

1 A bill to be entitled
2 An act relating to transportation; amending provisions
3 of ch. 479 F.S., relating to outdoor advertising
4 signs; amending s. 479.01, F.S.; revising and deleting
5 definitions; amending s. 479.02, F.S.; revising powers
6 of the Department of Transportation relating to
7 nonconforming signs; deleting a requirement that the
8 department adopt certain rules; creating s. 479.024,
9 F.S.; limiting the placement of signs in commercial or
10 industrial zones; defining the terms "parcel" and
11 "utilities"; providing mandatory criteria for local
12 governments to use in determining zoning for
13 commercial or industrial parcels; providing that
14 certain parcels are considered unzoned commercial or
15 industrial areas; providing that specified uses may
16 not be independently recognized as commercial or
17 industrial areas; providing an appeal process for an
18 applicant whose permit is denied; requiring an
19 applicant whose application is denied to remove an
20 existing sign pertaining to the application; requiring
21 the department to reduce certain transportation
22 funding in certain circumstances; amending s. 479.03,
23 F.S.; providing for notice to owners of intervening
24 privately owned lands before entering upon such lands
25 to remove an illegal sign; amending s. 479.04, F.S.;
26 providing that an outdoor advertising license is not
27 required solely to erect outdoor signs or structures;
28 amending s. 479.05, F.S.; authorizing the department

29 | to suspend a license for certain offenses and
30 | specifying activities that the licensee may engage in
31 | during the suspension; amending s. 479.07, F.S.;
32 | revising requirements for obtaining sign permits;
33 | conforming and clarifying provisions; increasing the
34 | allowable permit fee and requiring an application fee;
35 | revising sign placement requirements for signs on
36 | certain highways; deleting provisions that establish a
37 | pilot program relating to placement and removing a
38 | permit reinstatement fee; amending s. 479.08, F.S.;
39 | clarifying provisions relating to the denial or
40 | revocation of a permit because of false or misleading
41 | information in the permit application; amending s.
42 | 479.10, F.S.; providing for cancellation of a permit;
43 | amending s. 479.105, F.S.; revising notice
44 | requirements to owners and advertisers relating to
45 | signs erected or maintained without a permit; revising
46 | procedures providing for the department to issue a
47 | permit as a conforming or nonconforming sign to the
48 | owner of an unpermitted sign; amending s. 479.106,
49 | F.S.; deleting limits on application fees for permits
50 | to remove vegetation on public rights-of-way;
51 | increasing an administrative penalty for illegally
52 | removing certain vegetation; vegetation; amending s.
53 | 479.107, F.S.; deleting fines for certain signs on
54 | highway rights-of-way; amending s. 479.111, F.S.;
55 | clarifying provisions relating to signs allowed on
56 | certain highways; amending s. 479.15, F.S.; deleting a

57 | definition; clarifying and conforming provisions
58 | related to permitted signs on property that is the
59 | subject of public acquisition; amending s. 479.156,
60 | F.S.; clarifying provisions related to the regulation
61 | of wall murals; amending s. 479.16, F.S.; providing
62 | that certain provisions relating to the regulation of
63 | signs may not be implemented or continued if such
64 | actions will adversely affect the allocation of
65 | federal funds to the department; exempting from permit
66 | requirements certain signs placed by tourist-oriented
67 | businesses, certain farm signs during harvest season,
68 | acknowledgement signs on publicly funded school
69 | premises, certain displays on specific sports
70 | facilities, and certain signs at welcome centers;
71 | amending s. 479.24, F.S.; clarifying provisions
72 | relating to compensation paid for the department's
73 | acquisition of lawful signs; amending s. 479.25, F.S.;
74 | requiring a local government to grant a variance or
75 | waiver to a local ordinance or regulation to allow the
76 | owner of a lawfully permitted sign to increase the
77 | height of the sign if a noise-attenuation barrier is
78 | permitted by or erected by a governmental entity in a
79 | way that interferes with the visibility of the sign;
80 | deleting provisions to conform; amending s. 479.261,
81 | F.S.; conforming provisions related to a logo sign
82 | program on limited access highways; amending s.
83 | 479.313, F.S.; requiring a permittee to pay the cost
84 | of removing certain signs following the cancellation

85 | of the permit for the sign; providing an effective
 86 | date.

87 |
 88 | Be It Enacted by the Legislature of the State of Florida:

89 |
 90 | Section 1. Section 479.01, Florida Statutes, is amended to
 91 | read:

92 | 479.01 Definitions.—As used in this chapter, the term:

93 | (1) "Allowable uses" means those uses that are authorized
 94 | within a zoning category without the requirement to obtain a
 95 | variance or waiver. The term includes conditional uses and those
 96 | allowed by special exception, but does not include uses that are
 97 | accessory, incidental to the allowable uses, or allowed only on
 98 | a temporary basis.

99 | (2) "Automatic changeable facing" means a facing that is
 100 | capable of delivering two or more advertising messages through
 101 | an automated or remotely controlled process.

102 | (3) "Business of outdoor advertising" means the business
 103 | of ~~constructing, erecting,~~ operating, ~~using,~~ maintaining,
 104 | leasing, or selling outdoor advertising structures, outdoor
 105 | advertising signs, or outdoor advertisements.

106 | ~~(4) "Commercial or industrial zone" means a parcel of land~~
 107 | ~~designated for commercial or industrial uses under both the~~
 108 | ~~future land use map of the comprehensive plan and the land use~~
 109 | ~~development regulations adopted pursuant to chapter 163. If a~~
 110 | ~~parcel is located in an area designated for multiple uses on the~~
 111 | ~~future land use map of a comprehensive plan and the zoning~~
 112 | ~~category of the land development regulations does not clearly~~

HB 1299

2013

113 | ~~designate that parcel for a specific use, the area will be~~
114 | ~~considered an unzoned commercial or industrial area if it meets~~
115 | ~~the criteria of subsection (26).~~

116 | ~~(4)~~(5) "Commercial use" means activities associated with
117 | the sale, rental, or distribution of products or the performance
118 | of services. The term includes, without limitation, such uses or
119 | activities as retail sales; wholesale sales; rentals of
120 | equipment, goods, or products; offices; restaurants; food
121 | service vendors; sports arenas; theaters; and tourist
122 | attractions.

123 | ~~(5)~~(6) "Controlled area" means 660 feet or less from the
124 | nearest edge of the right-of-way of any portion of the State
125 | Highway System, interstate, or federal-aid primary system and
126 | beyond 660 feet of the nearest edge of the right-of-way of any
127 | portion of the State Highway System, interstate, or federal-aid
128 | primary system outside an urban area.

129 | ~~(6)~~(7) "Department" means the Department of
130 | Transportation.

131 | ~~(7)~~(8) "Erect" means to construct, build, raise, assemble,
132 | place, affix, attach, create, paint, draw, or in any other way
133 | bring into being or establish; but it does not include any of
134 | the foregoing activities when performed as an incident to the
135 | change of advertising message or customary maintenance or repair
136 | of a sign.

137 | ~~(8)~~(9) "Federal-aid primary highway system" means the
138 | federal-aid primary highway system in existence on June 1, 1991,
139 | and any highway that was not a part of such system as of that
140 | date, but that is, or became after June 1, 1991, a part of the

HB 1299

2013

141 National Highway System, including portions that have been
142 accepted as part of the National Highway System but are unbuilt
143 or unopened ~~existing, unbuilt, or unopened system of highways or~~
144 ~~portions thereof, which shall include the National Highway~~
145 ~~System, designated as the federal-aid primary highway system by~~
146 ~~the department.~~

147 (9)~~(10)~~ "Highway" means any road, street, or other way
148 open or intended to be opened to the public for travel by motor
149 vehicles.

150 (10)~~(11)~~ "Industrial use" means activities associated with
151 the manufacture, assembly, processing, or storage of products or
152 the performance of services relating thereto. The term includes,
153 without limitation, such uses or activities as automobile
154 manufacturing or repair, boat manufacturing or repair, junk
155 yards, meat packing facilities, citrus processing and packing
156 facilities, produce processing and packing facilities,
157 electrical generating plants, water treatment plants, sewage
158 treatment plants, and solid waste disposal sites.

159 (11)~~(12)~~ "Interstate highway system" means the existing,
160 unbuilt, or unopened system of highways or portions thereof
161 designated as the national system of interstate and defense
162 highways by the department.

163 (12)~~(13)~~ "Main-traveled way" means the traveled way of a
164 highway on which through traffic is carried. In the case of a
165 divided highway, the traveled way of each of the separate
166 roadways for traffic in opposite directions is a main-traveled
167 way. It does not include such facilities as frontage roads,
168 turning roadways which specifically include on-ramps or off-

HB 1299

2013

169 ramps to the interstate highway system, or parking areas.

170 (13)~~(14)~~ "Maintain" means to allow to exist.

171 (14)~~(15)~~ "Motorist services directional signs" means signs
172 providing directional information about goods and services in
173 the interest of the traveling public where such signs were
174 lawfully erected and in existence on or before May 6, 1976, and
175 continue to provide directional information to goods and
176 services in a defined area.

177 ~~(16) "New highway" means the construction of any road,
178 paved or unpaved, where no road previously existed or the act of
179 paving any previously unpaved road.~~

180 (15)~~(17)~~ "Nonconforming sign" means a sign which was
181 lawfully erected but which does not comply with the land use,
182 setback, size, spacing, and lighting provisions of state or
183 local law, rule, regulation, or ordinance passed at a later date
184 or a sign which was lawfully erected but which later fails to
185 comply with state or local law, rule, regulation, or ordinance
186 due to changed conditions.

187 (16)~~(18)~~ "Premises" means all the land areas under
188 ownership or lease arrangement to the sign owner which are
189 contiguous to the business conducted on the land except for
190 instances where such land is a narrow strip contiguous to the
191 advertised activity or is connected by such narrow strip, the
192 only viable use of such land is to erect or maintain an
193 advertising sign. When the sign owner is a municipality or
194 county, "premises" shall mean all lands owned or leased by such
195 municipality or county within its jurisdictional boundaries as
196 set forth by law.

197 ~~(17)-(19)~~ "Remove" means to disassemble all sign materials
198 above ground level and, transport them from the site, ~~and~~
199 ~~dispose of sign materials by sale or destruction.~~

200 ~~(18)-(20)~~ "Sign" means any combination of structure and
201 message in the form of an outdoor sign, display, device, figure,
202 painting, drawing, message, placard, poster, billboard,
203 advertising structure, advertisement, logo, symbol, or other
204 form, whether placed individually or on a V-type, back-to-back,
205 side-to-side, stacked, or double-faced display or automatic
206 changeable facing, designed, intended, or used to advertise or
207 inform, any part of the advertising message or informative
208 contents of which is visible from any place on the main-traveled
209 way. The term does not include an official traffic control sign,
210 official marker, or specific information panel erected, caused
211 to be erected, or approved by the department.

212 ~~(19)-(21)~~ "Sign direction" means that direction from which
213 the message or informative contents are most visible to oncoming
214 traffic on the main-traveled way.

215 ~~(20)-(22)~~ "Sign face" means the part of the sign, including
216 trim and background, which contains the message or informative
217 contents, including an automatic changeable face.

218 ~~(21)-(23)~~ "Sign facing" includes all sign faces and
219 automatic changeable faces displayed at the same location and
220 facing the same direction.

221 ~~(22)-(24)~~ "Sign structure" means all the interrelated parts
222 and material, such as beams, poles, and stringers, which are
223 constructed for the purpose of supporting or displaying a
224 message or informative contents.

225 (23)-(25) "State Highway System" has the same meaning as in
 226 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~
 227 ~~highways or portions thereof designated as the State Highway~~
 228 ~~System by the department.~~

229 ~~(26)~~ "Unzoned commercial or industrial area" means a
 230 parcel of land designated by the future land use map of the
 231 comprehensive plan for multiple uses that include commercial or
 232 industrial uses but are not specifically designated for
 233 commercial or industrial uses under the land development
 234 regulations, in which three or more separate and distinct
 235 conforming industrial or commercial activities are located.

236 ~~(a)~~ These activities must satisfy the following criteria:

237 1. ~~At least one of the commercial or industrial activities~~
 238 ~~must be located on the same side of the highway and within 800~~
 239 ~~feet of the sign location;~~

240 2. ~~The commercial or industrial activities must be within~~
 241 ~~660 feet from the nearest edge of the right-of-way; and~~

242 3. ~~The commercial industrial activities must be within~~
 243 ~~1,600 feet of each other.~~

244
 245 ~~Distances specified in this paragraph must be measured from the~~
 246 ~~nearest outer edge of the primary building or primary building~~
 247 ~~complex when the individual units of the complex are connected~~
 248 ~~by covered walkways.~~

249 ~~(b)~~ Certain activities, including, but not limited to, the
 250 following, may not be so recognized as commercial or industrial
 251 activities:

252 1. ~~Signs.~~

253 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~
 254 ~~related activities, including, but not limited to, wayside fresh~~
 255 ~~produce stands.~~

256 ~~3. Transient or temporary activities.~~

257 ~~4. Activities not visible from the main-traveled way.~~

258 ~~5. Activities conducted more than 660 feet from the~~
 259 ~~nearest edge of the right-of-way.~~

260 ~~6. Activities conducted in a building principally used as~~
 261 ~~a residence.~~

262 ~~7. Railroad tracks and minor sidings.~~

263 ~~8. Communication towers.~~

264 (24)-(27) "Urban area" has the same meaning as defined in
 265 s. 334.03(31).

266 (25)-(28) "Visible commercial or industrial activity" means
 267 a commercial or industrial activity that is capable of being
 268 seen without visual aid by a person of normal visual acuity from
 269 the main-traveled way and that is generally recognizable as
 270 commercial or industrial.

271 (26)-(29) "Visible sign" means that the advertising message
 272 or informative contents of a sign, whether or not legible, is
 273 capable of being seen without visual aid by a person of normal
 274 visual acuity.

275 (27)-(30) "Wall mural" means a sign that is a painting or
 276 an artistic work composed of photographs or arrangements of
 277 color and that displays a commercial or noncommercial message,
 278 relies solely on the side of the building for rigid structural
 279 support, and is painted on the building or depicted on vinyl,
 280 fabric, or other similarly flexible material that is held in

281 place flush or flat against the surface of the building. The
 282 term excludes a painting or work placed on a structure that is
 283 erected for the sole or primary purpose of signage.

284 ~~(28)~~~~(31)~~ "Zoning category" means the designation under the
 285 land development regulations or other similar ordinance enacted
 286 to regulate the use of land as provided in s. 163.3202(2)(b),
 287 which designation sets forth the allowable uses, restrictions,
 288 and limitations on use applicable to properties within the
 289 category.

290 Section 2. Section 479.02, Florida Statutes, is amended to
 291 read:

292 479.02 Duties of the department. ~~It shall be the duty of~~
 293 The department shall ~~to~~:

294 (1) Administer and enforce the provisions of this chapter,
 295 ~~and the 1972~~ agreement between the state and the United States
 296 Department of Transportation, ~~relating to the size, lighting,~~
 297 ~~and spacing of signs in accordance with Title I of the Highway~~
 298 ~~Beautification Act of 1965 and Title 23, United States Code, and~~
 299 federal regulations, including, but not limited to, those
 300 pertaining to the maintenance, continuance, and removal of
 301 nonconforming signs in effect as of the effective date of this
 302 act.

303 (2) Regulate size, height, lighting, and spacing of signs
 304 permitted on commercial and industrial parcels and in unzoned
 305 commercial or industrial areas ~~in zoned and unzoned commercial~~
 306 ~~areas and zoned and unzoned industrial areas~~ on the interstate
 307 highway system and the federal-aid primary highway system.

308 (3) Determine ~~unzoned~~ commercial and industrial parcels

HB 1299

2013

309 and unzoned commercial or areas and unzoned industrial areas in
310 the manner provided in s. 479.024.

311 (4) Implement a specific information panel program on the
312 limited access interstate highway system to promote tourist-
313 oriented businesses by providing directional information safely
314 and aesthetically.

315 (5) Implement a rest area information panel or devices
316 program at rest areas along the interstate highway system and
317 the federal-aid primary highway system to promote tourist-
318 oriented businesses.

319 (6) Test and, if economically feasible, implement
320 alternative methods of providing information in the specific
321 interest of the traveling public which allow the traveling
322 public freedom of choice, conserve natural beauty, and present
323 information safely and aesthetically.

324 (7) Adopt such rules as it deems necessary or proper for
325 the administration of this chapter, including rules that ~~which~~
326 identify activities that may not be recognized as industrial or
327 commercial activities for purposes of determination of a ~~an area~~
328 ~~as an unzoned~~ commercial or industrial parcel or an unzoned
329 commercial or industrial area in the manner provided in s.
330 479.024.

331 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
332 location of all signs on the state, interstate and federal-aid
333 primary highway systems to be used as. ~~Upon completion of the~~
334 ~~inventory, it shall become~~ the database and permit information
335 for all permitted signs ~~permitted at the time of completion, and~~
336 ~~the previous records of the department shall be amended~~

337 accordingly. The inventory shall be updated no less than every 2
 338 years. ~~The department shall adopt rules regarding what~~
 339 ~~information is to be collected and preserved to implement the~~
 340 ~~purposes of this chapter.~~ The department may perform the
 341 inventory using department staff, or may contract with a private
 342 firm to perform the work, whichever is more cost efficient. The
 343 department shall maintain a database of sign inventory
 344 information such as sign location, size, height, and structure
 345 type, the permitholder's name, and any other information the
 346 department finds necessary to administer the program.

347 Section 3. Section 479.024, Florida Statutes, is created
 348 to read:

349 479.024 Commercial and industrial parcels.—Signs shall
 350 only be permitted by the department in commercial or industrial
 351 zones, as determined by the local government, in compliance with
 352 chapter 163, unless otherwise provided in this chapter.

353 (1) As used in this section, the term:

354 (a) "Parcel" means the property where the sign is located
 355 or is proposed to be located.

356 (b) "Utilities" includes all privately, publicly, or
 357 cooperatively owned lines, facilities, and systems for
 358 producing, transmitting, or distributing communications, power,
 359 electricity, light, heat, gas, oil, crude products, water,
 360 steam, waste, and stormwater not connected with the highway
 361 drainage, and other similar commodities.

362 (2) The determination as to zoning by the local government
 363 for the parcel must meet the following criteria:

364 (a) The parcel is comprehensively zoned and includes

HB 1299

2013

365 commercial or industrial uses as allowable uses.

366 (b) The parcel can reasonably accommodate a commercial or
367 industrial use under the future land use map of the
368 comprehensive plan and land use development regulations, as
369 follows:

370 1. Sufficient utilities are available to support
371 commercial or industrial development.

372 2. The size, configuration, and public access of the
373 parcel are sufficient to accommodate a commercial or industrial
374 use, given requirements in the comprehensive plan and land
375 development regulations for vehicular access, on-site
376 circulation, building setbacks, buffering, parking, and other
377 applicable standards or the parcel consists of railroad tracks
378 or minor sidings abutting commercial or industrial property that
379 meets the criteria of this subsection.

380 (c) The parcel is not being used exclusively for
381 noncommercial or nonindustrial uses.

382 (3) If a local government has not designated zoning
383 through land development regulations in compliance with chapter
384 163, but has designated the parcel under the future land use map
385 of the comprehensive plan for uses that include commercial or
386 industrial uses, the parcel shall be considered an unzoned
387 commercial or industrial area. For a permit to be issued for a
388 sign in an unzoned commercial or industrial area, there must be
389 three or more distinct commercial or industrial activities
390 within 1,600 feet of each other, with at least one of the
391 commercial or industrial activities located on the same side of
392 the highway as the sign location, and within 800 feet of the

393 sign location. Multiple commercial or industrial activities
 394 enclosed in one building when all uses have only shared building
 395 entrances shall be considered one use.

396 (4) For purposes of this section, certain uses and
 397 activities may not be independently recognized as commercial or
 398 industrial, including, but not limited to:

399 (a) Signs.

400 (b) Agricultural, forestry, ranching, grazing, farming,
 401 and related activities, including, but not limited to, wayside
 402 fresh produce stands.

403 (c) Transient or temporary activities.

404 (d) Activities not visible from the main-traveled way,
 405 unless a department transportation facility is the only cause
 406 for the activity not being visible.

407 (e) Activities conducted more than 660 feet from the
 408 nearest edge of the right-of-way.

409 (f) Activities conducted in a building principally used as
 410 a residence.

411 (g) Railroad tracks and minor sidings, unless such use is
 412 immediately abutted by commercial or industrial property that
 413 meets the criteria in subsection (2).

414 (h) Communication towers.

415 (i) Governmental uses, unless those governmental uses
 416 would be industrial in nature if privately owned and operated.
 417 Such industrial uses must be the present and actual use, not
 418 merely be among the allowed uses.

419 (5) If the local government has indicated that the
 420 proposed sign location is on a parcel that is in a commercial or

HB 1299

2013

421 industrial zone, but the department finds that it is not, the
422 department shall notify the sign applicant in writing of its
423 determination.

424 (6) An applicant whose application for a permit is denied
425 may, within 30 days after the receipt of the notification of
426 intent to deny, request an administrative hearing pursuant to
427 chapter 120 for a determination of whether the parcel is located
428 in a commercial or industrial zone. Upon receipt of such
429 request, the department shall notify the local government that
430 the applicant has requested an administrative hearing pursuant
431 to chapter 120.

432 (7) If the department in a final order determines that the
433 parcel does not meet the permitting conditions in this section
434 and a sign structure exists on the parcel, the applicant shall
435 remove the sign within 30 days after the date of the order and
436 is responsible for all sign removal costs.

437 (8) If the Federal Highway Administration reduces funds
438 that would otherwise be apportioned to the department due to a
439 local government's failure to be compliant with this section,
440 the department shall reduce apportioned transportation funding
441 to the local government by an equivalent amount.

442 Section 4. Section 479.03, Florida Statutes, is amended to
443 read:

444 479.03 Jurisdiction of the Department of Transportation;
445 entry upon privately owned lands.—The territory under the
446 jurisdiction of the department for the purpose of this chapter
447 shall include all the state. Employees, agents, or independent
448 contractors working for the department, in the performance of

HB 1299

2013

449 their functions and duties under the provisions of this chapter,
450 may enter into and upon any land upon which a sign is displayed,
451 is proposed to be erected, or is being erected and make such
452 inspections, surveys, and removals as may be relevant. Upon
453 written notice to ~~After receiving consent by~~ the landowner,
454 operator, or person in charge of an intervening privately owned
455 land that ~~or appropriate inspection warrant issued by a judge of~~
456 ~~any county court or circuit court of this state which has~~
457 ~~jurisdiction of the place or thing to be removed,~~ that the
458 removal of an illegal outdoor advertising sign is necessary and
459 has been authorized by a final order or results from an
460 uncontested notice to the sign owner, the department may ~~shall~~
461 ~~be authorized to~~ enter upon any intervening privately owned
462 lands for the purposes of effectuating removal of illegal signs,
463 provided that the department shall only do so in circumstances
464 where it has determined that no other legal or economically
465 feasible means of entry to the sign site are reasonably
466 available. Except as otherwise provided by this chapter, the
467 department shall be responsible for the repair or replacement in
468 a like manner for any physical damage or destruction of private
469 property, other than the sign, incidental to the department's
470 entry upon such intervening privately owned lands.

471 Section 5. Section 479.04, Florida Statutes, is amended to
472 read:

473 479.04 Business of outdoor advertising; license
474 requirement; renewal; fees.—

475 (1) A ~~No~~ person may not ~~shall~~ engage in the business of
476 outdoor advertising in this state without first obtaining a

477 license ~~therefor~~ from the department. Such license shall be
 478 renewed annually. The fee for such license, and for each annual
 479 renewal, is \$300. License renewal fees shall be payable as
 480 provided for in s. 479.07.

481 (2) A ~~No~~ person is not ~~shall be~~ required to obtain the
 482 license provided for in this section solely to erect or
 483 construct outdoor advertising signs or structures ~~as an~~
 484 ~~incidental part of a building construction contract.~~

485 Section 6. Section 479.05, Florida Statutes, is amended to
 486 read:

487 479.05 Denial, suspension, or revocation of license.—The
 488 department may ~~has authority to deny, suspend,~~ or revoke any
 489 license requested or granted under this chapter in any case in
 490 which it determines that the application for the license
 491 contains ~~knowingly~~ false or misleading information of material
 492 consequence, that the licensee has failed to pay fees or costs
 493 owed to the department for outdoor advertising purposes, or that
 494 the licensee has violated any of the provisions of this chapter,
 495 unless such licensee, within 30 days after the receipt of notice
 496 by the department, corrects such false or misleading
 497 information, pays the outstanding amounts, or complies with the
 498 provisions of this chapter. Suspension of a license allows the
 499 licensee to maintain existing sign permits, but the department
 500 may not grant a transfer of an existing permit or issue an
 501 additional permit to a licensee with a suspended license. Any
 502 person aggrieved by an ~~any~~ action of the department which
 503 denies, suspends, or revokes ~~in denying or revoking~~ a license
 504 under this chapter may, within 30 days after ~~from~~ the receipt of

HB 1299

2013

505 the notice, apply to the department for an administrative
506 hearing pursuant to chapter 120.

507 Section 7. Section 479.07, Florida Statutes, is amended to
508 read:

509 479.07 Sign permits.—

510 (1) Except as provided in ss. 479.105(1) ~~479.105(1)(e)~~ and
511 479.16, a person may not erect, operate, use, or maintain, or
512 cause to be erected, operated, used, or maintained, any sign on
513 the State Highway System outside an urban area, ~~as defined in s.~~
514 ~~334.03(31)~~, or on any portion of the interstate or federal-aid
515 primary highway system without first obtaining a permit for the
516 sign from the department and paying the annual fee as provided
517 in this section. As used in this section, the term "on any
518 portion of the State Highway System, interstate, or federal-aid
519 primary system" means a sign located within the controlled area
520 which is visible from any portion of the main-traveled way of
521 such system.

522 (2) ~~A person may not apply for a permit unless he or she~~
523 ~~has first obtained the~~ Written permission of the owner or other
524 person in lawful possession or control of the site designated as
525 the location of the sign is required for issuance of a ~~in the~~
526 ~~application for the permit.~~

527 (3) (a) An application for a sign permit must be made on a
528 form prescribed by the department, and a separate application
529 must be submitted for each permit requested. A permit is
530 required for each sign facing.

531 (b) As part of the application, the applicant or his or
532 her authorized representative must certify ~~in a notarized signed~~

HB 1299

2013

533 | ~~statement~~ that all information provided in the application is
534 | true and correct ~~and that, pursuant to subsection (2), he or she~~
535 | ~~has obtained the written permission of the owner or other person~~
536 | ~~in lawful possession of the site designated as the location of~~
537 | ~~the sign in the permit application.~~ Every permit application
538 | must be accompanied by the appropriate permit fee, + a signed
539 | statement by the owner or other person in lawful control of the
540 | site on which the sign is located or will be erected,
541 | authorizing the placement of the sign on that site, + and, ~~where~~
542 | ~~local governmental regulation of signs exists,~~ a statement from
543 | the appropriate local governmental official indicating that the
544 | sign complies with all local government ~~governmental~~
545 | requirements and, if a local government permit is required for a
546 | sign, that the agency or unit of local government will issue a
547 | permit to that applicant upon approval of the state permit
548 | application by the department.

549 | (c) The annual permit fee for each sign facing shall be
550 | established by the department by rule in an amount sufficient to
551 | offset the total cost to the department for the program, but
552 | shall not exceed \$200 ~~\$100~~. ~~The A fee may not be prorated for a~~
553 | ~~period less than the remainder of the permit year to accommodate~~
554 | ~~short-term publicity features; however, a first-year fee may be~~
555 | prorated by payment of an amount equal to one-fourth of the
556 | annual fee for each remaining whole quarter or partial quarter
557 | of the permit year. Applications received after the end of the
558 | third quarter of the permit year must include fees for the last
559 | quarter of the current year and fees for the succeeding year. A
560 | nonrefundable application fee of \$25 must accompany each permit

HB 1299

2013

561 application.

562 (4) An application for a permit shall be acted on by
563 granting, denying, or returning the incomplete application ~~the~~
564 ~~department~~ within 30 days after receipt of the application by
565 the department.

566 (5) (a) For each permit issued, the department shall
567 furnish to the applicant a serially numbered permanent metal
568 permit tag. The permittee is responsible for maintaining a valid
569 permit tag on each permitted sign facing at all times. The tag
570 shall be securely attached to the upper 50 percent of the sign
571 structure ~~sign facing or, if there is no facing, on the pole~~
572 ~~nearest the highway;~~ and it shall be attached in such a manner
573 as to be plainly visible from the main-traveled way. ~~Effective~~
574 ~~July 1, 2012, the tag must be securely attached to the upper 50~~
575 ~~percent of the pole nearest the highway and must be attached in~~
576 ~~such a manner as to be plainly visible from the main-traveled~~
577 ~~way.~~ The permit ~~becomes void unless the permit tag~~ must be ~~is~~
578 properly and permanently displayed at the permitted site within
579 30 days after the date of permit issuance. If the permittee
580 fails to erect a completed sign on the permitted site within 270
581 days after the date on which the permit was issued, the permit
582 will be void, and the department may not issue a new permit to
583 that permittee for the same location for 270 days after the date
584 on which the permit became void.

585 (b) If a permit tag is lost, stolen, or destroyed, the
586 permittee to whom the tag was issued must apply to the
587 department for a replacement tag. The department shall adopt a
588 rule establishing a service fee for replacement tags in an

HB 1299

2013

589 amount that will recover the actual cost of providing the
590 replacement tag. Upon receipt of the application accompanied by
591 the service fee, the department shall issue a replacement permit
592 tag. ~~Alternatively, the permittee may provide its own~~
593 ~~replacement tag pursuant to department specifications that the~~
594 ~~department shall adopt by rule at the time it establishes the~~
595 ~~service fee for replacement tags.~~

596 (6) A permit is valid only for the location specified in
597 the permit. Valid permits may be transferred from one sign owner
598 to another upon written acknowledgment from the current
599 permittee and submittal of a transfer fee of \$5 for each permit
600 to be transferred. However, the maximum transfer fee for any
601 multiple transfer between two outdoor advertisers in a single
602 transaction is \$1,000 ~~\$100~~.

603 (7) A permittee shall at all times maintain the permission
604 of the owner or other person in lawful control of the sign site
605 to have and maintain a sign at such site.

606 (8) (a) In order to reduce peak workloads, the department
607 may adopt rules providing for staggered expiration dates for
608 licenses and permits. Unless otherwise provided for by rule, all
609 licenses and permits expire annually on January 15. All license
610 and permit renewal fees are required to be submitted to the
611 department by no later than the expiration date. At least 105
612 days before ~~prior to~~ the expiration date of licenses and
613 permits, the department shall send to each permittee a notice of
614 fees due for all licenses and permits that ~~which~~ were issued to
615 him or her before ~~prior to~~ the date of the notice. Such notice
616 shall list the permits and the permit fees due for each sign

617 facing. The permittee shall, no later than 45 days before ~~prior~~
 618 ~~to~~ the expiration date, advise the department of any additions,
 619 deletions, or errors contained in the notice. Permit tags which
 620 are not renewed shall be returned to the department for
 621 cancellation by the expiration date. Permits which are not
 622 renewed or are canceled shall be certified in writing at that
 623 time as canceled or not renewed by the permittee, and permit
 624 tags for such permits shall be returned to the department or
 625 shall be accounted for by the permittee in writing, which
 626 writing shall be submitted with the renewal fee payment or the
 627 cancellation certification. However, failure of a permittee to
 628 submit a permit cancellation does ~~shall~~ not affect the
 629 nonrenewal of a permit. Before ~~Prior to~~ cancellation of a
 630 permit, the permittee shall provide written notice to all
 631 persons or entities having a right to advertise on the sign that
 632 the permittee intends to cancel the permit.

633 (b) If a permittee has not submitted his or her fee
 634 payment by the expiration date of the licenses or permits, the
 635 department shall send a notice of violation to the permittee
 636 within 45 days after the expiration date, requiring the payment
 637 of the permit fee within 30 days after the date of the notice
 638 and payment of a delinquency fee equal to 10 percent of the
 639 original amount due or, in the alternative to these payments,
 640 requiring the filing of a request for an administrative hearing
 641 to show cause why the ~~his or her~~ sign should not be subject to
 642 immediate removal due to expiration of his or her license or
 643 permit. If the permittee submits payment as required by the
 644 violation notice, the ~~his or her~~ license or permit will be

HB 1299

2013

645 automatically reinstated and such reinstatement will be
646 retroactive to the original expiration date. If the permittee
647 does not respond to the notice of violation within the 30-day
648 period, the department shall, within 30 days, issue a final
649 notice of sign removal and may, following 90 days after the date
650 of the department's final notice of sign removal, remove the
651 sign without incurring any liability as a result of such
652 removal. However, if at any time before removal of the sign, the
653 permittee demonstrates that a good faith error on the part of
654 the permittee resulted in cancellation or nonrenewal of the
655 permit, the department may reinstate the permit if:

656 1. The permit reinstatement fee of ~~up to \$300 based on the~~
657 ~~size of the sign~~ is paid;

658 2. All other permit renewal and delinquent permit fees due
659 as of the reinstatement date are paid; and

660 3. The permittee reimburses the department for all actual
661 costs resulting from the permit cancellation or nonrenewal.

662 (c) Conflicting applications filed by other persons for
663 the same or competing sites covered by a permit subject to
664 paragraph (b) may not be approved until after the sign subject
665 to the expired permit has been removed.

666 (d) The cost for removing a sign, whether by the
667 department or an independent contractor, shall be assessed by
668 the department against the permittee.

669 (9) (a) A permit may ~~shall~~ not be granted for any sign for
670 which a permit had not been granted by the effective date of
671 this act unless such sign is located at least:

672 1. One thousand five hundred feet from any other permitted

673 sign on the same side of the highway, if on an interstate
 674 highway.

675 2. One thousand feet from any other permitted sign on the
 676 same side of the highway, if on a federal-aid primary highway.

677
 678 The minimum spacing provided in this paragraph does not preclude
 679 the permitting of V-type, back-to-back, side-to-side, stacked,
 680 or double-faced signs at the permitted sign site. If a sign is
 681 visible to more than one highway subject to the jurisdiction of
 682 the department and within the controlled area of the highways
 683 ~~from the controlled area of more than one highway subject to the~~
 684 ~~jurisdiction of the department,~~ the sign must ~~shall~~ meet the
 685 permitting requirements of all highways, and, ~~if the sign meets~~
 686 ~~the applicable permitting requirements,~~ be permitted to, the
 687 highway having the more stringent permitting requirements.

688 (b) A permit may ~~shall~~ not be granted for a sign pursuant
 689 to this chapter to locate such sign on any portion of the
 690 interstate or federal-aid primary highway system, which sign:

691 1. Exceeds 50 feet in sign structure height above the
 692 crown of the main-traveled way to which the sign is permitted,
 693 if outside an incorporated area;

694 2. Exceeds 65 feet in sign structure height above the
 695 crown of the main-traveled way to which the sign is permitted,
 696 if inside an incorporated area; or

697 3. Exceeds 950 square feet of sign facing including all
 698 embellishments.

699 (c) Notwithstanding subparagraph (a)1., ~~there is~~
 700 ~~established a pilot program in Orange, Hillsborough, and Osceola~~

701 ~~Counties, and within the boundaries of the City of Miami, under~~
 702 ~~which~~ the distance between permitted signs on the same side of
 703 an interstate highway may be reduced to 1,000 feet if all other
 704 requirements of this chapter are met and if:

705 1. The local government has adopted a plan, program,
 706 resolution, ordinance, or other policy encouraging the voluntary
 707 removal of signs in a downtown, historic, redevelopment, infill,
 708 or other designated area which also provides for a new or
 709 replacement sign to be erected on an interstate highway within
 710 that jurisdiction if a sign in the designated area is removed;

711 2. The sign owner and the local government mutually agree
 712 to the terms of the removal and replacement; and

713 3. The local government notifies the department of its
 714 intention to allow such removal and replacement as agreed upon
 715 pursuant to subparagraph 2.

716 ~~4. The new or replacement sign to be erected on an~~
 717 ~~interstate highway within that jurisdiction is to be located on~~
 718 ~~a parcel of land specifically designated for commercial or~~
 719 ~~industrial use under both the future land use map of the~~
 720 ~~comprehensive plan and the land use development regulations~~
 721 ~~adopted pursuant to chapter 163, and such parcel shall not be~~
 722 ~~subject to an evaluation in accordance with the criteria set~~
 723 ~~forth in s. 479.01(26) to determine if the parcel can be~~
 724 ~~considered an unzoned commercial or industrial area.~~

725
 726 ~~The department shall maintain statistics tracking the use of the~~
 727 ~~provisions of this pilot program based on the notifications~~
 728 ~~received by the department from local governments under this~~

729 | ~~paragraph.~~

730 | (d) This subsection does not cause a sign that was
731 | conforming on October 1, 1984, to become nonconforming.

732 | (10) Commercial or industrial zoning that ~~which~~ is not
733 | comprehensively enacted or that ~~which~~ is enacted primarily to
734 | permit signs may ~~shall~~ not be recognized as commercial or
735 | industrial zoning for purposes of this provision, and permits
736 | may ~~shall~~ not be issued for signs in such areas. The department
737 | shall adopt rules ~~within 180 days after this act takes effect~~
738 | that ~~which shall~~ provide criteria to determine whether such
739 | zoning is comprehensively enacted or enacted primarily to permit
740 | signs.

741 | Section 8. Section 479.08, Florida Statutes, is amended to
742 | read:

743 | 479.08 Denial or revocation of permit.—The department may
744 | deny or revoke any permit requested or granted under this
745 | chapter in any case in which it determines that the application
746 | for the permit contains ~~knowingly~~
747 | information of material consequence. The department may revoke
748 | any permit granted under this chapter in any case in which the
749 | permittee has violated any of the provisions of this chapter,
750 | unless such permittee, within 30 days after the receipt of
751 | notice by the department, complies with the provisions of this
752 | chapter. For the purpose of this section, the notice of
753 | violation issued by the department must describe in detail the
754 | alleged violation. Any person aggrieved by any action of the
755 | department in denying or revoking a permit under this chapter
756 | may, within 30 days after receipt of the notice, apply to the

HB 1299

2013

757 department for an administrative hearing pursuant to chapter
758 120. If a timely request for hearing has been filed and the
759 department issues a final order revoking a permit, such
760 revocation shall be effective 30 days after the date of
761 rendition. Except for department action pursuant to s.
762 479.107(1), the filing of a timely and proper notice of appeal
763 shall operate to stay the revocation until the department's
764 action is upheld.

765 Section 9. Section 479.10, Florida Statutes, is amended to
766 read:

767 479.10 Sign removal following permit revocation or
768 cancellation.—A sign shall be removed by the permittee within 30
769 days after the date of revocation or cancellation of the permit
770 for the sign. If the permittee fails to remove the sign within
771 the 30-day period, the department shall remove the sign at the
772 permittee's expense with or without further notice and without
773 incurring any liability as a result of such removal.

774 Section 10. Section 479.105, Florida Statutes, is amended
775 to read:

776 479.105 Signs erected or maintained without required
777 permit; removal.—

778 (1) Any sign which is located adjacent to the right-of-way
779 of any highway on the State Highway System outside an
780 incorporated area or adjacent to the right-of-way on any portion
781 of the interstate or federal-aid primary highway system, which
782 sign was erected, operated, or maintained without the permit
783 required by s. 479.07(1) having been issued by the department,
784 is declared to be a public nuisance and a private nuisance and

HB 1299

2013

785 shall be removed as provided in this section.

786 (a) Upon a determination by the department that a sign is
787 in violation of s. 479.07(1), the department shall prominently
788 post on the sign, or as close to the sign as possible for those
789 locations where the sign is not easily accessible, ~~face~~ a notice
790 stating that the sign is illegal and must be removed within 30
791 days after the date on which the notice was posted. ~~However, if~~
792 ~~the sign bears the name of the licensee or the name and address~~
793 ~~of the nonlicensed sign owner,~~ The department shall,
794 concurrently with and in addition to posting the notice on the
795 sign, provide a written notice to the owner of the sign, the
796 advertiser displayed on the sign, or the owner of the property,
797 stating that the sign is illegal and must be permanently removed
798 within the 30-day period specified on the posted notice. The
799 written notice shall further state that a hearing may be
800 requested, ~~the sign owner has a right to request a hearing,~~
801 which request must be filed with the department within 30 days
802 after receipt ~~the date~~ of the written notice. However, the
803 filing of a request for a hearing will not stay the removal of
804 the sign.

805 (b) If, pursuant to the notice provided, the sign is not
806 removed by the ~~sign~~ owner of the sign, the advertiser displayed
807 on the sign, or the owner of the property within the prescribed
808 period, the department shall immediately remove the sign without
809 further notice; and, for that purpose, the employees, agents, or
810 independent contractors of the department may enter upon private
811 property without incurring any liability for so entering.

812 (c) However, the department may issue a permit for a sign,

813 as a conforming or nonconforming sign, if the sign owner
814 demonstrates to the department one of the following:

815 1. If the sign meets the current requirements of this
816 chapter for a sign permit, the sign owner may submit the
817 required application package and receive a permit as a
818 conforming sign, upon payment of all applicable fees.

819 2. If the sign does not meet the current requirements of
820 this chapter for a sign permit, the sign owner may receive a
821 permit as a nonconforming sign if the department determines that
822 the sign is not located on state right-of-way and is not a
823 safety hazard and if the sign owner pays a penalty fee of \$300
824 and all pertinent fees required by this chapter, including
825 annual permit renewal fees payable since the date of the
826 erection of the sign, and attaches to the permit application
827 package documentation that demonstrates that:

828 a. The sign has been unpermitted, structurally unchanged,
829 and continuously maintained at the same location for a period of
830 7 years or more;

831 b. During the entire period in which the sign has been
832 erected, a permit was required but was not obtained;

833 c. During the initial 7 years in which the sign has been
834 erected, the sign would have met the criteria established in
835 this chapter at that time for issuance of a permit; and

836 d. The department has not initiated a notice of violation
837 or taken other action to remove the sign during the initial 7-
838 year period.

839 (d) This subsection does not cause a neighboring sign that
840 is permitted and that is within the spacing requirements in s.

HB 1299

2013

841 479.07(9)(a) to become nonconforming.

842 (e)~~(e)~~ For purposes of this subsection, a notice to the
843 sign owner, when required, constitutes sufficient notice; and
844 notice is not required to be provided to the lessee, advertiser,
845 or the owner of the real property on which the sign is located.

846 (f)~~(d)~~ If, after a hearing, it is determined that a sign
847 has been wrongfully or erroneously removed pursuant to this
848 subsection, the department, at the sign owner's discretion,
849 shall either pay just compensation to the owner of the sign or
850 reerect the sign in kind at the expense of the department.

851 ~~(e) However, if the sign owner demonstrates to the~~
852 ~~department that:~~

853 ~~1. The sign has been unpermitted, structurally unchanged,~~
854 ~~and continuously maintained at the same location for a period of~~
855 ~~7 years or more;~~

856 ~~2. At any time during the period in which the sign has~~
857 ~~been erected, the sign would have met the criteria established~~
858 ~~in this chapter for issuance of a permit;~~

859 ~~3. The department has not initiated a notice of violation~~
860 ~~or taken other action to remove the sign during the initial 7-~~
861 ~~year period described in subparagraph 1.; and~~

862 ~~4. The department determines that the sign is not located~~
863 ~~on state right-of-way and is not a safety hazard,~~

864
865 ~~the sign may be considered a conforming or nonconforming sign~~
866 ~~and may be issued a permit by the department upon application in~~
867 ~~accordance with this chapter and payment of a penalty fee of~~
868 ~~\$300 and all pertinent fees required by this chapter, including~~

HB 1299

2013

869 ~~annual permit renewal fees payable since the date of the~~
870 ~~erection of the sign.~~

871 (2) (a) If a sign is under construction and the department
872 determines that a permit has not been issued for the sign as
873 required under the provisions of this chapter, the department is
874 authorized to require that all work on the sign cease until the
875 sign owner shows that the sign does not violate the provisions
876 of this chapter. The order to cease work shall be prominently
877 posted on the sign structure, and no further notice is required
878 to be given. The failure of a sign owner or her or his agents to
879 immediately comply with the order shall subject the sign to
880 prompt removal by the department.

881 (b) For the purposes of this subsection only, a sign is
882 under construction when it is in any phase of initial
883 construction prior to the attachment and display of the
884 advertising message in final position for viewing by the
885 traveling public. A sign that is undergoing routine maintenance
886 or change of the advertising message only is not considered to
887 be under construction for the purposes of this subsection.

888 (3) The cost of removing a sign, whether by the department
889 or an independent contractor, shall be assessed against the
890 owner of the sign by the department.

891 Section 11. Subsections (4), (5), and (7) of section
892 479.106, Florida Statutes, are amended to read:

893 479.106 Vegetation management.—

894 (4) The department may establish an application fee by
895 rule ~~not to exceed \$25 for each individual application to defer~~
896 ~~the costs of processing such application and a fee not to exceed~~

HB 1299

2013

897 ~~\$200 to defer the costs of processing an application for~~
898 ~~multiple sites.~~

899 (5) The department may only grant a permit pursuant to s.
900 479.07 for a new sign which requires the removal, cutting, or
901 trimming of existing trees or vegetation on public right-of-way
902 for the sign face to be visible from the highway when the sign
903 owner has removed at least two nonconforming signs of
904 approximate comparable size and surrendered the permits for the
905 nonconforming signs to the department for cancellation. For
906 signs originally permitted after July 1, 1996, the first
907 application, or application for a change of view zone, ~~no permit~~
908 for the removal, cutting, or trimming of trees or vegetation
909 shall require, in addition to mitigation or contribution to a
910 plan of mitigation, the removal of two nonconforming signs. No
911 permits for the removal, cutting, or trimming of trees may be
912 granted for signs permitted after July 1, 1996 ~~be granted~~ where
913 such trees or vegetation are part of a beautification project
914 implemented before ~~prior to~~ the date of the original sign permit
915 application, when the beautification project is specifically
916 identified in the department's construction plans, permitted
917 landscape projects, or agreements.

918 (7) Any person engaging in removal, cutting, or trimming
919 of trees or vegetation in violation of this section or
920 benefiting from such actions shall be subject to an
921 administrative penalty of up to \$1,000 per sign facing and
922 required to mitigate for the unauthorized removal, cutting, or
923 trimming in such manner and in such amount as may be required
924 under the rules of the department.

925 Section 12. Subsection (5) of section 479.107, Florida
 926 Statutes, is amended to read:

927 479.107 Signs on highway rights-of-way; removal.—

928 (5) The cost of removing a sign, whether by the department
 929 or an independent contractor, shall be assessed by the
 930 department against the owner of the sign. ~~Furthermore, the~~
 931 ~~department shall assess a fine of \$75 against the sign owner for~~
 932 ~~any sign which violates the requirements of this section.~~

933 Section 13. Section 479.111, Florida Statutes, is amended
 934 to read:

935 479.111 Specified signs allowed within controlled portions
 936 of the interstate and federal-aid primary highway system.—Only
 937 the following signs shall be allowed within controlled portions
 938 of the interstate highway system and the federal-aid primary
 939 highway system as set forth in s. 479.11(1) and (2):

940 (1) Directional or other official signs and notices which
 941 conform to 23 C.F.R. ss. 750.151-750.155.

942 (2) Signs in commercial-zoned and industrial-zoned areas
 943 or commercial-unzoned and industrial-unzoned areas and within
 944 660 feet of the nearest edge of the right-of-way, subject to the
 945 requirements set forth in the 1972 agreement between the state
 946 and the United States Department of Transportation.

947 (3) Signs for which permits are not required under s.
 948 479.16.

949 Section 14. Section 479.15, Florida Statutes, is amended
 950 to read:

951 479.15 Harmony of regulations.—

952 (1) No zoning board or commission or other public officer

953 or agency shall issue a permit to erect any sign which is
 954 prohibited under the provisions of this chapter or the rules of
 955 the department, nor shall the department issue a permit for any
 956 sign which is prohibited by any other public board, officer, or
 957 agency in the lawful exercise of its powers.

958 (2) A municipality, county, local zoning authority, or
 959 other local governmental entity may not remove, or cause to be
 960 removed, any lawfully erected sign along any portion of the
 961 interstate or federal-aid primary highway system without first
 962 paying just compensation for such removal. A local governmental
 963 entity may not cause in any way the alteration of any lawfully
 964 erected sign located along any portion of the interstate or
 965 federal-aid primary highway system without payment of just
 966 compensation if such alteration constitutes a taking under state
 967 law. The municipality, county, local zoning authority, or other
 968 local government entity that adopts requirements for such
 969 alteration shall pay just compensation to the sign owner if such
 970 alteration constitutes a taking under state law. This subsection
 971 applies only to a lawfully erected sign the subject matter of
 972 which relates to premises other than the premises on which it is
 973 located or to merchandise, services, activities, or
 974 entertainment not sold, produced, manufactured, or furnished on
 975 the premises on which the sign is located. ~~As used in this~~
 976 ~~subsection, the term "federal-aid primary highway system" means~~
 977 ~~the federal-aid primary highway system in existence on June 1,~~
 978 ~~1991, and any highway that was not a part of such system as of~~
 979 ~~that date but that is or becomes after June 1, 1991, a part of~~
 980 ~~the National Highway System.~~ This subsection shall not be

981 interpreted as explicit or implicit legislative recognition that
 982 alterations do or do not constitute a taking under state law.

983 (3) It is the express intent of the Legislature to limit
 984 the state right-of-way acquisition costs on state and federal
 985 roads in eminent domain proceedings, the provisions of ss.
 986 479.07 and 479.155 notwithstanding. Subject to approval by the
 987 Federal Highway Administration, whenever public acquisition of
 988 land upon which is situated a lawful permitted ~~nonconforming~~
 989 sign occurs, as provided in this chapter, the sign may, at the
 990 election of its owner and the department, be relocated or
 991 reconstructed adjacent to the new right-of-way and in close
 992 proximity to the current site ~~along the roadway within 100 feet~~
 993 ~~of the current location~~, provided the ~~nonconforming~~ sign is not
 994 relocated in an area inconsistent with s. 479.024 ~~on a parcel~~
 995 ~~zoned residential~~, and provided further that such relocation
 996 shall be subject to ~~applicable setback~~ requirements in the 1972
 997 agreement between the state and the United States Department of
 998 Transportation. The sign owner shall pay all costs associated
 999 with relocating or reconstructing any sign under this
 1000 subsection, and neither the state nor any local government shall
 1001 reimburse the sign owner for such costs, unless part of such
 1002 relocation costs are required by federal law. If no adjacent
 1003 property is available for the relocation, the department shall
 1004 be responsible for paying the owner of the sign just
 1005 compensation for its removal.

1006 (4) For a nonconforming sign, ~~Such relocation shall be~~
 1007 ~~adjacent to the current site and the face of the sign~~ may shall
 1008 not be increased in size or height or structurally modified at

1009 | the point of relocation in a manner inconsistent with the
 1010 | current building codes of the jurisdiction in which the sign is
 1011 | located.

1012 | (5) In the event that relocation can be accomplished but
 1013 | is inconsistent with the ordinances of the municipality or
 1014 | county within whose jurisdiction the sign is located, the
 1015 | ordinances of the local government shall prevail, provided that
 1016 | the local government shall assume the responsibility to provide
 1017 | the owner of the sign just compensation for its removal, but in
 1018 | no event shall compensation paid by the local government exceed
 1019 | the compensation required under state or federal law. Further,
 1020 | the provisions of this section shall not impair any agreement or
 1021 | future agreements between a municipality or county and the owner
 1022 | of a sign or signs within the jurisdiction of the municipality
 1023 | or county. ~~Nothing in this section shall be deemed to cause a~~
 1024 | ~~nonconforming sign to become conforming solely as a result of~~
 1025 | ~~the relocation allowed in this section.~~

1026 | (6) This section does not cause a neighboring sign that is
 1027 | already permitted and that is within the spacing requirements
 1028 | outlined in s. 479.07(9)(a) to become nonconforming ~~The~~
 1029 | ~~provisions of subsections (3), (4), and (5) of this section~~
 1030 | ~~shall not apply within the jurisdiction of any municipality~~
 1031 | ~~which is engaged in any litigation concerning its sign ordinance~~
 1032 | ~~on April 23, 1999, nor shall such provisions apply to any~~
 1033 | ~~municipality whose boundaries are identical to the county within~~
 1034 | ~~which said municipality is located.~~

1035 | Section 15. Section 479.156, Florida Statutes, is amended
 1036 | to read:

HB 1299

2013

1037 479.156 Wall murals.—Notwithstanding any other provision
1038 of this chapter, a municipality or county may permit and
1039 regulate wall murals within areas designated by such government.
1040 If a municipality or county permits wall murals, a wall mural
1041 that displays a commercial message and is within 660 feet of the
1042 nearest edge of the right-of-way within an area adjacent to the
1043 interstate highway system or the federal-aid primary highway
1044 system shall be located in an area that is zoned for industrial
1045 or commercial use and the municipality or county shall establish
1046 and enforce regulations for such areas that, at a minimum, set
1047 forth criteria governing the size, lighting, and spacing of wall
1048 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~
1049 ~~Highway Beautification Act of 1965~~ and with customary use.
1050 Whenever a municipality or county exercises such control and
1051 makes a determination of customary use pursuant to 23 U.S.C. s.
1052 131(d), such determination shall be accepted in lieu of controls
1053 in the agreement between the state and the United States
1054 Department of Transportation, and the department shall notify
1055 the Federal Highway Administration pursuant to the agreement, 23
1056 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that
1057 is subject to municipal or county regulation and 23 U.S.C. s.
1058 131 ~~the Highway Beautification Act of 1965~~ must be approved by
1059 the Department of Transportation and the Federal Highway
1060 Administration when required by federal law and federal
1061 regulation under the agreement between the state and the United
1062 States Department of Transportation and federal regulations
1063 enforced by the Department of Transportation under s. 479.02(1).
1064 The existence of a wall mural as defined in s. 479.01(27)

HB 1299

2013

1065 | ~~479.01(30)~~ shall not be considered in determining whether a sign
 1066 | as defined in s. 479.01(18) ~~479.01(20)~~, either existing or new,
 1067 | is in compliance with s. 479.07(9) (a).

1068 | Section 16. Section 479.16, Florida Statutes, is amended
 1069 | to read:

1070 | 479.16 Signs for which permits are not required.—The
 1071 | following signs are exempt from the requirement that a permit
 1072 | for a sign be obtained under the provisions of this chapter but
 1073 | are required to comply with the provisions of s. 479.11(4)-(8),
 1074 | and the provisions of subsections (15)-(20) may not be
 1075 | implemented or continued if the Federal Government notifies the
 1076 | department that implementation or continuation will adversely
 1077 | affect the allocation of federal funds to the department:

1078 | (1) Signs erected on the premises of an establishment,
 1079 | which signs consist primarily of the name of the establishment
 1080 | or which identify the principal or accessory merchandise,
 1081 | services, activities, or entertainment sold, produced,
 1082 | manufactured, or furnished on the premises of the establishment
 1083 | and which comply with the lighting restrictions ~~under department~~
 1084 | ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a
 1085 | municipality or a county located on the premises of such
 1086 | municipality or such county which display information regarding
 1087 | government services, activities, events, or entertainment. For
 1088 | purposes of this section, the following types of messages shall
 1089 | not be considered information regarding government services,
 1090 | activities, events, or entertainment:

1091 | (a) Messages which specifically reference any commercial
 1092 | enterprise.

1093 (b) Messages which reference a commercial sponsor of any
 1094 event.

1095 (c) Personal messages.

1096 (d) Political campaign messages.
 1097

1098 If a sign located on the premises of an establishment consists
 1099 principally of brand name or trade name advertising and the
 1100 merchandise or service is only incidental to the principal
 1101 activity, or if the owner of the establishment receives rental
 1102 income from the sign, then the sign is not exempt under this
 1103 subsection.

1104 (2) Signs erected, used, or maintained on a farm by the
 1105 owner or lessee of such farm and relating solely to farm
 1106 produce, merchandise, service, or entertainment sold, produced,
 1107 manufactured, or furnished on such farm.

1108 (3) Signs posted or displayed on real property by the
 1109 owner or by the authority of the owner, stating that the real
 1110 property is for sale or rent. However, if the sign contains any
 1111 message not pertaining to the sale or rental of that real
 1112 property, then it is not exempt under this section.

1113 (4) Official notices or advertisements posted or displayed
 1114 on private property by or under the direction of any public or
 1115 court officer in the performance of her or his official or
 1116 directed duties, or by trustees under deeds of trust or deeds of
 1117 assignment or other similar instruments.

1118 (5) Danger or precautionary signs relating to the premises
 1119 on which they are located; forest fire warning signs erected
 1120 under the authority of the Florida Forest Service of the

1121 Department of Agriculture and Consumer Services; and signs,
 1122 notices, or symbols erected by the United States Government
 1123 under the direction of the United States Forestry Service.

1124 (6) Notices of any railroad, bridge, ferry, or other
 1125 transportation or transmission company necessary for the
 1126 direction or safety of the public.

1127 (7) Signs, notices, or symbols for the information of
 1128 aviators as to location, directions, and landings and conditions
 1129 affecting safety in aviation erected or authorized by the
 1130 department.

1131 (8) Signs or notices erected or maintained upon property
 1132 stating only the name of the owner, lessee, or occupant of the
 1133 premises and not exceeding 16 & square feet in area.

1134 (9) Historical markers erected by duly constituted and
 1135 authorized public authorities.

1136 (10) Official traffic control signs and markers erected,
 1137 caused to be erected, or approved by the department.

1138 (11) Signs erected upon property warning the public
 1139 against hunting and fishing or trespassing thereon.

1140 (12) Signs not in excess of 16 & square feet that are
 1141 owned by and relate to the facilities and activities of
 1142 churches, civic organizations, fraternal organizations,
 1143 charitable organizations, or units or agencies of government.

1144 (13) ~~Except that~~ Signs placed on benches, transit
 1145 shelters, modular news racks, street light poles, public pay
 1146 telephones and waste receptacles, within the right-of-way, as
 1147 provided for in s. 337.408 are exempt from all provisions of
 1148 this chapter.

1149 (14) Signs relating exclusively to political campaigns.

1150 (15) Signs not in excess of 16 square feet placed at a
 1151 road junction with the State Highway System denoting only the
 1152 distance or direction of a residence or farm operation, or,
 1153 outside an incorporated in a rural area where a hardship is
 1154 created because a small business is not visible from the road
 1155 junction with the State Highway System, one sign not in excess
 1156 of 16 square feet, denoting only the name of the business and
 1157 the distance and direction to the business. ~~The small-business-~~
 1158 ~~sign provision of this subsection does not apply to charter~~
 1159 ~~counties and may not be implemented if the Federal Government~~
 1160 ~~notifies the department that implementation will adversely~~
 1161 ~~affect the allocation of federal funds to the department.~~

1162 (16) Signs placed by a local tourist-oriented business
 1163 located within a rural area of critical economic concern, as
 1164 defined by s. 288.0656(2)(d) and (e), and are:

1165 (a) Not more than 8 square feet in size or more than 4
 1166 feet in height;

1167 (b) Located only in rural areas, along non-limited access
 1168 highways;

1169 (c) Located within 2 miles of the business location and
 1170 are not less than 500 feet apart;

1171 (d) Located only in two directions leading to the
 1172 business; and

1173 (e) Not located within the road right-of-way.

1174
 1175 A business placing such signs must be at least 4 miles from any
 1176 other business using this exemption and may not participate in

1177 | any other department directional signage program.

1178 | (17) Signs not in excess of 32 square feet placed
 1179 | temporarily during harvest season of a farm operation for a
 1180 | period of no more than 4 months at a road junction with the
 1181 | State Highway System denoting only the distance or direction of
 1182 | the farm operation.

1183 | (18) Acknowledgement signs erected upon publicly funded
 1184 | school premises relating to a specific public school club, team,
 1185 | or event placed no closer than 1,000 feet from another
 1186 | acknowledgment sign on the same side of the roadway. All sponsor
 1187 | information on an acknowledgement sign may constitute no more
 1188 | than 100 square feet of the sign. As used in this subsection,
 1189 | the term "acknowledgement signs" means signs that are intended
 1190 | to inform the traveling public that a public school club, team,
 1191 | or event has been sponsored by a person, firm, or other entity.

1192 | (19) Displays erected upon a sports facility which display
 1193 | content directly related to the facility's activities and where
 1194 | a presence of the products or services offered on the property
 1195 | exists. Displays are to be mounted flush or flat to the surface
 1196 | of the sports facility and rely upon the building facade for
 1197 | structural support. For purposes of this subsection, the term
 1198 | "sports facility", means any athletic complex, athletic arena,
 1199 | or athletic stadium, including physically connected parking
 1200 | facilities, which is open to the public and has a permanent
 1201 | installed seating capacity of 15,000 or more.

1202 | (20) Signs related to Florida tourism, allowed by the
 1203 | department at welcome centers operated pursuant to s. 288.12265.

1204 | Section 17. Section 479.24, Florida Statutes, is amended

1205 | to read:

1206 | 479.24 Compensation for ~~removal~~ of signs; eminent domain;
1207 | exceptions.—

1208 | (1) Just compensation shall be paid by the department upon
1209 | the department's acquisition ~~removal~~ of a lawful conforming or
1210 | nonconforming sign along any portion of the interstate or
1211 | federal-aid primary highway system. This section does not apply
1212 | to a sign which is illegal at the time of its removal. A sign
1213 | will lose its nonconforming status and become illegal at such
1214 | time as it fails to be permitted or maintained in accordance
1215 | with all applicable laws, rules, ordinances, or regulations
1216 | other than the provision which makes it nonconforming. A legal
1217 | nonconforming sign under state law or rule will not lose its
1218 | nonconforming status solely because it additionally becomes
1219 | nonconforming under an ordinance or regulation of a local
1220 | governmental entity passed at a later date. The department shall
1221 | make every reasonable effort to negotiate the purchase of the
1222 | signs to avoid litigation and congestion in the courts.

1223 | (2) The department is not required to remove any sign
1224 | under this section if the federal share of the just compensation
1225 | to be paid upon removal of the sign is not available to make
1226 | such payment, unless an appropriation by the Legislature for
1227 | such purpose is made to the department.

1228 | (3) (a) The department is authorized to use the power of
1229 | eminent domain when necessary to carry out the provisions of
1230 | this chapter.

1231 | (b) If eminent domain procedures are instituted, just
1232 | compensation shall be made pursuant to the state's eminent

1233 domain procedures, chapters 73 and 74.

1234 Section 18. Section 479.25, Florida Statutes, is amended
 1235 to read:

1236 479.25 Erection of noise-attenuation barrier blocking view
 1237 of sign; procedures; application.—

1238 (1) The owner of a lawfully erected sign that is governed
 1239 by and conforms to state and federal requirements for land use,
 1240 size, height, and spacing may increase the height above ground
 1241 level of such sign at its permitted location if a noise-
 1242 attenuation barrier is permitted by or erected by any
 1243 governmental entity in such a way as to screen or block
 1244 visibility of the sign. Any increase in height permitted under
 1245 this section may only be the increase in height which is
 1246 required to achieve the same degree of visibility from the
 1247 right-of-way which the sign had prior to the construction of the
 1248 noise-attenuation barrier, notwithstanding the restrictions
 1249 contained in s. 479.07(9)(b). A sign reconstructed under this
 1250 section shall comply with the building standards and wind load
 1251 requirements set forth in the Florida Building Code. If
 1252 construction of a proposed noise-attenuation barrier will screen
 1253 a sign lawfully permitted under this chapter, the department
 1254 shall provide notice to the local government or local
 1255 jurisdiction within which the sign is located prior to
 1256 construction ~~erection of the noise-attenuation barrier~~. Upon a
 1257 determination that an increase in the height of a sign as
 1258 permitted under this section will violate a provision contained
 1259 in an ordinance or land development regulation of the local
 1260 government or local jurisdiction, prior to construction, the

1261 local government or local jurisdiction shall ~~so notify the~~
 1262 ~~department. When notice has been received from the local~~
 1263 ~~government or local jurisdiction prior to erection of the noise-~~
 1264 ~~attenuation barrier, the department shall:~~

1265 (a) Provide a variance or waiver to the local ordinance or
 1266 land development regulations to ~~Conduct a written survey of all~~
 1267 ~~property owners identified as impacted by highway noise and who~~
 1268 ~~may benefit from the proposed noise attenuation barrier. The~~
 1269 ~~written survey shall inform the property owners of the location,~~
 1270 ~~date, and time of the public hearing described in paragraph (b)~~
 1271 ~~and shall specifically advise the impacted property owners that:~~

1272 1. ~~Erection of the noise-attenuation barrier may block the~~
 1273 ~~visibility of an existing outdoor advertising sign;~~

1274 2. ~~The local government or local jurisdiction may restrict~~
 1275 ~~or prohibit increasing the height of the existing outdoor~~
 1276 ~~advertising sign to make it visible over the barrier; and~~

1277 3. ~~If a majority of the impacted property owners vote for~~
 1278 ~~construction of the noise-attenuation barrier, the local~~
 1279 ~~government or local jurisdiction will be required to:~~

1280 a. ~~allow an increase in the height of the sign in~~
 1281 ~~violation of a local ordinance or land development regulation;~~

1282 (b) ~~b.~~ Allow the sign to be relocated or reconstructed at
 1283 another location if the sign owner agrees; or

1284 (c) ~~e.~~ Pay the fair market value of the sign and its
 1285 associated interest in the real property.

1286 (2) ~~(b)~~ The department shall hold a public hearing within
 1287 the boundaries of the affected local governments or local
 1288 jurisdictions to receive input on the proposed noise-attenuation

1289 barrier and its conflict with the local ordinance or land
 1290 development regulation and to suggest or consider alternatives
 1291 or modifications ~~to the proposed noise-attenuation barrier~~ to
 1292 alleviate or minimize the conflict with the local ordinance or
 1293 land development regulation or minimize any costs that may be
 1294 associated with relocating, reconstructing, or paying for the
 1295 affected sign. The public hearing may be held concurrently with
 1296 other public hearings scheduled for the project. The department
 1297 shall provide a written notification to the local government or
 1298 local jurisdiction of the date and time of the public hearing
 1299 and shall provide general notice of the public hearing in
 1300 accordance with the notice provisions of s. 335.02(1). The
 1301 notice shall not be placed in that portion of a newspaper in
 1302 which legal notices or classified advertisements appear. The
 1303 notice shall specifically state that:

1304 (a)1. Erection of the proposed noise-attenuation barrier
 1305 may block the visibility of an existing outdoor advertising
 1306 sign;

1307 (b)2. The local government or local jurisdiction may
 1308 restrict or prohibit increasing the height of the existing
 1309 outdoor advertising sign ~~to make it visible over the barrier;~~
 1310 and

1311 (c)3. Upon ~~If a majority of the impacted property owners~~
 1312 ~~vote for~~ construction of the noise-attenuation barrier, the
 1313 local government or local jurisdiction shall ~~will be required~~
 1314 ~~to~~:

1315 1.a. Allow an increase in the height of the sign through a
 1316 waiver or variance to ~~in violation of~~ a local ordinance or land

HB 1299

2013

1317 development regulation;

1318 ~~2.b.~~ Allow the sign to be relocated or reconstructed at
1319 another location if the sign owner agrees; or

1320 ~~3.e.~~ Pay the fair market value of the sign and its
1321 associated interest in the real property.

1322 ~~(3)-(2)~~ The department may ~~shall~~ not permit erection of the
1323 noise-attenuation barrier to the extent the barrier screens or
1324 blocks visibility of the sign until after the public hearing is
1325 held and ~~until such time as the survey has been conducted and a~~
1326 ~~majority of the impacted property owners have indicated approval~~
1327 ~~to erect the noise-attenuation barrier. When the impacted~~
1328 ~~property owners approve of the noise-attenuation barrier~~
1329 ~~construction, the department shall notify the local governments~~
1330 ~~or local jurisdictions. The local government or local~~
1331 ~~jurisdiction shall, notwithstanding the provisions of a~~
1332 ~~conflicting ordinance or land development regulation:~~

1333 ~~(a) Issue a permit by variance or otherwise for the~~
1334 ~~reconstruction of a sign under this section;~~

1335 ~~(b) Allow the relocation of a sign, or construction of~~
1336 ~~another sign, at an alternative location that is permissible~~
1337 ~~under the provisions of this chapter, if the sign owner agrees~~
1338 ~~to relocate the sign or construct another sign; or~~

1339 ~~(c) Refuse to issue the required permits for~~
1340 ~~reconstruction of a sign under this section and pay fair market~~
1341 ~~value of the sign and its associated interest in the real~~
1342 ~~property to the owner of the sign.~~

1343 ~~(4)-(3)~~ This section does ~~shall~~ not apply to the provisions
1344 of any existing written agreement executed before July 1, 2006,

1345 | between any local government and the owner of an outdoor
 1346 | advertising sign.

1347 | Section 19. Subsection (1) of section 479.261, Florida
 1348 | Statutes, is amended to read:

1349 | 479.261 Logo sign program.—

1350 | (1) The department shall establish a logo sign program for
 1351 | the rights-of-way of the limited access interstate highway
 1352 | system to provide information to motorists about available gas,
 1353 | food, lodging, camping, attractions, and other services, as
 1354 | approved by the Federal Highway Administration, at interchanges
 1355 | through the use of business logos and may include additional
 1356 | interchanges under the program.

1357 | (a) As used in this chapter, the term "attraction" means
 1358 | an establishment, site, facility, or landmark that is open a
 1359 | minimum of 5 days a week for 52 weeks a year; that has as its
 1360 | principal focus family-oriented entertainment, cultural,
 1361 | educational, recreational, scientific, or historical activities;
 1362 | and that is publicly recognized as a bona fide tourist
 1363 | attraction.

1364 | (b) The department shall incorporate the use of RV-
 1365 | friendly markers on specific information logo signs for
 1366 | establishments that cater to the needs of persons driving
 1367 | recreational vehicles. Establishments that qualify for
 1368 | participation in the specific information logo program and that
 1369 | also qualify as "RV-friendly" may request the RV-friendly marker
 1370 | on their specific information logo sign. An RV-friendly marker
 1371 | must consist of a design approved by the Federal Highway
 1372 | Administration. The department shall adopt rules in accordance

HB 1299

2013

1373 with chapter 120 to administer this paragraph, including rules
1374 setting forth the minimum requirements that establishments must
1375 meet in order to qualify as RV-friendly. These requirements
1376 shall include large parking spaces, entrances, and exits that
1377 can easily accommodate recreational vehicles and facilities
1378 having appropriate overhead clearances, if applicable.

1379 Section 20. Section 479.313, Florida Statutes, is amended
1380 to read:

1381 479.313 Permit revocation and cancellation; cost of
1382 removal.—All costs incurred by the department in connection with
1383 the removal of a sign located within a controlled area adjacent
1384 to the State Highway System, interstate highway system, or
1385 federal-aid primary highway system following the revocation or
1386 cancellation of the permit for such sign shall be assessed
1387 against and collected from the permittee.

1388 Section 21. This act shall take effect July 1, 2013.