



104756

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/10/2013	.	
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The Committee on Rules (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 1007 - 1227

and insert:

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

1. The local government has adopted a plan, program, resolution, ordinance, or other policy encouraging the voluntary removal of signs in a downtown, historic, redevelopment, infill,



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14 or other designated area which also provides for a new or  
15 replacement sign to be erected on an interstate highway within  
16 that jurisdiction if a sign in the designated area is removed;

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

19 3. The local government notifies the department of its  
20 intention to allow such removal and replacement as agreed upon  
21 pursuant to subparagraph 2.

22 ~~4. The new or replacement sign to be erected on an~~  
23 ~~interstate highway within that jurisdiction is to be located on~~  
24 ~~a parcel of land specifically designated for commercial or~~  
25 ~~industrial use under both the future land use map of the~~  
26 ~~comprehensive plan and the land use development regulations~~  
27 ~~adopted pursuant to chapter 163, and such parcel shall not be~~  
28 ~~subject to an evaluation in accordance with the criteria set~~  
29 ~~forth in s. 479.01(26) to determine if the parcel can be~~  
30 ~~considered an unzoned commercial or industrial area.~~

31  
32 The department shall maintain statistics tracking the use of the  
33 provisions of this pilot program based on the notifications  
34 received by the department from local governments under this  
35 paragraph.

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

38 (10) Commercial or industrial zoning that ~~which~~ is not  
39 comprehensively enacted or that ~~which~~ is enacted primarily to  
40 permit signs may ~~shall~~ not be recognized as commercial or  
41 industrial zoning for purposes of this provision, and permits  
42 may ~~shall~~ not be issued for signs in such areas. The department



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43 shall adopt rules that ~~within 180 days after this act takes~~  
44 ~~effect which shall~~ provide criteria to determine whether such  
45 zoning is comprehensively enacted or enacted primarily to permit  
46 signs.

47 Section 10. Section 479.08, Florida Statutes, is amended to  
48 read:

49 479.08 Denial or revocation of permit.—The department may  
50 deny or revoke any permit requested or granted under this  
51 chapter in any case in which it determines that the application  
52 for the permit contains ~~knowingly~~ false or misleading  
53 information of material consequence. The department may revoke  
54 any permit granted under this chapter in any case in which the  
55 permittee has violated any of the provisions of this chapter,  
56 unless such permittee, within 30 days after the receipt of  
57 notice by the department, complies with the provisions of this  
58 chapter. For the purpose of this section, the notice of  
59 violation issued by the department must describe in detail the  
60 alleged violation. Any person aggrieved by any action of the  
61 department in denying or revoking a permit under this chapter  
62 may, within 30 days after receipt of the notice, apply to the  
63 department for an administrative hearing pursuant to chapter  
64 120. If a timely request for hearing has been filed and the  
65 department issues a final order revoking a permit, such  
66 revocation shall be effective 30 days after the date of  
67 rendition. Except for department action pursuant to s.  
68 479.107(1), the filing of a timely and proper notice of appeal  
69 shall operate to stay the revocation until the department's  
70 action is upheld.

71 Section 11. Section 479.10, Florida Statutes, is amended to



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72 read:

73 479.10 Sign removal following permit revocation or  
74 cancellation.—A sign shall be removed by the permittee within 30  
75 days after the date of revocation or cancellation of the permit  
76 for the sign. If the permittee fails to remove the sign within  
77 the 30-day period, the department shall remove the sign at the  
78 permittee's expense with or without further notice and without  
79 incurring any liability as a result of such removal.

80 Section 12. Section 479.105, Florida Statutes, is amended  
81 to read:

82 479.105 Signs erected or maintained without required  
83 permit; removal.—

84 (1) Any sign which is located adjacent to the right-of-way  
85 of any highway on the State Highway System outside an  
86 incorporated area or adjacent to the right-of-way on any portion  
87 of the interstate or federal-aid primary highway system, which  
88 sign was erected, operated, or maintained without the permit  
89 required by s. 479.07(1) having been issued by the department,  
90 is declared to be a public nuisance and a private nuisance and  
91 shall be removed as provided in this section.

92 (a) Upon a determination by the department that a sign is  
93 in violation of s. 479.07(1), the department shall prominently  
94 post on the sign, or as close to the sign as possible for those  
95 locations where the sign is not easily accessible, face a notice  
96 stating that the sign is illegal and must be removed within 30  
97 days after the date on which the notice was posted. ~~However, if~~  
98 ~~the sign bears the name of the licensee or the name and address~~  
99 ~~of the nonlicensed sign owner,~~ The department shall,  
100 concurrently with and in addition to posting the notice on the



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101 sign, provide a written notice to the owner of the sign, the  
102 advertiser displayed on the sign, or the owner of the property,  
103 stating that the sign is illegal and must be permanently removed  
104 within the 30-day period specified on the posted notice. The  
105 written notice shall further state that a hearing may be  
106 requested, ~~the sign owner has a right to request a hearing,~~  
107 which request must be filed with the department within 30 days  
108 after receipt ~~the date~~ of the written notice. However, the  
109 filing of a request for a hearing will not stay the removal of  
110 the sign.

111 (b) If, pursuant to the notice provided, the sign is not  
112 removed by the ~~sign~~ owner of the sign, the advertiser displayed  
113 on the sign, or the owner of the property within the prescribed  
114 period, the department shall immediately remove the sign without  
115 further notice; and, for that purpose, the employees, agents, or  
116 independent contractors of the department may enter upon private  
117 property without incurring any liability for so entering.

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

121 1. If the sign meets the current requirements of this  
122 chapter for a sign permit, the sign owner may submit the  
123 required application package and receive a permit as a  
124 conforming sign, upon payment of all applicable fees.

125 2. If the sign does not meet the current requirements of  
126 this chapter for a sign permit, the sign owner may receive a  
127 permit as a nonconforming sign if the department determines that  
128 the sign is not located on state right-of-way and is not a  
129 safety hazard and if the sign owner pays a penalty fee of \$300



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130 and all pertinent fees required by this chapter, including  
131 annual permit renewal fees payable since the date of the  
132 erection of the sign, and attaches to the permit application  
133 package documentation that demonstrates that:

134 a. The sign has been unpermitted, structurally unchanged,  
135 and continuously maintained at the same location for a period of  
136 7 years or more;

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

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

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

145 (d) This subsection does not cause a neighboring sign that  
146 is permitted and that is within the spacing requirements in s.  
147 479.07(9) (a) to become nonconforming.

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

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

157 ~~(e) However, if the sign owner demonstrates to the~~  
158 ~~department that:~~



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159           ~~1. The sign has been unpermitted, structurally unchanged,~~  
160 ~~and continuously maintained at the same location for a period of~~  
161 ~~7 years or more;~~

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

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

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

170  
171 ~~the sign may be considered a conforming or nonconforming sign~~  
172 ~~and may be issued a permit by the department upon application in~~  
173 ~~accordance with this chapter and payment of a penalty fee of~~  
174 ~~\$300 and all pertinent fees required by this chapter, including~~  
175 ~~annual permit renewal fees payable since the date of the~~  
176 ~~erection of the sign.~~

177           (2) (a) If a sign is under construction and the department  
178 determines that a permit has not been issued for the sign as  
179 required under the provisions of this chapter, the department is  
180 authorized to require that all work on the sign cease until the  
181 sign owner shows that the sign does not violate the provisions  
182 of this chapter. The order to cease work shall be prominently  
183 posted on the sign structure, and no further notice is required  
184 to be given. The failure of a sign owner or her or his agents to  
185 immediately comply with the order shall subject the sign to  
186 prompt removal by the department.

187           (b) For the purposes of this subsection only, a sign is



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188 under construction when it is in any phase of initial  
189 construction prior to the attachment and display of the  
190 advertising message in final position for viewing by the  
191 traveling public. A sign that is undergoing routine maintenance  
192 or change of the advertising message only is not considered to  
193 be under construction for the purposes of this subsection.

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

197 Section 13. Subsections (5) and (7) of section 479.106,  
198 Florida Statutes, are amended to read:

199 479.106 Vegetation management.—

200 (5) The department may only grant a permit pursuant to s.  
201 479.07 for a new sign which requires the removal, cutting, or  
202 trimming of existing trees or vegetation on public right-of-way  
203 for the sign face to be visible from the highway when the sign  
204 owner has removed at least two nonconforming signs of  
205 approximate comparable size and surrendered the permits for the  
206 nonconforming signs to the department for cancellation. For  
207 signs originally permitted after July 1, 1996, the first  
208 application, or application for a change of view zone, no permit  
209 for the removal, cutting, or trimming of trees or vegetation  
210 shall require, in addition to mitigation or contribution to a  
211 plan of mitigation, the removal of two nonconforming signs. No  
212 permits for the removal, cutting, or trimming of trees may be  
213 granted for signs permitted after July 1, 1996 be granted where  
214 such trees or vegetation are part of a beautification project  
215 implemented before ~~prior to~~ the date of the original sign permit  
216 application, when the beautification project is specifically





217 identified in the department's construction plans, permitted  
218 landscape projects, or agreements.

219 (7) Any person engaging in removal, cutting, or trimming of  
220 trees ~~or vegetation~~ in violation of this section or benefiting  
221 from such actions shall be subject to an administrative penalty  
222 of ~~up to~~ \$1,000 for each tree removed, cut, or trimmed in  
223 violation of this section and required to mitigate for the  
224 unauthorized removal, cutting, or trimming in such manner and in  
225 such amount as may be required under the rules of the  
226 department. Any person engaging in removal, cutting, or trimming  
227 of other vegetation in violation of this section or benefiting  
228 from such actions shall be subject to a separate and additional  
229 administrative penalty of \$1,000 per sign facing and required to  
230 mitigate for the unauthorized removal, cutting, or trimming in  
231 such manner and in such amount as may be required under the  
232 rules of the department.

233 ===== T I T L E A M E N D M E N T =====

234 And the title is amended as follows:

235 Delete lines 60 - 75

236 and insert:

237 requirements for signs on certain highways; deleting  
238 certain sign placement criteria used in a pilot  
239 program relating to placement and revising a permit  
240 reinstatement fee; amending s. 479.08, F.S.;

241 clarifying provisions relating to the denial or  
242 revocation of a permit because of false or misleading  
243 information in the permit application; amending s.  
244 479.10, F.S.; providing for cancellation of a permit;  
245 amending s. 479.105, F.S.; revising notice



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246 requirements to owners and advertisers relating to  
247 signs erected or maintained without a permit; revising  
248 procedures providing for the department to issue a  
249 permit as a conforming or nonconforming sign to the  
250 owner of an unpermitted sign; amending s. 479.106,  
251 F.S.; increasing an administrative penalty for  
252 illegally removing certain trees and providing a  
253 separate administrative penalty for illegally removing  
254 vegetation; amending s. 479.107,