

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; revising sign
34 | placement requirements for signs on certain highways;
35 | revising provisions that establish a pilot program
36 | relating to placement; removing a permit reinstatement
37 | fee; amending s. 479.08, F.S.; clarifying provisions
38 | relating to the denial or revocation of a permit
39 | because of false or misleading information in the
40 | permit application; amending s. 479.10, F.S.;
41 | providing for cancellation of a permit; amending s.
42 | 479.105, F.S.; revising notice requirements to owners
43 | and advertisers relating to signs erected or
44 | maintained without a permit; revising procedures
45 | providing for the department to issue a permit as a
46 | conforming or nonconforming sign to the owner of an
47 | unpermitted sign; amending s. 479.106, F.S.;
48 | increasing an administrative penalty for illegally
49 | removing certain vegetation; amending s. 479.107,
50 | F.S.; deleting fines for certain signs on highway
51 | rights-of-way; amending s. 479.111, F.S.; clarifying
52 | provisions relating to signs allowed on certain
53 | 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 an effective date.

90
 91 Be It Enacted by the Legislature of the State of Florida:

92
 93 Section 1. Section 479.01, Florida Statutes, is amended to
 94 read:

95 479.01 Definitions.—As used in this chapter, the term:

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

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

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

109 ~~(4) "Commercial or industrial zone" means a parcel of land~~
 110 ~~designated for commercial or industrial uses under both the~~
 111 ~~future land use map of the comprehensive plan and the land use~~
 112 ~~development regulations adopted pursuant to chapter 163. If a~~

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

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

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

132 (6)~~(7)~~ "Department" means the Department of
133 Transportation.

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

140 (8)~~(9)~~ "Federal-aid primary highway system" means the

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

150 (9)~~(10)~~ "Highway" means any road, street, or other way
 151 open or intended to be opened to the public for travel by motor
 152 vehicles.

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

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

166 (12)~~(13)~~ "Main-traveled way" means the traveled way of a
 167 highway on which through traffic is carried. In the case of a
 168 divided highway, the traveled way of each of the separate

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

173 (13)~~(14)~~ "Maintain" means to allow to exist.

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

180 (15)~~(16)~~ "New highway" means the construction of any road,
181 paved or unpaved, where no road previously existed or the act of
182 paving any previously unpaved road.

183 (16)~~(17)~~ "Nonconforming sign" means a sign which was
184 lawfully erected but which does not comply with the land use,
185 setback, size, spacing, and lighting provisions of state or
186 local law, rule, regulation, or ordinance passed at a later date
187 or a sign which was lawfully erected but which later fails to
188 comply with state or local law, rule, regulation, or ordinance
189 due to changed conditions.

190 (17)~~(18)~~ "Premises" means all the land areas under
191 ownership or lease arrangement to the sign owner which are
192 contiguous to the business conducted on the land except for
193 instances where such land is a narrow strip contiguous to the
194 advertised activity or is connected by such narrow strip, the
195 only viable use of such land is to erect or maintain an
196 advertising sign. When the sign owner is a municipality or

197 county, "premises" shall mean all lands owned or leased by such
198 municipality or county within its jurisdictional boundaries as
199 set forth by law.

200 ~~(18)-(19)~~ "Remove" means to disassemble all sign materials
201 above ground level and, transport them from the site, ~~and~~
202 ~~dispose of sign materials by sale or destruction.~~

203 ~~(19)-(20)~~ "Sign" means any combination of structure and
204 message in the form of an outdoor sign, display, device, figure,
205 painting, drawing, message, placard, poster, billboard,
206 advertising structure, advertisement, logo, symbol, or other
207 form, whether placed individually or on a V-type, back-to-back,
208 side-to-side, stacked, or double-faced display or automatic
209 changeable facing, designed, intended, or used to advertise or
210 inform, any part of the advertising message or informative
211 contents of which is visible from any place on the main-traveled
212 way. The term does not include an official traffic control sign,
213 official marker, or specific information panel erected, caused
214 to be erected, or approved by the department.

215 ~~(20)-(21)~~ "Sign direction" means that direction from which
216 the message or informative contents are most visible to oncoming
217 traffic on the main-traveled way.

218 ~~(21)-(22)~~ "Sign face" means the part of the sign, including
219 trim and background, which contains the message or informative
220 contents, including an automatic changeable face.

221 ~~(22)-(23)~~ "Sign facing" includes all sign faces and
222 automatic changeable faces displayed at the same location and
223 facing the same direction.

224 ~~(23)-(24)~~ "Sign structure" means all the interrelated parts

225 and material, such as beams, poles, and stringers, which are
226 constructed for the purpose of supporting or displaying a
227 message or informative contents.

228 ~~(24)-(25)~~ "State Highway System" has the same meaning as in
229 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~
230 ~~highways or portions thereof designated as the State Highway~~
231 ~~System by the department.~~

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

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

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

243 ~~2. The commercial or industrial activities must be within~~
244 ~~660 feet from the nearest edge of the right-of-way; and~~

245 ~~3. The commercial industrial activities must be within~~
246 ~~1,600 feet of each other.~~

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

252 ~~(b)~~ ~~Certain activities, including, but not limited to, the~~

253 following, may not be so recognized as commercial or industrial
 254 activities:

255 ~~1. Signs.~~

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

259 ~~3. Transient or temporary activities.~~

260 ~~4. Activities not visible from the main traveled way.~~

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

263 ~~6. Activities conducted in a building principally used as~~
 264 ~~a residence.~~

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

266 ~~8. Communication towers.~~

267 (25)-(27) "Urban area" has the same meaning as defined in
 268 s. 334.03(31).

269 (26)-(28) "Visible commercial or industrial activity" means
 270 a commercial or industrial activity that is capable of being
 271 seen without visual aid by a person of normal visual acuity from
 272 the main-traveled way and that is generally recognizable as
 273 commercial or industrial.

274 (27)-(29) "Visible sign" means that the advertising message
 275 or informative contents of a sign, whether or not legible, is
 276 capable of being seen without visual aid by a person of normal
 277 visual acuity.

278 (28)-(30) "Wall mural" means a sign that is a painting or
 279 an artistic work composed of photographs or arrangements of
 280 color and that displays a commercial or noncommercial message,

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

287 ~~(29)-(31)~~ "Zoning category" means the designation under the
 288 land development regulations or other similar ordinance enacted
 289 to regulate the use of land as provided in s. 163.3202(2)(b),
 290 which designation sets forth the allowable uses, restrictions,
 291 and limitations on use applicable to properties within the
 292 category.

293 Section 2. Section 479.02, Florida Statutes, is amended to
 294 read:

295 479.02 Duties of the department. ~~It shall be the duty of~~
 296 The department shall ~~to~~:

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

306 (2) Regulate size, height, lighting, and spacing of signs
 307 permitted on commercial and industrial parcels and in unzoned
 308 commercial or industrial areas ~~in zoned and unzoned commercial~~

309 ~~areas and zoned and unzoned industrial areas~~ on the interstate
310 highway system and the federal-aid primary highway system.

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

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

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

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

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

334 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
335 location of all signs on the state, interstate and federal-aid
336 primary highway systems to be used as. ~~Upon completion of the~~

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

350 Section 3. Section 479.024, Florida Statutes, is created
351 to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

403 (a) Signs.

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

407 (c) Transient or temporary activities.

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

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

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

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

418 (h) Communication towers.

419 (i) Governmental uses, unless those governmental uses
420 would be industrial in nature if privately owned and operated.

421 Such industrial uses must be the present and actual use, not
422 merely be among the allowed uses.

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

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

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

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

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

448 479.03 Jurisdiction of the Department of Transportation;

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

475 Section 5. Section 479.04, Florida Statutes, is amended to
476 read:

477 479.04 Business of outdoor advertising; license
 478 requirement; renewal; fees.—

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

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

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

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

505 additional permit to a licensee with a suspended license. Any
506 person aggrieved by an ~~any~~ action of the department which
507 denies, suspends, or revokes ~~in denying or revoking~~ a license
508 under this chapter may, within 30 days after ~~from~~ the receipt of
509 the notice, apply to the department for an administrative
510 hearing pursuant to chapter 120.

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

513 479.07 Sign permits.—

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

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

531 (3) (a) An application for a sign permit must be made on a
532 form prescribed by the department, and a separate application

533 must be submitted for each permit requested. A permit is
534 required for each sign facing.

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

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

561 of the permit year. Applications received after the end of the
562 third quarter of the permit year must include fees for the last
563 quarter of the current year and fees for the succeeding year.

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

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

587 (b) If a permit tag is lost, stolen, or destroyed, the
588 permittee to whom the tag was issued must apply to the

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

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

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

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

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

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

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

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

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

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

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

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

671 (9) (a) A permit may ~~shall~~ not be granted for any sign for
672 which a permit had not been granted by the effective date of

673 | this act unless such sign is located at least:

674 | 1. One thousand five hundred feet from any other permitted
675 | sign on the same side of the highway, if on an interstate
676 | highway.

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

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

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

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

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

699 | 3. Exceeds 950 square feet of sign facing including all
700 | embellishments.

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

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

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

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

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

727

728 The department shall maintain statistics tracking the use of the

729 provisions of this pilot program based on the notifications
 730 received by the department from local governments under this
 731 paragraph.

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

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

743 Section 8. Section 479.08, Florida Statutes, is amended to
 744 read:

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

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

767 Section 9. Section 479.10, Florida Statutes, is amended to
768 read:

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

776 Section 10. Section 479.105, Florida Statutes, is amended
777 to read:

778 479.105 Signs erected or maintained without required
779 permit; removal.—

780 (1) Any sign which is located adjacent to the right-of-way
781 of any highway on the State Highway System outside an
782 incorporated area or adjacent to the right-of-way on any portion
783 of the interstate or federal-aid primary highway system, which
784 sign was erected, operated, or maintained without the permit

785 required by s. 479.07(1) having been issued by the department,
786 is declared to be a public nuisance and a private nuisance and
787 shall be removed as provided in this section.

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

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

813 property without incurring any liability for so entering.

814 (c) However, the department may issue a permit for a sign,
815 as a conforming or nonconforming sign, if the sign owner
816 demonstrates to the department one of the following:

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

821 2. If the sign does not meet the current requirements of
822 this chapter for a sign permit, and has never been exempt from
823 the requirement that a permit be obtained pursuant to s. 479.16,
824 the sign owner may receive a permit as a nonconforming sign if
825 the department determines that the sign is not located on state
826 right-of-way and is not a safety hazard and if the sign owner
827 pays a penalty fee of \$300 and all pertinent fees required by
828 this chapter, including annual permit renewal fees payable since
829 the date of the erection of the sign, and attaches to the permit
830 application package documentation that demonstrates that:

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

834 b. During the initial 7 years in which the sign has been
835 subject to the jurisdiction of the department, the sign would
836 have met the criteria established in this chapter at that time
837 for issuance of a permit; and

838 c. The department has not initiated a notice of violation
839 or taken other action to remove the sign during the initial 7-
840 year period in which the sign has been subject to the

841 jurisdiction of the department.

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

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

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

854 ~~(e) However, if the sign owner demonstrates to the~~
 855 ~~department that:~~

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

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

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

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

867
 868 ~~the sign may be considered a conforming or nonconforming sign~~

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

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

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

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

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

896 479.106 Vegetation management.—

897 (5) The department may only grant a permit pursuant to s.
898 479.07 for a new sign which requires the removal, cutting, or
899 trimming of existing trees or vegetation on public right-of-way
900 for the sign face to be visible from the highway when the sign
901 owner has removed at least two nonconforming signs of
902 approximate comparable size and surrendered the permits for the
903 nonconforming signs to the department for cancellation. For
904 signs originally permitted after July 1, 1996, the first
905 application, or application for a change of view zone, ~~no permit~~
906 for the removal, cutting, or trimming of trees or vegetation
907 shall require, in addition to mitigation or contribution to a
908 plan of mitigation, the removal of two nonconforming signs. No
909 permits for the removal, cutting, or trimming of trees may be
910 granted for signs permitted after July 1, 1996 ~~be granted~~ where
911 such trees or vegetation are part of a beautification project
912 implemented before ~~prior to~~ the date of the original sign permit
913 application, when the beautification project is specifically
914 identified in the department's construction plans, permitted
915 landscape projects, or agreements.

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

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

925 479.107 Signs on highway rights-of-way; removal.—

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

931 Section 13. Section 479.111, Florida Statutes, is amended
 932 to read:

933 479.111 Specified signs allowed within controlled portions
 934 of the interstate and federal-aid primary highway system.—Only
 935 the following signs shall be allowed within controlled portions
 936 of the interstate highway system and the federal-aid primary
 937 highway system as set forth in s. 479.11(1) and (2):

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

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

945 (3) Signs for which permits are not required under s.
 946 479.16.

947 Section 14. Section 479.15, Florida Statutes, is amended
 948 to read:

949 479.15 Harmony of regulations.—

950 (1) No zoning board or commission or other public officer
 951 or agency shall issue a permit to erect any sign which is
 952 prohibited under the provisions of this chapter or the rules of

953 | the department, nor shall the department issue a permit for any
954 | sign which is prohibited by any other public board, officer, or
955 | agency in the lawful exercise of its powers.

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

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

1004 (4) For a nonconforming sign, ~~Such relocation shall be~~
 1005 ~~adjacent to the current site and the face of the sign~~ may shall
 1006 not be increased in size or height or structurally modified at
 1007 the point of relocation in a manner inconsistent with the
 1008 current building codes of the jurisdiction in which the sign is

1009 | located.

1010 | (5) In the event that relocation can be accomplished but
 1011 | is inconsistent with the ordinances of the municipality or
 1012 | county within whose jurisdiction the sign is located, the
 1013 | ordinances of the local government shall prevail, provided that
 1014 | the local government shall assume the responsibility to provide
 1015 | the owner of the sign just compensation for its removal, but in
 1016 | no event shall compensation paid by the local government exceed
 1017 | the compensation required under state or federal law. Further,
 1018 | the provisions of this section shall not impair any agreement or
 1019 | future agreements between a municipality or county and the owner
 1020 | of a sign or signs within the jurisdiction of the municipality
 1021 | or county. ~~Nothing in this section shall be deemed to cause a~~
 1022 | ~~nonconforming sign to become conforming solely as a result of~~
 1023 | ~~the relocation allowed in this section.~~

1024 | (6) The provisions of subsections (3), (4), and (5) of
 1025 | this section shall not apply within the jurisdiction of any
 1026 | municipality which is engaged in any litigation concerning its
 1027 | sign ordinance on April 23, 1999, nor shall such provisions
 1028 | apply to any municipality whose boundaries are identical to the
 1029 | county within which said municipality is located.

1030 | (7) This section does not cause a neighboring sign that is
 1031 | already permitted and that is within the spacing requirements
 1032 | outlined in s. 479.07(9) (a) to become nonconforming.

1033 | Section 15. Section 479.156, Florida Statutes, is amended
 1034 | to read:

1035 | 479.156 Wall murals.—Notwithstanding any other provision
 1036 | of this chapter, a municipality or county may permit and

1037 regulate wall murals within areas designated by such government.
1038 If a municipality or county permits wall murals, a wall mural
1039 that displays a commercial message and is within 660 feet of the
1040 nearest edge of the right-of-way within an area adjacent to the
1041 interstate highway system or the federal-aid primary highway
1042 system shall be located in an area that is zoned for industrial
1043 or commercial use and the municipality or county shall establish
1044 and enforce regulations for such areas that, at a minimum, set
1045 forth criteria governing the size, lighting, and spacing of wall
1046 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~
1047 ~~Highway Beautification Act of 1965~~ and with customary use.
1048 Whenever a municipality or county exercises such control and
1049 makes a determination of customary use pursuant to 23 U.S.C. s.
1050 131(d), such determination shall be accepted in lieu of controls
1051 in the agreement between the state and the United States
1052 Department of Transportation, and the department shall notify
1053 the Federal Highway Administration pursuant to the agreement, 23
1054 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that
1055 is subject to municipal or county regulation and 23 U.S.C. s.
1056 131 ~~the Highway Beautification Act of 1965~~ must be approved by
1057 the Department of Transportation and the Federal Highway
1058 Administration when required by federal law and federal
1059 regulation under the agreement between the state and the United
1060 States Department of Transportation and federal regulations
1061 enforced by the Department of Transportation under s. 479.02(1).
1062 The existence of a wall mural as defined in s. 479.01(28)
1063 ~~479.01(30)~~ shall not be considered in determining whether a sign
1064 as defined in s. 479.01(19) ~~479.01(20)~~, either existing or new,

1065 is in compliance with s. 479.07(9)(a).

1066 Section 16. Section 479.16, Florida Statutes, is amended
 1067 to read:

1068 479.16 Signs for which permits are not required.—The
 1069 following signs are exempt from the requirement that a permit
 1070 for a sign be obtained under the provisions of this chapter but
 1071 are required to comply with the provisions of s. 479.11(4)-(8),
 1072 and the provisions of subsections (15)-(19) may not be
 1073 implemented or continued if the Federal Government notifies the
 1074 department that implementation or continuation will adversely
 1075 affect the allocation of federal funds to the department:

1076 (1) Signs erected on the premises of an establishment,
 1077 which signs consist primarily of the name of the establishment
 1078 or which identify the principal or accessory merchandise,
 1079 services, activities, or entertainment sold, produced,
 1080 manufactured, or furnished on the premises of the establishment
 1081 and which comply with the lighting restrictions ~~under department~~
 1082 ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a
 1083 municipality or a county located on the premises of such
 1084 municipality or such county which display information regarding
 1085 government services, activities, events, or entertainment. For
 1086 purposes of this section, the following types of messages shall
 1087 not be considered information regarding government services,
 1088 activities, events, or entertainment:

1089 (a) Messages which specifically reference any commercial
 1090 enterprise.

1091 (b) Messages which reference a commercial sponsor of any
 1092 event.

1093 (c) Personal messages.

1094 (d) Political campaign messages.

1095

1096 If a sign located on the premises of an establishment consists
 1097 principally of brand name or trade name advertising and the
 1098 merchandise or service is only incidental to the principal
 1099 activity, or if the owner of the establishment receives rental
 1100 income from the sign, then the sign is not exempt under this
 1101 subsection.

1102 (2) Signs erected, used, or maintained on a farm by the
 1103 owner or lessee of such farm and relating solely to farm
 1104 produce, merchandise, service, or entertainment sold, produced,
 1105 manufactured, or furnished on such farm.

1106 (3) Signs posted or displayed on real property by the
 1107 owner or by the authority of the owner, stating that the real
 1108 property is for sale or rent. However, if the sign contains any
 1109 message not pertaining to the sale or rental of that real
 1110 property, then it is not exempt under this section.

1111 (4) Official notices or advertisements posted or displayed
 1112 on private property by or under the direction of any public or
 1113 court officer in the performance of her or his official or
 1114 directed duties, or by trustees under deeds of trust or deeds of
 1115 assignment or other similar instruments.

1116 (5) Danger or precautionary signs relating to the premises
 1117 on which they are located; forest fire warning signs erected
 1118 under the authority of the Florida Forest Service of the
 1119 Department of Agriculture and Consumer Services; and signs,
 1120 notices, or symbols erected by the United States Government

1121 | under the direction of the United States Forestry Service.

1122 | (6) Notices of any railroad, bridge, ferry, or other
1123 | transportation or transmission company necessary for the
1124 | direction or safety of the public.

1125 | (7) Signs, notices, or symbols for the information of
1126 | aviators as to location, directions, and landings and conditions
1127 | affecting safety in aviation erected or authorized by the
1128 | department.

1129 | (8) Signs or notices erected or maintained upon property
1130 | stating only the name of the owner, lessee, or occupant of the
1131 | premises and not exceeding 16 & square feet in area.

1132 | (9) Historical markers erected by duly constituted and
1133 | authorized public authorities.

1134 | (10) Official traffic control signs and markers erected,
1135 | caused to be erected, or approved by the department.

1136 | (11) Signs erected upon property warning the public
1137 | against hunting and fishing or trespassing thereon.

1138 | (12) Signs not in excess of 16 & square feet that are
1139 | owned by and relate to the facilities and activities of
1140 | churches, civic organizations, fraternal organizations,
1141 | charitable organizations, or units or agencies of government.

1142 | (13) ~~Except that~~ Signs placed on benches, transit
1143 | shelters, modular news racks, street light poles, public pay
1144 | telephones and waste receptacles, within the right-of-way, as
1145 | provided for in s. 337.408 are exempt from all provisions of
1146 | this chapter.

1147 | (14) Signs relating exclusively to political campaigns.

1148 | (15) Signs not in excess of 16 square feet placed at a

1149 road junction with the State Highway System denoting only the
1150 distance or direction of a residence or farm operation, or,
1151 outside an incorporated in a rural area where a hardship is
1152 created because a small business is not visible from the road
1153 junction with the State Highway System, one sign not in excess
1154 of 16 square feet, denoting only the name of the business and
1155 the distance and direction to the business. ~~The small-business-~~
1156 ~~sign provision of this subsection does not apply to charter~~
1157 ~~counties and may not be implemented if the Federal Government~~
1158 ~~notifies the department that implementation will adversely~~
1159 ~~affect the allocation of federal funds to the department.~~

1160 (16) Signs placed by a local tourist-oriented business
1161 located within a rural area of critical economic concern, as
1162 defined by s. 288.0656(2) (d) and (e), and are:

1163 (a) Not more than 8 square feet in size or more than 4
1164 feet in height;

1165 (b) Located only in rural areas, along non-limited access
1166 highways;

1167 (c) Located within 2 miles of the business location and
1168 are not less than 500 feet apart;

1169 (d) Located only in two directions leading to the
1170 business; and

1171 (e) Not located within the road right-of-way.

1172
1173 A business placing such signs must be at least 4 miles from any
1174 other business using this exemption and may not participate in
1175 any other department directional signage program.

1176 (17) Signs not in excess of 32 square feet placed

1177 temporarily during harvest season of a farm operation for a
1178 period of no more than 4 months at a road junction with the
1179 State Highway System denoting only the distance or direction of
1180 the farm operation.

1181 (18) Acknowledgement signs erected upon publicly funded
1182 school premises relating to a specific public school club, team,
1183 or event placed no closer than 1,000 feet from another
1184 acknowledgment sign on the same side of the roadway. All sponsor
1185 information on an acknowledgement sign may constitute no more
1186 than 100 square feet of the sign. As used in this subsection,
1187 the term "acknowledgement signs" means signs that are intended
1188 to inform the traveling public that a public school club, team,
1189 or event has been sponsored by a person, firm, or other entity.

1190 (19) Displays erected upon a sports facility which display
1191 content directly related to the facility's activities or where a
1192 presence of the products or services offered on the property
1193 exists. Displays are to be mounted flush or flat to the surface
1194 of the sports facility and rely upon the building facade for
1195 structural support. For purposes of this subsection, the term
1196 "sports facility", means any athletic complex, athletic arena,
1197 or athletic stadium, including physically connected parking
1198 facilities, which is open to the public and has a permanent
1199 installed seating capacity of 15,000 or more.

1200
1201 If the exemptions in subsections (15) through (19) are not
1202 implemented or continued due to Federal Government notification
1203 to the department that the allocation of federal funds to the
1204 department will be adversely impacted, the department shall

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

1211 Section 17. Section 479.24, Florida Statutes, is amended
1212 to read:

1213 479.24 Compensation for ~~removal of~~ signs; eminent domain;
1214 exceptions.—

1215 (1) Just compensation shall be paid by the department upon
1216 the department's acquisition ~~removal~~ of a lawful conforming or
1217 nonconforming sign along any portion of the interstate or
1218 federal-aid primary highway system. This section does not apply
1219 to a sign which is illegal at the time of its removal. A sign
1220 will lose its nonconforming status and become illegal at such
1221 time as it fails to be permitted or maintained in accordance
1222 with all applicable laws, rules, ordinances, or regulations
1223 other than the provision which makes it nonconforming. A legal
1224 nonconforming sign under state law or rule will not lose its
1225 nonconforming status solely because it additionally becomes
1226 nonconforming under an ordinance or regulation of a local
1227 governmental entity passed at a later date. The department shall
1228 make every reasonable effort to negotiate the purchase of the
1229 signs to avoid litigation and congestion in the courts.

1230 (2) The department is not required to remove any sign
1231 under this section if the federal share of the just compensation
1232 to be paid upon removal of the sign is not available to make

1233 such payment, unless an appropriation by the Legislature for
1234 such purpose is made to the department.

1235 (3) (a) The department is authorized to use the power of
1236 eminent domain when necessary to carry out the provisions of
1237 this chapter.

1238 (b) If eminent domain procedures are instituted, just
1239 compensation shall be made pursuant to the state's eminent
1240 domain procedures, chapters 73 and 74.

1241 Section 18. Section 479.25, Florida Statutes, is amended
1242 to read:

1243 479.25 Erection of noise-attenuation barrier blocking view
1244 of sign; procedures; application.—

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

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

1272 (a) Provide a variance or waiver to the local ordinance or
 1273 land development regulations to ~~Conduct a written survey of all~~
 1274 ~~property owners identified as impacted by highway noise and who~~
 1275 ~~may benefit from the proposed noise-attenuation barrier. The~~
 1276 ~~written survey shall inform the property owners of the location,~~
 1277 ~~date, and time of the public hearing described in paragraph (b)~~
 1278 ~~and shall specifically advise the impacted property owners that:~~

1279 1. ~~Erection of the noise-attenuation barrier may block the~~
 1280 ~~visibility of an existing outdoor advertising sign;~~

1281 2. ~~The local government or local jurisdiction may restrict~~
 1282 ~~or prohibit increasing the height of the existing outdoor~~
 1283 ~~advertising sign to make it visible over the barrier; and~~

1284 3. ~~If a majority of the impacted property owners vote for~~
 1285 ~~construction of the noise-attenuation barrier, the local~~
 1286 ~~government or local jurisdiction will be required to:~~

1287 a. ~~allow an increase in the height of the sign in~~
 1288 ~~violation of a local ordinance or land development regulation;~~

1289 (b)~~b.~~ Allow the sign to be relocated or reconstructed at
 1290 another location if the sign owner agrees; or

1291 (c)~~e.~~ Pay the fair market value of the sign and its
 1292 associated interest in the real property.

1293 (2)~~(b)~~ The department shall hold a public hearing within
 1294 the boundaries of the affected local governments or local
 1295 jurisdictions to receive input on the proposed noise-attenuation
 1296 barrier and its conflict with the local ordinance or land
 1297 development regulation and to suggest or consider alternatives
 1298 or modifications ~~to the proposed noise-attenuation barrier~~ to
 1299 alleviate or minimize the conflict with the local ordinance or
 1300 land development regulation or minimize any costs that may be
 1301 associated with relocating, reconstructing, or paying for the
 1302 affected sign. The public hearing may be held concurrently with
 1303 other public hearings scheduled for the project. The department
 1304 shall provide a written notification to the local government or
 1305 local jurisdiction of the date and time of the public hearing
 1306 and shall provide general notice of the public hearing in
 1307 accordance with the notice provisions of s. 335.02(1). The
 1308 notice shall not be placed in that portion of a newspaper in
 1309 which legal notices or classified advertisements appear. The
 1310 notice shall specifically state that:

1311 (a)~~1.~~ Erection of the proposed noise-attenuation barrier
 1312 may block the visibility of an existing outdoor advertising
 1313 sign;

1314 (b)~~2.~~ The local government or local jurisdiction may
 1315 restrict or prohibit increasing the height of the existing
 1316 outdoor advertising sign ~~to make it visible over the barrier;~~

1317 and

1318 ~~(c)3.~~ Upon ~~If a majority of the impacted property owners~~
 1319 ~~vote for~~ construction of the noise-attenuation barrier, the
 1320 local government or local jurisdiction shall ~~will be required~~
 1321 ~~to:~~

1322 1.a. Allow an increase in the height of the sign through a
 1323 waiver or variance to ~~in violation of~~ a local ordinance or land
 1324 development regulation;

1325 2.b. Allow the sign to be relocated or reconstructed at
 1326 another location if the sign owner agrees; or

1327 3.e. Pay the fair market value of the sign and its
 1328 associated interest in the real property.

1329 ~~(3)(2)~~ The department may ~~shall~~ not permit erection of the
 1330 noise-attenuation barrier to the extent the barrier screens or
 1331 blocks visibility of the sign until after the public hearing is
 1332 held and until such time as the survey has been conducted and a
 1333 majority of the impacted property owners have indicated approval
 1334 to erect the noise-attenuation barrier. When the impacted
 1335 property owners approve of the noise-attenuation barrier
 1336 construction, the department shall notify the local governments
 1337 or local jurisdictions. The local government or local
 1338 jurisdiction shall, notwithstanding the provisions of a
 1339 conflicting ordinance or land development regulation:

1340 ~~(a)~~ Issue a permit by variance or otherwise for the
 1341 reconstruction of a sign under this section;

1342 ~~(b)~~ Allow the relocation of a sign, or construction of
 1343 another sign, at an alternative location that is permissible
 1344 under the provisions of this chapter, if the sign owner agrees

1345 ~~to relocate the sign or construct another sign; or~~
 1346 ~~(c) Refuse to issue the required permits for~~
 1347 ~~reconstruction of a sign under this section and pay fair market~~
 1348 ~~value of the sign and its associated interest in the real~~
 1349 ~~property to the owner of the sign.~~

1350 ~~(4)(3)~~ This section does ~~shall~~ not apply to the provisions
 1351 of any existing written agreement executed before July 1, 2006,
 1352 between any local government and the owner of an outdoor
 1353 advertising sign.

1354 Section 19. Subsection (1) of section 479.261, Florida
 1355 Statutes, is amended to read:

1356 479.261 Logo sign program.—

1357 (1) The department shall establish a logo sign program for
 1358 the rights-of-way of the limited access ~~interstate~~ highway
 1359 system to provide information to motorists about available gas,
 1360 food, lodging, camping, attractions, and other services, as
 1361 approved by the Federal Highway Administration, at interchanges
 1362 through the use of business logos and may include additional
 1363 interchanges under the program.

1364 (a) As used in this chapter, the term "attraction" means
 1365 an establishment, site, facility, or landmark that is open a
 1366 minimum of 5 days a week for 52 weeks a year; that has as its
 1367 principal focus family-oriented entertainment, cultural,
 1368 educational, recreational, scientific, or historical activities;
 1369 and that is publicly recognized as a bona fide tourist
 1370 attraction.

1371 (b) The department shall incorporate the use of RV-
 1372 friendly markers on specific information logo signs for

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

1386 Section 20. Section 479.313, Florida Statutes, is amended
1387 to read:

1388 479.313 Permit revocation and cancellation; cost of
1389 removal.—All costs incurred by the department in connection with
1390 the removal of a sign located within a controlled area adjacent
1391 to the State Highway System, interstate highway system, or
1392 federal-aid primary highway system following the revocation or
1393 cancellation of the permit for such sign shall be assessed
1394 against and collected from the permittee.

1395 Section 21. Section 76 of chapter 2012-174, Laws of
1396 Florida, is repealed.

1397 Section 22. This act shall take effect July 1, 2013.