

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Transportation and Economic Development Appropriations Committee

BILL: SB 882

INTRODUCER: Senator Fasano

SUBJECT: Tourist-oriented Sign Program

DATE: April 24, 2007                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<b>Favorable</b>
2.	<u>Herrin</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>
3.	<u>Weaver/Kastroll</u>	<u>Noble</u>	<u>TA</u>	<b>Favorable</b>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill provides for the establishment of a tourist-oriented directional sign program within the Florida Department of Transportation (FDOT or department) to provide traveler guidance to tourist-oriented businesses in rural counties. The bill provides local governments with the option to participate in the program. Authority is given to FDOT to adopt rules in conjunction with the program.

This bill creates s. 479.262, F.S.

**II. Present Situation:**

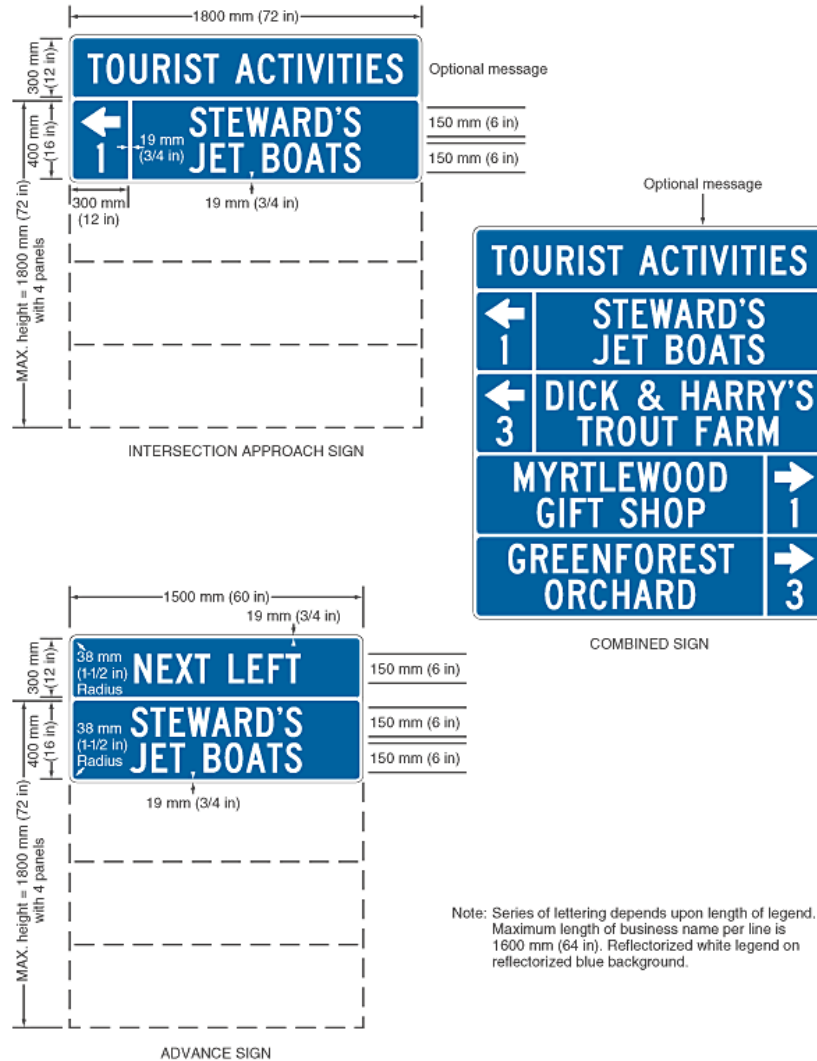
FDOT is responsible for controlling outdoor advertising signs on the national and state highway systems. Counties and municipalities regulate outdoor advertising on roads under their respective jurisdictions. While FDOT regulates the location, size, height, spacing and lighting of signs, the FDOT has no authority to regulate the content of advertising messages on signs. The outdoor advertising regulatory program is based on federal law and regulations, as well as state statute and rule. Federal law is set forth in the Highway Beautification Act. Federal regulations can be found at 23 C.F.R., s. 750. State laws are found in ch. 479, F.S. In addition to the state statutes, FDOT has adopted administrative rules to interpret the intent of the statute for the general public. Chapter 14-10, Florida Administrative Code, provides the department rules which govern outdoor advertising. FDOT cannot issue a permit for an outdoor advertising sign which is not allowed by local ordinances.

**Manual on Uniform Traffic Control Devices**

To maintain the uniformity necessary for safety, the Federal Highway Administration publishes the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD defines the standards used by road managers nationwide when installing and maintaining traffic control devices on all streets and highways. In addition to regulatory, warning, and guide signs, the MUTCD also provides standards and guidance for specific service signs, recreational and cultural interest area signs, emergency management signing, and tourist-oriented directional signs.

According to the MUTCD, tourist-oriented directional signs are guide signs with one or more panels that display the business identification of and directional information for business, service, and activity facilities. A facility is eligible for tourist-oriented directional signs only if it derives its major portion of income or visitors during the normal business season from road users not residing in the area of the facility. Tourist-oriented directional signs may only be used on rural conventional roads and may not be used in urban areas or at interchanges on freeways or expressways. The signs may display the business identification of and directional information for eligible facilities. Each panel must be rectangular and must have a white legend and border on a blue background. The content of the legend on each panel is limited to the business identification and directional information for not more than one eligible business, service, or activity facility. Promotional advertising is not permitted.

**MUTCD Examples of Tourist-oriented Directional Signs**



Based on engineering judgment, the hours of operation may be included on the panels. Appropriately sized logos for specific businesses, services, and activities may also be used; however, logos resembling official traffic control devices may not be permitted.

To be eligible for tourist-oriented directional signing, a facility must comply with applicable state and federal laws concerning the provisions of public accommodation without regard to race, religion, color, age, sex, or national origin. States must adopt a policy or rule complying with these provisions and also include:

- A definition of tourist-oriented business, service, and activity facilities.
- Eligibility criteria for signs for facilities.
- Provision for incorporating Specific Service signs into the tourist-oriented directional signs as required.
- Provision for covering signs during off seasons for facilities operated on a seasonal basis.
- Provisions for signs to facilities not located on the crossroad when such facilities are eligible for signs.

- A definition of the immediate area. The major portion of income or visitors to the facility should come from road users not residing in the immediate area of the facility.
- Maximum distances to eligible facilities. The maximum distance should be 5 miles.
- Provision for information centers (plazas) when the number of eligible sign applicants exceeds the maximum permissible number of sign panel installations.
- Provision for limiting the number of signs when there are more applicants than the maximum number of signs permitted.
- Criteria for use at intersections on expressways.
- Provisions for controlling or excluding those businesses which have illegal signs as defined by the Highway Beautification Act of 1965 (23 U.S.C. 131).
- Provisions for states to charge fees to cover the cost of signs through a permit system.
- A definition of the conditions under which the time of operation is shown.
- Provisions for determining if advance signs will be permitted, and the circumstances under which they will be installed.

### **III. Effect of Proposed Changes:**

The bill establishes a tourist-oriented directional sign program to provide directions to businesses, services, and activity centers in rural counties. Signs on the state highway system must comply with the federal standards established in the tourist-oriented directional sign program outlined in the MUTCD.

Eligible counties are defined by s. 288.0656, F.S., which defines a “rural community” as a county with a population of 75,000 or less; or a county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less. Currently there are 34 counties eligible for this program. Counties are responsible for sign construction, maintenance, and operation of the program. The bill authorizes counties and municipalities to establish permit fees to offset the associated costs of the program. The bill does not create a proprietary or compensable interest in any sign site or location. Permits may be terminated or signs relocated, as necessary, for construction, improvement of transportation facilities, or improved traffic control or safety.

FDOT is authorized to adopt rules to establish qualifications, construction standards, sign sites, and other criteria.

The bill takes effect July 1, 2007.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

County participation in the tourist-oriented directional sign program is discretionary.

#### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

Counties may establish permit fees sufficient to offset program costs.

B. Private Sector Impact:

Tourist-oriented businesses and facilities electing to participate in the program may be assessed an indeterminate permit fee.

C. Government Sector Impact:

Counties may establish permit fees sufficient to offset program costs.

**VI. Technical Deficiencies:**

There is a reference to “county or local government” on page 1, lines 23 and 26, of the bill and the term “local government” includes counties.

The bill also refers to a rural county as identified in s. 288.0656, F.S. The term “rural community” is defined in s. 288.0656(2)(b), F.S., rather than “rural county” and the term does include municipalities within counties that meet the population thresholds.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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