

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Goodson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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

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

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

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17 (3) "Business of outdoor advertising" means the business of
18 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,
19 or selling outdoor advertising structures, outdoor advertising
20 signs, or outdoor advertisements.

21 ~~(4) "Commercial or industrial zone" means a parcel of land~~
22 ~~designated for commercial or industrial uses under both the~~
23 ~~future land use map of the comprehensive plan and the land use~~
24 ~~development regulations adopted pursuant to chapter 163. If a~~
25 ~~parcel is located in an area designated for multiple uses on the~~
26 ~~future land use map of a comprehensive plan and the zoning~~
27 ~~category of the land development regulations does not clearly~~
28 ~~designate that parcel for a specific use, the area will be~~
29 ~~considered an unzoned commercial or industrial area if it meets~~
30 ~~the criteria of subsection (26).~~

31 (4)~~(5)~~ "Commercial use" means activities associated with
32 the sale, rental, or distribution of products or the performance
33 of services. The term includes, without limitation, such uses or
34 activities as retail sales; wholesale sales; rentals of
35 equipment, goods, or products; offices; restaurants; food
36 service vendors; sports arenas; theaters; and tourist
37 attractions.

38 (5)~~(6)~~ "Controlled area" means 660 feet or less from the
39 nearest edge of the right-of-way of any portion of the State
40 Highway System, interstate, or federal-aid primary system and
41 beyond 660 feet of the nearest edge of the right-of-way of any
42 portion of the State Highway System, interstate, or federal-aid
43 primary system outside an urban area.

44 (6)~~(7)~~ "Department" means the Department of Transportation.

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45 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,
46 place, affix, attach, create, paint, draw, or in any other way
47 bring into being or establish; but it does not include any of
48 the foregoing activities when performed as an incident to the
49 change of advertising message or customary maintenance or repair
50 of a sign.

51 (8)~~(9)~~ "Federal-aid primary highway system" means the
52 federal-aid primary highway system in existence on June 1, 1991,
53 and any highway that was not a part of such system as of that
54 date, but that is, or became after June 1, 1991, a part of the
55 National Highway System, including portions that have been
56 accepted as part of the National Highway System but are unbuilt
57 or unopened ~~existing, unbuilt, or unopened system of highways or~~
58 ~~portions thereof, which shall include the National Highway~~
59 ~~System, designated as the federal-aid primary highway system by~~
60 ~~the department.~~

61 (9)~~(10)~~ "Highway" means any road, street, or other way open
62 or intended to be opened to the public for travel by motor
63 vehicles.

64 (10)~~(11)~~ "Industrial use" means activities associated with
65 the manufacture, assembly, processing, or storage of products or
66 the performance of services relating thereto. The term includes,
67 without limitation, such uses or activities as automobile
68 manufacturing or repair, boat manufacturing or repair, junk
69 yards, meat packing facilities, citrus processing and packing
70 facilities, produce processing and packing facilities,
71 electrical generating plants, water treatment plants, sewage
72 treatment plants, and solid waste disposal sites.

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73 ~~(11)-(12)~~ "Interstate highway system" means the existing,
74 unbuilt, or unopened system of highways or portions thereof
75 designated as the national system of interstate and defense
76 highways by the department.

77 ~~(12)-(13)~~ "Main-traveled way" means the traveled way of a
78 highway on which through traffic is carried. In the case of a
79 divided highway, the traveled way of each of the separate
80 roadways for traffic in opposite directions is a main-traveled
81 way. It does not include such facilities as frontage roads,
82 turning roadways which specifically include on-ramps or off-
83 ramps to the interstate highway system, or parking areas.

84 ~~(13)-(14)~~ "Maintain" means to allow to exist.

85 ~~(14)-(15)~~ "Motorist services directional signs" means signs
86 providing directional information about goods and services in
87 the interest of the traveling public where such signs were
88 lawfully erected and in existence on or before May 6, 1976, and
89 continue to provide directional information to goods and
90 services in a defined area.

91 ~~(15)-(16)~~ "New highway" means the construction of any road,
92 paved or unpaved, where no road previously existed or the act of
93 paving any previously unpaved road.

94 ~~(16)-(17)~~ "Nonconforming sign" means a sign which was
95 lawfully erected but which does not comply with the land use,
96 setback, size, spacing, and lighting provisions of state or
97 local law, rule, regulation, or ordinance passed at a later date
98 or a sign which was lawfully erected but which later fails to
99 comply with state or local law, rule, regulation, or ordinance
100 due to changed conditions.

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101 ~~(17)-(18)~~ "Premises" means all the land areas under
102 ownership or lease arrangement to the sign owner which are
103 contiguous to the business conducted on the land except for
104 instances where such land is a narrow strip contiguous to the
105 advertised activity or is connected by such narrow strip, the
106 only viable use of such land is to erect or maintain an
107 advertising sign. When the sign owner is a municipality or
108 county, "premises" shall mean all lands owned or leased by such
109 municipality or county within its jurisdictional boundaries as
110 set forth by law.

111 ~~(18)-(19)~~ "Remove" means to disassemble all sign materials
112 above ground level and transport them from the site, ~~and~~
113 ~~dispose of sign materials by sale or destruction.~~

114 ~~(19)-(20)~~ "Sign" means any combination of structure and
115 message in the form of an outdoor sign, display, device, figure,
116 painting, drawing, message, placard, poster, billboard,
117 advertising structure, advertisement, logo, symbol, or other
118 form, whether placed individually or on a V-type, back-to-back,
119 side-to-side, stacked, or double-faced display or automatic
120 changeable facing, designed, intended, or used to advertise or
121 inform, any part of the advertising message or informative
122 contents of which is visible from any place on the main-traveled
123 way. The term does not include an official traffic control sign,
124 official marker, or specific information panel erected, caused
125 to be erected, or approved by the department.

126 ~~(20)-(21)~~ "Sign direction" means that direction from which
127 the message or informative contents are most visible to oncoming
128 traffic on the main-traveled way.

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129 ~~(21)-(22)~~ "Sign face" means the part of the sign, including
130 trim and background, which contains the message or informative
131 contents, including an automatic changeable face.

132 ~~(22)-(23)~~ "Sign facing" includes all sign faces and
133 automatic changeable faces displayed at the same location and
134 facing the same direction.

135 ~~(23)-(24)~~ "Sign structure" means all the interrelated parts
136 and material, such as beams, poles, and stringers, which are
137 constructed for the purpose of supporting or displaying a
138 message or informative contents.

139 ~~(24)-(25)~~ "State Highway System" has the same meaning as in
140 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~
141 ~~highways or portions thereof designated as the State Highway~~
142 ~~System by the department.~~

143 ~~(26)~~ ~~"Unzoned commercial or industrial area" means a parcel~~
144 ~~of land designated by the future land use map of the~~
145 ~~comprehensive plan for multiple uses that include commercial or~~
146 ~~industrial uses but are not specifically designated for~~
147 ~~commercial or industrial uses under the land development~~
148 ~~regulations, in which three or more separate and distinct~~
149 ~~conforming industrial or commercial activities are located.~~

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

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

154 ~~2. The commercial or industrial activities must be within~~
155 ~~660 feet from the nearest edge of the right-of-way; and~~

156 ~~3. The commercial industrial activities must be within~~

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157 ~~1,600 feet of each other.~~

158
159 ~~Distances specified in this paragraph must be measured from the~~
160 ~~nearest outer edge of the primary building or primary building~~
161 ~~complex when the individual units of the complex are connected~~
162 ~~by covered walkways.~~

163 ~~(b) Certain activities, including, but not limited to, the~~
164 ~~following, may not be so recognized as commercial or industrial~~
165 ~~activities:~~

166 ~~1. Signs.~~

167 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~
168 ~~related activities, including, but not limited to, wayside fresh~~
169 ~~produce stands.~~

170 ~~3. Transient or temporary activities.~~

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

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

174 ~~6. Activities conducted in a building principally used as a~~
175 ~~residence.~~

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

177 ~~8. Communication towers.~~

178 ~~(25)-(27) "Urban area" has the same meaning as defined in s.~~
179 ~~334.03(31).~~

180 ~~(26)-(28) "Visible commercial or industrial activity" means~~
181 ~~a commercial or industrial activity that is capable of being~~
182 ~~seen without visual aid by a person of normal visual acuity from~~
183 ~~the main-traveled way and that is generally recognizable as~~
184 ~~commercial or industrial.~~

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185 ~~(27)-(29)~~ "Visible sign" means that the advertising message
186 or informative contents of a sign, whether or not legible, is
187 capable of being seen without visual aid by a person of normal
188 visual acuity.

189 ~~(28)-(30)~~ "Wall mural" means a sign that is a painting or an
190 artistic work composed of photographs or arrangements of color
191 and that displays a commercial or noncommercial message, relies
192 solely on the side of the building for rigid structural support,
193 and is painted on the building or depicted on vinyl, fabric, or
194 other similarly flexible material that is held in place flush or
195 flat against the surface of the building. The term excludes a
196 painting or work placed on a structure that is erected for the
197 sole or primary purpose of signage.

198 ~~(29)-(31)~~ "Zoning category" means the designation under the
199 land development regulations or other similar ordinance enacted
200 to regulate the use of land as provided in s. 163.3202(2)(b),
201 which designation sets forth the allowable uses, restrictions,
202 and limitations on use applicable to properties within the
203 category.

204 Section 2. Section 479.02, Florida Statutes, is amended to
205 read:

206 479.02 Duties of the department. ~~It shall be the duty of~~
207 The department shall ~~to~~:

208 (1) Administer and enforce the provisions of this chapter,
209 ~~and the 1972~~ agreement between the state and the United States
210 Department of Transportation, ~~relating to the size, lighting,~~
211 ~~and spacing of signs in accordance with Title I of the Highway~~
212 ~~Beautification Act of 1965 and Title 23, United States Code, and~~

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213 federal regulations, including, but not limited to, those
214 pertaining to the maintenance, continuance, and removal of
215 nonconforming signs in effect as of the effective date of this
216 act.

217 (2) Regulate size, height, lighting, and spacing of signs
218 permitted on commercial and industrial parcels and in unzoned
219 commercial or industrial areas in zoned and unzoned commercial
220 areas and zoned and unzoned industrial areas on the interstate
221 highway system and the federal-aid primary highway system.

222 (3) Determine ~~unzoned~~ commercial and industrial parcels and
223 unzoned commercial or areas and unzoned industrial areas in the
224 manner provided in s. 479.024.

225 (4) Implement a specific information panel program on the
226 limited access interstate highway system to promote tourist-
227 oriented businesses by providing directional information safely
228 and aesthetically.

229 (5) Implement a rest area information panel or devices
230 program at rest areas along the interstate highway system and
231 the federal-aid primary highway system to promote tourist-
232 oriented businesses.

233 (6) Test and, if economically feasible, implement
234 alternative methods of providing information in the specific
235 interest of the traveling public which allow the traveling
236 public freedom of choice, conserve natural beauty, and present
237 information safely and aesthetically.

238 (7) Adopt such rules as it deems necessary or proper for
239 the administration of this chapter, including rules that ~~which~~
240 identify activities that may not be recognized as industrial or

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241 commercial activities for purposes of determination of a ~~an~~ area
242 ~~as an unzoned~~ commercial or industrial parcel or an unzoned
243 commercial or industrial area in the manner provided in s.
244 479.024.

245 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
246 location of all signs on the state, interstate and federal-aid
247 primary highway systems to be used as. ~~Upon completion of the~~
248 ~~inventory, it shall become~~ the database and permit information
249 for all permitted signs ~~permitted at the time of completion, and~~
250 ~~the previous records of the department shall be amended~~
251 ~~accordingly.~~ The inventory shall be updated no less than every 2
252 years. ~~The department shall adopt rules regarding what~~
253 ~~information is to be collected and preserved to implement the~~
254 ~~purposes of this chapter.~~ The department may perform the
255 inventory using department staff, or may contract with a private
256 firm to perform the work, whichever is more cost efficient. The
257 department shall maintain a database of sign inventory
258 information such as sign location, size, height, and structure
259 type, the permitholder's name, and any other information the
260 department finds necessary to administer the program.

261 Section 3. Section 479.024, Florida Statutes, is created to
262 read:

263 479.024 Commercial and industrial parcels.—Signs shall only
264 be permitted by the department in commercial or industrial
265 zones, as determined by the local government, in compliance with
266 chapter 163, unless otherwise provided in this chapter.

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

268 (a) "Parcel" means the property where the sign is located

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269 or is proposed to be located.

270 (b) "Utilities" includes all privately, publicly, or
271 cooperatively owned lines, facilities, and systems for
272 producing, transmitting, or distributing communications, power,
273 electricity, light, heat, gas, oil, crude products, water,
274 steam, waste, and stormwater not connected with the highway
275 drainage, and other similar commodities.

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

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

280 (b) The parcel can reasonably accommodate a commercial or
281 industrial use under the future land use map of the
282 comprehensive plan and land use development regulations, as
283 follows:

284 1. Sufficient utilities are available to support commercial
285 or industrial development.

286 2. The size, configuration, and public access of the parcel
287 are sufficient to accommodate a commercial or industrial use,
288 given requirements in the comprehensive plan and land
289 development regulations for vehicular access, on-site
290 circulation, building setbacks, buffering, parking, and other
291 applicable standards or the parcel consists of railroad tracks
292 or minor sidings abutting commercial or industrial property that
293 meets the criteria of this subsection.

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

296 (3) If a local government has not designated zoning through

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297 land development regulations in compliance with chapter 163, but
298 has designated the parcel under the future land use map of the
299 comprehensive plan for uses that include commercial or
300 industrial uses, the parcel shall be considered an unzoned
301 commercial or industrial area. For a permit to be issued for a
302 sign in an unzoned commercial or industrial area, there must be
303 three or more distinct commercial or industrial activities
304 within 1,600 feet of each other, with at least one of the
305 commercial or industrial activities located on the same side of
306 the highway as the sign location, and within 800 feet of the
307 sign location. Multiple commercial or industrial activities
308 enclosed in one building when all uses have only shared building
309 entrances shall be considered one use.

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

313 (a) Signs.

314 (b) Agricultural, forestry, ranching, grazing, farming, and
315 related activities, including, but not limited to, wayside fresh
316 produce stands.

317 (c) Transient or temporary activities.

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

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

323 (f) Activities conducted in a building principally used as
324 a residence.

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

328 (h) Communication towers.

329 (i) Governmental uses, unless those governmental uses would
330 be industrial in nature if privately owned and operated. Such
331 industrial uses must be the present and actual use, not merely
332 be among the allowed uses.

333 (5) If the local government has indicated that the proposed
334 sign location is on a parcel that is in a commercial or
335 industrial zone, but the department finds that it is not, the
336 department shall notify the sign applicant in writing of its
337 determination.

338 (6) An applicant whose application for a permit is denied
339 may, within 30 days after the receipt of the notification of
340 intent to deny, request an administrative hearing pursuant to
341 chapter 120 for a determination of whether the parcel is located
342 in a commercial or industrial zone. Upon receipt of such
343 request, the department shall notify the local government that
344 the applicant has requested an administrative hearing pursuant
345 to chapter 120.

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

351 (8) If the Federal Highway Administration reduces funds
352 that would otherwise be apportioned to the department due to a

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353 local government's failure to be compliant with this section,
354 the department shall reduce apportioned transportation funding
355 to the local government by an equivalent amount.

356 Section 4. Section 479.03, Florida Statutes, is amended to
357 read:

358 479.03 Jurisdiction of the Department of Transportation;
359 entry upon privately owned lands.—The territory under the
360 jurisdiction of the department for the purpose of this chapter
361 shall include all the state. Employees, agents, or independent
362 contractors working for the department, in the performance of
363 their functions and duties under the provisions of this chapter,
364 may enter into and upon any land upon which a sign is displayed,
365 is proposed to be erected, or is being erected and make such
366 inspections, surveys, and removals as may be relevant. Upon
367 written notice to ~~After receiving consent by~~ the landowner,
368 operator, or person in charge of an intervening privately owned
369 land that ~~or appropriate inspection warrant issued by a judge of~~
370 ~~any county court or circuit court of this state which has~~
371 ~~jurisdiction of the place or thing to be removed, that the~~
372 removal of an illegal outdoor advertising sign is necessary and
373 has been authorized by a final order or results from an
374 uncontested notice to the sign owner, the department may ~~shall~~
375 ~~be authorized to~~ enter upon any intervening privately owned
376 lands for the purposes of effectuating removal of illegal signs,
377 provided that the department shall only do so in circumstances
378 where it has determined that no other legal or economically
379 feasible means of entry to the sign site are reasonably
380 available. Except as otherwise provided by this chapter, the

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381 department shall be responsible for the repair or replacement in
382 a like manner for any physical damage or destruction of private
383 property, other than the sign, incidental to the department's
384 entry upon such intervening privately owned lands.

385 Section 5. Section 479.04, Florida Statutes, is amended to
386 read:

387 479.04 Business of outdoor advertising; license
388 requirement; renewal; fees.—

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

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

399 Section 6. Section 479.05, Florida Statutes, is amended to
400 read:

401 479.05 Denial, suspension, or revocation of license.—The
402 department may ~~has authority to deny, suspend,~~ or revoke any
403 license requested or granted under this chapter in any case in
404 which it determines that the application for the license
405 contains ~~knowingly~~ false or misleading information of material
406 consequence, that the licensee has failed to pay fees or costs
407 owed to the department for outdoor advertising purposes, or that
408 the licensee has violated any of the provisions of this chapter,

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409 unless such licensee, within 30 days after the receipt of notice
410 by the department, corrects such false or misleading
411 information, pays the outstanding amounts, or complies with the
412 provisions of this chapter. Suspension of a license allows the
413 licensee to maintain existing sign permits, but the department
414 may not grant a transfer of an existing permit or issue an
415 additional permit to a licensee with a suspended license. Any
416 person aggrieved by an ~~any~~ action of the department which
417 denies, suspends, or revokes ~~in denying or revoking~~ a license
418 under this chapter may, within 30 days after ~~from~~ the receipt of
419 the notice, apply to the department for an administrative
420 hearing pursuant to chapter 120.

421 Section 7. Section 479.07, Florida Statutes, is amended to
422 read:

423 479.07 Sign permits.—

424 (1) Except as provided in ss. 479.105(1) ~~479.105(1)(e)~~ and
425 479.16, a person may not erect, operate, use, or maintain, or
426 cause to be erected, operated, used, or maintained, any sign on
427 the State Highway System outside an urban area, ~~as defined in s.~~
428 ~~334.03(31),~~ or on any portion of the interstate or federal-aid
429 primary highway system without first obtaining a permit for the
430 sign from the department and paying the annual fee as provided
431 in this section. As used in this section, the term "on any
432 portion of the State Highway System, interstate, or federal-aid
433 primary system" means a sign located within the controlled area
434 which is visible from any portion of the main-traveled way of
435 such system.

436 (2) ~~A person may not apply for a permit unless he or she~~

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437 ~~has first obtained the~~ Written permission of the owner or other
438 person in lawful possession or control of the site designated as
439 the location of the sign is required for issuance of a ~~in the~~
440 ~~application for the permit.~~

441 (3) (a) An application for a sign permit must be made on a
442 form prescribed by the department, and a separate application
443 must be submitted for each permit requested. A permit is
444 required for each sign facing.

445 (b) As part of the application, the applicant or his or her
446 authorized representative must certify ~~in a notarized signed~~
447 ~~statement~~ that all information provided in the application is
448 true and correct ~~and that, pursuant to subsection (2), he or she~~
449 ~~has obtained the written permission of the owner or other person~~
450 ~~in lawful possession of the site designated as the location of~~
451 ~~the sign in the permit application.~~ Every permit application
452 must be accompanied by the appropriate permit fee, ~~and~~ a signed
453 statement by the owner or other person in lawful control of the
454 site on which the sign is located or will be erected,
455 authorizing the placement of the sign on that site, ~~and, where~~
456 ~~local governmental regulation of signs exists,~~ a statement from
457 the appropriate local governmental official indicating that the
458 sign complies with all local government ~~governmental~~
459 requirements and, if a local government permit is required for a
460 sign, that the agency or unit of local government will issue a
461 permit to that applicant upon approval of the state permit
462 application by the department.

463 (c) The annual permit fee for each sign facing shall be
464 established by the department by rule in an amount sufficient to

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465 offset the total cost to the department for the program, but
466 shall not exceed \$100. ~~The A fee may not be prorated for a~~
467 ~~period less than the remainder of the permit year to accommodate~~
468 ~~short term publicity features; however, a first-year fee may be~~
469 prorated by payment of an amount equal to one-fourth of the
470 annual fee for each remaining whole quarter or partial quarter
471 of the permit year. Applications received after the end of the
472 third quarter of the permit year must include fees for the last
473 quarter of the current year and fees for the succeeding year.

474 (4) An application for a permit shall be acted on by
475 granting, denying, or returning the incomplete application ~~the~~
476 ~~department~~ within 30 days after receipt of the application by
477 the department.

478 (5) (a) For each permit issued, the department shall furnish
479 to the applicant a serially numbered permanent metal permit tag.
480 The permittee is responsible for maintaining a valid permit tag
481 on each permitted sign facing at all times. The tag shall be
482 securely attached to the upper 50 percent of the sign structure
483 ~~sign facing or, if there is no facing, on the pole nearest the~~
484 ~~highway;~~ and it shall be attached in such a manner as to be
485 plainly visible from the main-traveled way. ~~Effective July 1,~~
486 ~~2012, the tag must be securely attached to the upper 50 percent~~
487 ~~of the pole nearest the highway and must be attached in such a~~
488 ~~manner as to be plainly visible from the main-traveled way.~~ The
489 permit ~~becomes void unless the permit tag~~ must be ~~is~~ properly
490 and permanently displayed at the permitted site within 30 days
491 after the date of permit issuance. If the permittee fails to
492 erect a completed sign on the permitted site within 270 days

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493 after the date on which the permit was issued, the permit will
494 be void, and the department may not issue a new permit to that
495 permittee for the same location for 270 days after the date on
496 which the permit became void.

497 (b) If a permit tag is lost, stolen, or destroyed, the
498 permittee to whom the tag was issued must apply to the
499 department for a replacement tag. The department shall adopt a
500 rule establishing a service fee for replacement tags in an
501 amount that will recover the actual cost of providing the
502 replacement tag. Upon receipt of the application accompanied by
503 the service fee, the department shall issue a replacement permit
504 tag. ~~Alternatively, the permittee may provide its own
505 replacement tag pursuant to department specifications that the
506 department shall adopt by rule at the time it establishes the
507 service fee for replacement tags.~~

508 (6) A permit is valid only for the location specified in
509 the permit. Valid permits may be transferred from one sign owner
510 to another upon written acknowledgment from the current
511 permittee and submittal of a transfer fee of \$5 for each permit
512 to be transferred. However, the maximum transfer fee for any
513 multiple transfer between two outdoor advertisers in a single
514 transaction is \$1,000 ~~\$100~~.

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

518 (8) (a) In order to reduce peak workloads, the department
519 may adopt rules providing for staggered expiration dates for
520 licenses and permits. Unless otherwise provided for by rule, all

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521 licenses and permits expire annually on January 15. All license
522 and permit renewal fees are required to be submitted to the
523 department by no later than the expiration date. At least 105
524 days before ~~prior to~~ the expiration date of licenses and
525 permits, the department shall send to each permittee a notice of
526 fees due for all licenses and permits that ~~which~~ were issued to
527 him or her before ~~prior to~~ the date of the notice. Such notice
528 shall list the permits and the permit fees due for each sign
529 facing. The permittee shall, no later than 45 days before ~~prior~~
530 ~~to~~ the expiration date, advise the department of any additions,
531 deletions, or errors contained in the notice. Permit tags which
532 are not renewed shall be returned to the department for
533 cancellation by the expiration date. Permits which are not
534 renewed or are canceled shall be certified in writing at that
535 time as canceled or not renewed by the permittee, and permit
536 tags for such permits shall be returned to the department or
537 shall be accounted for by the permittee in writing, which
538 writing shall be submitted with the renewal fee payment or the
539 cancellation certification. However, failure of a permittee to
540 submit a permit cancellation does ~~shall~~ not affect the
541 nonrenewal of a permit. Before ~~Prior to~~ cancellation of a
542 permit, the permittee shall provide written notice to all
543 persons or entities having a right to advertise on the sign that
544 the permittee intends to cancel the permit.

545 (b) If a permittee has not submitted his or her fee payment
546 by the expiration date of the licenses or permits, the
547 department shall send a notice of violation to the permittee
548 within 45 days after the expiration date, requiring the payment

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549 of the permit fee within 30 days after the date of the notice
550 and payment of a delinquency fee equal to 10 percent of the
551 original amount due or, in the alternative to these payments,
552 requiring the filing of a request for an administrative hearing
553 to show cause why the ~~his or her~~ sign should not be subject to
554 immediate removal due to expiration of his or her license or
555 permit. If the permittee submits payment as required by the
556 violation notice, the ~~his or her~~ license or permit will be
557 automatically reinstated and such reinstatement will be
558 retroactive to the original expiration date. If the permittee
559 does not respond to the notice of violation within the 30-day
560 period, the department shall, within 30 days, issue a final
561 notice of sign removal and may, following 90 days after the date
562 of the department's final notice of sign removal, remove the
563 sign without incurring any liability as a result of such
564 removal. However, if at any time before removal of the sign, the
565 permittee demonstrates that a good faith error on the part of
566 the permittee resulted in cancellation or nonrenewal of the
567 permit, the department may reinstate the permit if:

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

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

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

574 (c) Conflicting applications filed by other persons for the
575 same or competing sites covered by a permit subject to paragraph
576 (b) may not be approved until after the sign subject to the

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577 expired permit has been removed.

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

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

584 1. One thousand five hundred feet from any other permitted
585 sign on the same side of the highway, if on an interstate
586 highway.

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

589

590 The minimum spacing provided in this paragraph does not preclude
591 the permitting of V-type, back-to-back, side-to-side, stacked,
592 or double-faced signs at the permitted sign site. If a sign is
593 visible to more than one highway subject to the jurisdiction of
594 the department and within the controlled area of the highways
595 ~~from the controlled area of more than one highway subject to the~~
596 ~~jurisdiction of the department,~~ the sign must ~~shall~~ meet the
597 permitting requirements of all highways, and, ~~if the sign meets~~
598 ~~the applicable permitting requirements,~~ be permitted to, the
599 highway having the more stringent permitting requirements.

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

603 1. Exceeds 50 feet in sign structure height above the crown
604 of the main-traveled way to which the sign is permitted, if

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605 outside an incorporated area;

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

609 3. Exceeds 950 square feet of sign facing including all
610 embellishments.

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

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

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

625 3. The local government notifies the department of its
626 intention to allow such removal and replacement as agreed upon
627 pursuant to subparagraph 2.

628 ~~4. The new or replacement sign to be erected on an~~
629 ~~interstate highway within that jurisdiction is to be located on~~
630 ~~a parcel of land specifically designated for commercial or~~
631 ~~industrial use under both the future land use map of the~~
632 ~~comprehensive plan and the land use development regulations~~

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633 ~~adopted pursuant to chapter 163, and such parcel shall not be~~
634 ~~subject to an evaluation in accordance with the criteria set~~
635 ~~forth in s. 479.01(26) to determine if the parcel can be~~
636 ~~considered an unzoned commercial or industrial area.~~

637

638 The department shall maintain statistics tracking the use of the
639 provisions of this pilot program based on the notifications
640 received by the department from local governments under this
641 paragraph.

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

644 (10) Commercial or industrial zoning that ~~which~~ is not
645 comprehensively enacted or that ~~which~~ is enacted primarily to
646 permit signs may ~~shall~~ not be recognized as commercial or
647 industrial zoning for purposes of this provision, and permits
648 may ~~shall~~ not be issued for signs in such areas. The department
649 shall adopt rules ~~within 180 days after this act takes effect~~
650 that ~~which shall~~ provide criteria to determine whether such
651 zoning is comprehensively enacted or enacted primarily to permit
652 signs.

653 Section 8. Section 479.08, Florida Statutes, is amended to
654 read:

655 479.08 Denial or revocation of permit.—The department may
656 deny or revoke any permit requested or granted under this
657 chapter in any case in which it determines that the application
658 for the permit contains ~~knowingly~~ false or misleading
659 information of material consequence. The department may revoke
660 any permit granted under this chapter in any case in which the

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661 permittee has violated any of the provisions of this chapter,
662 unless such permittee, within 30 days after the receipt of
663 notice by the department, complies with the provisions of this
664 chapter. For the purpose of this section, the notice of
665 violation issued by the department must describe in detail the
666 alleged violation. Any person aggrieved by any action of the
667 department in denying or revoking a permit under this chapter
668 may, within 30 days after receipt of the notice, apply to the
669 department for an administrative hearing pursuant to chapter
670 120. If a timely request for hearing has been filed and the
671 department issues a final order revoking a permit, such
672 revocation shall be effective 30 days after the date of
673 rendition. Except for department action pursuant to s.
674 479.107(1), the filing of a timely and proper notice of appeal
675 shall operate to stay the revocation until the department's
676 action is upheld.

677 Section 9. Section 479.10, Florida Statutes, is amended to
678 read:

679 479.10 Sign removal following permit revocation or
680 cancellation.—A sign shall be removed by the permittee within 30
681 days after the date of revocation or cancellation of the permit
682 for the sign. If the permittee fails to remove the sign within
683 the 30-day period, the department shall remove the sign at the
684 permittee's expense with or without further notice and without
685 incurring any liability as a result of such removal.

686 Section 10. Section 479.105, Florida Statutes, is amended
687 to read:

688 479.105 Signs erected or maintained without required

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689 permit; removal.-

690 (1) Any sign which is located adjacent to the right-of-way
691 of any highway on the State Highway System outside an
692 incorporated area or adjacent to the right-of-way on any portion
693 of the interstate or federal-aid primary highway system, which
694 sign was erected, operated, or maintained without the permit
695 required by s. 479.07(1) having been issued by the department,
696 is declared to be a public nuisance and a private nuisance and
697 shall be removed as provided in this section.

698 (a) Upon a determination by the department that a sign is
699 in violation of s. 479.07(1), the department shall prominently
700 post on the sign, or as close to the sign as possible for those
701 locations where the sign is not easily accessible, face a notice
702 stating that the sign is illegal and must be removed within 30
703 days after the date on which the notice was posted. ~~However, if~~
704 ~~the sign bears the name of the licensee or the name and address~~
705 ~~of the nonlicensed sign owner,~~ The department shall,
706 concurrently with and in addition to posting the notice on the
707 sign, provide a written notice to the owner of the sign, the
708 advertiser displayed on the sign, or the owner of the property,
709 stating that the sign is illegal and must be permanently removed
710 within the 30-day period specified on the posted notice. The
711 written notice shall further state that a hearing may be
712 requested, the sign owner has a right to request a hearing,
713 which request must be filed with the department within 30 days
714 after receipt ~~the date~~ of the written notice. However, the
715 filing of a request for a hearing will not stay the removal of
716 the sign.

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717 (b) If, pursuant to the notice provided, the sign is not
718 removed by the ~~sign~~ owner of the sign, the advertiser displayed
719 on the sign, or the owner of the property within the prescribed
720 period, the department shall immediately remove the sign without
721 further notice; and, for that purpose, the employees, agents, or
722 independent contractors of the department may enter upon private
723 property without incurring any liability for so entering.

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

727 1. If the sign meets the current requirements of this
728 chapter for a sign permit, the sign owner may submit the
729 required application package and receive a permit as a
730 conforming sign, upon payment of all applicable fees.

731 2. If the sign does not meet the current requirements of
732 this chapter for a sign permit, and has never been exempt from
733 the requirement that a permit be obtained pursuant to s. 479.16,
734 the sign owner may receive a permit as a nonconforming sign if
735 the department determines that the sign is not located on state
736 right-of-way and is not a safety hazard and if the sign owner
737 pays a penalty fee of \$300 and all pertinent fees required by
738 this chapter, including annual permit renewal fees payable since
739 the date of the erection of the sign, and attaches to the permit
740 application package documentation that demonstrates that:

741 a. The sign has been unpermitted, structurally unchanged,
742 and continuously maintained at the same location for a period of
743 7 years or more;

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

748 c. The department has not initiated a notice of violation
749 or taken other action to remove the sign during the initial 7-
750 year period in which the sign has been subject to the
751 jurisdiction of the department.

752 (d) This subsection does not cause a neighboring sign that
753 is permitted and that is within the spacing requirements in s.
754 479.07(9) (a) to become nonconforming.

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

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

764 ~~(e) However, if the sign owner demonstrates to the~~
765 ~~department that:~~

766 ~~1. The sign has been unpermitted, structurally unchanged,~~
767 ~~and continuously maintained at the same location for a period of~~
768 ~~7 years or more;~~

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

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

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

777
778 ~~the sign may be considered a conforming or nonconforming sign~~
779 ~~and may be issued a permit by the department upon application in~~
780 ~~accordance with this chapter and payment of a penalty fee of~~
781 ~~\$300 and all pertinent fees required by this chapter, including~~
782 ~~annual permit renewal fees payable since the date of the~~
783 ~~erection of the sign.~~

784 (2) (a) If a sign is under construction and the department
785 determines that a permit has not been issued for the sign as
786 required under the provisions of this chapter, the department is
787 authorized to require that all work on the sign cease until the
788 sign owner shows that the sign does not violate the provisions
789 of this chapter. The order to cease work shall be prominently
790 posted on the sign structure, and no further notice is required
791 to be given. The failure of a sign owner or her or his agents to
792 immediately comply with the order shall subject the sign to
793 prompt removal by the department.

794 (b) For the purposes of this subsection only, a sign is
795 under construction when it is in any phase of initial
796 construction prior to the attachment and display of the
797 advertising message in final position for viewing by the
798 traveling public. A sign that is undergoing routine maintenance
799 or change of the advertising message only is not considered to

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800 be under construction for the purposes of this subsection.

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

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

806 479.106 Vegetation management.—

807 (5) The department may only grant a permit pursuant to s.
808 479.07 for a new sign which requires the removal, cutting, or
809 trimming of existing trees or vegetation on public right-of-way
810 for the sign face to be visible from the highway when the sign
811 owner has removed at least two nonconforming signs of
812 approximate comparable size and surrendered the permits for the
813 nonconforming signs to the department for cancellation. For
814 signs originally permitted after July 1, 1996, the first
815 application, or application for a change of view zone, no permit
816 for the removal, cutting, or trimming of trees or vegetation
817 shall require, in addition to mitigation or contribution to a
818 plan of mitigation, the removal of two nonconforming signs. No
819 permits for the removal, cutting, or trimming of trees may be
820 granted for signs permitted after July 1, 1996 be granted where
821 such trees or vegetation are part of a beautification project
822 implemented before ~~prior to~~ the date of the original sign permit
823 application, when the beautification project is specifically
824 identified in the department's construction plans, permitted
825 landscape projects, or agreements.

826 (7) Any person engaging in removal, cutting, or trimming of
827 trees or vegetation in violation of this section or benefiting

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828 from such actions shall be subject to an administrative penalty
829 of up to \$1,000 per sign facing and required to mitigate for the
830 unauthorized removal, cutting, or trimming in such manner and in
831 such amount as may be required under the rules of the
832 department.

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

835 479.107 Signs on highway rights-of-way; removal.-

836 (5) The cost of removing a sign, whether by the department
837 or an independent contractor, shall be assessed by the
838 department against the owner of the sign. ~~Furthermore, the~~
839 ~~department shall assess a fine of \$75 against the sign owner for~~
840 ~~any sign which violates the requirements of this section.~~

841 Section 13. Section 479.111, Florida Statutes, is amended
842 to read:

843 479.111 Specified signs allowed within controlled portions
844 of the interstate and federal-aid primary highway system.-Only
845 the following signs shall be allowed within controlled portions
846 of the interstate highway system and the federal-aid primary
847 highway system as set forth in s. 479.11(1) and (2):

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

850 (2) Signs in commercial-zoned and industrial-zoned areas or
851 commercial-unzoned and industrial-unzoned areas and within 660
852 feet of the nearest edge of the right-of-way, subject to the
853 requirements set forth in the 1972 agreement between the state
854 and the United States Department of Transportation.

855 (3) Signs for which permits are not required under s.

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856 479.16.

857 Section 14. Section 479.15, Florida Statutes, is amended to
858 read:

859 479.15 Harmony of regulations.—

860 (1) No zoning board or commission or other public officer
861 or agency shall issue a permit to erect any sign which is
862 prohibited under the provisions of this chapter or the rules of
863 the department, nor shall the department issue a permit for any
864 sign which is prohibited by any other public board, officer, or
865 agency in the lawful exercise of its powers.

866 (2) A municipality, county, local zoning authority, or
867 other local governmental entity may not remove, or cause to be
868 removed, any lawfully erected sign along any portion of the
869 interstate or federal-aid primary highway system without first
870 paying just compensation for such removal. A local governmental
871 entity may not cause in any way the alteration of any lawfully
872 erected sign located along any portion of the interstate or
873 federal-aid primary highway system without payment of just
874 compensation if such alteration constitutes a taking under state
875 law. The municipality, county, local zoning authority, or other
876 local government entity that adopts requirements for such
877 alteration shall pay just compensation to the sign owner if such
878 alteration constitutes a taking under state law. This subsection
879 applies only to a lawfully erected sign the subject matter of
880 which relates to premises other than the premises on which it is
881 located or to merchandise, services, activities, or
882 entertainment not sold, produced, manufactured, or furnished on
883 the premises on which the sign is located. ~~As used in this~~

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884 ~~subsection, the term "federal-aid primary highway system" means~~
885 ~~the federal-aid primary highway system in existence on June 1,~~
886 ~~1991, and any highway that was not a part of such system as of~~
887 ~~that date but that is or becomes after June 1, 1991, a part of~~
888 ~~the National Highway System.~~ This subsection shall not be
889 interpreted as explicit or implicit legislative recognition that
890 alterations do or do not constitute a taking under state law.

891 (3) It is the express intent of the Legislature to limit
892 the state right-of-way acquisition costs on state and federal
893 roads in eminent domain proceedings, the provisions of ss.
894 479.07 and 479.155 notwithstanding. Subject to approval by the
895 Federal Highway Administration, whenever public acquisition of
896 land upon which is situated a lawful permitted ~~nonconforming~~
897 sign occurs, as provided in this chapter, the sign may, at the
898 election of its owner and the department, be relocated or
899 reconstructed adjacent to the new right-of-way and in close
900 proximity to the current site along the roadway within 100 feet
901 ~~of the current location~~, provided the ~~nonconforming~~ sign is not
902 relocated in an area inconsistent with s. 479.024 ~~on a parcel~~
903 ~~zoned residential~~, and provided further that such relocation
904 shall be subject to ~~applicable setback~~ requirements in the 1972
905 agreement between the state and the United States Department of
906 Transportation. The sign owner shall pay all costs associated
907 with relocating or reconstructing any sign under this
908 subsection, and neither the state nor any local government shall
909 reimburse the sign owner for such costs, unless part of such
910 relocation costs are required by federal law. If no adjacent
911 property is available for the relocation, the department shall

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912 be responsible for paying the owner of the sign just
913 compensation for its removal.

914 (4) For a nonconforming sign, ~~Such relocation shall be~~
915 ~~adjacent to the current site and the face of the sign~~ may ~~shall~~
916 not be increased in size or height or structurally modified at
917 the point of relocation in a manner inconsistent with the
918 current building codes of the jurisdiction in which the sign is
919 located.

920 (5) In the event that relocation can be accomplished but is
921 inconsistent with the ordinances of the municipality or county
922 within whose jurisdiction the sign is located, the ordinances of
923 the local government shall prevail, provided that the local
924 government shall assume the responsibility to provide the owner
925 of the sign just compensation for its removal, but in no event
926 shall compensation paid by the local government exceed the
927 compensation required under state or federal law. Further, the
928 provisions of this section shall not impair any agreement or
929 future agreements between a municipality or county and the owner
930 of a sign or signs within the jurisdiction of the municipality
931 or county. ~~Nothing in this section shall be deemed to cause a~~
932 ~~nonconforming sign to become conforming solely as a result of~~
933 ~~the relocation allowed in this section.~~

934 (6) The provisions of subsections (3), (4), and (5) of this
935 section shall not apply within the jurisdiction of any
936 municipality which is engaged in any litigation concerning its
937 sign ordinance on April 23, 1999, nor shall such provisions
938 apply to any municipality whose boundaries are identical to the
939 county within which said municipality is located.

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

943 Section 15. Section 479.156, Florida Statutes, is amended
944 to read:

945 479.156 Wall murals.—Notwithstanding any other provision of
946 this chapter, a municipality or county may permit and regulate
947 wall murals within areas designated by such government. If a
948 municipality or county permits wall murals, a wall mural that
949 displays a commercial message and is within 660 feet of the
950 nearest edge of the right-of-way within an area adjacent to the
951 interstate highway system or the federal-aid primary highway
952 system shall be located in an area that is zoned for industrial
953 or commercial use and the municipality or county shall establish
954 and enforce regulations for such areas that, at a minimum, set
955 forth criteria governing the size, lighting, and spacing of wall
956 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~
957 ~~Highway Beautification Act of 1965~~ and with customary use.

958 Whenever a municipality or county exercises such control and
959 makes a determination of customary use pursuant to 23 U.S.C. s.
960 131(d), such determination shall be accepted in lieu of controls
961 in the agreement between the state and the United States
962 Department of Transportation, and the department shall notify
963 the Federal Highway Administration pursuant to the agreement, 23
964 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that
965 is subject to municipal or county regulation and 23 U.S.C. s.
966 131 ~~the Highway Beautification Act of 1965~~ must be approved by
967 the Department of Transportation and the Federal Highway

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968 Administration when required by federal law and federal
969 regulation under the agreement between the state and the United
970 States Department of Transportation and federal regulations
971 enforced by the Department of Transportation under s. 479.02(1).
972 The existence of a wall mural as defined in s. 479.01(28)
973 ~~479.01(30)~~ shall not be considered in determining whether a sign
974 as defined in s. 479.01(19) ~~479.01(20)~~, either existing or new,
975 is in compliance with s. 479.07(9)(a).

976 Section 16. Section 479.16, Florida Statutes, is amended to
977 read:

978 479.16 Signs for which permits are not required.—The
979 following signs are exempt from the requirement that a permit
980 for a sign be obtained under the provisions of this chapter but
981 are required to comply with the provisions of s. 479.11(4)-(8),
982 and the provisions of subsections (15)-(19) may not be
983 implemented or continued if the Federal Government notifies the
984 department that implementation or continuation will adversely
985 affect the allocation of federal funds to the department:

986 (1) Signs erected on the premises of an establishment,
987 which signs consist primarily of the name of the establishment
988 or which identify the principal or accessory merchandise,
989 services, activities, or entertainment sold, produced,
990 manufactured, or furnished on the premises of the establishment
991 and which comply with the lighting restrictions ~~under department~~
992 ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a
993 municipality or a county located on the premises of such
994 municipality or such county which display information regarding
995 government services, activities, events, or entertainment. For

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996 purposes of this section, the following types of messages shall
997 not be considered information regarding government services,
998 activities, events, or entertainment:

999 (a) Messages which specifically reference any commercial
1000 enterprise.

1001 (b) Messages which reference a commercial sponsor of any
1002 event.

1003 (c) Personal messages.

1004 (d) Political campaign messages.
1005

1006 If a sign located on the premises of an establishment consists
1007 principally of brand name or trade name advertising and the
1008 merchandise or service is only incidental to the principal
1009 activity, or if the owner of the establishment receives rental
1010 income from the sign, then the sign is not exempt under this
1011 subsection.

1012 (2) Signs erected, used, or maintained on a farm by the
1013 owner or lessee of such farm and relating solely to farm
1014 produce, merchandise, service, or entertainment sold, produced,
1015 manufactured, or furnished on such farm.

1016 (3) Signs posted or displayed on real property by the owner
1017 or by the authority of the owner, stating that the real property
1018 is for sale or rent. However, if the sign contains any message
1019 not pertaining to the sale or rental of that real property, then
1020 it is not exempt under this section.

1021 (4) Official notices or advertisements posted or displayed
1022 on private property by or under the direction of any public or
1023 court officer in the performance of her or his official or

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1024 directed duties, or by trustees under deeds of trust or deeds of
1025 assignment or other similar instruments.

1026 (5) Danger or precautionary signs relating to the premises
1027 on which they are located; forest fire warning signs erected
1028 under the authority of the Florida Forest Service of the
1029 Department of Agriculture and Consumer Services; and signs,
1030 notices, or symbols erected by the United States Government
1031 under the direction of the United States Forestry Service.

1032 (6) Notices of any railroad, bridge, ferry, or other
1033 transportation or transmission company necessary for the
1034 direction or safety of the public.

1035 (7) Signs, notices, or symbols for the information of
1036 aviators as to location, directions, and landings and conditions
1037 affecting safety in aviation erected or authorized by the
1038 department.

1039 (8) Signs or notices erected or maintained upon property
1040 stating only the name of the owner, lessee, or occupant of the
1041 premises and not exceeding 16 & square feet in area.

1042 (9) Historical markers erected by duly constituted and
1043 authorized public authorities.

1044 (10) Official traffic control signs and markers erected,
1045 caused to be erected, or approved by the department.

1046 (11) Signs erected upon property warning the public against
1047 hunting and fishing or trespassing thereon.

1048 (12) Signs not in excess of 16 & square feet that are owned
1049 by and relate to the facilities and activities of churches,
1050 civic organizations, fraternal organizations, charitable
1051 organizations, or units or agencies of government.

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1052 (13) ~~Except that~~ Signs placed on benches, transit shelters,
1053 modular news racks, street light poles, public pay telephones
1054 and waste receptacles, within the right-of-way, as provided for
1055 in s. 337.408 are exempt from all provisions of this chapter.

1056 (14) Signs relating exclusively to political campaigns.

1057 (15) Signs not in excess of 16 square feet placed at a road
1058 junction with the State Highway System denoting only the
1059 distance or direction of a residence or farm operation, or,
1060 outside an incorporated in a rural area where a hardship is
1061 created because a small business is not visible from the road
1062 junction with the State Highway System, one sign not in excess
1063 of 16 square feet, denoting only the name of the business and
1064 the distance and direction to the business. ~~The small-business-~~
1065 ~~sign provision of this subsection does not apply to charter~~
1066 ~~counties and may not be implemented if the Federal Government~~
1067 ~~notifies the department that implementation will adversely~~
1068 ~~affect the allocation of federal funds to the department.~~

1069 (16) Signs placed by a local tourist-oriented business
1070 located within a rural area of critical economic concern, as
1071 defined by s. 288.0656(2)(d) and (e), and are:

1072 (a) Not more than 8 square feet in size or more than 4 feet
1073 in height;

1074 (b) Located only in rural areas, along non-limited access
1075 highways;

1076 (c) Located within 2 miles of the business location and are
1077 not less than 500 feet apart;

1078 (d) Located only in two directions leading to the business;
1079 and

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1080 (e) Not located within the road right-of-way.

1081
1082 A business placing such signs must be at least 4 miles from any
1083 other business using this exemption and may not participate in
1084 any other department directional signage program.

1085 (17) Signs not in excess of 32 square feet placed
1086 temporarily during harvest season of a farm operation for a
1087 period of no more than 4 months at a road junction with the
1088 State Highway System denoting only the distance or direction of
1089 the farm operation.

1090 (18) Acknowledgement signs erected upon publicly funded
1091 school premises relating to a specific public school club, team,
1092 or event placed no closer than 1,000 feet from another
1093 acknowledgment sign on the same side of the roadway. All sponsor
1094 information on an acknowledgement sign may constitute no more
1095 than 100 square feet of the sign. As used in this subsection,
1096 the term "acknowledgement signs" means signs that are intended
1097 to inform the traveling public that a public school club, team,
1098 or event has been sponsored by a person, firm, or other entity.

1099 (19) Displays erected upon a sports facility which display
1100 content directly related to the facility's activities or where a
1101 presence of the products or services offered on the property
1102 exists. Displays are to be mounted flush or flat to the surface
1103 of the sports facility and rely upon the building facade for
1104 structural support. For purposes of this subsection, the term
1105 "sports facility", means any athletic complex, athletic arena,
1106 or athletic stadium, including physically connected parking
1107 facilities, which is open to the public and has a permanent

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1108 installed seating capacity of 15,000 or more.

1109
1110 If the exemptions in subsections (15) through (19) are not
1111 implemented or continued due to Federal Government notification
1112 to the department that the allocation of federal funds to the
1113 department will be adversely impacted, the department shall
1114 provide notice to the sign owner that the sign must be removed
1115 within 30 days after receiving notice. If the sign is not
1116 removed within 30 days, the department is authorized to remove
1117 the sign, and all costs incurred in connection with the sign
1118 removal shall be assessed against and collected from the sign
1119 owner.

1120 Section 17. Section 479.24, Florida Statutes, is amended to
1121 read:

1122 479.24 Compensation for ~~removal~~ of signs; eminent domain;
1123 exceptions.—

1124 (1) Just compensation shall be paid by the department upon
1125 the department's acquisition ~~removal~~ of a lawful conforming or
1126 nonconforming sign along any portion of the interstate or
1127 federal-aid primary highway system. This section does not apply
1128 to a sign which is illegal at the time of its removal. A sign
1129 will lose its nonconforming status and become illegal at such
1130 time as it fails to be permitted or maintained in accordance
1131 with all applicable laws, rules, ordinances, or regulations
1132 other than the provision which makes it nonconforming. A legal
1133 nonconforming sign under state law or rule will not lose its
1134 nonconforming status solely because it additionally becomes
1135 nonconforming under an ordinance or regulation of a local

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1136 governmental entity passed at a later date. The department shall
1137 make every reasonable effort to negotiate the purchase of the
1138 signs to avoid litigation and congestion in the courts.

1139 (2) The department is not required to remove any sign under
1140 this section if the federal share of the just compensation to be
1141 paid upon removal of the sign is not available to make such
1142 payment, unless an appropriation by the Legislature for such
1143 purpose is made to the department.

1144 (3) (a) The department is authorized to use the power of
1145 eminent domain when necessary to carry out the provisions of
1146 this chapter.

1147 (b) If eminent domain procedures are instituted, just
1148 compensation shall be made pursuant to the state's eminent
1149 domain procedures, chapters 73 and 74.

1150 Section 18. Section 479.25, Florida Statutes, is amended to
1151 read:

1152 479.25 Erection of noise-attenuation barrier blocking view
1153 of sign; procedures; application.—

1154 (1) The owner of a lawfully erected sign that is governed
1155 by and conforms to state and federal requirements for land use,
1156 size, height, and spacing may increase the height above ground
1157 level of such sign at its permitted location if a noise-
1158 attenuation barrier is permitted by or erected by any
1159 governmental entity in such a way as to screen or block
1160 visibility of the sign. Any increase in height permitted under
1161 this section may only be the increase in height which is
1162 required to achieve the same degree of visibility from the
1163 right-of-way which the sign had prior to the construction of the

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1164 noise-attenuation barrier, notwithstanding the restrictions
1165 contained in s. 479.07(9)(b). A sign reconstructed under this
1166 section shall comply with the building standards and wind load
1167 requirements set forth in the Florida Building Code. If
1168 construction of a proposed noise-attenuation barrier will screen
1169 a sign lawfully permitted under this chapter, the department
1170 shall provide notice to the local government or local
1171 jurisdiction within which the sign is located prior to
1172 construction ~~erection of the noise-attenuation barrier~~. Upon a
1173 determination that an increase in the height of a sign as
1174 permitted under this section will violate a provision contained
1175 in an ordinance or land development regulation of the local
1176 government or local jurisdiction, prior to construction, the
1177 local government or local jurisdiction shall ~~so notify the~~
1178 ~~department. When notice has been received from the local~~
1179 ~~government or local jurisdiction prior to erection of the noise-~~
1180 ~~attenuation barrier, the department shall:~~

1181 (a) Provide a variance or waiver to the local ordinance or
1182 land development regulations to ~~Conduct a written survey of all~~
1183 ~~property owners identified as impacted by highway noise and who~~
1184 ~~may benefit from the proposed noise-attenuation barrier. The~~
1185 ~~written survey shall inform the property owners of the location,~~
1186 ~~date, and time of the public hearing described in paragraph (b)~~
1187 ~~and shall specifically advise the impacted property owners that:~~

1188 1. ~~Erection of the noise-attenuation barrier may block the~~
1189 ~~visibility of an existing outdoor advertising sign;~~

1190 2. ~~The local government or local jurisdiction may restrict~~
1191 ~~or prohibit increasing the height of the existing outdoor~~

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1192 ~~advertising sign to make it visible over the barrier; and~~

1193 ~~3. If a majority of the impacted property owners vote for~~
1194 ~~construction of the noise-attenuation barrier, the local~~
1195 ~~government or local jurisdiction will be required to:~~

1196 ~~a. allow an increase in the height of the sign in violation~~
1197 ~~of a local ordinance or land development regulation;~~

1198 ~~(b)~~ b. Allow the sign to be relocated or reconstructed at
1199 another location if the sign owner agrees; or

1200 ~~(c)~~ c. Pay the fair market value of the sign and its
1201 associated interest in the real property.

1202 ~~(2)~~ (2) The department shall hold a public hearing within
1203 the boundaries of the affected local governments or local
1204 jurisdictions to receive input on the proposed noise-attenuation
1205 barrier and its conflict with the local ordinance or land
1206 development regulation and to suggest or consider alternatives
1207 or modifications ~~to the proposed noise-attenuation barrier~~ to
1208 alleviate or minimize the conflict with the local ordinance or
1209 land development regulation or minimize any costs that may be
1210 associated with relocating, reconstructing, or paying for the
1211 affected sign. The public hearing may be held concurrently with
1212 other public hearings scheduled for the project. The department
1213 shall provide a written notification to the local government or
1214 local jurisdiction of the date and time of the public hearing
1215 and shall provide general notice of the public hearing in
1216 accordance with the notice provisions of s. 335.02(1). The
1217 notice shall not be placed in that portion of a newspaper in
1218 which legal notices or classified advertisements appear. The
1219 notice shall specifically state that:

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1220 (a)1. Erection of the proposed noise-attenuation barrier
1221 may block the visibility of an existing outdoor advertising
1222 sign;

1223 (b)2. The local government or local jurisdiction may
1224 restrict or prohibit increasing the height of the existing
1225 outdoor advertising sign ~~to make it visible over the barrier;~~
1226 and

1227 (c)3. ~~Upon~~ If a majority of the impacted property owners
1228 ~~vote for~~ construction of the noise-attenuation barrier, the
1229 local government or local jurisdiction shall ~~will be required~~
1230 ~~to:~~

1231 1.a. Allow an increase in the height of the sign through a
1232 waiver or variance to ~~in violation of~~ a local ordinance or land
1233 development regulation;

1234 2.b. Allow the sign to be relocated or reconstructed at
1235 another location if the sign owner agrees; or

1236 3.e. Pay the fair market value of the sign and its
1237 associated interest in the real property.

1238 (3)(2) The department may ~~shall~~ not permit erection of the
1239 noise-attenuation barrier to the extent the barrier screens or
1240 blocks visibility of the sign until after the public hearing is
1241 held ~~and until such time as the survey has been conducted and a~~
1242 ~~majority of the impacted property owners have indicated approval~~
1243 ~~to erect the noise-attenuation barrier. When the impacted~~
1244 ~~property owners approve of the noise-attenuation barrier~~
1245 ~~construction, the department shall notify the local governments~~
1246 ~~or local jurisdictions. The local government or local~~
1247 ~~jurisdiction shall, notwithstanding the provisions of a~~

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1248 ~~conflicting ordinance or land development regulation:~~

1249 ~~(a) Issue a permit by variance or otherwise for the~~
1250 ~~reconstruction of a sign under this section;~~

1251 ~~(b) Allow the relocation of a sign, or construction of~~
1252 ~~another sign, at an alternative location that is permissible~~
1253 ~~under the provisions of this chapter, if the sign owner agrees~~
1254 ~~to relocate the sign or construct another sign; or~~

1255 ~~(c) Refuse to issue the required permits for reconstruction~~
1256 ~~of a sign under this section and pay fair market value of the~~
1257 ~~sign and its associated interest in the real property to the~~
1258 ~~owner of the sign.~~

1259 ~~(4)~~(3) This section does ~~shall~~ not apply to the provisions
1260 of any existing written agreement executed before July 1, 2006,
1261 between any local government and the owner of an outdoor
1262 advertising sign.

1263 Section 19. Subsection (1) of section 479.261, Florida
1264 Statutes, is amended to read:

1265 479.261 Logo sign program.—

1266 (1) The department shall establish a logo sign program for
1267 the rights-of-way of the limited access interstate highway
1268 system to provide information to motorists about available gas,
1269 food, lodging, camping, attractions, and other services, as
1270 approved by the Federal Highway Administration, at interchanges
1271 through the use of business logos and may include additional
1272 interchanges under the program.

1273 (a) As used in this chapter, the term "attraction" means an
1274 establishment, site, facility, or landmark that is open a
1275 minimum of 5 days a week for 52 weeks a year; that has as its

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1276 principal focus family-oriented entertainment, cultural,
1277 educational, recreational, scientific, or historical activities;
1278 and that is publicly recognized as a bona fide tourist
1279 attraction.

1280 (b) The department shall incorporate the use of RV-friendly
1281 markers on specific information logo signs for establishments
1282 that cater to the needs of persons driving recreational
1283 vehicles. Establishments that qualify for participation in the
1284 specific information logo program and that also qualify as "RV-
1285 friendly" may request the RV-friendly marker on their specific
1286 information logo sign. An RV-friendly marker must consist of a
1287 design approved by the Federal Highway Administration. The
1288 department shall adopt rules in accordance with chapter 120 to
1289 administer this paragraph, including rules setting forth the
1290 minimum requirements that establishments must meet in order to
1291 qualify as RV-friendly. These requirements shall include large
1292 parking spaces, entrances, and exits that can easily accommodate
1293 recreational vehicles and facilities having appropriate overhead
1294 clearances, if applicable.

1295 Section 20. Section 479.313, Florida Statutes, is amended
1296 to read:

1297 479.313 Permit revocation and cancellation; cost of
1298 removal.—All costs incurred by the department in connection with
1299 the removal of a sign located within a controlled area adjacent
1300 to the State Highway System, interstate highway system, or
1301 federal-aid primary highway system following the revocation or
1302 cancellation of the permit for such sign shall be assessed
1303 against and collected from the permittee.

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1304 Section 21. Section 76 of chapter 2012-174, Laws of
1305 Florida, is repealed.

1306 Section 22. This act shall take effect July 1, 2013.

1307 -----
1308 -----

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

1310 Remove everything before the enacting clause and insert:

1311 A bill to be entitled

1312 An act relating to transportation; amending provisions
1313 relating to outdoor advertising signs; amending s.
1314 479.01, F.S.; revising and deleting definitions;
1315 amending s. 479.02, F.S.; revising powers of the
1316 Department of Transportation relating to nonconforming
1317 signs; deleting a requirement that the department
1318 adopt certain rules; creating s. 479.024, F.S.;
1319 limiting the placement of signs in commercial or
1320 industrial zones; defining the terms "parcel" and
1321 "utilities"; providing mandatory criteria for local
1322 governments to use in determining zoning for
1323 commercial or industrial parcels; providing that
1324 certain parcels are considered unzoned commercial or
1325 industrial areas; providing that specified uses may
1326 not be independently recognized as commercial or
1327 industrial areas; providing an appeal process for an
1328 applicant whose permit is denied; requiring an
1329 applicant whose application is denied to remove an
1330 existing sign pertaining to the application; requiring
1331 the department to reduce certain transportation

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1332 funding in certain circumstances; amending s. 479.03,
1333 F.S.; providing for notice to owners of intervening
1334 privately owned lands before entering upon such lands
1335 to remove an illegal sign; amending s. 479.04, F.S.;
1336 providing that an outdoor advertising license is not
1337 required solely to erect outdoor signs or structures;
1338 amending s. 479.05, F.S.; authorizing the department
1339 to suspend a license for certain offenses and
1340 specifying activities that the licensee may engage in
1341 during the suspension; amending s. 479.07, F.S.;
1342 revising requirements for obtaining sign permits;
1343 conforming and clarifying provisions; revising sign
1344 placement requirements for signs on certain highways;
1345 revising provisions that establish a pilot program
1346 relating to placement; removing a permit reinstatement
1347 fee; amending s. 479.08, F.S.; clarifying provisions
1348 relating to the denial or revocation of a permit
1349 because of false or misleading information in the
1350 permit application; amending s. 479.10, F.S.;
1351 providing for cancellation of a permit; amending s.
1352 479.105, F.S.; revising notice requirements to owners
1353 and advertisers relating to signs erected or
1354 maintained without a permit; revising procedures
1355 providing for the department to issue a permit as a
1356 conforming or nonconforming sign to the owner of an
1357 unpermitted sign; amending s. 479.106, F.S.;
1358 increasing an administrative penalty for illegally
1359 removing certain vegetation; amending s. 479.107,

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1360 F.S.; deleting fines for certain signs on highway
1361 rights-of-way; amending s. 479.111, F.S.; clarifying
1362 provisions relating to signs allowed on certain
1363 highways; amending s. 479.15, F.S.; deleting a
1364 definition; clarifying and conforming provisions
1365 related to permitted signs on property that is the
1366 subject of public acquisition; amending s. 479.156,
1367 F.S.; clarifying provisions related to the regulation
1368 of wall murals; amending s. 479.16, F.S.; providing
1369 that certain provisions relating to the regulation of
1370 signs may not be implemented or continued if such
1371 actions will adversely affect the allocation of
1372 federal funds to the department; exempting from permit
1373 requirements certain signs placed by tourist-oriented
1374 businesses, certain farm signs during harvest season,
1375 certain acknowledgement signs on publicly funded
1376 school premises, and certain displays on specific
1377 sports facilities; directing the department to notify
1378 a sign owner that the sign must be removed if federal
1379 funds are adversely impacted; requiring the sign to be
1380 removed; authorizing the department to remove the sign
1381 and assess costs to the sign owner under certain
1382 circumstances; amending s. 479.24, F.S.; clarifying
1383 provisions relating to compensation paid for the
1384 department's acquisition of lawful signs; amending s.
1385 479.25, F.S.; requiring a local government to grant a
1386 variance or waiver to a local ordinance or regulation
1387 to allow the owner of a lawfully permitted sign to

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1388 increase the height of the sign if a noise-attenuation
1389 barrier is permitted by or erected by a governmental
1390 entity in a way that interferes with the visibility of
1391 the sign; deleting provisions to conform; amending s.
1392 479.261, F.S.; conforming provisions related to a logo
1393 sign program on limited access highways; amending s.
1394 479.313, F.S.; requiring a permittee to pay the cost
1395 of removing certain signs following the cancellation
1396 of the permit for the sign; repealing s. 76 of ch.
1397 2012-174, Laws of Florida, relating to a tourist-
1398 oriented commerce sign pilot program for small
1399 businesses; providing an effective date.