



413572

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2009	.	
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The Committee on Finance and Tax (Bennett) recommended the following:

Senate Amendment

Delete lines 903 - 1033
and insert:

way. Effective July 1, 2012, the tag must be securely attached to the upper 50 percent of the pole nearest the highway and must be attached in such a manner as to be plainly visible from the main-traveled way. The permit becomes ~~will become~~ void unless the permit tag is properly and permanently displayed at the permitted site within 30 days after the date of permit issuance. If the permittee fails to erect a completed sign on



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12 the permitted site within 270 days after the date on which the
13 permit was issued, the permit will be void, and the department
14 may not issue a new permit to that permittee for the same
15 location for 270 days after the date on which the permit became
16 void.

17 (b) If a permit tag is lost, stolen, or destroyed, the
18 permittee to whom the tag was issued must apply to the
19 department for a replacement tag. The department shall adopt a
20 rule establishing a service fee for replacement tags in an
21 amount that will recover the actual cost of providing the
22 replacement tag. Upon receipt of the application accompanied by
23 the a service fee of \$3, the department shall issue a
24 replacement permit tag. Alternatively, the permittee may provide
25 its own replacement tag pursuant to department specifications
26 that the department shall adopt by rule at the time it
27 establishes the service fee for replacement tags.

28 (9) (a) A permit shall not be granted for any sign for which
29 a permit had not been granted by the effective date of this act
30 unless such sign is located at least:

31 1. One thousand five hundred feet from any other permitted
32 sign on the same side of the highway, if on an interstate
33 highway.

34 2. One thousand feet from any other permitted sign on the
35 same side of the highway, if on a federal-aid primary highway.

36
37 The minimum spacing provided in this paragraph does not
38 preclude the permitting of V-type, back-to-back, side-to-side,
39 stacked, or double-faced signs at the permitted sign site. If a
40 sign is visible from the controlled area of more than one



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41 highway subject to the jurisdiction of the department, the sign
42 shall meet the permitting requirements of, and, if the sign
43 meets the applicable permitting requirements, be permitted to,
44 the highway having the more stringent permitting requirements.

45 (b) A permit shall not be granted for a sign pursuant to
46 this chapter to locate such sign on any portion of the
47 interstate or federal-aid primary highway system, which sign:

48 1. Exceeds 50 feet in sign structure height above the crown
49 of the main-traveled way, if outside an incorporated area;

50 2. Exceeds 65 feet in sign structure height above the crown
51 of the main-traveled way, if inside an incorporated area; or

52 3. Exceeds 950 square feet of sign facing including all
53 embellishments.

54 (c) Notwithstanding subparagraph (a)1., there is
55 established a pilot program in Orange, Hillsborough, and Osceola
56 Counties, and within the boundaries of the City of Miami, under
57 which the distance between permitted signs on the same side of
58 an interstate highway may be reduced to 1,000 feet if all other
59 requirements of this chapter are met and if:

60 1. The local government has adopted a plan, program,
61 resolution, ordinance, or other policy encouraging the voluntary
62 removal of signs in a downtown, historic, redevelopment, infill,
63 or other designated area which also provides for a new or
64 replacement sign to be erected on an interstate highway within
65 that jurisdiction if a sign in the designated area is removed;

66 2. The sign owner and the local government mutually agree
67 to the terms of the removal and replacement; and

68 3. The local government notifies the department of its
69 intention to allow such removal and replacement as agreed upon



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70 pursuant to subparagraph 2.

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72 The department shall maintain statistics tracking the use
73 of the provisions of this pilot program based on the
74 notifications received by the department from local governments
75 under this paragraph.

76 (d) ~~Nothing in~~ This subsection does not ~~shall be construed~~
77 ~~so as to~~ cause a sign that ~~which~~ was conforming on October 1,
78 1984, to become nonconforming.

79 Section 19. Section 479.08, Florida Statutes, is amended to
80 read:

81 479.08 Denial or revocation of permit.—The department may
82 ~~has the authority to~~ deny or revoke any permit requested or
83 granted under this chapter in any case in which it determines
84 that the application for the permit contains knowingly false or
85 misleading information. The department may revoke any permit
86 granted under this chapter in any case in which ~~or that~~ the
87 permittee has violated any of the provisions of this chapter,
88 unless such permittee, within 30 days after the receipt of
89 notice by the department, ~~corrects such false or misleading~~
90 ~~information and~~ complies with the provisions of this chapter.
91 For the purpose of this section, the notice of violation issued
92 by the department must describe in detail the alleged violation.
93 Any person aggrieved by any action of the department in denying
94 or revoking a permit under this chapter may, within 30 days
95 after receipt of the notice, apply to the department for an
96 administrative hearing pursuant to chapter 120. If a timely
97 request for hearing has been filed and the department issues a
98 final order revoking a permit, such revocation shall be



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99 effective 30 days after the date of rendition. Except for
100 department action pursuant to s. 479.107(1), the filing of a
101 timely and proper notice of appeal shall operate to stay the
102 revocation until the department's action is upheld.

103 Section 20. Section 479.156, Florida Statutes, is amended
104 to read:

105 479.156 Wall murals.—Notwithstanding any other provision of
106 this chapter, a municipality or county may permit and regulate
107 wall murals within areas designated by such government. If a
108 municipality or county permits wall murals, a wall mural that
109 displays a commercial message and is within 660 feet of the
110 nearest edge of the right-of-way within an area adjacent to the
111 interstate highway system or the federal-aid primary highway
112 system shall be located in an area that is zoned for industrial
113 or commercial use and the municipality or county shall establish
114 and enforce regulations for such areas that, at a minimum, set
115 forth criteria governing the size, lighting, and spacing of wall
116 murals consistent with the intent of the Highway Beautification
117 Act of 1965 and with customary use. Whenever a municipality or
118 county exercises such control and makes a determination of
119 customary use pursuant to 23 U.S.C. s. 131(d), such
120 determination shall be accepted in lieu of controls in the
121 agreement between the state and the United States Department of
122 Transportation, and the department shall notify the Federal
123 Highway Administration pursuant to the agreement, 23 U.S.C. s.
124 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is
125 subject to municipal or county regulation and the Highway
126 Beautification Act of 1965 must be approved by the Department of
127 Transportation and the Federal Highway Administration when



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128 required by federal law and federal regulation under ~~and may not~~
129 ~~violate~~ the agreement between the state and the United States
130 Department of Transportation and ~~or violate~~ federal regulations
131 enforced by the Department of Transportation under s. 479.02(1).
132 The existence of a wall mural as defined in s. 479.01(27) shall
133 not be considered in determining whether a sign as defined in s.
134 479.01(17), either existing or new, is in compliance with s.
135 479.07(9) (a).