

1 A bill to be entitled
2 An act relating to transportation; amending provisions
3 relating to outdoor advertising signs; amending s.
4 479.01, F.S.; revising and deleting definitions;
5 amending s. 479.02, F.S.; revising powers of the
6 Department of Transportation relating to nonconforming
7 signs; deleting a requirement that the department
8 adopt certain rules; creating s. 479.024, F.S.;
9 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; requiring an
34 | application fee; revising sign placement requirements
35 | for signs on certain highways; deleting provisions
36 | that establish a pilot program relating to placement;
37 | removing a permit reinstatement fee; amending s.
38 | 479.08, F.S.; clarifying provisions relating to the
39 | denial or revocation of a permit because of false or
40 | misleading information in the permit application;
41 | amending s. 479.10, F.S.; providing for cancellation
42 | of a permit; amending s. 479.105, F.S.; revising
43 | notice requirements to owners and advertisers relating
44 | to signs erected or maintained without a permit;
45 | revising procedures providing for the department to
46 | issue a permit as a conforming or nonconforming sign
47 | to the owner of an unpermitted sign; amending s.
48 | 479.106, F.S.; increasing an administrative penalty
49 | for illegally removing certain vegetation; amending s.
50 | 479.107, F.S.; deleting fines for certain signs on
51 | highway rights-of-way; amending s. 479.111, F.S.;
52 | clarifying provisions relating to signs allowed on
53 | certain highways; amending s. 479.15, F.S.; deleting a
54 | definition; clarifying and conforming provisions
55 | related to permitted signs on property that is the
56 | subject of public acquisition; amending s. 479.156,

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

85 | of removing certain signs following the cancellation
 86 | of the permit for the sign; repealing s. 76 of ch.
 87 | 2012-174, Laws of Florida, relating to a tourist-
 88 | oriented commerce sign pilot program for small
 89 | businesses; providing for uses of revenue from Florida
 90 | Turnpike naming rights or sponsorship; providing an
 91 | effective date.

92 |

93 | Be It Enacted by the Legislature of the State of Florida:

94 |

95 | Section 1. Section 479.01, Florida Statutes, is amended to
 96 | read:

97 | 479.01 Definitions.—As used in this chapter, the term:

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

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

107 | (3) "Business of outdoor advertising" means the business
 108 | of ~~constructing, erecting,~~ operating, ~~using,~~ maintaining,
 109 | leasing, or selling outdoor advertising structures, outdoor
 110 | advertising signs, or outdoor advertisements.

111 | ~~(4) "Commercial or industrial zone" means a parcel of land~~
 112 | ~~designated for commercial or industrial uses under both the~~

113 ~~future land use map of the comprehensive plan and the land use~~
114 ~~development regulations adopted pursuant to chapter 163. If a~~
115 ~~parcel is located in an area designated for multiple uses on the~~
116 ~~future land use map of a comprehensive plan and the zoning~~
117 ~~category of the land development regulations does not clearly~~
118 ~~designate that parcel for a specific use, the area will be~~
119 ~~considered an unzoned commercial or industrial area if it meets~~
120 ~~the criteria of subsection (26).~~

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

128 (5)~~(6)~~ "Controlled area" means 660 feet or less from the
129 nearest edge of the right-of-way of any portion of the State
130 Highway System, interstate, or federal-aid primary system and
131 beyond 660 feet of the nearest edge of the right-of-way of any
132 portion of the State Highway System, interstate, or federal-aid
133 primary system outside an urban area.

134 (6)~~(7)~~ "Department" means the Department of
135 Transportation.

136 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,
137 place, affix, attach, create, paint, draw, or in any other way
138 bring into being or establish; but it does not include any of
139 the foregoing activities when performed as an incident to the
140 change of advertising message or customary maintenance or repair

141 of a sign.

142 (8)~~(9)~~ "Federal-aid primary highway system" means the
 143 federal-aid primary highway system in existence on June 1, 1991,
 144 and any highway that was not a part of such system as of that
 145 date, but that is, or became after June 1, 1991, a part of the
 146 National Highway System, including portions that have been
 147 accepted as part of the National Highway System but are unbuilt
 148 or unopened ~~existing, unbuilt, or unopened system of highways or~~
 149 ~~portions thereof, which shall include the National Highway~~
 150 ~~System, designated as the federal-aid primary highway system by~~
 151 ~~the department.~~

152 (9)~~(10)~~ "Highway" means any road, street, or other way
 153 open or intended to be opened to the public for travel by motor
 154 vehicles.

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

164 (11)~~(12)~~ "Interstate highway system" means the existing,
 165 unbuilt, or unopened system of highways or portions thereof
 166 designated as the national system of interstate and defense
 167 highways by the department.

168 (12)~~(13)~~ "Main-traveled way" means the traveled way of a

169 highway on which through traffic is carried. In the case of a
170 divided highway, the traveled way of each of the separate
171 roadways for traffic in opposite directions is a main-traveled
172 way. It does not include such facilities as frontage roads,
173 turning roadways which specifically include on-ramps or off-
174 ramps to the interstate highway system, or parking areas.

175 (13)~~(14)~~ "Maintain" means to allow to exist.

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

182 (15)~~(16)~~ "New highway" means the construction of any road,
183 paved or unpaved, where no road previously existed or the act of
184 paving any previously unpaved road.

185 (16)~~(17)~~ "Nonconforming sign" means a sign which was
186 lawfully erected but which does not comply with the land use,
187 setback, size, spacing, and lighting provisions of state or
188 local law, rule, regulation, or ordinance passed at a later date
189 or a sign which was lawfully erected but which later fails to
190 comply with state or local law, rule, regulation, or ordinance
191 due to changed conditions.

192 (17)~~(18)~~ "Premises" means all the land areas under
193 ownership or lease arrangement to the sign owner which are
194 contiguous to the business conducted on the land except for
195 instances where such land is a narrow strip contiguous to the
196 advertised activity or is connected by such narrow strip, the

197 only viable use of such land is to erect or maintain an
 198 advertising sign. When the sign owner is a municipality or
 199 county, "premises" shall mean all lands owned or leased by such
 200 municipality or county within its jurisdictional boundaries as
 201 set forth by law.

202 ~~(18)-(19)~~ "Remove" means to disassemble all sign materials
 203 above ground level and, transport them from the site, ~~and~~
 204 ~~dispose of sign materials by sale or destruction.~~

205 ~~(19)-(20)~~ "Sign" means any combination of structure and
 206 message in the form of an outdoor sign, display, device, figure,
 207 painting, drawing, message, placard, poster, billboard,
 208 advertising structure, advertisement, logo, symbol, or other
 209 form, whether placed individually or on a V-type, back-to-back,
 210 side-to-side, stacked, or double-faced display or automatic
 211 changeable facing, designed, intended, or used to advertise or
 212 inform, any part of the advertising message or informative
 213 contents of which is visible from any place on the main-traveled
 214 way. The term does not include an official traffic control sign,
 215 official marker, or specific information panel erected, caused
 216 to be erected, or approved by the department.

217 ~~(20)-(21)~~ "Sign direction" means that direction from which
 218 the message or informative contents are most visible to oncoming
 219 traffic on the main-traveled way.

220 ~~(21)-(22)~~ "Sign face" means the part of the sign, including
 221 trim and background, which contains the message or informative
 222 contents, including an automatic changeable face.

223 ~~(22)-(23)~~ "Sign facing" includes all sign faces and
 224 automatic changeable faces displayed at the same location and

225 facing the same direction.

226 ~~(23)-(24)~~ "Sign structure" means all the interrelated parts
 227 and material, such as beams, poles, and stringers, which are
 228 constructed for the purpose of supporting or displaying a
 229 message or informative contents.

230 ~~(24)-(25)~~ "State Highway System" has the same meaning as in
 231 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~
 232 ~~highways or portions thereof designated as the State Highway~~
 233 ~~System by the department.~~

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

- 241 ~~(a) These activities must satisfy the following criteria:~~
 242 ~~1. At least one of the commercial or industrial activities~~
 243 ~~must be located on the same side of the highway and within 800~~
 244 ~~feet of the sign location;~~
 245 ~~2. The commercial or industrial activities must be within~~
 246 ~~660 feet from the nearest edge of the right-of-way; and~~
 247 ~~3. The commercial industrial activities must be within~~
 248 ~~1,600 feet of each other.~~

249
 250 ~~Distances specified in this paragraph must be measured from the~~
 251 ~~nearest outer edge of the primary building or primary building~~
 252 ~~complex when the individual units of the complex are connected~~

253 | ~~by covered walkways.~~

254 | ~~(b) Certain activities, including, but not limited to, the~~
 255 | ~~following, may not be so recognized as commercial or industrial~~
 256 | ~~activities:~~

257 | ~~1. Signs.~~

258 | ~~2. Agricultural, forestry, ranching, grazing, farming, and~~
 259 | ~~related activities, including, but not limited to, wayside fresh~~
 260 | ~~produce stands.~~

261 | ~~3. Transient or temporary activities.~~

262 | ~~4. Activities not visible from the main traveled way.~~

263 | ~~5. Activities conducted more than 660 feet from the~~
 264 | ~~nearest edge of the right-of-way.~~

265 | ~~6. Activities conducted in a building principally used as~~
 266 | ~~a residence.~~

267 | ~~7. Railroad tracks and minor sidings.~~

268 | ~~8. Communication towers.~~

269 | ~~(25)-(27)~~ "Urban area" has the same meaning as defined in
 270 | s. 334.03(31).

271 | ~~(26)-(28)~~ "Visible commercial or industrial activity" means
 272 | a commercial or industrial activity that is capable of being
 273 | seen without visual aid by a person of normal visual acuity from
 274 | the main-traveled way and that is generally recognizable as
 275 | commercial or industrial.

276 | ~~(27)-(29)~~ "Visible sign" means that the advertising message
 277 | or informative contents of a sign, whether or not legible, is
 278 | capable of being seen without visual aid by a person of normal
 279 | visual acuity.

280 | ~~(28)-(30)~~ "Wall mural" means a sign that is a painting or

281 an artistic work composed of photographs or arrangements of
 282 color and that displays a commercial or noncommercial message,
 283 relies solely on the side of the building for rigid structural
 284 support, and is painted on the building or depicted on vinyl,
 285 fabric, or other similarly flexible material that is held in
 286 place flush or flat against the surface of the building. The
 287 term excludes a painting or work placed on a structure that is
 288 erected for the sole or primary purpose of signage.

289 ~~(29)(31)~~ "Zoning category" means the designation under the
 290 land development regulations or other similar ordinance enacted
 291 to regulate the use of land as provided in s. 163.3202(2)(b),
 292 which designation sets forth the allowable uses, restrictions,
 293 and limitations on use applicable to properties within the
 294 category.

295 Section 2. Section 479.02, Florida Statutes, is amended to
 296 read:

297 479.02 Duties of the department. ~~It shall be the duty of~~
 298 The department shall ~~to~~:

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

308 (2) Regulate size, height, lighting, and spacing of signs

309 | permitted on commercial and industrial parcels and in unzoned
310 | commercial or industrial areas ~~in zoned and unzoned commercial~~
311 | ~~areas and zoned and unzoned industrial areas~~ on the interstate
312 | highway system and the federal-aid primary highway system.

313 | (3) Determine ~~unzoned~~ commercial and industrial parcels
314 | and unzoned commercial or areas and unzoned industrial areas in
315 | the manner provided in s. 479.024.

316 | (4) Implement a specific information panel program on the
317 | limited access interstate highway system to promote tourist-
318 | oriented businesses by providing directional information safely
319 | and aesthetically.

320 | (5) Implement a rest area information panel or devices
321 | program at rest areas along the interstate highway system and
322 | the federal-aid primary highway system to promote tourist-
323 | oriented businesses.

324 | (6) Test and, if economically feasible, implement
325 | alternative methods of providing information in the specific
326 | interest of the traveling public which allow the traveling
327 | public freedom of choice, conserve natural beauty, and present
328 | information safely and aesthetically.

329 | (7) Adopt such rules as it deems necessary or proper for
330 | the administration of this chapter, including rules that ~~which~~
331 | identify activities that may not be recognized as industrial or
332 | commercial activities for purposes of determination of a ~~an area~~
333 | ~~as an unzoned~~ commercial or industrial parcel or an unzoned
334 | commercial or industrial area in the manner provided in s.
335 | 479.024.

336 | (8) ~~Prior to July 1, 1998,~~ Inventory and determine the

337 location of all signs on the state, interstate and federal-aid
338 primary highway systems to be used as. ~~Upon completion of the~~
339 ~~inventory, it shall become~~ the database and permit information
340 for all permitted signs ~~permitted at the time of completion, and~~
341 ~~the previous records of the department shall be amended~~
342 ~~accordingly~~. The inventory shall be updated no less than every 2
343 years. ~~The department shall adopt rules regarding what~~
344 ~~information is to be collected and preserved to implement the~~
345 ~~purposes of this chapter~~. The department may perform the
346 inventory using department staff, or may contract with a private
347 firm to perform the work, whichever is more cost efficient. The
348 department shall maintain a database of sign inventory
349 information such as sign location, size, height, and structure
350 type, the permitholder's name, and any other information the
351 department finds necessary to administer the program.

352 Section 3. Section 479.024, Florida Statutes, is created
353 to read:

354 479.024 Commercial and industrial parcels.—Signs shall
355 only be permitted by the department in commercial or industrial
356 zones, as determined by the local government, in compliance with
357 chapter 163, unless otherwise provided in this chapter.

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

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

361 (b) "Utilities" includes all privately, publicly, or
362 cooperatively owned lines, facilities, and systems for
363 producing, transmitting, or distributing communications, power,
364 electricity, light, heat, gas, oil, crude products, water,

365 steam, waste, and stormwater not connected with the highway
366 drainage, and other similar commodities.

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

369 (a) The parcel is comprehensively zoned and includes
370 commercial or industrial uses as the primary allowable uses.

371 (b) The parcel can reasonably accommodate a commercial or
372 industrial use under the future land use map of the
373 comprehensive plan and land use development regulations, as
374 follows:

375 1. Sufficient utilities are available to support
376 commercial or industrial development.

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

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

387 (3) If a local government has not designated zoning
388 through land development regulations in compliance with chapter
389 163, but has designated the parcel under the future land use map
390 of the comprehensive plan for uses that include commercial or
391 industrial uses, the parcel shall be considered an unzoned
392 commercial or industrial area. For a permit to be issued for a

393 | sign in an unzoned commercial or industrial area, there must be
394 | three or more distinct commercial or industrial activities
395 | within 1,600 feet of each other, with at least one of the
396 | commercial or industrial activities located on the same side of
397 | the highway as the sign location, and within 800 feet of the
398 | sign location. Multiple commercial or industrial activities
399 | enclosed in one building when all uses have only shared building
400 | entrances shall be considered one use.

401 | (4) For purposes of this section, certain uses and
402 | activities may not be independently recognized as commercial or
403 | industrial, including, but not limited to:

404 | (a) Signs.

405 | (b) Agricultural, forestry, ranching, grazing, farming,
406 | and related activities, including, but not limited to, wayside
407 | fresh produce stands.

408 | (c) Transient or temporary activities.

409 | (d) Activities not visible from the main-traveled way,
410 | unless a department transportation facility is the only cause
411 | for the activity not being visible.

412 | (e) Activities conducted more than 660 feet from the
413 | nearest edge of the right-of-way.

414 | (f) Activities conducted in a building principally used as
415 | a residence.

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

419 | (h) Communication towers.

420 | (i) Governmental uses, unless those governmental uses

421 would be industrial in nature if privately owned and operated.
422 Such industrial uses must be the present and actual use, not
423 merely be among the allowed uses.

424 (5) If the local government has indicated that the
425 proposed sign location is on a parcel that is in a commercial or
426 industrial zone, but the department finds that it is not, the
427 department shall notify the sign applicant in writing of its
428 determination.

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

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

442 (8) If the Federal Highway Administration reduces funds
443 that would otherwise be apportioned to the department due to a
444 local government's failure to be compliant with this section,
445 the department shall reduce apportioned transportation funding
446 to the local government by an equivalent amount.

447 Section 4. Section 479.03, Florida Statutes, is amended to
448 read:

449 479.03 Jurisdiction of the Department of Transportation;
450 entry upon privately owned lands.—The territory under the
451 jurisdiction of the department for the purpose of this chapter
452 shall include all the state. Employees, agents, or independent
453 contractors working for the department, in the performance of
454 their functions and duties under the provisions of this chapter,
455 may enter into and upon any land upon which a sign is displayed,
456 is proposed to be erected, or is being erected and make such
457 inspections, surveys, and removals as may be relevant. Upon
458 written notice to ~~After receiving consent by~~ the landowner,
459 operator, or person in charge of an intervening privately owned
460 land that ~~or appropriate inspection warrant issued by a judge of~~
461 ~~any county court or circuit court of this state which has~~
462 ~~jurisdiction of the place or thing to be removed, that the~~
463 removal of an illegal outdoor advertising sign is necessary and
464 has been authorized by a final order or results from an
465 uncontested notice to the sign owner, the department may ~~shall~~
466 ~~be authorized to~~ enter upon any intervening privately owned
467 lands for the purposes of effectuating removal of illegal signs,
468 provided that the department shall only do so in circumstances
469 where it has determined that no other legal or economically
470 feasible means of entry to the sign site are reasonably
471 available. Except as otherwise provided by this chapter, the
472 department shall be responsible for the repair or replacement in
473 a like manner for any physical damage or destruction of private
474 property, other than the sign, incidental to the department's
475 entry upon such intervening privately owned lands.

476 Section 5. Section 479.04, Florida Statutes, is amended to

477 read:

478 479.04 Business of outdoor advertising; license
479 requirement; renewal; fees.—

480 (1) A ~~No~~ person may not ~~shall~~ engage in the business of
481 outdoor advertising in this state without first obtaining a
482 license ~~therefor~~ from the department. Such license shall be
483 renewed annually. The fee for such license, and for each annual
484 renewal, is \$300. License renewal fees shall be payable as
485 provided for in s. 479.07.

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

490 Section 6. Section 479.05, Florida Statutes, is amended to
491 read:

492 479.05 Denial, suspension, or revocation of license.—The
493 department may ~~has authority to deny, suspend,~~ or revoke any
494 license requested or granted under this chapter in any case in
495 which it determines that the application for the license
496 contains ~~knowingly~~ false or misleading information of material
497 consequence, that the licensee has failed to pay fees or costs
498 owed to the department for outdoor advertising purposes, or that
499 the licensee has violated any of the provisions of this chapter,
500 unless such licensee, within 30 days after the receipt of notice
501 by the department, corrects such false or misleading
502 information, pays the outstanding amounts, or complies with the
503 provisions of this chapter. Suspension of a license allows the
504 licensee to maintain existing sign permits, but the department

505 may not grant a transfer of an existing permit or issue an
506 additional permit to a licensee with a suspended license. Any
507 person aggrieved by an ~~any~~ action of the department which
508 denies, suspends, or revokes ~~in denying or revoking~~ a license
509 under this chapter may, within 30 days after ~~from~~ the receipt of
510 the notice, apply to the department for an administrative
511 hearing pursuant to chapter 120.

512 Section 7. Section 479.07, Florida Statutes, is amended to
513 read:

514 479.07 Sign permits.—

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

527 ~~(2) A person may not apply for a permit unless he or she~~
528 ~~has first obtained the~~ Written permission of the owner or other
529 person in lawful possession or control of the site designated as
530 the location of the sign is required for issuance of a ~~in the~~
531 ~~application for the permit.~~

532 (3) (a) An application for a sign permit must be made on a

533 form prescribed by the department, and a separate application
534 must be submitted for each permit requested. A permit is
535 required for each sign facing.

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

554 (c) The annual permit fee for each sign facing shall be
555 established by the department by rule in an amount sufficient to
556 offset the total cost to the department for the program, but
557 shall not exceed \$100. The ~~A fee may not be prorated for a~~
558 ~~period less than the remainder of the permit year to accommodate~~
559 ~~short-term publicity features; however,~~ a first-year fee may be
560 prorated by payment of an amount equal to one-fourth of the

561 annual fee for each remaining whole quarter or partial quarter
562 of the permit year. Applications received after the end of the
563 third quarter of the permit year must include fees for the last
564 quarter of the current year and fees for the succeeding year. A
565 nonrefundable application fee of \$25 must accompany each permit
566 application.

567 (4) An application for a permit shall be acted on by
568 granting, denying, or returning the incomplete application ~~the~~
569 ~~department~~ within 30 days after receipt of the application by
570 the department.

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

589 on which the permit became void.

590 (b) If a permit tag is lost, stolen, or destroyed, the
591 permittee to whom the tag was issued must apply to the
592 department for a replacement tag. The department shall adopt a
593 rule establishing a service fee for replacement tags in an
594 amount that will recover the actual cost of providing the
595 replacement tag. Upon receipt of the application accompanied by
596 the service fee, the department shall issue a replacement permit
597 tag. ~~Alternatively, the permittee may provide its own~~
598 ~~replacement tag pursuant to department specifications that the~~
599 ~~department shall adopt by rule at the time it establishes the~~
600 ~~service fee for replacement tags.~~

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

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

611 (8) (a) In order to reduce peak workloads, the department
612 may adopt rules providing for staggered expiration dates for
613 licenses and permits. Unless otherwise provided for by rule, all
614 licenses and permits expire annually on January 15. All license
615 and permit renewal fees are required to be submitted to the
616 department by no later than the expiration date. At least 105

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

638 (b) If a permittee has not submitted his or her fee
639 payment by the expiration date of the licenses or permits, the
640 department shall send a notice of violation to the permittee
641 within 45 days after the expiration date, requiring the payment
642 of the permit fee within 30 days after the date of the notice
643 and payment of a delinquency fee equal to 10 percent of the
644 original amount due or, in the alternative to these payments,

645 requiring the filing of a request for an administrative hearing
646 to show cause why the ~~his or her~~ sign should not be subject to
647 immediate removal due to expiration of his or her license or
648 permit. If the permittee submits payment as required by the
649 violation notice, the ~~his or her~~ license or permit will be
650 automatically reinstated and such reinstatement will be
651 retroactive to the original expiration date. If the permittee
652 does not respond to the notice of violation within the 30-day
653 period, the department shall, within 30 days, issue a final
654 notice of sign removal and may, following 90 days after the date
655 of the department's final notice of sign removal, remove the
656 sign without incurring any liability as a result of such
657 removal. However, if at any time before removal of the sign, the
658 permittee demonstrates that a good faith error on the part of
659 the permittee resulted in cancellation or nonrenewal of the
660 permit, the department may reinstate the permit if:

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

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

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

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

671 (d) The cost for removing a sign, whether by the
672 department or an independent contractor, shall be assessed by

673 | the department against the permittee.

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

677 | 1. One thousand five hundred feet from any other permitted
678 | sign on the same side of the highway, if on an interstate
679 | highway.

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

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

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

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

699 | 2. Exceeds 65 feet in sign structure height above the
700 | crown of the main-traveled way to which the sign is permitted,

701 if inside an incorporated area; or

702 3. Exceeds 950 square feet of sign facing including all
703 embellishments.

704 (c) Notwithstanding subparagraph (a)1., ~~there is~~
705 ~~established a pilot program in Orange, Hillsborough, and Osceola~~
706 ~~Counties, and within the boundaries of the City of Miami, under~~
707 ~~which~~ the distance between permitted signs on the same side of
708 an interstate highway may be reduced to 1,000 feet if all other
709 requirements of this chapter are met and if:

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

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

718 3. The local government notifies the department of its
719 intention to allow such removal and replacement as agreed upon
720 pursuant to subparagraph 2.

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

729 | ~~considered an unzoned commercial or industrial area.~~

730 |

731 | ~~The department shall maintain statistics tracking the use of the~~
732 | ~~provisions of this pilot program based on the notifications~~
733 | ~~received by the department from local governments under this~~
734 | ~~paragraph.~~

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

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

746 | Section 8. Section 479.08, Florida Statutes, is amended to
747 | read:

748 | 479.08 Denial or revocation of permit.—The department may
749 | deny or revoke any permit requested or granted under this
750 | chapter in any case in which it determines that the application
751 | for the permit contains ~~knowingly~~ false or misleading
752 | information of material consequence. The department may revoke
753 | any permit granted under this chapter in any case in which the
754 | permittee has violated any of the provisions of this chapter,
755 | unless such permittee, within 30 days after the receipt of
756 | notice by the department, complies with the provisions of this

757 chapter. For the purpose of this section, the notice of
 758 violation issued by the department must describe in detail the
 759 alleged violation. Any person aggrieved by any action of the
 760 department in denying or revoking a permit under this chapter
 761 may, within 30 days after receipt of the notice, apply to the
 762 department for an administrative hearing pursuant to chapter
 763 120. If a timely request for hearing has been filed and the
 764 department issues a final order revoking a permit, such
 765 revocation shall be effective 30 days after the date of
 766 rendition. Except for department action pursuant to s.
 767 479.107(1), the filing of a timely and proper notice of appeal
 768 shall operate to stay the revocation until the department's
 769 action is upheld.

770 Section 9. Section 479.10, Florida Statutes, is amended to
 771 read:

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

779 Section 10. Section 479.105, Florida Statutes, is amended
 780 to read:

781 479.105 Signs erected or maintained without required
 782 permit; removal.—

783 (1) Any sign which is located adjacent to the right-of-way
 784 of any highway on the State Highway System outside an

785 incorporated area or adjacent to the right-of-way on any portion
 786 of the interstate or federal-aid primary highway system, which
 787 sign was erected, operated, or maintained without the permit
 788 required by s. 479.07(1) having been issued by the department,
 789 is declared to be a public nuisance and a private nuisance and
 790 shall be removed as provided in this section.

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

810 (b) If, pursuant to the notice provided, the sign is not
 811 removed by the ~~sign~~ owner of the sign, the advertiser displayed
 812 on the sign, or the owner of the property within the prescribed

813 | period, the department shall immediately remove the sign without
814 | further notice; and, for that purpose, the employees, agents, or
815 | independent contractors of the department may enter upon private
816 | property without incurring any liability for so entering.

817 | (c) However, the department may issue a permit for a sign,
818 | as a conforming or nonconforming sign, if the sign owner
819 | demonstrates to the department one of the following:

820 | 1. If the sign meets the current requirements of this
821 | chapter for a sign permit, the sign owner may submit the
822 | required application package and receive a permit as a
823 | conforming sign, upon payment of all applicable fees.

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

833 | a. The sign has been unpermitted, structurally unchanged,
834 | and continuously maintained at the same location for a period of
835 | 7 years or more;

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

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

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

844 (d) This subsection does not cause a neighboring sign that
 845 is permitted and that is within the spacing requirements in s.
 846 479.07(9) (a) to become nonconforming.

847 (e)-(e) For purposes of this subsection, a notice to the
 848 sign owner, when required, constitutes sufficient notice; and
 849 notice is not required to be provided to the lessee, advertiser,
 850 or the owner of the real property on which the sign is located.

851 (f)-(d) If, after a hearing, it is determined that a sign
 852 has been wrongfully or erroneously removed pursuant to this
 853 subsection, the department, at the sign owner's discretion,
 854 shall either pay just compensation to the owner of the sign or
 855 reerect the sign in kind at the expense of the department.

856 ~~(e) However, if the sign owner demonstrates to the~~
 857 ~~department that:~~

858 ~~1. The sign has been unpermitted, structurally unchanged,~~
 859 ~~and continuously maintained at the same location for a period of~~
 860 ~~7 years or more;~~

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

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

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

869
870 ~~the sign may be considered a conforming or nonconforming sign~~
871 ~~and may be issued a permit by the department upon application in~~
872 ~~accordance with this chapter and payment of a penalty fee of~~
873 ~~\$300 and all pertinent fees required by this chapter, including~~
874 ~~annual permit renewal fees payable since the date of the~~
875 ~~erection of the sign.~~

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

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

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

896 Section 11. Subsections (5) and (7) of section 479.106,

897 Florida Statutes, are amended to read:

898 479.106 Vegetation management.—

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) The provisions of subsections (3), (4), and (5) of
 1027 | this section shall not apply within the jurisdiction of any
 1028 | municipality which is engaged in any litigation concerning its
 1029 | sign ordinance on April 23, 1999, nor shall such provisions
 1030 | apply to any municipality whose boundaries are identical to the
 1031 | county within which said municipality is located.

1032 | (7) This section does not cause a neighboring sign that is
 1033 | already permitted and that is within the spacing requirements
 1034 | outlined in s. 479.07(9)(a) to become nonconforming.

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

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(28)

1065 | ~~479.01(30)~~ shall not be considered in determining whether a sign
 1066 | as defined in s. 479.01(19) ~~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)-(19) 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 or where a
 1194 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
 1203 If the exemptions in subsections (15) through (19) are not
 1204 implemented or continued due to Federal Government notification

1205 to the department that the allocation of federal funds to the
 1206 department will be adversely impacted, the department shall
 1207 provide notice to the sign owner that the sign must be removed
 1208 within 30 days after receiving notice. If the sign is not
 1209 removed within 30 days, the department is authorized to remove
 1210 the sign, and all costs incurred in connection with the sign
 1211 removal shall be assessed against and collected from the sign
 1212 owner.

1213 Section 17. Section 479.24, Florida Statutes, is amended
 1214 to read:

1215 479.24 Compensation for ~~removal~~ of signs; eminent domain;
 1216 exceptions.—

1217 (1) Just compensation shall be paid by the department upon
 1218 the department's acquisition ~~removal~~ of a lawful conforming or
 1219 nonconforming sign along any portion of the interstate or
 1220 federal-aid primary highway system. This section does not apply
 1221 to a sign which is illegal at the time of its removal. A sign
 1222 will lose its nonconforming status and become illegal at such
 1223 time as it fails to be permitted or maintained in accordance
 1224 with all applicable laws, rules, ordinances, or regulations
 1225 other than the provision which makes it nonconforming. A legal
 1226 nonconforming sign under state law or rule will not lose its
 1227 nonconforming status solely because it additionally becomes
 1228 nonconforming under an ordinance or regulation of a local
 1229 governmental entity passed at a later date. The department shall
 1230 make every reasonable effort to negotiate the purchase of the
 1231 signs to avoid litigation and congestion in the courts.

1232 (2) The department is not required to remove any sign

1233 | under this section if the federal share of the just compensation
 1234 | to be paid upon removal of the sign is not available to make
 1235 | such payment, unless an appropriation by the Legislature for
 1236 | such purpose is made to the department.

1237 | (3) (a) The department is authorized to use the power of
 1238 | eminent domain when necessary to carry out the provisions of
 1239 | this chapter.

1240 | (b) If eminent domain procedures are instituted, just
 1241 | compensation shall be made pursuant to the state's eminent
 1242 | domain procedures, chapters 73 and 74.

1243 | Section 18. Section 479.25, Florida Statutes, is amended
 1244 | to read:

1245 | 479.25 Erection of noise-attenuation barrier blocking view
 1246 | of sign; procedures; application.—

1247 | (1) The owner of a lawfully erected sign that is governed
 1248 | by and conforms to state and federal requirements for land use,
 1249 | size, height, and spacing may increase the height above ground
 1250 | level of such sign at its permitted location if a noise-
 1251 | attenuation barrier is permitted by or erected by any
 1252 | governmental entity in such a way as to screen or block
 1253 | visibility of the sign. Any increase in height permitted under
 1254 | this section may only be the increase in height which is
 1255 | required to achieve the same degree of visibility from the
 1256 | right-of-way which the sign had prior to the construction of the
 1257 | noise-attenuation barrier, notwithstanding the restrictions
 1258 | contained in s. 479.07(9)(b). A sign reconstructed under this
 1259 | section shall comply with the building standards and wind load
 1260 | requirements set forth in the Florida Building Code. If

1261 construction of a proposed noise-attenuation barrier will screen
 1262 a sign lawfully permitted under this chapter, the department
 1263 shall provide notice to the local government or local
 1264 jurisdiction within which the sign is located prior to
 1265 construction ~~erection of the noise-attenuation barrier~~. Upon a
 1266 determination that an increase in the height of a sign as
 1267 permitted under this section will violate a provision contained
 1268 in an ordinance or land development regulation of the local
 1269 government or local jurisdiction, prior to construction, the
 1270 local government or local jurisdiction shall ~~so notify the~~
 1271 ~~department. When notice has been received from the local~~
 1272 ~~government or local jurisdiction prior to erection of the noise-~~
 1273 ~~attenuation barrier, the department shall:~~

1274 (a) Provide a variance or waiver to the local ordinance or
 1275 land development regulations to ~~Conduct a written survey of all~~
 1276 ~~property owners identified as impacted by highway noise and who~~
 1277 ~~may benefit from the proposed noise-attenuation barrier. The~~
 1278 ~~written survey shall inform the property owners of the location,~~
 1279 ~~date, and time of the public hearing described in paragraph (b)~~
 1280 ~~and shall specifically advise the impacted property owners that:~~

1281 ~~1. Erection of the noise-attenuation barrier may block the~~
 1282 ~~visibility of an existing outdoor advertising sign;~~

1283 ~~2. The local government or local jurisdiction may restrict~~
 1284 ~~or prohibit increasing the height of the existing outdoor~~
 1285 ~~advertising sign to make it visible over the barrier; and~~

1286 ~~3. If a majority of the impacted property owners vote for~~
 1287 ~~construction of the noise-attenuation barrier, the local~~
 1288 ~~government or local jurisdiction will be required to:~~

1289 ~~a.~~ allow an increase in the height of the sign ~~in~~
 1290 ~~violation of a local ordinance or land development regulation;~~
 1291 (b)~~b.~~ Allow the sign to be relocated or reconstructed at
 1292 another location if the sign owner agrees; or
 1293 (c)~~e.~~ Pay the fair market value of the sign and its
 1294 associated interest in the real property.
 1295 (2)~~(b)~~ The department shall hold a public hearing within
 1296 the boundaries of the affected local governments or local
 1297 jurisdictions to receive input on the proposed noise-attenuation
 1298 barrier and its conflict with the local ordinance or land
 1299 development regulation and to suggest or consider alternatives
 1300 or modifications ~~to the proposed noise-attenuation barrier~~ to
 1301 alleviate or minimize the conflict with the local ordinance or
 1302 land development regulation or minimize any costs that may be
 1303 associated with relocating, reconstructing, or paying for the
 1304 affected sign. The public hearing may be held concurrently with
 1305 other public hearings scheduled for the project. The department
 1306 shall provide a written notification to the local government or
 1307 local jurisdiction of the date and time of the public hearing
 1308 and shall provide general notice of the public hearing in
 1309 accordance with the notice provisions of s. 335.02(1). The
 1310 notice shall not be placed in that portion of a newspaper in
 1311 which legal notices or classified advertisements appear. The
 1312 notice shall specifically state that:
 1313 (a)~~1.~~ Erection of the proposed noise-attenuation barrier
 1314 may block the visibility of an existing outdoor advertising
 1315 sign;
 1316 (b)~~2.~~ The local government or local jurisdiction may

1317 restrict or prohibit increasing the height of the existing
 1318 outdoor advertising sign ~~to make it visible over the barrier;~~
 1319 and

1320 ~~(c)3. Upon~~ 3. ~~If a majority of the impacted property owners~~
 1321 ~~vote for~~ construction of the noise-attenuation barrier, the
 1322 local government or local jurisdiction shall ~~will be required~~
 1323 ~~to:~~

1324 1.a. ~~Allow~~ an increase in the height of the sign through a
 1325 waiver or variance to ~~in violation of~~ a local ordinance or land
 1326 development regulation;

1327 2.b. ~~Allow~~ the sign to be relocated or reconstructed at
 1328 another location if the sign owner agrees; or

1329 3.e. ~~Pay~~ the fair market value of the sign and its
 1330 associated interest in the real property.

1331 ~~(3)(2)~~ (3) The department may ~~shall~~ not permit erection of the
 1332 noise-attenuation barrier to the extent the barrier screens or
 1333 blocks visibility of the sign until after the public hearing is
 1334 held ~~and until such time as the survey has been conducted and a~~
 1335 ~~majority of the impacted property owners have indicated approval~~
 1336 ~~to erect the noise-attenuation barrier. When the impacted~~
 1337 ~~property owners approve of the noise-attenuation barrier~~
 1338 ~~construction, the department shall notify the local governments~~
 1339 ~~or local jurisdictions. The local government or local~~
 1340 ~~jurisdiction shall, notwithstanding the provisions of a~~
 1341 ~~conflicting ordinance or land development regulation:~~

1342 ~~(a) Issue a permit by variance or otherwise for the~~
 1343 ~~reconstruction of a sign under this section;~~

1344 ~~(b) Allow the relocation of a sign, or construction of~~

1345 ~~another sign, at an alternative location that is permissible~~
1346 ~~under the provisions of this chapter, if the sign owner agrees~~
1347 ~~to relocate the sign or construct another sign; or~~

1348 ~~(c) Refuse to issue the required permits for~~
1349 ~~reconstruction of a sign under this section and pay fair market~~
1350 ~~value of the sign and its associated interest in the real~~
1351 ~~property to the owner of the sign.~~

1352 ~~(4)(3)~~ This section does ~~shall~~ not apply to the provisions
1353 of any existing written agreement executed before July 1, 2006,
1354 between any local government and the owner of an outdoor
1355 advertising sign.

1356 Section 19. Subsection (1) of section 479.261, Florida
1357 Statutes, is amended to read:

1358 479.261 Logo sign program.—

1359 (1) The department shall establish a logo sign program for
1360 the rights-of-way of the limited access ~~interstate~~ highway
1361 system to provide information to motorists about available gas,
1362 food, lodging, camping, attractions, and other services, as
1363 approved by the Federal Highway Administration, at interchanges
1364 through the use of business logos and may include additional
1365 interchanges under the program.

1366 (a) As used in this chapter, the term "attraction" means
1367 an establishment, site, facility, or landmark that is open a
1368 minimum of 5 days a week for 52 weeks a year; that has as its
1369 principal focus family-oriented entertainment, cultural,
1370 educational, recreational, scientific, or historical activities;
1371 and that is publicly recognized as a bona fide tourist
1372 attraction.

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1373 (b) The department shall incorporate the use of RV-
1374 friendly markers on specific information logo signs for
1375 establishments that cater to the needs of persons driving
1376 recreational vehicles. Establishments that qualify for
1377 participation in the specific information logo program and that
1378 also qualify as "RV-friendly" may request the RV-friendly marker
1379 on their specific information logo sign. An RV-friendly marker
1380 must consist of a design approved by the Federal Highway
1381 Administration. The department shall adopt rules in accordance
1382 with chapter 120 to administer this paragraph, including rules
1383 setting forth the minimum requirements that establishments must
1384 meet in order to qualify as RV-friendly. These requirements
1385 shall include large parking spaces, entrances, and exits that
1386 can easily accommodate recreational vehicles and facilities
1387 having appropriate overhead clearances, if applicable.

1388 Section 20. Section 479.313, Florida Statutes, is amended
1389 to read:

1390 479.313 Permit revocation and cancellation; cost of
1391 removal.—All costs incurred by the department in connection with
1392 the removal of a sign located within a controlled area adjacent
1393 to the State Highway System, interstate highway system, or
1394 federal-aid primary highway system following the revocation or
1395 cancellation of the permit for such sign shall be assessed
1396 against and collected from the permittee.

1397 Section 21. Section 76 of chapter 2012-174, Laws of
1398 Florida, is repealed.

1399 Section 22. Florida Turnpike; sale of advertising.—If the
1400 Department of Transportation sells the naming rights or a

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1401 sponsorship of the Florida Turnpike to a private sector business
1402 or entity, 10 percent of the funds generated shall be used for
1403 driver education programs unless such use of the funds generated
1404 is restricted by any bond covenants. The 10 percent shall be
1405 distributed, prorated by population, to district school boards
1406 and must be used to enhance funds for the school district's
1407 driver education program. The prorated share of such funds for a
1408 district that does not provide a driver education program may
1409 not be distributed to that district and shall be deposited into
1410 the State Transportation Trust Fund. The remaining 90 percent of
1411 the funds shall be distributed to the State Transportation Trust
1412 Fund.

1413 Section 23. This act shall take effect July 1, 2013.