



133546

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2011	.	
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	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (4) and (26) of section 479.01, Florida Statutes, are amended to read:

479.01 Definitions.—As used in this chapter, the term:

(4) "Commercial or industrial zone" means a parcel of land designated predominantly for commercial or industrial uses under both the future land use map of the comprehensive plan and the land use development regulations adopted pursuant to chapter 163. If a parcel is located in an area designated for multiple



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13 uses on the future land use map of a comprehensive plan and the
14 zoning category of the land development regulations does not
15 clearly designate that parcel for a specific use, the area will
16 be considered an unzoned commercial or industrial area if it
17 meets the criteria of subsection (26).

18 (26) "Unzoned commercial or industrial area" means an area
19 ~~a parcel~~ of land designated by the future land use map of the
20 comprehensive plan for multiple uses that include commercial or
21 industrial uses but are not specifically designated for
22 commercial or industrial uses under the land development
23 regulations, in which three or more separate and distinct
24 conforming industrial or commercial activities are located.

25 (a) These activities must satisfy the following criteria:

26 1. At least one of the commercial or industrial activities
27 must be located on the same side of the highway and within 800
28 feet of the sign location;

29 2. The commercial or industrial activities must be within
30 660 feet from the nearest edge of the right-of-way; and

31 3. The commercial industrial activities must be within
32 1,600 feet of each other.

33
34 Distances specified in this paragraph must be measured from the
35 nearest outer edge of the primary building or primary building
36 complex when the individual units of the complex are connected
37 by covered walkways.

38 (b) ~~Certain activities, including, but not limited to,~~ The
39 following are, ~~may not be so recognized as~~ commercial or
40 industrial activities:

41 1. Signs.



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42 2. Agricultural, forestry, ranching, grazing, farming, and
43 related activities, including, but not limited to, wayside fresh
44 produce stands.

45 3. Transient or temporary activities.

46 4. Activities not visible from the main-traveled way.

47 5. Activities conducted more than 660 feet from the nearest
48 edge of the right-of-way.

49 6. Activities conducted in a building principally used as a
50 residence.

51 7. Railroad tracks and minor sidings.

52 8. Communication towers.

53 Section 2. Subsection (7) of section 479.02, Florida
54 Statutes, is amended to read:

55 479.02 Duties of the department.—It shall be the duty of
56 the department to:

57 (7) Adopt ~~such~~ rules as it deems necessary ~~or proper~~ for
58 the administration of this chapter, ~~including rules which~~
59 ~~identify activities that may not be recognized as industrial or~~
60 ~~commercial activities for purposes of determination of an area~~
61 ~~as an unzoned commercial or industrial area.~~

62 Section 3. Section 479.106, Florida Statutes, is amended to
63 read:

64 479.106 Vegetation management.—

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



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71 (2) Any person desiring to engage in the removal, cutting,
72 or trimming of trees or vegetation for the purposes herein
73 described shall apply for an appropriate permit by ~~make~~ written
74 application to the department. The application for a permit may
75 ~~shall~~ include at the election of the applicant:

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

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

84 (c) A combination of both a vegetation management plan and
85 mitigation contribution ~~the applicant's plan for the removal,~~
86 ~~cutting, or trimming and for the management of any vegetation~~
87 ~~planted as part of a mitigation plan.~~

88 (3) In evaluating a vegetation management plan or
89 mitigation contribution, the department ~~As a condition of any~~
90 ~~removal of trees or vegetation, and where the department deems~~
91 ~~appropriate as a condition of any cutting or trimming, the~~
92 ~~department may require a vegetation management plan, approved by~~
93 ~~the department, which considers conservation and mitigation, or~~
94 ~~contribution to a plan of mitigation, for the replacement of~~
95 ~~such vegetation. Each plan or contribution shall reasonably~~
96 evaluate the application as it relates ~~relate~~ to the vegetation
97 being affected by the application, taking into consideration the
98 condition of such vegetation, and, where appropriate, may
99 approve ~~shall include~~ plantings that ~~which~~ will allow reasonable



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100 visibility of sign facings while screening sign structural
101 supports. Only herbicides approved by the Department of
102 Agriculture and Consumer Services may be used in the removal of
103 vegetation. The department shall act on the application for
104 approval of vegetation management plans, or approval of
105 mitigation contribution, within 30 days after receipt of such
106 application. A permit issued in response to such application is
107 valid for 5 years, may be renewed for an additional 5 years by
108 payment of the applicable application fee, and is binding upon
109 the department. The department may establish special mitigation
110 programs for the beautification and aesthetic improvement of
111 designated areas and permit individual applicants to contribute
112 to such programs as a part or in lieu of other mitigation
113 requirements.

114 (4) The department may establish an application fee not to
115 exceed \$25 for each individual application to defer the costs of
116 processing such application and a fee not to exceed \$200 to
117 defer the costs of processing an application for multiple sites.

118 (5) The department may only grant a permit pursuant to s.
119 479.07 for a new sign which requires the removal, cutting, or
120 trimming of existing trees or vegetation on public right-of-way
121 for the sign face to be visible from the highway when the sign
122 owner has removed one ~~at least two~~ nonconforming sign ~~signs~~ of
123 approximate comparable size and surrendered the permits for the
124 nonconforming signs to the department for cancellation. For
125 signs originally permitted after July 1, 1996, no permit for the
126 removal, cutting, or trimming of trees or vegetation shall be
127 granted where such trees or vegetation are part of a
128 beautification project implemented prior to the date of the



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129 original sign permit application, when the beautification
130 project is specifically identified in the department's
131 construction plans, permitted landscape projects, or agreements.

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

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

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

141
142 The established view zone shall be within the first 1,000 feet
143 measured along the edge of the pavement in the direction of
144 approaching traffic from a point on the edge of the pavement
145 perpendicular to the edge of the sign facing nearest the highway
146 and shall be continuous unless interrupted by vegetation having
147 established historical significance, protected by state law, or
148 having a circumference measured at 4 and 1/2 feet above grade,
149 equal to or greater than 70 percent of the circumference of the
150 Florida Champion of the same species as listed in the Florida
151 Register of Big Trees of the Florida Native Plant Society. The
152 sign owner may designate the specific location of the view zone
153 for each sign facing. In the absence of such designation, the
154 established view zone shall be measured from the sign along the
155 edge of the pavement in the direction of approaching traffic as
156 provided in this subsection.

157 (7)(6) Beautification projects, trees, or other vegetation



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158 shall not be planted or located in the view zone of legally
159 erected and permitted outdoor advertising signs which have been
160 permitted prior to the date of the beautification project or
161 other planting, where such planting will, at the time of
162 planting or after future growth, screen such sign from view. The
163 department shall provide written notice to the owner not less
164 than 90 days before a sign which may be effected by a
165 beautification project or other vegetation planting, allowing
166 such owner not less than 60 days to designate the specific
167 location of the view zone of such effected sign. A sign owner is
168 not required to prepare a vegetation management plan or secure a
169 vegetation management permit for the implementation of
170 beautification projects.

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

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

177 ~~2. A view zone of 500 feet for posted speed limits of over~~
178 ~~35 miles per hour.~~

179 ~~(b) The established view zone shall be within the first~~
180 ~~1,000 feet measured along the edge of the pavement in the~~
181 ~~direction of approaching traffic from a point on the edge of the~~
182 ~~pavement perpendicular to the edge of the sign facing nearest~~
183 ~~the highway and shall be continuous unless interrupted by~~
184 ~~existing, naturally occurring vegetation. The department and the~~
185 ~~sign owner may enter into an agreement identifying the specific~~
186 ~~location of the view zone for each sign facing. In the absence~~



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187 ~~of such agreement, the established view zone shall be measured~~
188 ~~from the sign along the edge of the pavement in the direction of~~
189 ~~approaching traffic as provided in this subsection.~~

190 (a)~~(e)~~ If a sign owner alleges any governmental entity or
191 other party has violated this subsection, the sign owner must
192 provide 90 days' written notice to the governmental entity or
193 other party allegedly violating this subsection. If the alleged
194 violation is not cured by the governmental entity or other party
195 within the 90-day period, the sign owner may file a claim in the
196 circuit court where the sign is located. A copy of such
197 complaint shall be served contemporaneously upon the
198 governmental entity or other party. If the circuit court
199 determines a violation of this subsection has occurred, the
200 court shall award a claim for compensation equal to the lesser
201 of the revenue from the sign lost during the time of screening
202 or the fair market value of the sign, and the governmental
203 entity or other party shall pay the award of compensation
204 subject to available appeal. Any modification or removal of
205 material within a beautification project or other planting by
206 the governmental entity or other party to cure an alleged
207 violation shall not require the issuance of a permit from the
208 Department of Transportation provided not less than 48 hours'
209 notice is provided to the department of the modification or
210 removal of the material. A natural person, private corporation,
211 or private partnership licensed under part II of chapter 481
212 providing design services for beautification or other projects
213 shall not be subject to a claim of compensation under this
214 section when the initial project design meets the requirements
215 of this section.



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

220 (8)~~(7)~~ Any person engaging in removal, cutting, or trimming
221 of trees or vegetation in violation of this section or
222 benefiting from such actions shall be subject to an
223 administrative penalty of up to \$1,000 and required to mitigate
224 for the unauthorized removal, cutting, or trimming in such
225 manner and in such amount as may be required under the rules of
226 the department.

227 (9)~~(8)~~ The intent of this section is to create partnering
228 relationships which will have the effect of improving the
229 appearance of Florida's highways and creating a net increase in
230 the vegetative habitat along the roads. Department rules shall
231 encourage the use of plants which are low maintenance and native
232 to the general region in which they are planted.

233 Section 4. Subsection (15) of section 479.16, Florida
234 Statutes, is amended, and subsection (16) is added to that
235 section, to read:

236 479.16 Signs for which permits are not required.—The
237 following signs are exempt from the requirement that a permit
238 for a sign be obtained under the provisions of this chapter but
239 are required to comply with the provisions of s. 479.11(4)-(8):

240 (15) Signs not in excess of 32 ~~16~~ square feet placed at a
241 road junction with the State Highway System denoting only the
242 distance or direction of a residence or farm operation, or, in a
243 rural area where a hardship is created because a small business
244 is not visible from the road junction with the State Highway



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245 System, one sign not in excess of 32 ~~16~~ square feet, denoting
246 only the name of the business and the distance and direction to
247 the business. The small-business-sign provision of this
248 subsection does not apply to charter counties and may not be
249 implemented if the Federal Government notifies the department
250 that implementation will adversely affect the allocation of
251 federal funds to the department.

252 (16) Signs erected under the local tourist-oriented
253 commerce signs pilot program pursuant to s. 479.263.

254 Section 5. Section 479.263, Florida Statutes, is created to
255 read:

256 479.263 Tourist-oriented commerce signs pilot program.—The
257 local tourist-oriented commerce signs pilot program is created
258 in rural areas of critical economic concern as defined by s.
259 288.0656 (2) (d) and (e). Signs erected under this program do not
260 require a permit under this chapter.

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

264 (a) The signs are not more than 32 square feet in size or
265 more than 4 feet in height.

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

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

270 (d) The advertising copy on the signs consists only of the
271 name of the business or the principle or accessory merchandise
272 or services sold or furnished on the premises of the business.

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



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

276 (b) May not participate in the logo sign program.

277 Section 6. This act shall take effect July 1, 2011.

278

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

280 And the title is amended as follows:

281 Delete everything before the enacting clause

282 and insert:

283

 A bill to be entitled

284 An act relating to billboard regulations; amending s.
285 479.01, F.S.; revising definitions; amending s.
286 479.02, F.S.; removing certain rulemaking criteria;
287 amending s. 479.106, F.S.; allowing an applicant for a
288 permit to remove, cut, or trim trees or vegetation
289 around a sign; providing for the permit to include a
290 vegetation management plan, a mitigation contribution
291 to a trust fund, or a combination of both; providing
292 certain evaluation criteria; providing criteria for
293 use of herbicides; providing a time limit within which
294 the department must act; providing that the permit is
295 valid for 5 years; providing for an extension of the
296 permit; providing criteria for view zones; requiring
297 the department to provide notice to the sign owner of
298 beautification projects or vegetation planting;
299 amending s. 479.16, F.S.; exempting signs erected
300 under the local tourist-oriented commerce sign pilot
301 program from certain permit requirements; creating s.
302 479.263, F.S.; creating the tourist-oriented commerce



303 signs pilot program; exempting from obtaining a permit
304 signs that meet certain conditions; providing an
305 effective date.