ground or another supporting surface and have not been
31 replaced.

1 (b) However, a sign is not discontinued if the
2 vertical supports have been removed and are being replaced in
3 connection with upkeep or repair of the sign.

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

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7 SENATE SUMMARY

8 Provides for nonconforming signs to be maintained under
9 certain conditions. Establishes requirements for such
10 signs to be removed, including destruction, abandonment,
11 or discontinuance. (See bill for details.)

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