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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

05/02/2011 04:05 PM

Senator Diaz de la Portilla moved the following:

Senate Amendment (with title amendment)

Between lines 6534 and 6535
insert:

Section 21. Present subsections (3), (4), (5), and (6) of section 163.3194, Florida Statutes, are redesignated as subsections (4), (5), (6), and (7), respectively, and a new subsection (3) is added to that section, to read:

163.3194 Legal status of comprehensive plan.—

(3) A governing body may not issue a development order or permit to erect, operate, use, or maintain a sign requiring a permit under s. 479.07 unless the sign is located on a parcel designated for commercial or industrial use, located in an



648070

14 unzoned commercial or industrial area, or located on an unzoned
15 commercial or industrial parcel.

16 (a) As used in this subsection, the term:

17 1. "Designated for commercial or industrial use" means a
18 parcel of land designated predominately for commercial or
19 industrial uses under both the future land use map approved by
20 the state land planning agency and the land development
21 regulations adopted pursuant to this chapter.

22 2. "In an unzoned commercial or industrial area or on an
23 unzoned commercial or industrial parcel" means an area or parcel
24 that is not specifically designated for commercial or industrial
25 uses under the land development regulations and is located in an
26 area designated by the future land use map of a plan approved by
27 the state land planning agency for multiple uses that include
28 commercial or industrial uses within which three or more
29 separate and distinct conforming industrial or commercial
30 activities are located within the area as provided in s.
31 479.01(26) (a) .

32 (b)1. A parcel shall be considered an unzoned commercial or
33 industrial parcel if:

34 a. It is located in an area designated for multiple uses on
35 the future land use map of the comprehensive plan;

36 b. The zoning category of the land development regulations
37 does not clearly designate the parcel for a specific use; and

38 c. It meets the criteria in s. 479.01(26) .

39 2. Notwithstanding the provisions in s. 479.02(7), the
40 activities listed in s. 479.01(26) (b) may not be recognized as
41 commercial or industrial activities for purposes of this
42 subsection.



648070

43 (c) A development order or permit to erect, operate, use,
44 or maintain a sign issued pursuant to a plan approved by the
45 state land planning agency on a parcel designated for commercial
46 or industrial use, or located in an area or on a parcel that
47 qualifies as an unzoned commercial or industrial area is under
48 the effective control of the state and is in compliance with ss.
49 479.07 and 479.111(2). The Department of Transportation shall
50 rely upon such determination by the local permitting agency for
51 such purposes and any determinations required under s.
52 479.02(3)and (7).

53 (d) Any permitting action by a governing body for the
54 erection, operation, use, or maintenance of a sign requiring a
55 permit pursuant to s. 479.07, which is inconsistent with this
56 subsection and implemented primarily to permit such a sign is
57 not authorized.

58 (e) This subsection may not be implemented if the United
59 States Secretary of Transportation provides written notice to
60 the department that implementation will adversely affect the
61 allocation of federal funds to the department.

62
63 ===== T I T L E A M E N D M E N T =====

64 And the title is amended as follows:

65 Between lines 96 and 97

66 insert:

67 amending s. 163.3194, F.S.; prohibiting a governing
68 body from issuing a development order or permit to
69 erect, operate, use, or maintain a sign under certain
70 circumstances; providing definitions; providing that a
71 parcel is considered unzoned commercial or industrial



648070

72 if certain criteria are met; providing that a
73 development order or permit to erect, operate, use, or
74 maintain a sign issued pursuant to an approved plan is
75 under the effective control of the state; prohibiting
76 a governing body from issuing a permit under certain
77 circumstances; prohibiting implementation if the
78 United States Secretary of Transportation provides
79 written notice to the Department of Transportation
80 that such implementation will adversely affect the
81 allocation of federal funds to the department;