

By the Committee on Transportation; and Senator Latvala

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1                                   A bill to be entitled  
2           An act relating to transportation; amending s. 337.25,  
3           F.S.; authorizing the Department of Transportation to  
4           use auction services in the conveyance of certain  
5           property or leasehold interests; revising certain  
6           inventory requirements; revising provisions and  
7           providing criteria for the department to dispose of  
8           certain excess property; providing such criteria for  
9           the disposition of donated property, property used for  
10          a public purpose, or property acquired to provide  
11          replacement housing for certain displaced persons;  
12          providing value offsets for property that requires  
13          significant maintenance costs or exposes the  
14          department to significant liability; providing  
15          procedures for the sale of property to abutting  
16          property owners; deleting provisions to conform to  
17          changes made by the act; providing monetary  
18          restrictions and criteria for the conveyance of  
19          certain leasehold interests; providing exceptions to  
20          restrictions for leases entered into for a public  
21          purpose; providing criteria for the preparation of  
22          estimates of value prepared by the department;  
23          providing that the requirements of s. 73.013, F.S.,  
24          relating to eminent domain, are not modified;  
25          providing that certain programs approved by the  
26          Federal Government relating to the maintenance of  
27          highway roadside rights-of-way must be submitted to  
28          the Legislature for approval; amending provisions of  
29          ch. 479, F.S., relating to outdoor advertising signs;

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30 amending s. 479.01, F.S.; revising and deleting  
31 definitions; amending s. 479.02, F.S.; revising powers  
32 of the department relating to nonconforming signs;  
33 deleting a requirement that the department adopt  
34 certain rules; creating s. 479.024, F.S.; limiting the  
35 placement of signs in commercial or industrial zones;  
36 defining the terms "parcel" and "utilities"; providing  
37 mandatory criteria for local governments to use in  
38 determining zoning for commercial or industrial  
39 parcels; providing that certain parcels are considered  
40 unzoned commercial or industrial areas; providing that  
41 specified uses may not be independently recognized as  
42 commercial or industrial areas; providing an appeal  
43 process for an applicant whose permit is denied;  
44 requiring an applicant whose application is denied to  
45 remove an existing sign pertaining to the application;  
46 requiring the department to reduce certain  
47 transportation funding in certain circumstances;  
48 amending s. 479.03, F.S.; providing for notice to  
49 owners of intervening privately owned lands before  
50 entering upon such lands to remove an illegal sign;  
51 amending s. 479.04, F.S.; providing that an outdoor  
52 advertising license is not required solely to erect  
53 outdoor signs or structures; amending s. 479.05, F.S.;  
54 authorizing the department to suspend a license for  
55 certain offenses and specifying activities that the  
56 licensee may engage in during the suspension; amending  
57 s. 479.07, F.S.; revising requirements for obtaining  
58 sign permits; conforming and clarifying provisions;

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59 increasing the allowable permit fee and requiring an  
60 application fee; revising sign placement requirements  
61 for signs on certain highways; deleting provisions  
62 that establish a pilot program relating to placement  
63 and removing a permit reinstatement fee; amending s.  
64 479.08, F.S.; clarifying provisions relating to the  
65 denial or revocation of a permit because of false or  
66 misleading information in the permit application;  
67 amending s. 479.10, F.S.; providing for cancellation  
68 of a permit; amending s. 479.105, F.S.; revising  
69 notice requirements to owners and advertisers relating  
70 to signs erected or maintained without a permit;  
71 revising procedures providing for the department to  
72 issue a permit as a conforming or nonconforming sign  
73 to the owner of an unpermitted sign; amending s.  
74 479.106, F.S.; deleting limits on application fees for  
75 permits to remove vegetation on public rights-of-way;  
76 increasing an administrative penalty for illegally  
77 removing certain vegetation; amending s. 479.107,  
78 F.S.; deleting fines for certain signs on highway  
79 rights-of-way; amending s. 479.111, F.S.; clarifying  
80 provisions relating to signs allowed on certain  
81 highways; amending s. 479.15, F.S.; deleting a  
82 definition; clarifying and conforming provisions  
83 related to permitted signs on property that is the  
84 subject of public acquisition; amending s. 479.156,  
85 F.S.; clarifying provisions related to the regulation  
86 of wall murals; amending s. 479.16, F.S.; providing  
87 that certain provisions relating to the regulation of

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88 signs may not be implemented or continued if such  
89 actions will adversely affect the allocation of  
90 federal funds to the department; exempting from permit  
91 requirements certain signs placed by tourist-oriented  
92 businesses, certain farm signs during harvest season,  
93 acknowledgement signs on publicly funded school  
94 premises, certain displays on specific sports  
95 facilities, and certain signs at welcome centers;  
96 amending s. 479.24, F.S.; clarifying provisions  
97 relating to compensation paid for the department's  
98 acquisition of lawful signs; amending s. 479.25, F.S.;  
99 requiring a local government to grant a variance or  
100 waiver to a local ordinance or regulation to allow the  
101 owner of a lawfully permitted sign to increase the  
102 height of the sign if a noise-attenuation barrier is  
103 permitted by or erected by a governmental entity in a  
104 way that interferes with the visibility of the sign;  
105 deleting provisions to conform; amending s. 479.261,  
106 F.S.; conforming provisions related to a logo sign  
107 program on limited access highways; amending s.  
108 479.313, F.S.; requiring a permittee to pay the cost  
109 of removing certain signs following the cancellation  
110 of the permit for the sign; repealing s. 76 of chapter  
111 2012-174, Laws of Florida, relating to authorizing the  
112 department to seek Federal Highway Administration  
113 approval of a tourist-oriented commerce sign pilot  
114 program and directing the department to submit the  
115 approved pilot program for legislative approval;  
116 providing an effective date.

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118 Be It Enacted by the Legislature of the State of Florida:

119

120 Section 1. Section 337.25, Florida Statutes, is amended to  
121 read:

122 337.25 Acquisition, lease, and disposal of real and  
123 personal property.—

124 (1) (a) The department may purchase, lease, exchange, or  
125 otherwise acquire any land, property interests, or buildings or  
126 other improvements, including personal property within such  
127 buildings or on such lands, necessary to secure or utilize  
128 transportation rights-of-way for existing, proposed, or  
129 anticipated transportation facilities on the State Highway  
130 System, on the State Park Road System, in a rail corridor, or in  
131 a transportation corridor designated by the department. Such  
132 property shall be held in the name of the state.

133 (b) The department may accept donations of any land or  
134 buildings or other improvements, including personal property  
135 within such buildings or on such lands with or without such  
136 conditions, reservations, or reverter provisions as are  
137 acceptable to the department. Such donations may be used as  
138 transportation rights-of-way or to secure or utilize  
139 transportation rights-of-way for existing, proposed, or  
140 anticipated transportation facilities on the State Highway  
141 System, on the State Park Road System, or in a transportation  
142 corridor designated by the department.

143 (c) When lands, buildings, or other improvements are needed  
144 for transportation purposes, but are held by a federal, state,  
145 or local governmental entity and utilized for public purposes

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146 other than transportation, the department may compensate the  
147 entity for such properties by providing functionally equivalent  
148 replacement facilities. The providing of replacement facilities  
149 under this subsection may only be undertaken with the agreement  
150 of the governmental entity affected.

151 (d) The department may contract pursuant to s. 287.055 for  
152 auction services used in the conveyance of real or personal  
153 property or the conveyance of leasehold interests under the  
154 provisions of subsections (4) and (5). The contract may allow  
155 for the contractor to retain a portion of the proceeds as  
156 compensation for the contractor's services.

157 (2) A complete inventory shall be made of all real or  
158 personal property immediately upon possession or acquisition.  
159 Such inventory shall include a statement of the location or site  
160 of each piece of realty, structure, or severable item ~~an~~  
161 ~~itemized listing of all appliances, fixtures, and other~~  
162 ~~severable items; a statement of the location or site of each~~  
163 ~~piece of realty, structure, or severable item; and the serial~~  
164 ~~number assigned to each.~~ Copies of each inventory shall be filed  
165 in the district office in which the property is located. Such  
166 inventory shall be carried forward to show the final disposition  
167 of each item of property, both real and personal.

168 (3) The inventory of real property which was acquired by  
169 the state after December 31, 1988, which has been owned by the  
170 state for 10 or more years, and which is not within a  
171 transportation corridor or within the right-of-way of a  
172 transportation facility shall be evaluated to determine the  
173 necessity for retaining the property. If the property is not  
174 needed for the construction, operation, and maintenance of a

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175 transportation facility, or is not located within a  
176 transportation corridor, the department may dispose of the  
177 property pursuant to subsection (4).

178 (4) The department may convey ~~sell~~, in the name of the  
179 state, any land, building, or other property, real or personal,  
180 which was acquired under the provisions of subsection (1) and  
181 which the department has determined is not needed for the  
182 construction, operation, and maintenance of a transportation  
183 facility. ~~With the exception of any parcel governed by paragraph~~  
184 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~  
185 ~~(i), the department shall afford first right of refusal to the~~  
186 ~~local government in the jurisdiction of which the parcel is~~  
187 ~~situated.~~ When such a determination has been made, property may  
188 be disposed of through negotiations, sealed competitive bids,  
189 auctions, or any other means the department deems to be in its  
190 best interest. A sale may not occur at a price less than the  
191 department's current estimate of value, except as provided in  
192 paragraphs (a)-(d). The department may afford a right of first  
193 refusal to the local government or other political subdivision  
194 in the jurisdiction in which the parcel is situated, except in  
195 conveyances transacted under paragraph (a), paragraph (c), or  
196 paragraph (e). ~~in the following manner:~~

197 (a) If the value of the property has been donated to the  
198 state for transportation purposes and a facility has not been  
199 constructed for a period of at least 5 years, plans have not  
200 been prepared for the construction of such facility, and the  
201 property is not located in a transportation corridor, the  
202 governmental entity may authorize reconveyance of the donated  
203 property for no consideration to the original donor or the

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204 donor's heirs, successors, assigns, or representatives ~~is~~  
205 ~~\$10,000 or less as determined by department estimate, the~~  
206 ~~department may negotiate the sale.~~

207 (b) If the value of the property is to be used for a public  
208 purpose, the property may be conveyed without consideration to a  
209 governmental entity exceeds \$10,000 as determined by department  
210 estimate, such property may be sold to the highest bidder  
211 through receipt of sealed competitive bids, after due  
212 advertisement, or by public auction held at the site of the  
213 improvement which is being sold.

214 (c) If the property was originally acquired specifically to  
215 provide replacement housing for persons displaced by  
216 transportation projects, the department may negotiate for the  
217 sale of such property as replacement housing. As compensation,  
218 the state shall receive no less than its investment in such  
219 property or the department's current estimate of value,  
220 whichever is lower. It is expressly intended that this benefit  
221 be extended only to persons actually displaced by the project.  
222 Dispositions to any other person must be for no less than the  
223 department's current estimate of value, in the discretion of the  
224 department, public sale would be inequitable, properties may be  
225 sold by negotiation to the owner holding title to the property  
226 abutting the property to be sold, provided such sale is at a  
227 negotiated price not less than fair market value as determined  
228 by an independent appraisal, the cost of which shall be paid by  
229 the owner of the abutting land. If negotiations do not result in  
230 the sale of the property to the owner of the abutting land and  
231 the property is sold to someone else, the cost of the  
232 independent appraisal shall be borne by the purchaser; and the



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233 ~~owner of the abutting land shall have the cost of the appraisal~~  
234 ~~refunded to him or her. If, however, no purchase takes place,~~  
235 ~~the owner of the abutting land shall forfeit the sum paid by him~~  
236 ~~or her for the independent appraisal. If, due to action of the~~  
237 ~~department, the property is removed from eligibility for sale,~~  
238 ~~the cost of any appraisal prepared shall be refunded to the~~  
239 ~~owner of the abutting land.~~

240 (d) If the department determines that the property will  
241 require significant costs to be incurred or that continued  
242 ownership of the property exposes the department to significant  
243 liability risks, the department may use the projected  
244 maintenance costs over the next 10 years to offset the  
245 property's value in establishing a value for disposal of the  
246 property, even if that value is zero ~~property acquired for use~~  
247 ~~as a borrow pit is no longer needed, the department may sell~~  
248 ~~such property to the owner of the parcel of abutting land from~~  
249 ~~which the borrow pit was originally acquired, provided the sale~~  
250 ~~is at a negotiated price not less than fair market value as~~  
251 ~~determined by an independent appraisal, the cost of which shall~~  
252 ~~be paid by the owner of such abutting land.~~

253 (e) If, in the discretion of the department, a sale to  
254 anyone other than an abutting property owner would be  
255 inequitable, the property may be sold to the abutting owner for  
256 the department's current estimate of value. If the department  
257 begins the process for disposing of the property on its own  
258 initiative, either by negotiation under the provisions of  
259 paragraph (a), paragraph (c), or paragraph (d), or paragraph  
260 ~~(i),~~ or by receipt of sealed competitive bids or public auction  
261 under the provisions of paragraph (b) or paragraph (i), a

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262 department staff appraiser may determine the fair market value  
263 of the property by an appraisal.

264 ~~(f) Any property which was acquired by a county or by the~~  
265 ~~department using constitutional gas tax funds for the purpose of~~  
266 ~~a right-of-way or borrow pit for a road on the State Highway~~  
267 ~~System, State Park Road System, or county road system and which~~  
268 ~~is no longer used or needed by the department may be conveyed~~  
269 ~~without consideration to that county. The county may then sell~~  
270 ~~such surplus property upon receipt of competitive bids in the~~  
271 ~~same manner prescribed in this section.~~

272 ~~(g) If a property has been donated to the state for~~  
273 ~~transportation purposes and the facility has not been~~  
274 ~~constructed for a period of at least 5 years and no plans have~~  
275 ~~been prepared for the construction of such facility and the~~  
276 ~~property is not located in a transportation corridor, the~~  
277 ~~governmental entity may authorize reconveyance of the donated~~  
278 ~~property for no consideration to the original donor or the~~  
279 ~~donor's heirs, successors, assigns, or representatives.~~

280 ~~(h) If property is to be used for a public purpose, the~~  
281 ~~property may be conveyed without consideration to a governmental~~  
282 ~~entity.~~

283 ~~(i) If property was originally acquired specifically to~~  
284 ~~provide replacement housing for persons displaced by~~  
285 ~~transportation projects, the department may negotiate for the~~  
286 ~~sale of such property as replacement housing. As compensation,~~  
287 ~~the state shall receive no less than its investment in such~~  
288 ~~properties or fair market value, whichever is lower. It is~~  
289 ~~expressly intended that this benefit be extended only to those~~  
290 ~~persons actually displaced by such project. Dispositions to any~~

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291 ~~other persons must be for fair market value.~~

292 ~~(j) If the department determines that the property will~~  
293 ~~require significant costs to be incurred or that continued~~  
294 ~~ownership of the property exposes the department to significant~~  
295 ~~liability risks, the department may use the projected~~  
296 ~~maintenance costs over the next 5 years to offset the market~~  
297 ~~value in establishing a value for disposal of the property, even~~  
298 ~~if that value is zero.~~

299 (5) The department may convey a leasehold interest for  
300 commercial or other purposes, in the name of the state, to any  
301 land, building, or other property, real or personal, which was  
302 acquired under the provisions of subsection (1). However, a  
303 lease may not be entered into at a price less than the  
304 department's current estimate of value, except as provided in  
305 paragraphs (4) (a) - (d).

306 (a) A lease may be through negotiations, sealed competitive  
307 bids, auctions, or any other means the department deems to be in  
308 its best interest ~~The department may negotiate such a lease at~~  
309 ~~the prevailing market value with the owner from whom the~~  
310 ~~property was acquired; with the holders of leasehold estates~~  
311 ~~existing at the time of the department's acquisition; or, if~~  
312 ~~public bidding would be inequitable, with the owner holding~~  
313 ~~title to privately owned abutting property, if reasonable notice~~  
314 ~~is provided to all other owners of abutting property. The~~  
315 ~~department may allow an outdoor advertising sign to remain on~~  
316 ~~the property acquired, or be relocated on department property,~~  
317 ~~and such sign shall not be considered a nonconforming sign~~  
318 ~~pursuant to chapter 479.~~

319 (b) If, in the discretion of the department, a lease to a

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320 person other than an abutting property owner or tenant with a  
321 leasehold interest in the abutting property would be  
322 inequitable, the property may be leased to the abutting owner or  
323 tenant for no less than the department's current estimate of  
324 value ~~All other leases shall be by competitive bid.~~

325 (c) No lease signed pursuant to paragraph (a) ~~or paragraph~~  
326 ~~(b)~~ shall be for a period of more than 5 years; however, the  
327 department may renegotiate or extend such a lease for an  
328 additional term of 5 years as the department deems appropriate  
329 ~~without rebidding.~~

330 (d) Each lease shall provide that, unless otherwise  
331 directed by the lessor, any improvements made to the property  
332 during the term of the lease shall be removed at the lessee's  
333 expense.

334 (e) If property is to be used for a public purpose,  
335 ~~including a fair, art show, or other educational, cultural, or~~  
336 ~~fundraising activity,~~ the property may be leased without  
337 consideration to a governmental entity ~~or school board.~~ A lease  
338 for a public purpose is exempt from the term limits in paragraph  
339 (c).

340 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases  
341 entered into pursuant to s. 260.0161(3), except as provided in  
342 such a lease.

343 (g) No lease executed under this subsection may be utilized  
344 by the lessee to establish the ~~4 years~~ standing required by s.  
345 73.071(3) (b) if the business had not been established for the  
346 specified number of 4 years on the date title passed to the  
347 department.

348 (h) The department may enter into a long-term lease without

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349 compensation with a public port listed in s. 403.021(9)(b) for  
350 rail corridors used for the operation of a short-line railroad  
351 to the port.

352 (6) Nothing in this chapter prevents the joint use of  
353 right-of-way for alternative modes of transportation; provided  
354 that the joint use does not impair the integrity and safety of  
355 the transportation facility.

356 (7) The department's estimate of value, required by  
357 subsections (4) and (5), shall be prepared in accordance with  
358 department procedures, guidelines, and rules for valuation of  
359 real property. If the value of the property exceeds \$50,000, as  
360 determined by the department estimate, the sale or lease must be  
361 at a negotiated price not less than the estimate of value as  
362 determined by an appraisal prepared in accordance with  
363 department procedures, guidelines, and rules for valuation of  
364 real property, the cost of which shall be paid by the party  
365 seeking the purchase or lease of the property appraisal required  
366 by paragraphs (4)(c) and (d) shall be prepared in accordance  
367 with department guidelines and rules by an independent appraiser  
368 who has been certified by the department. If federal funds were  
369 used in the acquisition of the property, the appraisal shall  
370 also be subject to the approval of the Federal Highway  
371 Administration.

372 ~~(8) A "due advertisement" under this section is an~~  
373 ~~advertisement in a newspaper of general circulation in the area~~  
374 ~~of the improvements of not less than 14 calendar days prior to~~  
375 ~~the date of the receipt of bids or the date on which a public~~  
376 ~~auction is to be held.~~

377 (8)(9) The department, with the approval of the Chief

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378 Financial Officer, is authorized to disburse state funds for  
379 real estate closings in a manner consistent with good business  
380 practices and in a manner minimizing costs and risks to the  
381 state.

382 ~~(9)~~ ~~(10)~~ The department is authorized to purchase title  
383 insurance in those instances where it is determined that such  
384 insurance is necessary to protect the public's investment in  
385 property being acquired for transportation purposes. The  
386 department shall adopt procedures to be followed in making the  
387 determination to purchase title insurance for a particular  
388 parcel or group of parcels which, at a minimum, shall set forth  
389 criteria which the parcels must meet.

390 (10) This section does not modify the requirements of s.  
391 73.013.

392 Section 2. If the Federal Government approves a program  
393 that allows participation in the maintenance of highway roadside  
394 rights-of-way through monetary contributions in exchange for  
395 recognition of services provided in the form of organic  
396 corporate emblems placed in view of passing motorists, the  
397 Department of Transportation shall submit the program for  
398 legislative approval in the next regular legislative session.

399 Section 3. Section 479.01, Florida Statutes, is amended to  
400 read:

401 479.01 Definitions.—As used in this chapter, the term:

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

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407 a temporary basis.

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

411 (3) "Business of outdoor advertising" means the business of  
412 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,  
413 or selling outdoor advertising structures, outdoor advertising  
414 signs, or outdoor advertisements.

415 ~~(4) "Commercial or industrial zone" means a parcel of land~~  
416 ~~designated for commercial or industrial uses under both the~~  
417 ~~future land use map of the comprehensive plan and the land use~~  
418 ~~development regulations adopted pursuant to chapter 163. If a~~  
419 ~~parcel is located in an area designated for multiple uses on the~~  
420 ~~future land use map of a comprehensive plan and the zoning~~  
421 ~~category of the land development regulations does not clearly~~  
422 ~~designate that parcel for a specific use, the area will be~~  
423 ~~considered an unzoned commercial or industrial area if it meets~~  
424 ~~the criteria of subsection (26).~~

425 (4)~~(5)~~ "Commercial use" means activities associated with  
426 the sale, rental, or distribution of products or the performance  
427 of services. The term includes, without limitation, such uses or  
428 activities as retail sales; wholesale sales; rentals of  
429 equipment, goods, or products; offices; restaurants; food  
430 service vendors; sports arenas; theaters; and tourist  
431 attractions.

432 (5)~~(6)~~ "Controlled area" means 660 feet or less from the  
433 nearest edge of the right-of-way of any portion of the State  
434 Highway System, interstate, or federal-aid primary system and  
435 beyond 660 feet of the nearest edge of the right-of-way of any

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436 portion of the State Highway System, interstate, or federal-aid  
437 primary system outside an urban area.

438 (6)~~(7)~~ "Department" means the Department of Transportation.

439 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,  
440 place, affix, attach, create, paint, draw, or in any other way  
441 bring into being or establish; but it does not include any of  
442 the foregoing activities when performed as an incident to the  
443 change of advertising message or customary maintenance or repair  
444 of a sign.

445 (8)~~(9)~~ "Federal-aid primary highway system" means the  
446 federal-aid primary highway system in existence on June 1, 1991,  
447 and any highway that was not a part of such system as of that  
448 date, but that is, or became after June 1, 1991, a part of the  
449 National Highway System, including portions that have been  
450 accepted as part of the National Highway System but are unbuilt  
451 or unopened ~~existing, unbuilt, or unopened system of highways or~~  
452 ~~portions thereof, which shall include the National Highway~~  
453 ~~System, designated as the federal-aid primary highway system by~~  
454 ~~the department.~~

455 (9)~~(10)~~ "Highway" means any road, street, or other way open  
456 or intended to be opened to the public for travel by motor  
457 vehicles.

458 (10)~~(11)~~ "Industrial use" means activities associated with  
459 the manufacture, assembly, processing, or storage of products or  
460 the performance of services relating thereto. The term includes,  
461 without limitation, such uses or activities as automobile  
462 manufacturing or repair, boat manufacturing or repair, junk  
463 yards, meat packing facilities, citrus processing and packing  
464 facilities, produce processing and packing facilities,



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465 electrical generating plants, water treatment plants, sewage  
466 treatment plants, and solid waste disposal sites.

467 (11)~~(12)~~ "Interstate highway system" means the existing,  
468 unbuilt, or unopened system of highways or portions thereof  
469 designated as the national system of interstate and defense  
470 highways by the department.

471 (12)~~(13)~~ "Main-traveled way" means the traveled way of a  
472 highway on which through traffic is carried. In the case of a  
473 divided highway, the traveled way of each of the separate  
474 roadways for traffic in opposite directions is a main-traveled  
475 way. It does not include such facilities as frontage roads,  
476 turning roadways which specifically include on-ramps or off-  
477 ramps to the interstate highway system, or parking areas.

478 (13)~~(14)~~ "Maintain" means to allow to exist.

479 (14)~~(15)~~ "Motorist services directional signs" means signs  
480 providing directional information about goods and services in  
481 the interest of the traveling public where such signs were  
482 lawfully erected and in existence on or before May 6, 1976, and  
483 continue to provide directional information to goods and  
484 services in a defined area.

485 (15)~~(16)~~ "New highway" means the construction of any road,  
486 paved or unpaved, where no road previously existed or the act of  
487 paving any previously unpaved road.

488 (16)~~(17)~~ "Nonconforming sign" means a sign which was  
489 lawfully erected but which does not comply with the land use,  
490 setback, size, spacing, and lighting provisions of state or  
491 local law, rule, regulation, or ordinance passed at a later date  
492 or a sign which was lawfully erected but which later fails to  
493 comply with state or local law, rule, regulation, or ordinance

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494 due to changed conditions.

495 (17)~~(18)~~ "Premises" means all the land areas under  
496 ownership or lease arrangement to the sign owner which are  
497 contiguous to the business conducted on the land except for  
498 instances where such land is a narrow strip contiguous to the  
499 advertised activity or is connected by such narrow strip, the  
500 only viable use of such land is to erect or maintain an  
501 advertising sign. When the sign owner is a municipality or  
502 county, "premises" shall mean all lands owned or leased by such  
503 municipality or county within its jurisdictional boundaries as  
504 set forth by law.

505 (18)~~(19)~~ "Remove" means to disassemble all sign materials  
506 above ground level and~~7~~ transport them from the site, ~~and~~  
507 ~~dispose of sign materials by sale or destruction.~~

508 (19)~~(20)~~ "Sign" means any combination of structure and  
509 message in the form of an outdoor sign, display, device, figure,  
510 painting, drawing, message, placard, poster, billboard,  
511 advertising structure, advertisement, logo, symbol, or other  
512 form, whether placed individually or on a V-type, back-to-back,  
513 side-to-side, stacked, or double-faced display or automatic  
514 changeable facing, designed, intended, or used to advertise or  
515 inform, any part of the advertising message or informative  
516 contents of which is visible from any place on the main-traveled  
517 way. The term does not include an official traffic control sign,  
518 official marker, or specific information panel erected, caused  
519 to be erected, or approved by the department.

520 (20)~~(21)~~ "Sign direction" means that direction from which  
521 the message or informative contents are most visible to oncoming  
522 traffic on the main-traveled way.

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523        (21)~~(22)~~ "Sign face" means the part of the sign, including  
524 trim and background, which contains the message or informative  
525 contents, including an automatic changeable face.

526        (22)~~(23)~~ "Sign facing" includes all sign faces and  
527 automatic changeable faces displayed at the same location and  
528 facing the same direction.

529        (23)~~(24)~~ "Sign structure" means all the interrelated parts  
530 and material, such as beams, poles, and stringers, which are  
531 constructed for the purpose of supporting or displaying a  
532 message or informative contents.

533        (24)~~(25)~~ "State Highway System" has the same meaning as in  
534 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~  
535 ~~highways or portions thereof designated as the State Highway~~  
536 ~~System by the department.~~

537        ~~(26) "Unzoned commercial or industrial area" means a parcel~~  
538 ~~of land designated by the future land use map of the~~  
539 ~~comprehensive plan for multiple uses that include commercial or~~  
540 ~~industrial uses but are not specifically designated for~~  
541 ~~commercial or industrial uses under the land development~~  
542 ~~regulations, in which three or more separate and distinct~~  
543 ~~conforming industrial or commercial activities are located.~~

544        ~~(a) These activities must satisfy the following criteria:~~  
545        ~~1. At least one of the commercial or industrial activities~~  
546 ~~must be located on the same side of the highway and within 800~~  
547 ~~feet of the sign location;~~  
548        ~~2. The commercial or industrial activities must be within~~  
549 ~~660 feet from the nearest edge of the right-of-way; and~~  
550        ~~3. The commercial industrial activities must be within~~  
551 ~~1,600 feet of each other.~~

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553 ~~Distances specified in this paragraph must be measured from the~~  
554 ~~nearest outer edge of the primary building or primary building~~  
555 ~~complex when the individual units of the complex are connected~~  
556 ~~by covered walkways.~~

557 ~~(b) Certain activities, including, but not limited to, the~~  
558 ~~following, may not be so recognized as commercial or industrial~~  
559 ~~activities:~~

560 ~~1. Signs.~~

561 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~  
562 ~~related activities, including, but not limited to, wayside fresh~~  
563 ~~produce stands.~~

564 ~~3. Transient or temporary activities.~~

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

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

568 ~~6. Activities conducted in a building principally used as a~~  
569 ~~residence.~~

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

571 ~~8. Communication towers.~~

572 ~~(25)-(27)~~ "Urban area" has the same meaning as ~~defined~~ in s.  
573 334.03(31).

574 ~~(26)-(28)~~ "Visible commercial or industrial activity" means  
575 a commercial or industrial activity that is capable of being  
576 seen without visual aid by a person of normal visual acuity from  
577 the main-traveled way and that is generally recognizable as  
578 commercial or industrial.

579 ~~(27)-(29)~~ "Visible sign" means that the advertising message  
580 or informative contents of a sign, whether or not legible, is

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581 capable of being seen without visual aid by a person of normal  
582 visual acuity.

583 ~~(28)(30)~~ "Wall mural" means a sign that is a painting or an  
584 artistic work composed of photographs or arrangements of color  
585 and that displays a commercial or noncommercial message, relies  
586 solely on the side of the building for rigid structural support,  
587 and is painted on the building or depicted on vinyl, fabric, or  
588 other similarly flexible material that is held in place flush or  
589 flat against the surface of the building. The term excludes a  
590 painting or work placed on a structure that is erected for the  
591 sole or primary purpose of signage.

592 ~~(29)(31)~~ "Zoning category" means the designation under the  
593 land development regulations or other similar ordinance enacted  
594 to regulate the use of land as provided in s. 163.3202(2)(b),  
595 which designation sets forth the allowable uses, restrictions,  
596 and limitations on use applicable to properties within the  
597 category.

598 Section 4. Section 479.02, Florida Statutes, is amended to  
599 read:

600 479.02 Duties of the department. ~~It shall be the duty of~~  
601 The department shall ~~to~~:

602 (1) Administer and enforce the provisions of this chapter,  
603 ~~and the 1972~~ agreement between the state and the United States  
604 Department of Transportation, ~~relating to the size, lighting,~~  
605 ~~and spacing of signs in accordance with Title I of the Highway~~  
606 ~~Beautification Act of 1965 and Title 23, United States Code, and~~  
607 federal regulations, including, but not limited to, those  
608 pertaining to the maintenance, continuance, and removal of  
609 nonconforming signs ~~in effect as of the effective date of this~~

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610 act.

611 (2) Regulate size, height, lighting, and spacing of signs  
612 permitted on commercial and industrial parcels and in unzoned  
613 commercial or industrial areas ~~in zoned and unzoned commercial~~  
614 ~~areas and zoned and unzoned industrial areas~~ on the interstate  
615 highway system and the federal-aid primary highway system.

616 (3) Determine ~~unzoned~~ commercial and industrial parcels and  
617 unzoned commercial or areas and unzoned industrial areas in the  
618 manner provided in s. 479.024.

619 (4) Implement a specific information panel program on the  
620 limited access interstate highway system to promote tourist-  
621 oriented businesses by providing directional information safely  
622 and aesthetically.

623 (5) Implement a rest area information panel or devices  
624 program at rest areas along the interstate highway system and  
625 the federal-aid primary highway system to promote tourist-  
626 oriented businesses.

627 (6) Test and, if economically feasible, implement  
628 alternative methods of providing information in the specific  
629 interest of the traveling public which allow the traveling  
630 public freedom of choice, conserve natural beauty, and present  
631 information safely and aesthetically.

632 (7) Adopt such rules as it deems necessary or proper for  
633 the administration of this chapter, including rules that ~~which~~  
634 identify activities that may not be recognized as industrial or  
635 commercial activities for purposes of determination of a ~~an area~~  
636 ~~as an unzoned~~ commercial or industrial parcel or an unzoned  
637 commercial or industrial area in the manner provided in s.  
638 479.024.

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639 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the  
640 location of all signs on the state, interstate and federal-aid  
641 primary highway systems to be used as. ~~Upon completion of the~~  
642 ~~inventory, it shall become~~ the database and permit information  
643 for all permitted signs ~~permitted at the time of completion, and~~  
644 ~~the previous records of the department shall be amended~~  
645 ~~accordingly.~~ The inventory shall be updated no less than every 2  
646 years. ~~The department shall adopt rules regarding what~~  
647 ~~information is to be collected and preserved to implement the~~  
648 ~~purposes of this chapter.~~ The department may perform the  
649 inventory using department staff, or may contract with a private  
650 firm to perform the work, whichever is more cost efficient. The  
651 department shall maintain a database of sign inventory  
652 information such as sign location, size, height, and structure  
653 type, the permitholder's name, and any other information the  
654 department finds necessary to administer the program.

655 Section 5. Section 479.024, Florida Statutes, is created to  
656 read:

657 479.024 Commercial and industrial parcels.—Signs shall only  
658 be permitted by the department in commercial or industrial  
659 zones, as determined by the local government, in compliance with  
660 chapter 163, unless otherwise provided in this chapter.

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

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

664 (b) "Utilities" includes all privately, publicly, or  
665 cooperatively owned lines, facilities, and systems for  
666 producing, transmitting, or distributing communications, power,  
667 electricity, light, heat, gas, oil, crude products, water,

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668 steam, waste, and stormwater not connected with the highway  
669 drainage, and other similar commodities.

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

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

674 (b) The parcel can reasonably accommodate a commercial or  
675 industrial use under the future land use map of the  
676 comprehensive plan and land use development regulations, as  
677 follows:

678 1. Sufficient utilities are available to support commercial  
679 or industrial development.

680 2. The size, configuration, and public access of the parcel  
681 are sufficient to accommodate a commercial or industrial use,  
682 given requirements in the comprehensive plan and land  
683 development regulations for vehicular access, on-site  
684 circulation, building setbacks, buffering, parking, and other  
685 applicable standards or the parcel consists of railroad tracks  
686 or minor sidings abutting commercial or industrial property that  
687 meets the criteria of this subsection.

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

690 (3) If a local government has not designated zoning through  
691 land development regulations in compliance with chapter 163, but  
692 has designated the parcel under the future land use map of the  
693 comprehensive plan for uses that include commercial or  
694 industrial uses, the parcel shall be considered an unzoned  
695 commercial or industrial area. For a permit to be issued for a  
696 sign in an unzoned commercial or industrial area, there must be



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697 three or more distinct commercial or industrial activities  
698 within 1,600 feet of each other, with at least one of the  
699 commercial or industrial activities located on the same side of  
700 the highway as the sign location, and within 800 feet of the  
701 sign location. Multiple commercial or industrial activities  
702 enclosed in one building when all uses have only shared building  
703 entrances shall be considered one use.

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

707 (a) Signs.

708 (b) Agricultural, forestry, ranching, grazing, farming, and  
709 related activities, including, but not limited to, wayside fresh  
710 produce stands.

711 (c) Transient or temporary activities.

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

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

717 (f) Activities conducted in a building principally used as  
718 a residence.

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

722 (h) Communication towers.

723 (i) Governmental uses, unless those governmental uses would  
724 be industrial in nature if privately owned and operated. Such  
725 industrial uses must be the present and actual use, not merely

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726 be among the allowed uses.

727 (5) If the local government has indicated that the proposed  
728 sign location is on a parcel that is in a commercial or  
729 industrial zone, but the department finds that it is not, the  
730 department shall notify the sign applicant in writing of its  
731 determination.

732 (6) An applicant whose application for a permit is denied  
733 may, within 30 days after the receipt of the notification of  
734 intent to deny, request an administrative hearing pursuant to  
735 chapter 120 for a determination of whether the parcel is located  
736 in a commercial or industrial zone. Upon receipt of such  
737 request, the department shall notify the local government that  
738 the applicant has requested an administrative hearing pursuant  
739 to chapter 120.

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

745 (8) If the Federal Highway Administration reduces funds  
746 that would otherwise be apportioned to the department due to a  
747 local government's failure to be compliant with this section,  
748 the department shall reduce apportioned transportation funding  
749 to the local government by an equivalent amount.

750 Section 6. Section 479.03, Florida Statutes, is amended to  
751 read:

752 479.03 Jurisdiction of the Department of Transportation;  
753 entry upon privately owned lands.—The territory under the  
754 jurisdiction of the department for the purpose of this chapter

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755 shall include all the state. Employees, agents, or independent  
756 contractors working for the department, in the performance of  
757 their functions and duties under the provisions of this chapter,  
758 may enter into and upon any land upon which a sign is displayed,  
759 is proposed to be erected, or is being erected and make such  
760 inspections, surveys, and removals as may be relevant. Upon  
761 written notice to ~~After receiving consent by~~ the landowner,  
762 operator, or person in charge of an intervening privately owned  
763 land that ~~or appropriate inspection warrant issued by a judge of~~  
764 ~~any county court or circuit court of this state which has~~  
765 ~~jurisdiction of the place or thing to be removed, that the~~  
766 removal of an illegal outdoor advertising sign is necessary and  
767 has been authorized by a final order or results from an  
768 uncontested notice to the sign owner, the department may ~~shall~~  
769 ~~be authorized to~~ enter upon any intervening privately owned  
770 lands for the purposes of effectuating removal of illegal signs,  
771 provided that the department shall only do so in circumstances  
772 where it has determined that no other legal or economically  
773 feasible means of entry to the sign site are reasonably  
774 available. Except as otherwise provided by this chapter, the  
775 department shall be responsible for the repair or replacement in  
776 a like manner for any physical damage or destruction of private  
777 property, other than the sign, incidental to the department's  
778 entry upon such intervening privately owned lands.

779 Section 7. Section 479.04, Florida Statutes, is amended to  
780 read:

781 479.04 Business of outdoor advertising; license  
782 requirement; renewal; fees.-

783 (1) A ~~No~~ person may not ~~shall~~ engage in the business of

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784 outdoor advertising in this state without first obtaining a  
785 license ~~therefor~~ from the department. Such license shall be  
786 renewed annually. The fee for such license, and for each annual  
787 renewal, is \$300. License renewal fees shall be payable as  
788 provided for in s. 479.07.

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

793 Section 8. Section 479.05, Florida Statutes, is amended to  
794 read:

795 479.05 Denial, suspension, or revocation of license.—The  
796 department may ~~has authority to~~ deny, suspend, or revoke any  
797 license requested or granted under this chapter in any case in  
798 which it determines that the application for the license  
799 contains ~~knowingly~~ false or misleading information of material  
800 consequence, that the licensee has failed to pay fees or costs  
801 owed to the department for outdoor advertising purposes, or that  
802 the licensee has violated any of the provisions of this chapter,  
803 unless such licensee, within 30 days after the receipt of notice  
804 by the department, corrects such false or misleading  
805 information, pays the outstanding amounts, or complies with the  
806 provisions of this chapter. Suspension of a license allows the  
807 licensee to maintain existing sign permits, but the department  
808 may not grant a transfer of an existing permit or issue an  
809 additional permit to a licensee with a suspended license. Any  
810 person aggrieved by an ~~any~~ action of the department which  
811 denies, suspends, or revokes ~~in denying or revoking~~ a license  
812 under this chapter may, within 30 days after ~~from~~ the receipt of

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813 the notice, apply to the department for an administrative  
814 hearing pursuant to chapter 120.

815 Section 9. Section 479.07, Florida Statutes, is amended to  
816 read:

817 479.07 Sign permits.—

818 (1) Except as provided in ss. 479.105(1) ~~479.105(1)(e)~~ and  
819 479.16, a person may not erect, operate, use, or maintain, or  
820 cause to be erected, operated, used, or maintained, any sign on  
821 the State Highway System outside an urban area, ~~as defined in s.~~  
822 ~~334.03(31)~~, or on any portion of the interstate or federal-aid  
823 primary highway system without first obtaining a permit for the  
824 sign from the department and paying the annual fee as provided  
825 in this section. As used in this section, the term "on any  
826 portion of the State Highway System, interstate, or federal-aid  
827 primary system" means a sign located within the controlled area  
828 which is visible from any portion of the main-traveled way of  
829 such system.

830 (2) ~~A person may not apply for a permit unless he or she~~  
831 ~~has first obtained the~~ Written permission of the owner or other  
832 person in lawful possession or control of the site designated as  
833 the location of the sign is required for issuance of a ~~in the~~  
834 ~~application for the~~ permit.

835 (3) (a) An application for a sign permit must be made on a  
836 form prescribed by the department, and a separate application  
837 must be submitted for each permit requested. A permit is  
838 required for each sign facing.

839 (b) As part of the application, the applicant or his or her  
840 authorized representative must certify ~~in a notarized signed~~  
841 ~~statement~~ that all information provided in the application is

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842 true and correct ~~and that, pursuant to subsection (2), he or she~~  
843 ~~has obtained the written permission of the owner or other person~~  
844 ~~in lawful possession of the site designated as the location of~~  
845 ~~the sign in the permit application.~~ Every permit application  
846 must be accompanied by the appropriate permit fee, + a signed  
847 statement by the owner or other person in lawful control of the  
848 site on which the sign is located or will be erected,  
849 authorizing the placement of the sign on that site, + and, ~~where~~  
850 ~~local governmental regulation of signs exists,~~ a statement from  
851 the appropriate local governmental official indicating that the  
852 sign complies with all local government ~~governmental~~  
853 requirements and, if a local government permit is required for a  
854 sign, that the agency or unit of local government will issue a  
855 permit to that applicant upon approval of the state permit  
856 application by the department.

857 (c) The annual permit fee for each sign facing shall be  
858 established by the department by rule in an amount sufficient to  
859 offset the total cost to the department for the program, but  
860 shall not exceed \$200 ~~\$100~~. ~~The A fee may not be prorated for a~~  
861 ~~period less than the remainder of the permit year to accommodate~~  
862 ~~short-term publicity features; however,~~ a first-year fee may be  
863 prorated by payment of an amount equal to one-fourth of the  
864 annual fee for each remaining whole quarter or partial quarter  
865 of the permit year. Applications received after the end of the  
866 third quarter of the permit year must include fees for the last  
867 quarter of the current year and fees for the succeeding year. A  
868 nonrefundable application fee of \$25 must accompany each permit  
869 application.

870 (4) An application for a permit shall be acted on by

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871 granting, denying, or returning the incomplete application ~~the~~  
872 ~~department~~ within 30 days after receipt of the application by  
873 the department.

874 (5) (a) For each permit issued, the department shall furnish  
875 to the applicant a serially numbered permanent metal permit tag.  
876 The permittee is responsible for maintaining a valid permit tag  
877 on each permitted sign facing at all times. The tag shall be  
878 securely attached to the upper 50 percent of the sign structure  
879 ~~sign facing or, if there is no facing, on the pole nearest the~~  
880 ~~highway,~~ and it shall be attached in such a manner as to be  
881 plainly visible from the main-traveled way. ~~Effective July 1,~~  
882 ~~2012, the tag must be securely attached to the upper 50 percent~~  
883 ~~of the pole nearest the highway and must be attached in such a~~  
884 ~~manner as to be plainly visible from the main-traveled way.~~ The  
885 permit ~~becomes void unless the permit tag must be~~ is properly  
886 and permanently displayed at the permitted site within 30 days  
887 after the date of permit issuance. If the permittee fails to  
888 erect a completed sign on the permitted site within 270 days  
889 after the date on which the permit was issued, the permit will  
890 be void, and the department may not issue a new permit to that  
891 permittee for the same location for 270 days after the date on  
892 which the permit became void.

893 (b) If a permit tag is lost, stolen, or destroyed, the  
894 permittee to whom the tag was issued must apply to the  
895 department for a replacement tag. The department shall adopt a  
896 rule establishing a service fee for replacement tags in an  
897 amount that will recover the actual cost of providing the  
898 replacement tag. Upon receipt of the application accompanied by  
899 the service fee, the department shall issue a replacement permit

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900 tag. ~~Alternatively, the permittee may provide its own~~  
901 ~~replacement tag pursuant to department specifications that the~~  
902 ~~department shall adopt by rule at the time it establishes the~~  
903 ~~service fee for replacement tags.~~

904 (6) A permit is valid only for the location specified in  
905 the permit. Valid permits may be transferred from one sign owner  
906 to another upon written acknowledgment from the current  
907 permittee and submittal of a transfer fee of \$5 for each permit  
908 to be transferred. However, the maximum transfer fee for any  
909 multiple transfer between two outdoor advertisers in a single  
910 transaction is \$1,000 ~~\$100~~.

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

914 (8) (a) In order to reduce peak workloads, the department  
915 may adopt rules providing for staggered expiration dates for  
916 licenses and permits. Unless otherwise provided for by rule, all  
917 licenses and permits expire annually on January 15. All license  
918 and permit renewal fees are required to be submitted to the  
919 department by no later than the expiration date. At least 105  
920 days before ~~prior to~~ the expiration date of licenses and  
921 permits, the department shall send to each permittee a notice of  
922 fees due for all licenses and permits that ~~which~~ were issued to  
923 him or her before ~~prior to~~ the date of the notice. Such notice  
924 shall list the permits and the permit fees due for each sign  
925 facing. The permittee shall, no later than 45 days before ~~prior~~  
926 ~~to~~ the expiration date, advise the department of any additions,  
927 deletions, or errors contained in the notice. Permit tags which  
928 are not renewed shall be returned to the department for



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929 cancellation by the expiration date. Permits which are not  
930 renewed or are canceled shall be certified in writing at that  
931 time as canceled or not renewed by the permittee, and permit  
932 tags for such permits shall be returned to the department or  
933 shall be accounted for by the permittee in writing, which  
934 writing shall be submitted with the renewal fee payment or the  
935 cancellation certification. However, failure of a permittee to  
936 submit a permit cancellation does ~~shall~~ not affect the  
937 nonrenewal of a permit. Before ~~Prior to~~ cancellation of a  
938 permit, the permittee shall provide written notice to all  
939 persons or entities having a right to advertise on the sign that  
940 the permittee intends to cancel the permit.

941 (b) If a permittee has not submitted his or her fee payment  
942 by the expiration date of the licenses or permits, the  
943 department shall send a notice of violation to the permittee  
944 within 45 days after the expiration date, requiring the payment  
945 of the permit fee within 30 days after the date of the notice  
946 and payment of a delinquency fee equal to 10 percent of the  
947 original amount due or, in the alternative to these payments,  
948 requiring the filing of a request for an administrative hearing  
949 to show cause why the ~~his or her~~ sign should not be subject to  
950 immediate removal due to expiration of his or her license or  
951 permit. If the permittee submits payment as required by the  
952 violation notice, the ~~his or her~~ license or permit will be  
953 automatically reinstated and such reinstatement will be  
954 retroactive to the original expiration date. If the permittee  
955 does not respond to the notice of violation within the 30-day  
956 period, the department shall, within 30 days, issue a final  
957 notice of sign removal and may, following 90 days after the date

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958 of the department's final notice of sign removal, remove the  
959 sign without incurring any liability as a result of such  
960 removal. However, if at any time before removal of the sign, the  
961 permittee demonstrates that a good faith error on the part of  
962 the permittee resulted in cancellation or nonrenewal of the  
963 permit, the department may reinstate the permit if:

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

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

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

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

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

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

980 1. One thousand five hundred feet from any other permitted  
981 sign on the same side of the highway, if on an interstate  
982 highway.

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

985  
986 The minimum spacing provided in this paragraph does not preclude

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987 the permitting of V-type, back-to-back, side-to-side, stacked,  
988 or double-faced signs at the permitted sign site. If a sign is  
989 visible to more than one highway subject to the jurisdiction of  
990 the department and within the controlled area of the highways  
991 ~~from the controlled area of more than one highway subject to the~~  
992 ~~jurisdiction of the department,~~ the sign must ~~shall~~ meet the  
993 permitting requirements of all highways, and, ~~if the sign meets~~  
994 ~~the applicable permitting requirements,~~ be permitted to, the  
995 highway having the more stringent permitting requirements.

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

999 1. Exceeds 50 feet in sign structure height above the crown  
1000 of the main-traveled way to which the sign is permitted, if  
1001 outside an incorporated area;

1002 2. Exceeds 65 feet in sign structure height above the crown  
1003 of the main-traveled way to which the sign is permitted, if  
1004 inside an incorporated area; or

1005 3. Exceeds 950 square feet of sign facing including all  
1006 embellishments.

1007 (c) Notwithstanding subparagraph (a)1., ~~there is~~  
1008 ~~established a pilot program in Orange, Hillsborough, and Osceola~~  
1009 ~~Counties, and within the boundaries of the City of Miami, under~~  
1010 ~~which~~ the distance between permitted signs on the same side of  
1011 an interstate highway may be reduced to 1,000 feet if all other  
1012 requirements of this chapter are met and if:

1013 1. The local government has adopted a plan, program,  
1014 resolution, ordinance, or other policy encouraging the voluntary  
1015 removal of signs in a downtown, historic, redevelopment, infill,

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1016 or other designated area which also provides for a new or  
1017 replacement sign to be erected on an interstate highway within  
1018 that jurisdiction if a sign in the designated area is removed;

1019 2. The sign owner and the local government mutually agree  
1020 to the terms of the removal and replacement; and

1021 3. The local government notifies the department of its  
1022 intention to allow such removal and replacement as agreed upon  
1023 pursuant to subparagraph 2.

1024 ~~4. The new or replacement sign to be erected on an~~  
1025 ~~interstate highway within that jurisdiction is to be located on~~  
1026 ~~a parcel of land specifically designated for commercial or~~  
1027 ~~industrial use under both the future land use map of the~~  
1028 ~~comprehensive plan and the land use development regulations~~  
1029 ~~adopted pursuant to chapter 163, and such parcel shall not be~~  
1030 ~~subject to an evaluation in accordance with the criteria set~~  
1031 ~~forth in s. 479.01(26) to determine if the parcel can be~~  
1032 ~~considered an unzoned commercial or industrial area.~~

1033  
1034 ~~The department shall maintain statistics tracking the use of the~~  
1035 ~~provisions of this pilot program based on the notifications~~  
1036 ~~received by the department from local governments under this~~  
1037 ~~paragraph.~~

1038 (d) This subsection does not cause a sign that was  
1039 conforming on October 1, 1984, to become nonconforming.

1040 (10) Commercial or industrial zoning that ~~which~~ is not  
1041 comprehensively enacted or that ~~which~~ is enacted primarily to  
1042 permit signs may ~~shall~~ not be recognized as commercial or  
1043 industrial zoning for purposes of this provision, and permits  
1044 may ~~shall~~ not be issued for signs in such areas. The department

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1045 shall adopt rules that ~~within 180 days after this act takes~~  
1046 ~~effect which shall~~ provide criteria to determine whether such  
1047 zoning is comprehensively enacted or enacted primarily to permit  
1048 signs.

1049 Section 10. Section 479.08, Florida Statutes, is amended to  
1050 read:

1051 479.08 Denial or revocation of permit.—The department may  
1052 deny or revoke any permit requested or granted under this  
1053 chapter in any case in which it determines that the application  
1054 for the permit contains ~~knowingly~~ false or misleading  
1055 information of material consequence. The department may revoke  
1056 any permit granted under this chapter in any case in which the  
1057 permittee has violated any of the provisions of this chapter,  
1058 unless such permittee, within 30 days after the receipt of  
1059 notice by the department, complies with the provisions of this  
1060 chapter. For the purpose of this section, the notice of  
1061 violation issued by the department must describe in detail the  
1062 alleged violation. Any person aggrieved by any action of the  
1063 department in denying or revoking a permit under this chapter  
1064 may, within 30 days after receipt of the notice, apply to the  
1065 department for an administrative hearing pursuant to chapter  
1066 120. If a timely request for hearing has been filed and the  
1067 department issues a final order revoking a permit, such  
1068 revocation shall be effective 30 days after the date of  
1069 rendition. Except for department action pursuant to s.  
1070 479.107(1), the filing of a timely and proper notice of appeal  
1071 shall operate to stay the revocation until the department's  
1072 action is upheld.

1073 Section 11. Section 479.10, Florida Statutes, is amended to

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1074 read:

1075 479.10 Sign removal following permit revocation or  
1076 cancellation.—A sign shall be removed by the permittee within 30  
1077 days after the date of revocation or cancellation of the permit  
1078 for the sign. If the permittee fails to remove the sign within  
1079 the 30-day period, the department shall remove the sign at the  
1080 permittee's expense with or without further notice and without  
1081 incurring any liability as a result of such removal.

1082 Section 12. Section 479.105, Florida Statutes, is amended  
1083 to read:

1084 479.105 Signs erected or maintained without required  
1085 permit; removal.—

1086 (1) Any sign which is located adjacent to the right-of-way  
1087 of any highway on the State Highway System outside an  
1088 incorporated area or adjacent to the right-of-way on any portion  
1089 of the interstate or federal-aid primary highway system, which  
1090 sign was erected, operated, or maintained without the permit  
1091 required by s. 479.07(1) having been issued by the department,  
1092 is declared to be a public nuisance and a private nuisance and  
1093 shall be removed as provided in this section.

1094 (a) Upon a determination by the department that a sign is  
1095 in violation of s. 479.07(1), the department shall prominently  
1096 post on the sign, or as close to the sign as possible for those  
1097 locations where the sign is not easily accessible, face a notice  
1098 stating that the sign is illegal and must be removed within 30  
1099 days after the date on which the notice was posted. ~~However, if~~  
1100 ~~the sign bears the name of the licensee or the name and address~~  
1101 ~~of the nonlicensed sign owner,~~ The department shall,  
1102 concurrently with and in addition to posting the notice on the

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1103 sign, provide a written notice to the owner of the sign, the  
1104 advertiser displayed on the sign, or the owner of the property,  
1105 stating that the sign is illegal and must be permanently removed  
1106 within the 30-day period specified on the posted notice. The  
1107 written notice shall further state that a hearing may be  
1108 requested, ~~the sign owner has a right to request a hearing,~~  
1109 which request must be filed with the department within 30 days  
1110 after receipt ~~the date~~ of the written notice. However, the  
1111 filing of a request for a hearing will not stay the removal of  
1112 the sign.

1113 (b) If, pursuant to the notice provided, the sign is not  
1114 removed by the ~~sign~~ owner of the sign, the advertiser displayed  
1115 on the sign, or the owner of the property within the prescribed  
1116 period, the department shall immediately remove the sign without  
1117 further notice; and, for that purpose, the employees, agents, or  
1118 independent contractors of the department may enter upon private  
1119 property without incurring any liability for so entering.

1120 (c) However, the department may issue a permit for a sign,  
1121 as a conforming or nonconforming sign, if the sign owner  
1122 demonstrates to the department one of the following:

1123 1. If the sign meets the current requirements of this  
1124 chapter for a sign permit, the sign owner may submit the  
1125 required application package and receive a permit as a  
1126 conforming sign, upon payment of all applicable fees.

1127 2. If the sign does not meet the current requirements of  
1128 this chapter for a sign permit, the sign owner may receive a  
1129 permit as a nonconforming sign if the department determines that  
1130 the sign is not located on state right-of-way and is not a  
1131 safety hazard and if the sign owner pays a penalty fee of \$300

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1132 and all pertinent fees required by this chapter, including  
1133 annual permit renewal fees payable since the date of the  
1134 erection of the sign, and attaches to the permit application  
1135 package documentation that demonstrates that:

1136 a. The sign has been unpermitted, structurally unchanged,  
1137 and continuously maintained at the same location for a period of  
1138 7 years or more;

1139 b. During the entire period in which the sign has been  
1140 erected, a permit was required but was not obtained;

1141 c. During the initial 7 years in which the sign has been  
1142 erected, the sign would have met the criteria established in  
1143 this chapter at that time for issuance of a permit; and

1144 d. The department has not initiated a notice of violation  
1145 or taken other action to remove the sign during the initial 7-  
1146 year period.

1147 (d) This subsection does not cause a neighboring sign that  
1148 is permitted and that is within the spacing requirements in s.  
1149 479.07(9)(a) to become nonconforming.

1150 (e) ~~(e)~~ For purposes of this subsection, a notice to the  
1151 sign owner, when required, constitutes sufficient notice; and  
1152 notice is not required to be provided to the lessee, advertiser,  
1153 or the owner of the real property on which the sign is located.

1154 (f) ~~(d)~~ If, after a hearing, it is determined that a sign  
1155 has been wrongfully or erroneously removed pursuant to this  
1156 subsection, the department, at the sign owner's discretion,  
1157 shall either pay just compensation to the owner of the sign or  
1158 reerect the sign in kind at the expense of the department.

1159 ~~(e) However, if the sign owner demonstrates to the~~  
1160 ~~department that:~~



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1161 ~~1. The sign has been unpermitted, structurally unchanged,~~  
1162 ~~and continuously maintained at the same location for a period of~~  
1163 ~~7 years or more;~~

1164 ~~2. At any time during the period in which the sign has been~~  
1165 ~~erected, the sign would have met the criteria established in~~  
1166 ~~this chapter for issuance of a permit;~~

1167 ~~3. The department has not initiated a notice of violation~~  
1168 ~~or taken other action to remove the sign during the initial 7-~~  
1169 ~~year period described in subparagraph 1.; and~~

1170 ~~4. The department determines that the sign is not located~~  
1171 ~~on state right of way and is not a safety hazard,~~

1172  
1173 ~~the sign may be considered a conforming or nonconforming sign~~  
1174 ~~and may be issued a permit by the department upon application in~~  
1175 ~~accordance with this chapter and payment of a penalty fee of~~  
1176 ~~\$300 and all pertinent fees required by this chapter, including~~  
1177 ~~annual permit renewal fees payable since the date of the~~  
1178 ~~erection of the sign.~~

1179 (2) (a) If a sign is under construction and the department  
1180 determines that a permit has not been issued for the sign as  
1181 required under the provisions of this chapter, the department is  
1182 authorized to require that all work on the sign cease until the  
1183 sign owner shows that the sign does not violate the provisions  
1184 of this chapter. The order to cease work shall be prominently  
1185 posted on the sign structure, and no further notice is required  
1186 to be given. The failure of a sign owner or her or his agents to  
1187 immediately comply with the order shall subject the sign to  
1188 prompt removal by the department.

1189 (b) For the purposes of this subsection only, a sign is

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1190 under construction when it is in any phase of initial  
1191 construction prior to the attachment and display of the  
1192 advertising message in final position for viewing by the  
1193 traveling public. A sign that is undergoing routine maintenance  
1194 or change of the advertising message only is not considered to  
1195 be under construction for the purposes of this subsection.

1196 (3) The cost of removing a sign, whether by the department  
1197 or an independent contractor, shall be assessed against the  
1198 owner of the sign by the department.

1199 Section 13. Subsections (4), (5), and (7) of section  
1200 479.106, Florida Statutes, are amended to read:

1201 479.106 Vegetation management.—

1202 (4) The department may establish an application fee by rule  
1203 ~~not to exceed \$25 for each individual application~~ to defer the  
1204 costs of processing such application ~~and a fee not to exceed~~  
1205 ~~\$200 to defer the costs of processing an application for~~  
1206 ~~multiple sites.~~

1207 (5) The department may only grant a permit pursuant to s.  
1208 479.07 for a new sign which requires the removal, cutting, or  
1209 trimming of existing trees or vegetation on public right-of-way  
1210 for the sign face to be visible from the highway when the sign  
1211 owner has removed at least two nonconforming signs of  
1212 approximate comparable size and surrendered the permits for the  
1213 nonconforming signs to the department for cancellation. For  
1214 signs originally permitted after July 1, 1996, the first  
1215 application, or application for a change of view zone, no permit  
1216 for the removal, cutting, or trimming of trees or vegetation  
1217 shall require, in addition to mitigation or contribution to a  
1218 plan of mitigation, the removal of two nonconforming signs. No

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1219 permits for the removal, cutting, or trimming of trees may be  
1220 granted for signs permitted after July 1, 1996 ~~be granted~~ where  
1221 such trees or vegetation are part of a beautification project  
1222 implemented before ~~prior to~~ the date of the original sign permit  
1223 application, when the beautification project is specifically  
1224 identified in the department's construction plans, permitted  
1225 landscape projects, or agreements.

1226 (7) Any person engaging in removal, cutting, or trimming of  
1227 trees or vegetation in violation of this section or benefiting  
1228 from such actions shall be subject to an administrative penalty  
1229 of up to \$1,000 per sign facing and required to mitigate for the  
1230 unauthorized removal, cutting, or trimming in such manner and in  
1231 such amount as may be required under the rules of the  
1232 department.

1233 Section 14. Subsection (5) of section 479.107, Florida  
1234 Statutes, is amended to read:

1235 479.107 Signs on highway rights-of-way; removal.-

1236 (5) The cost of removing a sign, whether by the department  
1237 or an independent contractor, shall be assessed by the  
1238 department against the owner of the sign. ~~Furthermore, the~~  
1239 ~~department shall assess a fine of \$75 against the sign owner for~~  
1240 ~~any sign which violates the requirements of this section.~~

1241 Section 15. Section 479.111, Florida Statutes, is amended  
1242 to read:

1243 479.111 Specified signs allowed within controlled portions  
1244 of the interstate and federal-aid primary highway system.-Only  
1245 the following signs shall be allowed within controlled portions  
1246 of the interstate highway system and the federal-aid primary  
1247 highway system as set forth in s. 479.11(1) and (2):

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1248 (1) Directional or other official signs and notices which  
1249 conform to 23 C.F.R. ss. 750.151-750.155.

1250 (2) Signs in commercial-zoned and industrial-zoned areas or  
1251 commercial-unzoned and industrial-unzoned areas and within 660  
1252 feet of the nearest edge of the right-of-way, subject to the  
1253 requirements set forth in the 1972 agreement between the state  
1254 and the United States Department of Transportation.

1255 (3) Signs for which permits are not required under s.  
1256 479.16.

1257 Section 16. Section 479.15, Florida Statutes, is amended to  
1258 read:

1259 479.15 Harmony of regulations.—

1260 (1) No zoning board or commission or other public officer  
1261 or agency shall issue a permit to erect any sign which is  
1262 prohibited under the provisions of this chapter or the rules of  
1263 the department, nor shall the department issue a permit for any  
1264 sign which is prohibited by any other public board, officer, or  
1265 agency in the lawful exercise of its powers.

1266 (2) A municipality, county, local zoning authority, or  
1267 other local governmental entity may not remove, or cause to be  
1268 removed, any lawfully erected sign along any portion of the  
1269 interstate or federal-aid primary highway system without first  
1270 paying just compensation for such removal. A local governmental  
1271 entity may not cause in any way the alteration of any lawfully  
1272 erected sign located along any portion of the interstate or  
1273 federal-aid primary highway system without payment of just  
1274 compensation if such alteration constitutes a taking under state  
1275 law. The municipality, county, local zoning authority, or other  
1276 local government entity that adopts requirements for such

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1277 alteration shall pay just compensation to the sign owner if such  
1278 alteration constitutes a taking under state law. This subsection  
1279 applies only to a lawfully erected sign the subject matter of  
1280 which relates to premises other than the premises on which it is  
1281 located or to merchandise, services, activities, or  
1282 entertainment not sold, produced, manufactured, or furnished on  
1283 the premises on which the sign is located. ~~As used in this~~  
1284 ~~subsection, the term "federal aid primary highway system" means~~  
1285 ~~the federal aid primary highway system in existence on June 1,~~  
1286 ~~1991, and any highway that was not a part of such system as of~~  
1287 ~~that date but that is or becomes after June 1, 1991, a part of~~  
1288 ~~the National Highway System.~~ This subsection shall not be  
1289 interpreted as explicit or implicit legislative recognition that  
1290 alterations do or do not constitute a taking under state law.

1291 (3) It is the express intent of the Legislature to limit  
1292 the state right-of-way acquisition costs on state and federal  
1293 roads in eminent domain proceedings, the provisions of ss.  
1294 479.07 and 479.155 notwithstanding. Subject to approval by the  
1295 Federal Highway Administration, whenever public acquisition of  
1296 land upon which is situated a lawful permitted ~~nonconforming~~  
1297 sign occurs, as provided in this chapter, the sign may, at the  
1298 election of its owner and the department, be relocated or  
1299 reconstructed adjacent to the new right-of-way and in close  
1300 proximity to the current site along the roadway within 100 feet  
1301 ~~of the current location~~, provided the ~~nonconforming~~ sign is not  
1302 relocated in an area inconsistent with s. 479.024 ~~on a parcel~~  
1303 ~~zoned residential~~, and provided further that such relocation  
1304 shall be subject to ~~applicable setback~~ requirements in the 1972  
1305 agreement between the state and the United States Department of

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1306 Transportation. The sign owner shall pay all costs associated  
1307 with relocating or reconstructing any sign under this  
1308 subsection, and neither the state nor any local government shall  
1309 reimburse the sign owner for such costs, unless part of such  
1310 relocation costs are required by federal law. If no adjacent  
1311 property is available for the relocation, the department shall  
1312 be responsible for paying the owner of the sign just  
1313 compensation for its removal.

1314 (4) For a nonconforming sign, ~~Such relocation shall be~~  
1315 ~~adjacent to the current site and~~ the face of the sign may ~~shall~~  
1316 not be increased in size or height or structurally modified at  
1317 the point of relocation in a manner inconsistent with the  
1318 current building codes of the jurisdiction in which the sign is  
1319 located.

1320 (5) In the event that relocation can be accomplished but is  
1321 inconsistent with the ordinances of the municipality or county  
1322 within whose jurisdiction the sign is located, the ordinances of  
1323 the local government shall prevail, provided that the local  
1324 government shall assume the responsibility to provide the owner  
1325 of the sign just compensation for its removal, but in no event  
1326 shall compensation paid by the local government exceed the  
1327 compensation required under state or federal law. Further, the  
1328 provisions of this section shall not impair any agreement or  
1329 future agreements between a municipality or county and the owner  
1330 of a sign or signs within the jurisdiction of the municipality  
1331 or county. ~~Nothing in this section shall be deemed to cause a~~  
1332 ~~nonconforming sign to become conforming solely as a result of~~  
1333 ~~the relocation allowed in this section.~~

1334 (6) The provisions of subsections (3), (4), and (5) of this

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1335 section shall not apply within the jurisdiction of any  
1336 municipality which is engaged in any litigation concerning its  
1337 sign ordinance on April 23, 1999, nor shall such provisions  
1338 apply to any municipality whose boundaries are identical to the  
1339 county within which said municipality is located.

1340 (7) This section does not cause a neighboring sign that is  
1341 already permitted and that is within the spacing requirements  
1342 established in s. 479.07(9)(a) to become nonconforming.

1343 Section 17. Section 479.156, Florida Statutes, is amended  
1344 to read:

1345 479.156 Wall murals.—Notwithstanding any other provision of  
1346 this chapter, a municipality or county may permit and regulate  
1347 wall murals within areas designated by such government. If a  
1348 municipality or county permits wall murals, a wall mural that  
1349 displays a commercial message and is within 660 feet of the  
1350 nearest edge of the right-of-way within an area adjacent to the  
1351 interstate highway system or the federal-aid primary highway  
1352 system shall be located in an area that is zoned for industrial  
1353 or commercial use and the municipality or county shall establish  
1354 and enforce regulations for such areas that, at a minimum, set  
1355 forth criteria governing the size, lighting, and spacing of wall  
1356 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~  
1357 ~~Highway Beautification Act of 1965~~ and with customary use.

1358 Whenever a municipality or county exercises such control and  
1359 makes a determination of customary use pursuant to 23 U.S.C. s.  
1360 131(d), such determination shall be accepted in lieu of controls  
1361 in the agreement between the state and the United States  
1362 Department of Transportation, and the department shall notify  
1363 the Federal Highway Administration pursuant to the agreement, 23

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1364 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that  
1365 is subject to municipal or county regulation and 23 U.S.C. s.  
1366 131 ~~the Highway Beautification Act of 1965~~ must be approved by  
1367 the Department of Transportation and the Federal Highway  
1368 Administration when required by federal law and federal  
1369 regulation under the agreement between the state and the United  
1370 States Department of Transportation and federal regulations  
1371 enforced by the Department of Transportation under s. 479.02(1).  
1372 The existence of a wall mural as defined in s. 479.01(28)  
1373 ~~479.01(30)~~ shall not be considered in determining whether a sign  
1374 as defined in s. 479.01(19) ~~479.01(20)~~, either existing or new,  
1375 is in compliance with s. 479.07(9)(a).

1376 Section 18. Section 479.16, Florida Statutes, is amended to  
1377 read:

1378 479.16 Signs for which permits are not required.—The  
1379 following signs are exempt from the requirement that a permit  
1380 for a sign be obtained under the provisions of this chapter but  
1381 are required to comply with the provisions of s. 479.11(4)-(8),  
1382 and the provisions of subsections (15)-(20) may not be  
1383 implemented or continued if the Federal Government notifies the  
1384 department that implementation or continuation will adversely  
1385 affect the allocation of federal funds to the department:

1386 (1) Signs erected on the premises of an establishment,  
1387 which signs consist primarily of the name of the establishment  
1388 or which identify the principal or accessory merchandise,  
1389 services, activities, or entertainment sold, produced,  
1390 manufactured, or furnished on the premises of the establishment  
1391 and which comply with the lighting restrictions ~~under department~~  
1392 ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a



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1393 municipality or a county located on the premises of such  
1394 municipality or such county which display information regarding  
1395 government services, activities, events, or entertainment. For  
1396 purposes of this section, the following types of messages shall  
1397 not be considered information regarding government services,  
1398 activities, events, or entertainment:

1399 (a) Messages which specifically reference any commercial  
1400 enterprise.

1401 (b) Messages which reference a commercial sponsor of any  
1402 event.

1403 (c) Personal messages.

1404 (d) Political campaign messages.

1405

1406 If a sign located on the premises of an establishment consists  
1407 principally of brand name or trade name advertising and the  
1408 merchandise or service is only incidental to the principal  
1409 activity, or if the owner of the establishment receives rental  
1410 income from the sign, then the sign is not exempt under this  
1411 subsection.

1412 (2) Signs erected, used, or maintained on a farm by the  
1413 owner or lessee of such farm and relating solely to farm  
1414 produce, merchandise, service, or entertainment sold, produced,  
1415 manufactured, or furnished on such farm.

1416 (3) Signs posted or displayed on real property by the owner  
1417 or by the authority of the owner, stating that the real property  
1418 is for sale or rent. However, if the sign contains any message  
1419 not pertaining to the sale or rental of that real property, then  
1420 it is not exempt under this section.

1421 (4) Official notices or advertisements posted or displayed

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1422 on private property by or under the direction of any public or  
1423 court officer in the performance of her or his official or  
1424 directed duties, or by trustees under deeds of trust or deeds of  
1425 assignment or other similar instruments.

1426 (5) Danger or precautionary signs relating to the premises  
1427 on which they are located; forest fire warning signs erected  
1428 under the authority of the Florida Forest Service of the  
1429 Department of Agriculture and Consumer Services; and signs,  
1430 notices, or symbols erected by the United States Government  
1431 under the direction of the United States Forestry Service.

1432 (6) Notices of any railroad, bridge, ferry, or other  
1433 transportation or transmission company necessary for the  
1434 direction or safety of the public.

1435 (7) Signs, notices, or symbols for the information of  
1436 aviators as to location, directions, and landings and conditions  
1437 affecting safety in aviation erected or authorized by the  
1438 department.

1439 (8) Signs or notices erected or maintained upon property  
1440 stating only the name of the owner, lessee, or occupant of the  
1441 premises and not exceeding 16 & square feet in area.

1442 (9) Historical markers erected by duly constituted and  
1443 authorized public authorities.

1444 (10) Official traffic control signs and markers erected,  
1445 caused to be erected, or approved by the department.

1446 (11) Signs erected upon property warning the public against  
1447 hunting and fishing or trespassing thereon.

1448 (12) Signs not in excess of 16 & square feet that are owned  
1449 by and relate to the facilities and activities of churches,  
1450 civic organizations, fraternal organizations, charitable

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1451 organizations, or units or agencies of government.

1452 (13) ~~Except that~~ Signs placed on benches, transit shelters,  
1453 modular news racks, street light poles, public pay telephones,  
1454 and waste receptacles, within the right-of-way, as provided for  
1455 in s. 337.408 are exempt from all provisions of this chapter.

1456 (14) Signs relating exclusively to political campaigns.

1457 (15) Signs not in excess of 16 square feet placed at a road  
1458 junction with the State Highway System denoting only the  
1459 distance or direction of a residence or farm operation, or,  
1460 outside an incorporated in a rural area where a hardship is  
1461 created because a small business is not visible from the road  
1462 junction with the State Highway System, one sign not in excess  
1463 of 16 square feet, denoting only the name of the business and  
1464 the distance and direction to the business. ~~The small-business-~~  
1465 ~~sign provision of this subsection does not apply to charter~~  
1466 ~~counties and may not be implemented if the Federal Government~~  
1467 ~~notifies the department that implementation will adversely~~  
1468 ~~affect the allocation of federal funds to the department.~~

1469 (16) Signs placed by a local tourist-oriented business  
1470 located within a rural area of critical economic concern, as  
1471 defined by s. 288.0656(2)(d) and (e), and are:

1472 (a) Not more than 8 square feet in size or more than 4 feet  
1473 in height;

1474 (b) Located only in rural areas, along non-limited access  
1475 highways;

1476 (c) Located within 2 miles of the business location and are  
1477 not less than 500 feet apart;

1478 (d) Located only in two directions leading to the business;  
1479 and

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1480 (e) Not located within the road right-of-way.

1481

1482 A business placing such signs must be at least 4 miles from any  
1483 other business using this exemption and may not participate in  
1484 any other department directional signage program.

1485 (17) Signs not in excess of 32 square feet placed  
1486 temporarily during harvest season of a farm operation for a  
1487 period of no more than 4 months at a road junction with the  
1488 State Highway System denoting only the distance or direction of  
1489 the farm operation.

1490 (18) Acknowledgement signs erected upon publicly funded  
1491 school premises relating to a specific public school club, team,  
1492 or event placed no closer than 1,000 feet from another  
1493 acknowledgment sign on the same side of the roadway. All sponsor  
1494 information on an acknowledgement sign may constitute no more  
1495 than 100 square feet of the sign. As used in this subsection,  
1496 the term "acknowledgement signs" means signs that are intended  
1497 to inform the traveling public that a public school club, team,  
1498 or event has been sponsored by a person, firm, or other entity.

1499 (19) Displays erected upon a sports facility which display  
1500 content directly related to the facility's activities and where  
1501 a presence of the products or services offered on the property  
1502 exists. Displays are to be mounted flush or flat to the surface  
1503 of the sports facility and rely upon the building facade for  
1504 structural support. For purposes of this subsection, the term  
1505 "sports facility", means any athletic complex, athletic arena,  
1506 or athletic stadium, including physically connected parking  
1507 facilities, which is open to the public and has a permanent  
1508 installed seating capacity of 15,000 or more.

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1509       (20) Signs related to Florida tourism, allowed by the  
1510 department at welcome centers operated pursuant to s. 288.12265.

1511       Section 19. Section 479.24, Florida Statutes, is amended to  
1512 read:

1513       479.24 Compensation for ~~removal~~ of signs; eminent domain;  
1514 exceptions.—

1515       (1) Just compensation shall be paid by the department upon  
1516 the department's acquisition ~~removal~~ of a lawful conforming or  
1517 nonconforming sign along any portion of the interstate or  
1518 federal-aid primary highway system. This section does not apply  
1519 to a sign which is illegal at the time of its removal. A sign  
1520 will lose its nonconforming status and become illegal at such  
1521 time as it fails to be permitted or maintained in accordance  
1522 with all applicable laws, rules, ordinances, or regulations  
1523 other than the provision which makes it nonconforming. A legal  
1524 nonconforming sign under state law or rule will not lose its  
1525 nonconforming status solely because it additionally becomes  
1526 nonconforming under an ordinance or regulation of a local  
1527 governmental entity passed at a later date. The department shall  
1528 make every reasonable effort to negotiate the purchase of the  
1529 signs to avoid litigation and congestion in the courts.

1530       (2) The department is not required to remove any sign under  
1531 this section if the federal share of the just compensation to be  
1532 paid upon removal of the sign is not available to make such  
1533 payment, unless an appropriation by the Legislature for such  
1534 purpose is made to the department.

1535       (3) (a) The department is authorized to use the power of  
1536 eminent domain when necessary to carry out the provisions of  
1537 this chapter.

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1538 (b) If eminent domain procedures are instituted, just  
1539 compensation shall be made pursuant to the state's eminent  
1540 domain procedures, chapters 73 and 74.

1541 Section 20. Section 479.25, Florida Statutes, is amended to  
1542 read:

1543 479.25 Erection of noise-attenuation barrier blocking view  
1544 of sign; procedures; application.-

1545 (1) The owner of a lawfully erected sign that is governed  
1546 by and conforms to state and federal requirements for land use,  
1547 size, height, and spacing may increase the height above ground  
1548 level of such sign at its permitted location if a noise-  
1549 attenuation barrier is permitted by or erected by any  
1550 governmental entity in such a way as to screen or block  
1551 visibility of the sign. Any increase in height permitted under  
1552 this section may only be the increase in height which is  
1553 required to achieve the same degree of visibility from the  
1554 right-of-way which the sign had prior to the construction of the  
1555 noise-attenuation barrier, notwithstanding the restrictions  
1556 contained in s. 479.07(9)(b). A sign reconstructed under this  
1557 section shall comply with the building standards and wind load  
1558 requirements set forth in the Florida Building Code. If  
1559 construction of a proposed noise-attenuation barrier will screen  
1560 a sign lawfully permitted under this chapter, the department  
1561 shall provide notice to the local government or local  
1562 jurisdiction within which the sign is located prior to  
1563 construction ~~erection of the noise-attenuation barrier~~. Upon a  
1564 determination that an increase in the height of a sign as  
1565 permitted under this section will violate a provision contained  
1566 in an ordinance or land development regulation of the local

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1567 government or local jurisdiction, prior to construction, the  
1568 local government or local jurisdiction shall ~~so notify the~~  
1569 ~~department. When notice has been received from the local~~  
1570 ~~government or local jurisdiction prior to erection of the noise-~~  
1571 ~~attenuation barrier, the department shall:~~

1572 (a) Provide a variance or waiver to the local ordinance or  
1573 land development regulations to ~~Conduct a written survey of all~~  
1574 ~~property owners identified as impacted by highway noise and who~~  
1575 ~~may benefit from the proposed noise attenuation barrier. The~~  
1576 ~~written survey shall inform the property owners of the location,~~  
1577 ~~date, and time of the public hearing described in paragraph (b)~~  
1578 ~~and shall specifically advise the impacted property owners that:~~

1579 1. ~~Erection of the noise attenuation barrier may block the~~  
1580 ~~visibility of an existing outdoor advertising sign;~~

1581 2. ~~The local government or local jurisdiction may restrict~~  
1582 ~~or prohibit increasing the height of the existing outdoor~~  
1583 ~~advertising sign to make it visible over the barrier; and~~

1584 3. ~~If a majority of the impacted property owners vote for~~  
1585 ~~construction of the noise attenuation barrier, the local~~  
1586 ~~government or local jurisdiction will be required to:~~

1587 a. ~~allow an increase in the height of the sign in violation~~  
1588 ~~of a local ordinance or land development regulation;~~

1589 (b) ~~b.~~ ~~Allow the sign to be relocated or reconstructed at~~  
1590 ~~another location if the sign owner agrees; or~~

1591 (c) ~~e.~~ ~~Pay the fair market value of the sign and its~~  
1592 ~~associated interest in the real property.~~

1593 (2) ~~(b)~~ The department shall hold ~~Hold~~ a public hearing  
1594 within the boundaries of the affected local governments or local  
1595 jurisdictions to receive input on the proposed noise-attenuation

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1596 barrier and its conflict with the local ordinance or land  
1597 development regulation and to suggest or consider alternatives  
1598 or modifications ~~to the proposed noise-attenuation barrier~~ to  
1599 alleviate or minimize the conflict with the local ordinance or  
1600 land development regulation or minimize any costs that may be  
1601 associated with relocating, reconstructing, or paying for the  
1602 affected sign. The public hearing may be held concurrently with  
1603 other public hearings scheduled for the project. The department  
1604 shall provide a written notification to the local government or  
1605 local jurisdiction of the date and time of the public hearing  
1606 and shall provide general notice of the public hearing in  
1607 accordance with the notice provisions of s. 335.02(1). The  
1608 notice shall not be placed in that portion of a newspaper in  
1609 which legal notices or classified advertisements appear. The  
1610 notice shall specifically state that:

1611 (a)1. ~~Erection of the proposed noise-attenuation barrier~~  
1612 ~~may block the visibility of an existing outdoor advertising~~  
1613 ~~sign;~~

1614 (b)2. ~~The local government or local jurisdiction may~~  
1615 ~~restrict or prohibit increasing the height of the existing~~  
1616 ~~outdoor advertising sign to make it visible over the barrier;~~  
1617 ~~and~~

1618 (c)3. ~~Upon If a majority of the impacted property owners~~  
1619 ~~vote for~~ construction of the noise-attenuation barrier, the  
1620 local government or local jurisdiction shall ~~will be required~~  
1621 ~~to:~~

1622 1.a. ~~Allow an increase in the height of the sign through a~~  
1623 ~~waiver or variance to in violation of~~ a local ordinance or land  
1624 development regulation;



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1625 ~~2.b.~~ Allow the sign to be relocated or reconstructed at  
1626 another location if the sign owner agrees; or

1627 ~~3.e.~~ Pay the fair market value of the sign and its  
1628 associated interest in the real property.

1629 ~~(3)(2)~~ The department may ~~shall~~ not permit erection of the  
1630 noise-attenuation barrier to the extent the barrier screens or  
1631 blocks visibility of the sign until after the public hearing is  
1632 held and ~~until such time as the survey has been conducted and a~~  
1633 ~~majority of the impacted property owners have indicated approval~~  
1634 ~~to erect the noise attenuation barrier. When the impacted~~  
1635 ~~property owners approve of the noise attenuation barrier~~  
1636 ~~construction, the department shall notify the local governments~~  
1637 ~~or local jurisdictions. The local government or local~~  
1638 ~~jurisdiction shall, notwithstanding the provisions of a~~  
1639 ~~conflicting ordinance or land development regulation:~~

1640 ~~(a) Issue a permit by variance or otherwise for the~~  
1641 ~~reconstruction of a sign under this section;~~

1642 ~~(b) Allow the relocation of a sign, or construction of~~  
1643 ~~another sign, at an alternative location that is permissible~~  
1644 ~~under the provisions of this chapter, if the sign owner agrees~~  
1645 ~~to relocate the sign or construct another sign; or~~

1646 ~~(c) Refuse to issue the required permits for reconstruction~~  
1647 ~~of a sign under this section and pay fair market value of the~~  
1648 ~~sign and its associated interest in the real property to the~~  
1649 ~~owner of the sign.~~

1650 ~~(4)(3)~~ This section does ~~shall~~ not apply to the provisions  
1651 of any existing written agreement executed before July 1, 2006,  
1652 between any local government and the owner of an outdoor  
1653 advertising sign.

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1654 Section 21. Subsection (1) of section 479.261, Florida  
1655 Statutes, is amended to read:

1656 479.261 Logo sign program.—

1657 (1) The department shall establish a logo sign program for  
1658 the rights-of-way of the limited access ~~interstate~~ highway  
1659 system to provide information to motorists about available gas,  
1660 food, lodging, camping, attractions, and other services, as  
1661 approved by the Federal Highway Administration, at interchanges  
1662 through the use of business logos and may include additional  
1663 interchanges under the program.

1664 (a) As used in this chapter, the term "attraction" means an  
1665 establishment, site, facility, or landmark that is open a  
1666 minimum of 5 days a week for 52 weeks a year; that has as its  
1667 principal focus family-oriented entertainment, cultural,  
1668 educational, recreational, scientific, or historical activities;  
1669 and that is publicly recognized as a bona fide tourist  
1670 attraction.

1671 (b) The department shall incorporate the use of RV-friendly  
1672 markers on specific information logo signs for establishments  
1673 that cater to the needs of persons driving recreational  
1674 vehicles. Establishments that qualify for participation in the  
1675 specific information logo program and that also qualify as "RV-  
1676 friendly" may request the RV-friendly marker on their specific  
1677 information logo sign. An RV-friendly marker must consist of a  
1678 design approved by the Federal Highway Administration. The  
1679 department shall adopt rules in accordance with chapter 120 to  
1680 administer this paragraph, including rules setting forth the  
1681 minimum requirements that establishments must meet in order to  
1682 qualify as RV-friendly. These requirements shall include large

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1683 parking spaces, entrances, and exits that can easily accommodate  
1684 recreational vehicles and facilities having appropriate overhead  
1685 clearances, if applicable.

1686 Section 22. Section 479.313, Florida Statutes, is amended  
1687 to read:

1688 479.313 Permit revocation and cancellation; cost of  
1689 removal.—All costs incurred by the department in connection with  
1690 the removal of a sign located within a controlled area adjacent  
1691 to the State Highway System, interstate highway system, or  
1692 federal-aid primary highway system following the revocation or  
1693 cancellation of the permit for such sign shall be assessed  
1694 against and collected from the permittee.

1695 Section 23. Section 76 of chapter 2012-174, Laws of  
1696 Florida, is repealed.

1697 Section 24. This act shall take effect July 1, 2013.