



734306

LEGISLATIVE ACTION

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

**Senate Amendment (with title amendment)**

Between lines 1506 and 1507  
insert:

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

479.106 Vegetation management.—

(1) The removal, cutting, or trimming of trees or  
vegetation on public right-of-way to make visible or to ensure  
future visibility of the facing of a proposed sign or previously  
permitted sign shall be performed only with the written  
permission of the department in accordance with the provisions



734306

13 of this section.

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

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

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

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

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



734306

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

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

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



734306

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

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

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

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

85  
86 The established view zone shall be within the first 1,000  
87 feet measured along the edge of the pavement in the direction of  
88 approaching traffic from a point on the edge of the pavement  
89 perpendicular to the edge of the sign facing nearest the highway  
90 and shall be continuous unless interrupted by vegetation having  
91 established historical significance, protected by state law, or  
92 having a circumference measured at 4 and 1/2 feet above grade,  
93 equal to or greater than 70 percent of the circumference of the  
94 Florida Champion of the same species as listed in the Florida  
95 Register of Big Trees of the Florida Native Plant Society. The  
96 sign owner may designate the specific location of the view zone  
97 for each sign facing. In the absence of such designation, the  
98 established view zone shall be measured from the sign along the  
99 edge of the pavement in the direction of approaching traffic as



734306

100 provided in this subsection.

101 (7)(6) Beautification projects, trees, or other vegetation  
102 shall not be planted or located in the view zone of legally  
103 erected and permitted outdoor advertising signs which have been  
104 permitted prior to the date of the beautification project or  
105 other planting, where such planting will, at the time of  
106 planting or after future growth, screen such sign from view. The  
107 department shall provide written notice to the owner not less  
108 than 90 days before commencing a beautification project or other  
109 vegetation planting that may affect a sign, allowing such owner  
110 not less than 60 days to designate the specific location of the  
111 view zone of such affected sign. A sign owner is not required to  
112 prepare a vegetation management plan or secure a vegetation  
113 management permit for the implementation of beautification  
114 projects.

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

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

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

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



734306

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

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



734306

158 section when the initial project design meets the requirements  
159 of this section.

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

164 (8)~~(7)~~ Any person engaging in removal, cutting, or trimming  
165 of trees or vegetation in violation of this section or  
166 benefiting from such actions shall be subject to an  
167 administrative penalty of up to \$1,000 and required to mitigate  
168 for the unauthorized removal, cutting, or trimming in such  
169 manner and in such amount as may be required under the rules of  
170 the department.

171 (9)~~(8)~~ The intent of this section is to create partnering  
172 relationships which will have the effect of improving the  
173 appearance of Florida's highways and creating a net increase in  
174 the vegetative habitat along the roads. Department rules shall  
175 encourage the use of plants which are low maintenance and native  
176 to the general region in which they are planted.

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

179 479.16 Signs for which permits are not required.—The  
180 following signs are exempt from the requirement that a permit  
181 for a sign be obtained under the provisions of this chapter but  
182 are required to comply with the provisions of s. 479.11(4)-(8):

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

185 (17) Signs not in excess of 32 square feet placed  
186 temporarily during harvest season of a farm operation for a



734306

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

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

196 479.263 . Tourist-oriented commerce signs pilot program.-  
197 The local tourist-oriented commerce signs pilot program is  
198 created in rural areas of critical economic concern as defined  
199 by s. 288.0656(2) (d) and (e). Signs erected under this program  
200 do not require a permit under this chapter.

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

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

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

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

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

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

214 (a) Must be a minimum of 4 miles from any other business  
215 placing signs under this program.





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

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

221  
222 Each business utilizing this program shall notify the department  
223 in writing of its intent to do so prior to placing signs. The  
224 department shall maintain statistics of the businesses  
225 participating in the program. This program shall not take effect  
226 if the Federal Highway Administration advises the department in  
227 writing that implementation constitutes a loss of effective  
228 control of outdoor advertising. The local tourist-oriented  
229 commerce signs pilot program created herein shall expire June  
230 30, 2016.

231  
232  
233 ===== T I T L E   A M E N D M E N T =====

234 And the title is amended as follows:

235           Delete line 76

236 and insert:

237           changes to the bill; amending s. 479.106, F.S.; revising  
238 requirements for an application for a permit to remove, cut, or  
239 trim trees or vegetation around a sign; requiring that the  
240 application include a vegetation management plan, a mitigation  
241 contribution to a trust fund, or a combination of both;  
242 providing certain evaluation criteria; providing criteria for  
243 the use of herbicides; providing a time limit within which the  
244 Department of Transportation must act; providing that the permit



734306

245 is valid for 5 years; providing for an extension of the permit;  
246 reducing th number of nonconforming signs that must be removed  
247 before a permit may be issued for certain signs; providing  
248 criteria for view zones; requiring the department to provide  
249 notice to the sign owner of beautification projects or  
250 vegetation planting; amending s. 479.16, F.S.; exempting signs  
251 erected under the local tourist-oriented commerce signs pilot  
252 program from certain permit requirements; exempting certain  
253 temporary signs for farm operations from permit requirements;  
254 creating s. 479.263, F.S.; creating the tourist-oriented  
255 commerce signs pilot program; exempting commercial signs that  
256 meet certain criteria from permit requirements; providing an  
257 effective date.

258