



146084

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/30/2011	.	
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The Committee on Transportation (Evers) recommended the following:

1           **Senate Amendment to Amendment (661918) (with title**  
2 **amendment)**

3  
4           Between lines 805 and 806  
5 insert:

6           Section 50. Section 479.106, Florida Statutes, is amended  
7 to read:

8           479.106 Vegetation management.—

9           (1) The removal, cutting, or trimming of trees or  
10 vegetation on public right-of-way to make visible or to ensure  
11 future visibility of the facing of a proposed sign or previously  
12 permitted sign shall be performed ~~only~~ with the written



13 permission of the department in accordance with the provisions  
14 of this section.

15 (2) Any person desiring to engage in the removal, cutting,  
16 or trimming of trees or vegetation for the purposes herein  
17 described shall apply for an appropriate permit by ~~make~~ written  
18 application to the department. The application for a permit  
19 shall include at the election of the applicant, one of the  
20 following:

21 (a) A vegetation management plan consisting of a property  
22 sketch indicating the on-site location of the vegetation or  
23 individual trees to be removed, cut, or trimmed and describing  
24 the existing conditions and proposed work to be accomplished.

25 (b) Mitigation contribution to the Federal Grants Trust  
26 Fund pursuant to s. 589.277(2) using values of a wholesale plant  
27 nursery registered with the Division of Plant Industry of the  
28 Department of Agriculture and Consumer Services.

29 (c) A combination of both a vegetation management plan and  
30 mitigation contribution ~~the applicant's plan for the removal,~~  
31 ~~cutting, or trimming and for the management of any vegetation~~  
32 ~~planted as part of a mitigation plan.~~

33 (3) In evaluating a vegetation management plan or  
34 mitigation contribution, the department ~~As a condition of any~~  
35 ~~removal of trees or vegetation, and where the department deems~~  
36 ~~appropriate as a condition of any cutting or trimming, the~~  
37 ~~department may require a vegetation management plan, approved by~~  
38 ~~the department, which considers conservation and mitigation, or~~  
39 ~~contribution to a plan of mitigation, for the replacement of~~  
40 ~~such vegetation. Each plan or contribution shall reasonably~~  
41 evaluate the application as it relates ~~relate~~ to the vegetation



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42 being affected by the application, taking into consideration the  
43 condition of such vegetation, and, where appropriate, may  
44 approve ~~shall include~~ plantings that ~~which~~ will allow reasonable  
45 visibility of sign facings while screening sign structural  
46 supports. Only herbicides approved by the Department of  
47 Agriculture and Consumer Services may be used in the removal of  
48 vegetation. The department shall act on the application for  
49 approval of vegetation management plans, or approval of  
50 mitigation contribution, within 30 days after receipt of such  
51 application. A permit issued in response to such application is  
52 valid for 5 years, may be renewed for an additional 5 years by  
53 payment of the applicable application fee, and is binding upon  
54 the department. The department may establish special mitigation  
55 programs for the beautification and aesthetic improvement of  
56 designated areas and permit individual applicants to contribute  
57 to such programs as a part or in lieu of other mitigation  
58 requirements.

59 (4) The department may establish an application fee not to  
60 exceed \$25 for each individual application to defer the costs of  
61 processing such application and a fee not to exceed \$200 to  
62 defer the costs of processing an application for multiple sites.

63 (5) The department may only grant a permit pursuant to s.  
64 479.07 for a new sign which requires the removal, cutting, or  
65 trimming of existing trees or vegetation on public right-of-way  
66 for the sign face to be visible from the highway when the sign  
67 owner has removed one ~~at least two~~ nonconforming sign ~~signs~~ of  
68 approximate comparable size and surrendered the permits for the  
69 nonconforming signs to the department for cancellation. For  
70 signs originally permitted after July 1, 1996, no permit for the



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71 removal, cutting, or trimming of trees or vegetation shall be  
72 granted where such trees or vegetation are part of a  
73 beautification project implemented prior to the date of the  
74 original sign permit application, when the beautification  
75 project is specifically identified in the department's  
76 construction plans, permitted landscape projects, or agreements.

77 (6) As a minimum, view zones are established along the  
78 public rights-of-way of interstate highways, expressways,  
79 federal-aid primary highways, and the State Highway System in  
80 the state, excluding privately or other publicly owned property,  
81 as follows:

82 1. A view zone of 350 feet for posted speed limits of 35  
83 miles per hour or less.

84 2. A view zone of 500 feet for posted speed limits of more  
85 than 35 miles per hour.

86  
87 The established view zone shall be within the first 1,000  
88 feet measured along the edge of the pavement in the direction of  
89 approaching traffic from a point on the edge of the pavement  
90 perpendicular to the edge of the sign facing nearest the highway  
91 and shall be continuous unless interrupted by vegetation having  
92 established historical significance, protected by state law, or  
93 having a circumference measured at 4 and 1/2 feet above grade,  
94 equal to or greater than 70 percent of the circumference of the  
95 Florida Champion of the same species as listed in the Florida  
96 Register of Big Trees of the Florida Native Plant Society. The  
97 sign owner may designate the specific location of the view zone  
98 for each sign facing. In the absence of such designation, the  
99 established view zone shall be measured from the sign along the



100 edge of the pavement in the direction of approaching traffic as  
101 provided in this subsection.

102 (7)(6) Beautification projects, trees, or other vegetation  
103 shall not be planted or located in the view zone of legally  
104 erected and permitted outdoor advertising signs which have been  
105 permitted prior to the date of the beautification project or  
106 other planting, where such planting will, at the time of  
107 planting or after future growth, screen such sign from view. The  
108 department shall provide written notice to the owner not less  
109 than 90 days before commencing a beautification project or other  
110 vegetation planting that may affect a sign, allowing such owner  
111 not less than 60 days to designate the specific location of the  
112 view zone of such affected sign. A sign owner is not required to  
113 prepare a vegetation management plan or secure a vegetation  
114 management permit for the implementation of beautification  
115 projects.

116 ~~(a) View zones are established along the public rights-of-~~  
117 ~~way of interstate highways, expressways, federal-aid primary~~  
118 ~~highways, and the State Highway System in the state, excluding~~  
119 ~~privately or other publicly owned property, as follows:~~

120 ~~1. A view zone of 350 feet for posted speed limits of 35~~  
121 ~~miles per hour or less.~~

122 ~~2. A view zone of 500 feet for posted speed limits of over~~  
123 ~~35 miles per hour.~~

124 ~~(b) The established view zone shall be within the first~~  
125 ~~1,000 feet measured along the edge of the pavement in the~~  
126 ~~direction of approaching traffic from a point on the edge of the~~  
127 ~~pavement perpendicular to the edge of the sign facing nearest~~  
128 ~~the highway and shall be continuous unless interrupted by~~



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129 ~~existing, naturally occurring vegetation. The department and the~~  
130 ~~sign owner may enter into an agreement identifying the specific~~  
131 ~~location of the view zone for each sign facing. In the absence~~  
132 ~~of such agreement, the established view zone shall be measured~~  
133 ~~from the sign along the edge of the pavement in the direction of~~  
134 ~~approaching traffic as provided in this subsection.~~

135       (a) ~~(e)~~ If a sign owner alleges any governmental entity or  
136 other party has violated this subsection, the sign owner must  
137 provide 90 days' written notice to the governmental entity or  
138 other party allegedly violating this subsection. If the alleged  
139 violation is not cured by the governmental entity or other party  
140 within the 90-day period, the sign owner may file a claim in the  
141 circuit court where the sign is located. A copy of such  
142 complaint shall be served contemporaneously upon the  
143 governmental entity or other party. If the circuit court  
144 determines a violation of this subsection has occurred, the  
145 court shall award a claim for compensation equal to the lesser  
146 of the revenue from the sign lost during the time of screening  
147 or the fair market value of the sign, and the governmental  
148 entity or other party shall pay the award of compensation  
149 subject to available appeal. Any modification or removal of  
150 material within a beautification project or other planting by  
151 the governmental entity or other party to cure an alleged  
152 violation shall not require the issuance of a permit from the  
153 Department of Transportation provided not less than 48 hours'  
154 notice is provided to the department of the modification or  
155 removal of the material. A natural person, private corporation,  
156 or private partnership licensed under part II of chapter 481  
157 providing design services for beautification or other projects



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158 shall not be subject to a claim of compensation under this  
159 section when the initial project design meets the requirements  
160 of this section.

161 (b)~~(d)~~ This subsection shall not apply to the provisions of  
162 any existing written agreement executed before July 1, 2006,  
163 between any local government and the owner of an outdoor  
164 advertising sign.

165 (8)~~(7)~~ Any person engaging in removal, cutting, or trimming  
166 of trees or vegetation in violation of this section or  
167 benefiting from such actions shall be subject to an  
168 administrative penalty of up to \$1,000 and required to mitigate  
169 for the unauthorized removal, cutting, or trimming in such  
170 manner and in such amount as may be required under the rules of  
171 the department.

172 (9)~~(8)~~ The intent of this section is to create partnering  
173 relationships which will have the effect of improving the  
174 appearance of Florida's highways and creating a net increase in  
175 the vegetative habitat along the roads. Department rules shall  
176 encourage the use of plants which are low maintenance and native  
177 to the general region in which they are planted.

178 Section 51. Subsections (16) and (17) are added to section  
179 479.16, Florida Statutes, to read:

180 479.16 Signs for which permits are not required.—The  
181 following signs are exempt from the requirement that a permit  
182 for a sign be obtained under the provisions of this chapter but  
183 are required to comply with the provisions of s. 479.11(4)-(8):

184 (16) Signs erected under the local tourist-oriented  
185 commerce program signs pilot program under s. 479.263.

186 (17) Signs not in excess of 32 square feet placed



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187 temporarily during harvest season of a farm operation for a  
188 period of no more than four months at a road junction with the  
189 State Highway System denoting only the distance or direction of  
190 the farm operation. The temporary farm operation harvest sign  
191 provision under this subsection may not be implemented if the  
192 Federal Government notifies the department that implementation  
193 will adversely affect the allocation of federal funds to the  
194 department.

195 Section 52. Section 479.263, Florida Statutes, is created  
196 to read:

197 479.263 . Tourist-oriented commerce signs pilot program.-  
198 The local tourist-oriented commerce signs pilot program is  
199 created in rural areas of critical economic concern as defined  
200 by s. 288.0656(2) (d) and (e). Signs erected under this program  
201 do not require a permit under this chapter.

202 (1) A local tourist-oriented business that is a small  
203 business as defined in s. 288.703 may erect a sign that meets  
204 the following criteria:

205 (a) The signs are not more than 8 square feet in size or  
206 more than 4 feet in height.

207 (b) The signs are located only in rural areas along  
208 highways that are not limited access highways.

209 (c) The signs are located within 2 miles of the business  
210 location and not less than 500 feet apart.

211 (d) The advertising copy on the signs consists only of the  
212 name of the business or the principle or accessory merchandise  
213 or services sold or furnished on the premises of the business.

214 (2) A business placing such signs under this section:

215 (a) Must be a minimum of 4 miles from any other business





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216 placing signs under this program.

217 (b) May not participate in the logo sign program authorized  
218 under s. 479.261 or the tourist-oriented directional sign  
219 program authorized under s. 479.262.

220 (3) Businesses which are conducted in a building  
221 principally used as a residence are not eligible to participate.

222  
223 Each business utilizing this program shall notify the  
224 department in writing of its intent to do so prior to placing  
225 signs. The department shall maintain statistics of the  
226 businesses participating in the program. This program shall not  
227 take effect if the Federal Highway Administration advises the  
228 department in writing that implementation constitutes a loss of  
229 effective control of outdoor advertising. The local tourist-  
230 oriented commerce signs pilot program created herein shall  
231 expire June 30, 2016.

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234 ===== T I T L E A M E N D M E N T =====

235 And the title is amended as follows:

236 Between lines 917 and 918

237 insert:

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