



802252

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	
	.	

The Committee on Budget (Gaetz) 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
uses on the future land use map of a comprehensive plan and the



802252

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.

42 2. Agricultural, forestry, ranching, grazing, farming, and



802252

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 to administer or
58 ~~proper for the administration of this chapter, including rules~~
59 ~~which identify activities that may not be recognized as~~
60 ~~industrial or commercial activities for purposes of~~
61 ~~determination of an area as an unzoned commercial or industrial~~
62 ~~area.~~

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

65 479.106 Vegetation management.—

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



802252

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

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

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

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

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



802252

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

119 (4) The department may establish an application fee not to
120 exceed \$25 for each individual application to defer the costs of
121 processing such application and a fee not to exceed \$200 to
122 defer the costs of processing an application for multiple sites.

123 (5) The department may only grant a permit pursuant to s.
124 479.07 for a new sign which requires the removal, cutting, or
125 trimming of existing trees or vegetation on public right-of-way
126 for the sign face to be visible from the highway when the sign
127 owner has removed one ~~at least two~~ nonconforming sign ~~signs~~ of
128 approximate comparable size and surrendered the permits for the
129 nonconforming signs to the department for cancellation. For



802252

130 signs originally permitted after July 1, 1996, no permit for the
131 removal, cutting, or trimming of trees or vegetation shall be
132 granted where such trees or vegetation are part of a
133 beautification project implemented prior to the date of the
134 original sign permit application, when the beautification
135 project is specifically identified in the department's
136 construction plans, permitted landscape projects, or agreements.

137 (6) As a minimum, view zones shall be established along the
138 public rights-of-way of interstate highways, expressways,
139 federal-aid primary highways, and the State Highway System in
140 the state, excluding privately or other publicly owned property,
141 as follows:

142 (a) A view zone of 350 feet for posted speed limits of 35
143 miles per hour or less.

144 (b) A view zone of 500 feet for posted speed limits of more
145 than 35 miles per hour.

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



802252

159 of such designation, the established view zone shall be measured
160 from the sign along the edge of the pavement in the direction of
161 approaching traffic as provided in this subsection.

162 (7)(6) Beautification projects, trees, or other vegetation
163 shall not be planted or located in the view zone of legally
164 erected and permitted outdoor advertising signs which have been
165 permitted prior to the date of the beautification project or
166 other planting, where such planting will, at the time of
167 planting or after future growth, screen such sign from view. The
168 department shall provide written notice to the owner at least 90
169 days before commencing a beautification project or other
170 vegetation planting that may affect a sign, allowing such owner
171 at least 60 days to designate the specific location of the view
172 zone of such affected sign. A sign owner is not required to
173 prepare a vegetation management plan or secure a vegetation
174 management permit for the implementation of beautification
175 projects.

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

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

182 ~~2. A view zone of 500 feet for posted speed limits of over~~
183 ~~35 miles per hour.~~

184 ~~(b) The established view zone shall be within the first~~
185 ~~1,000 feet measured along the edge of the pavement in the~~
186 ~~direction of approaching traffic from a point on the edge of the~~
187 ~~pavement perpendicular to the edge of the sign facing nearest~~



802252

188 ~~the highway and shall be continuous unless interrupted by~~
189 ~~existing, naturally occurring vegetation. The department and the~~
190 ~~sign owner may enter into an agreement identifying the specific~~
191 ~~location of the view zone for each sign facing. In the absence~~
192 ~~of such agreement, the established view zone shall be measured~~
193 ~~from the sign along the edge of the pavement in the direction of~~
194 ~~approaching traffic as provided in this subsection.~~

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



802252

217 providing design services for beautification or other projects
218 shall not be subject to a claim of compensation under this
219 section when the initial project design meets the requirements
220 of this section.

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

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

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

238 Section 4. Subsections (16) and (17) are added to section
239 479.16, Florida Statutes, to read:

240 479.16 Signs for which permits are not required.—The
241 following signs are exempt from the requirement that a permit
242 for a sign be obtained under the provisions of this chapter but
243 are required to comply with the provisions of s. 479.11(4)-(8):

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



802252

246 (17) Signs not in excess of 32 square feet placed
247 temporarily during harvest season of a farm operation for a
248 period of no more than 4 months at a road junction with the
249 State Highway System denoting only the distance or direction of
250 the farm operation. The temporary farm operation harvest sign
251 provision under this subsection may not be implemented if the
252 Federal Government notifies the department that implementation
253 will adversely affect the allocation of federal funds to the
254 department.

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

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

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

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

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

269 (c) The signs are located within 2 miles of the business
270 location and at least 500 feet apart.

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

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



802252

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

277 (b) May not participate in the logo sign program authorized
278 under s. 479.261 or the tourist-oriented directional sign
279 program authorized under s. 479.262.

280 (3) Businesses that are conducted in a building principally
281 used as a residence are not eligible to participate.

282 (4) Each business using this program must notify the
283 department in writing of its intent to do so before placing
284 signs. The department shall maintain statistics of the
285 businesses participating in the program. This program shall not
286 take effect if the Federal Highway Administration advises the
287 department in writing that implementation constitutes a loss of
288 effective control of outdoor advertising.

289 (5) This section expires June 30, 2016.

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

291
292 ===== T I T L E A M E N D M E N T =====

293 And the title is amended as follows:

294 Delete everything before the enacting clause
295 and insert:

296 A bill to be entitled
297 An act relating to transportation; amending s. 479.01,
298 F.S.; redefining the terms "commercial or industrial
299 zone" and "unzoned commercial or industrial area";
300 amending s. 479.02, F.S.; deleting obsolete
301 provisions; amending s. 479.106, F.S.; revising
302 requirements for an application for a permit to
303 remove, cut, or trim trees or vegetation around a



802252

304 sign; requiring that the application include a
305 vegetation management plan, a mitigation contribution
306 to a trust fund, or a combination of both; providing
307 certain evaluation criteria; providing criteria for
308 the use of herbicides; providing a time limit within
309 which the Department of Transportation must act;
310 providing that the permit is valid for 5 years;
311 providing for an extension of the permit; reducing the
312 number of nonconforming signs that must be removed
313 before a permit may be issued for certain signs;
314 providing criteria for view zones; requiring the
315 department to provide notice to the sign owner of
316 beautification projects or vegetation planting;
317 amending s. 479.16, F.S.; exempting signs erected
318 under the local tourist-oriented commerce signs pilot
319 program from certain permit requirements; exempting
320 certain temporary signs for farm operations from
321 permit requirements; creating s. 479.263, F.S.;
322 creating the tourist-oriented commerce signs pilot
323 program; providing an effective date.