

By the Committees on Appropriations; and Transportation; and
Senator Latvala

576-03538-13

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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 requiring an application fee; revising sign placement
60 requirements for signs on certain highways; deleting
61 provisions that establish a pilot program relating to
62 placement and removing a permit reinstatement fee;
63 amending s. 479.08, F.S.; clarifying provisions
64 relating to the denial or revocation of a permit
65 because of false or misleading information in the
66 permit application; amending s. 479.10, F.S.;
67 providing for cancellation of a permit; amending s.
68 479.105, F.S.; revising notice requirements to owners
69 and advertisers relating to signs erected or
70 maintained without a permit; revising procedures
71 providing for the department to issue a permit as a
72 conforming or nonconforming sign to the owner of an
73 unpermitted sign; amending s. 479.106, F.S.;
74 increasing an administrative penalty for illegally
75 removing certain vegetation; amending s. 479.107,
76 F.S.; deleting fines for certain signs on highway
77 rights-of-way; amending s. 479.111, F.S.; clarifying
78 provisions relating to signs allowed on certain
79 highways; amending s. 479.15, F.S.; deleting a
80 definition; clarifying and conforming provisions
81 related to permitted signs on property that is the
82 subject of public acquisition; amending s. 479.156,
83 F.S.; clarifying provisions related to the regulation
84 of wall murals; amending s. 479.16, F.S.; providing
85 that certain provisions relating to the regulation of
86 signs may not be implemented or continued if such
87 actions will adversely affect the allocation of

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88 federal funds to the department; exempting from permit
89 requirements certain signs placed by tourist-oriented
90 businesses, certain farm signs during harvest season,
91 acknowledgement signs on publicly funded school
92 premises, and certain displays on specific sports
93 facilities; providing for the removal of signs if
94 certain exemptions do not apply because the allocation
95 of federal funds to the department will be adversely
96 impacted; amending s. 479.24, F.S.; clarifying
97 provisions relating to compensation paid for the
98 department's acquisition of lawful signs; amending s.
99 479.25, F.S.; requiring a local government to grant a
100 variance or waiver to a local ordinance or regulation
101 to allow the owner of a lawfully permitted sign to
102 increase the height of the sign if a noise-attenuation
103 barrier is permitted by or erected by a governmental
104 entity in a way that interferes with the visibility of
105 the sign; deleting provisions to conform; amending s.
106 479.261, F.S.; conforming provisions related to a logo
107 sign 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, with due advertisement for property valued by the
191 department at greater than \$10,000. A sale may not occur at a
192 price less than the department's current estimate of value,
193 except as provided in paragraphs (a)-(d). The department may
194 afford a right of first refusal to the local government or other
195 political subdivision in the jurisdiction in which the parcel is
196 situated, except in conveyances transacted under paragraph (a),
197 paragraph (c), or paragraph (e). ~~in the following manner:~~

198 (a) If the ~~value of the property~~ has been donated to the
199 state for transportation purposes and a facility has not been
200 constructed for a period of at least 5 years, plans have not
201 been prepared for the construction of such facility, and the
202 property is not located in a transportation corridor, the
203 governmental entity may authorize reconveyance of the donated

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204 property for no consideration to the original donor or the
205 donor's heirs, successors, assigns, or representatives ~~is~~
206 ~~\$10,000 or less as determined by department estimate, the~~
207 ~~department may negotiate the sale.~~

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

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

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

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

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

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262 under the provisions of paragraph (b) ~~or paragraph (i)~~, a
263 department staff appraiser may determine the fair market value
264 of the property by an appraisal.

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

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

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

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

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291 ~~persons actually displaced by such project. Dispositions to any~~
292 ~~other persons must be for fair market value.~~

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

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

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 (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 (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 (11) 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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552

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

574 ~~(26)-(28)~~ (26) "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)~~ (27) "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 ~~Ne~~ 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 \$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 (5) and (7) of section 479.106,
1200 Florida Statutes, are amended to read:

1201 479.106 Vegetation management.—

1202 (5) The department may only grant a permit pursuant to s.
1203 479.07 for a new sign which requires the removal, cutting, or
1204 trimming of existing trees or vegetation on public right-of-way
1205 for the sign face to be visible from the highway when the sign
1206 owner has removed at least two nonconforming signs of
1207 approximate comparable size and surrendered the permits for the
1208 nonconforming signs to the department for cancellation. For
1209 signs originally permitted after July 1, 1996, the first
1210 application, or application for a change of view zone, ~~no permit~~
1211 for the removal, cutting, or trimming of trees or vegetation
1212 shall require, in addition to mitigation or contribution to a
1213 plan of mitigation, the removal of two nonconforming signs. No
1214 permits for the removal, cutting, or trimming of trees may be
1215 granted for signs permitted after July 1, 1996 ~~be granted~~ where
1216 such trees or vegetation are part of a beautification project
1217 implemented before ~~prior to~~ the date of the original sign permit
1218 application, when the beautification project is specifically

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1219 identified in the department's construction plans, permitted
1220 landscape projects, or agreements.

1221 (7) Any person engaging in removal, cutting, or trimming of
1222 trees or vegetation in violation of this section or benefiting
1223 from such actions shall be subject to an administrative penalty
1224 of up to \$1,000 per sign facing and required to mitigate for the
1225 unauthorized removal, cutting, or trimming in such manner and in
1226 such amount as may be required under the rules of the
1227 department.

1228 Section 14. Subsection (5) of section 479.107, Florida
1229 Statutes, is amended to read:

1230 479.107 Signs on highway rights-of-way; removal.-

1231 (5) The cost of removing a sign, whether by the department
1232 or an independent contractor, shall be assessed by the
1233 department against the owner of the sign. ~~Furthermore, the~~
1234 ~~department shall assess a fine of \$75 against the sign owner for~~
1235 ~~any sign which violates the requirements of this section.~~

1236 Section 15. Section 479.111, Florida Statutes, is amended
1237 to read:

1238 479.111 Specified signs allowed within controlled portions
1239 of the interstate and federal-aid primary highway system.-Only
1240 the following signs shall be allowed within controlled portions
1241 of the interstate highway system and the federal-aid primary
1242 highway system as set forth in s. 479.11(1) and (2):

1243 (1) Directional or other official signs and notices which
1244 conform to 23 C.F.R. ss. 750.151-750.155.

1245 (2) Signs in commercial-zoned and industrial-zoned areas or
1246 commercial-unzoned and industrial-unzoned areas and within 660
1247 feet of the nearest edge of the right-of-way, subject to the

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1248 requirements set forth in the 1972 agreement between the state
1249 and the United States Department of Transportation.

1250 (3) Signs for which permits are not required under s.
1251 479.16.

1252 Section 16. Section 479.15, Florida Statutes, is amended to
1253 read:

1254 479.15 Harmony of regulations.—

1255 (1) No zoning board or commission or other public officer
1256 or agency shall issue a permit to erect any sign which is
1257 prohibited under the provisions of this chapter or the rules of
1258 the department, nor shall the department issue a permit for any
1259 sign which is prohibited by any other public board, officer, or
1260 agency in the lawful exercise of its powers.

1261 (2) A municipality, county, local zoning authority, or
1262 other local governmental entity may not remove, or cause to be
1263 removed, any lawfully erected sign along any portion of the
1264 interstate or federal-aid primary highway system without first
1265 paying just compensation for such removal. A local governmental
1266 entity may not cause in any way the alteration of any lawfully
1267 erected sign located along any portion of the interstate or
1268 federal-aid primary highway system without payment of just
1269 compensation if such alteration constitutes a taking under state
1270 law. The municipality, county, local zoning authority, or other
1271 local government entity that adopts requirements for such
1272 alteration shall pay just compensation to the sign owner if such
1273 alteration constitutes a taking under state law. This subsection
1274 applies only to a lawfully erected sign the subject matter of
1275 which relates to premises other than the premises on which it is
1276 located or to merchandise, services, activities, or

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1277 entertainment not sold, produced, manufactured, or furnished on
1278 the premises on which the sign is located. ~~As used in this~~
1279 ~~subsection, the term "federal-aid primary highway system" means~~
1280 ~~the federal-aid primary highway system in existence on June 1,~~
1281 ~~1991, and any highway that was not a part of such system as of~~
1282 ~~that date but that is or becomes after June 1, 1991, a part of~~
1283 ~~the National Highway System.~~ This subsection shall not be
1284 interpreted as explicit or implicit legislative recognition that
1285 alterations do or do not constitute a taking under state law.

1286 (3) It is the express intent of the Legislature to limit
1287 the state right-of-way acquisition costs on state and federal
1288 roads in eminent domain proceedings, the provisions of ss.
1289 479.07 and 479.155 notwithstanding. Subject to approval by the
1290 Federal Highway Administration, whenever public acquisition of
1291 land upon which is situated a lawful permitted nonconforming
1292 sign occurs, as provided in this chapter, the sign may, at the
1293 election of its owner and the department, be relocated or
1294 reconstructed adjacent to the new right-of-way and in close
1295 proximity to the current site along the roadway within 100 feet
1296 ~~of the current location,~~ provided the ~~nonconforming~~ sign is not
1297 relocated in an area inconsistent with s. 479.024 on a parcel
1298 ~~zoned residential,~~ and provided further that such relocation
1299 shall be subject to ~~applicable setback~~ requirements in the 1972
1300 agreement between the state and the United States Department of
1301 Transportation. The sign owner shall pay all costs associated
1302 with relocating or reconstructing any sign under this
1303 subsection, and neither the state nor any local government shall
1304 reimburse the sign owner for such costs, unless part of such
1305 relocation costs are required by federal law. If no adjacent

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1306 property is available for the relocation, the department shall
1307 be responsible for paying the owner of the sign just
1308 compensation for its removal.

1309 (4) For a nonconforming sign, ~~Such relocation shall be~~
1310 ~~adjacent to the current site and~~ the face of the sign may ~~shall~~
1311 not be increased in size or height or structurally modified at
1312 the point of relocation in a manner inconsistent with the
1313 current building codes of the jurisdiction in which the sign is
1314 located.

1315 (5) In the event that relocation can be accomplished but is
1316 inconsistent with the ordinances of the municipality or county
1317 within whose jurisdiction the sign is located, the ordinances of
1318 the local government shall prevail, provided that the local
1319 government shall assume the responsibility to provide the owner
1320 of the sign just compensation for its removal, but in no event
1321 shall compensation paid by the local government exceed the
1322 compensation required under state or federal law. Further, the
1323 provisions of this section shall not impair any agreement or
1324 future agreements between a municipality or county and the owner
1325 of a sign or signs within the jurisdiction of the municipality
1326 or county. ~~Nothing in this section shall be deemed to cause a~~
1327 ~~nonconforming sign to become conforming solely as a result of~~
1328 ~~the relocation allowed in this section.~~

1329 (6) The provisions of subsections (3), (4), and (5) of this
1330 section shall not apply within the jurisdiction of any
1331 municipality which is engaged in any litigation concerning its
1332 sign ordinance on April 23, 1999, nor shall such provisions
1333 apply to any municipality whose boundaries are identical to the
1334 county within which said municipality is located.

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1335 (7) This section does not cause a neighboring sign that is
1336 already permitted and that is within the spacing requirements
1337 established in s. 479.07(9) (a) to become nonconforming.

1338 Section 17. Section 479.156, Florida Statutes, is amended
1339 to read:

1340 479.156 Wall murals.—Notwithstanding any other provision of
1341 this chapter, a municipality or county may permit and regulate
1342 wall murals within areas designated by such government. If a
1343 municipality or county permits wall murals, a wall mural that
1344 displays a commercial message and is within 660 feet of the
1345 nearest edge of the right-of-way within an area adjacent to the
1346 interstate highway system or the federal-aid primary highway
1347 system shall be located in an area that is zoned for industrial
1348 or commercial use and the municipality or county shall establish
1349 and enforce regulations for such areas that, at a minimum, set
1350 forth criteria governing the size, lighting, and spacing of wall
1351 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~
1352 ~~Highway Beautification Act of 1965~~ and with customary use.

1353 Whenever a municipality or county exercises such control and
1354 makes a determination of customary use pursuant to 23 U.S.C. s.
1355 131(d), such determination shall be accepted in lieu of controls
1356 in the agreement between the state and the United States
1357 Department of Transportation, and the department shall notify
1358 the Federal Highway Administration pursuant to the agreement, 23
1359 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that
1360 is subject to municipal or county regulation and 23 U.S.C. s.
1361 131 ~~the Highway Beautification Act of 1965~~ must be approved by
1362 the Department of Transportation and the Federal Highway
1363 Administration when required by federal law and federal

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1364 regulation under the agreement between the state and the United
1365 States Department of Transportation and federal regulations
1366 enforced by the Department of Transportation under s. 479.02(1).
1367 The existence of a wall mural as defined in s. 479.01(28)
1368 ~~479.01(30)~~ shall not be considered in determining whether a sign
1369 as defined in s. 479.01(19) ~~479.01(20)~~, either existing or new,
1370 is in compliance with s. 479.07(9)(a).

1371 Section 18. Section 479.16, Florida Statutes, is amended to
1372 read:

1373 479.16 Signs for which permits are not required.—The
1374 following signs are exempt from the requirement that a permit
1375 for a sign be obtained under the provisions of this chapter but
1376 are required to comply with the provisions of s. 479.11(4)-(8),
1377 and the provisions of subsections (15)-(19) may not be
1378 implemented or continued if the Federal Government notifies the
1379 department that implementation or continuation will adversely
1380 affect the allocation of federal funds to the department:

1381 (1) Signs erected on the premises of an establishment,
1382 which signs consist primarily of the name of the establishment
1383 or which identify the principal or accessory merchandise,
1384 services, activities, or entertainment sold, produced,
1385 manufactured, or furnished on the premises of the establishment
1386 and which comply with the lighting restrictions ~~under department~~
1387 ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a
1388 municipality or a county located on the premises of such
1389 municipality or such county which display information regarding
1390 government services, activities, events, or entertainment. For
1391 purposes of this section, the following types of messages shall
1392 not be considered information regarding government services,

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1393 activities, events, or entertainment:

1394 (a) Messages which specifically reference any commercial
1395 enterprise.

1396 (b) Messages which reference a commercial sponsor of any
1397 event.

1398 (c) Personal messages.

1399 (d) Political campaign messages.

1400

1401 If a sign located on the premises of an establishment consists
1402 principally of brand name or trade name advertising and the
1403 merchandise or service is only incidental to the principal
1404 activity, or if the owner of the establishment receives rental
1405 income from the sign, then the sign is not exempt under this
1406 subsection.

1407 (2) Signs erected, used, or maintained on a farm by the
1408 owner or lessee of such farm and relating solely to farm
1409 produce, merchandise, service, or entertainment sold, produced,
1410 manufactured, or furnished on such farm.

1411 (3) Signs posted or displayed on real property by the owner
1412 or by the authority of the owner, stating that the real property
1413 is for sale or rent. However, if the sign contains any message
1414 not pertaining to the sale or rental of that real property, then
1415 it is not exempt under this section.

1416 (4) Official notices or advertisements posted or displayed
1417 on private property by or under the direction of any public or
1418 court officer in the performance of her or his official or
1419 directed duties, or by trustees under deeds of trust or deeds of
1420 assignment or other similar instruments.

1421 (5) Danger or precautionary signs relating to the premises

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1422 on which they are located; forest fire warning signs erected
1423 under the authority of the Florida Forest Service of the
1424 Department of Agriculture and Consumer Services; and signs,
1425 notices, or symbols erected by the United States Government
1426 under the direction of the United States Forestry Service.

1427 (6) Notices of any railroad, bridge, ferry, or other
1428 transportation or transmission company necessary for the
1429 direction or safety of the public.

1430 (7) Signs, notices, or symbols for the information of
1431 aviators as to location, directions, and landings and conditions
1432 affecting safety in aviation erected or authorized by the
1433 department.

1434 (8) Signs or notices erected or maintained upon property
1435 stating only the name of the owner, lessee, or occupant of the
1436 premises and not exceeding 16 & square feet in area.

1437 (9) Historical markers erected by duly constituted and
1438 authorized public authorities.

1439 (10) Official traffic control signs and markers erected,
1440 caused to be erected, or approved by the department.

1441 (11) Signs erected upon property warning the public against
1442 hunting and fishing or trespassing thereon.

1443 (12) Signs not in excess of 16 & square feet that are owned
1444 by and relate to the facilities and activities of churches,
1445 civic organizations, fraternal organizations, charitable
1446 organizations, or units or agencies of government.

1447 (13) ~~Except that~~ Signs placed on benches, transit shelters,
1448 modular news racks, street light poles, public pay telephones,
1449 and waste receptacles, within the right-of-way, as provided for
1450 in s. 337.408 are exempt from all provisions of this chapter.

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1451 (14) Signs relating exclusively to political campaigns.

1452 (15) Signs not in excess of 16 square feet placed at a road
1453 junction with the State Highway System denoting only the
1454 distance or direction of a residence or farm operation, or,
1455 outside an incorporated in a rural area where a hardship is
1456 created because a small business is not visible from the road
1457 junction with the State Highway System, one sign not in excess
1458 of 16 square feet, denoting only the name of the business and
1459 the distance and direction to the business. ~~The small-business-~~
1460 ~~sign provision of this subsection does not apply to charter~~
1461 ~~counties and may not be implemented if the Federal Government~~
1462 ~~notifies the department that implementation will adversely~~
1463 ~~affect the allocation of federal funds to the department.~~

1464 (16) Signs placed by a local tourist-oriented business
1465 located within a rural area of critical economic concern, as
1466 defined by s. 288.0656(2)(d) and (e), and are:

1467 (a) Not more than 8 square feet in size or more than 4 feet
1468 in height;

1469 (b) Located only in rural areas, along non-limited access
1470 highways;

1471 (c) Located within 2 miles of the business location and are
1472 not less than 500 feet apart;

1473 (d) Located only in two directions leading to the business;
1474 and

1475 (e) Not located within the road right-of-way.

1476
1477 A business placing such signs must be at least 4 miles from any
1478 other business using this exemption and may not participate in
1479 any other department directional signage program.

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1480 (17) Signs not in excess of 32 square feet placed
1481 temporarily during harvest season of a farm operation for a
1482 period of no more than 4 months at a road junction with the
1483 State Highway System denoting only the distance or direction of
1484 the farm operation.

1485 (18) Acknowledgement signs erected upon publicly funded
1486 school premises relating to a specific public school club, team,
1487 or event placed no closer than 1,000 feet from another
1488 acknowledgment sign on the same side of the roadway. All sponsor
1489 information on an acknowledgement sign may constitute no more
1490 than 100 square feet of the sign. As used in this subsection,
1491 the term "acknowledgement signs" means signs that are intended
1492 to inform the traveling public that a public school club, team,
1493 or event has been sponsored by a person, firm, or other entity.

1494 (19) Displays erected upon a sports facility which display
1495 content directly related to the facility's activities or where a
1496 presence of the products or services offered on the property
1497 exists. Displays are to be mounted flush or flat to the surface
1498 of the sports facility and rely upon the building facade for
1499 structural support. For purposes of this subsection, the term
1500 "sports facility", means any athletic complex, athletic arena,
1501 or athletic stadium, including physically connected parking
1502 facilities, which is open to the public and has a permanent
1503 installed seating capacity of 15,000 or more.

1504
1505 If the exemptions in subsections (15)-(19) are not implemented
1506 or continued due to notification from the Federal Government to
1507 the department that the allocation of federal funds to the
1508 department will be adversely impacted, the department shall

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1509 provide notice to the sign owner that the sign must be removed
1510 within 30 days after receiving the notice. If the sign is not
1511 removed within the 30 days, the department may remove the sign
1512 and all costs incurred in connection with the sign removal shall
1513 be assessed against and collected from the sign owner.

1514 Section 19. Section 479.24, Florida Statutes, is amended to
1515 read:

1516 479.24 Compensation for ~~removal~~ of signs; eminent domain;
1517 exceptions.—

1518 (1) Just compensation shall be paid by the department upon
1519 the department's acquisition ~~removal~~ of a lawful conforming or
1520 nonconforming sign along any portion of the interstate or
1521 federal-aid primary highway system. This section does not apply
1522 to a sign which is illegal at the time of its removal. A sign
1523 will lose its nonconforming status and become illegal at such
1524 time as it fails to be permitted or maintained in accordance
1525 with all applicable laws, rules, ordinances, or regulations
1526 other than the provision which makes it nonconforming. A legal
1527 nonconforming sign under state law or rule will not lose its
1528 nonconforming status solely because it additionally becomes
1529 nonconforming under an ordinance or regulation of a local
1530 governmental entity passed at a later date. The department shall
1531 make every reasonable effort to negotiate the purchase of the
1532 signs to avoid litigation and congestion in the courts.

1533 (2) The department is not required to remove any sign under
1534 this section if the federal share of the just compensation to be
1535 paid upon removal of the sign is not available to make such
1536 payment, unless an appropriation by the Legislature for such
1537 purpose is made to the department.

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1538 (3) (a) The department is authorized to use the power of
1539 eminent domain when necessary to carry out the provisions of
1540 this chapter.

1541 (b) If eminent domain procedures are instituted, just
1542 compensation shall be made pursuant to the state's eminent
1543 domain procedures, chapters 73 and 74.

1544 Section 20. Section 479.25, Florida Statutes, is amended to
1545 read:

1546 479.25 Erection of noise-attenuation barrier blocking view
1547 of sign; procedures; application.-

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

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1567 determination that an increase in the height of a sign as
 1568 permitted under this section will violate a provision contained
 1569 in an ordinance or land development regulation of the local
 1570 government or local jurisdiction, prior to construction, the
 1571 local government or local jurisdiction shall ~~so notify the~~
 1572 ~~department. When notice has been received from the local~~
 1573 ~~government or local jurisdiction prior to erection of the noise-~~
 1574 ~~attenuation barrier, the department shall:~~

1575 (a) Provide a variance or waiver to the local ordinance or
 1576 land development regulations to ~~Conduct a written survey of all~~
 1577 ~~property owners identified as impacted by highway noise and who~~
 1578 ~~may benefit from the proposed noise attenuation barrier. The~~
 1579 ~~written survey shall inform the property owners of the location,~~
 1580 ~~date, and time of the public hearing described in paragraph (b)~~
 1581 ~~and shall specifically advise the impacted property owners that:~~

1582 1. ~~Erection of the noise attenuation barrier may block the~~
 1583 ~~visibility of an existing outdoor advertising sign;~~

1584 2. ~~The local government or local jurisdiction may restrict~~
 1585 ~~or prohibit increasing the height of the existing outdoor~~
 1586 ~~advertising sign to make it visible over the barrier; and~~

1587 3. ~~If a majority of the impacted property owners vote for~~
 1588 ~~construction of the noise attenuation barrier, the local~~
 1589 ~~government or local jurisdiction will be required to:~~

1590 a. ~~allow an increase in the height of the sign in violation~~
 1591 ~~of a local ordinance or land development regulation;~~

1592 **(b)** ~~b.~~ Allow the sign to be relocated or reconstructed at
 1593 another location if the sign owner agrees; or

1594 **(c)** ~~e.~~ Pay the fair market value of the sign and its
 1595 associated interest in the real property.

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1596 (2) ~~(b)~~ The department shall hold a public hearing within
1597 the boundaries of the affected local governments or local
1598 jurisdictions to receive input on the proposed noise-attenuation
1599 barrier and its conflict with the local ordinance or land
1600 development regulation and to suggest or consider alternatives
1601 or modifications ~~to the proposed noise-attenuation barrier~~ to
1602 alleviate or minimize the conflict with the local ordinance or
1603 land development regulation or minimize any costs that may be
1604 associated with relocating, reconstructing, or paying for the
1605 affected sign. The public hearing may be held concurrently with
1606 other public hearings scheduled for the project. The department
1607 shall provide a written notification to the local government or
1608 local jurisdiction of the date and time of the public hearing
1609 and shall provide general notice of the public hearing in
1610 accordance with the notice provisions of s. 335.02(1). The
1611 notice shall not be placed in that portion of a newspaper in
1612 which legal notices or classified advertisements appear. The
1613 notice shall specifically state that:

1614 (a) ~~1.~~ Erection of the proposed noise-attenuation barrier
1615 may block the visibility of an existing outdoor advertising
1616 sign;

1617 (b) ~~2.~~ The local government or local jurisdiction may
1618 restrict or prohibit increasing the height of the existing
1619 outdoor advertising sign ~~to make it visible over the barrier;~~
1620 and

1621 (c) ~~3.~~ Upon ~~If a majority of the impacted property owners~~
1622 ~~vote for~~ construction of the noise-attenuation barrier, the
1623 local government or local jurisdiction shall ~~will be required~~
1624 ~~to:~~

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1625 ~~1.a.~~ Allow an increase in the height of the sign through a
1626 waiver or variance to in violation of a local ordinance or land
1627 development regulation;

1628 ~~2.b.~~ Allow the sign to be relocated or reconstructed at
1629 another location if the sign owner agrees; or

1630 ~~3.e.~~ Pay the fair market value of the sign and its
1631 associated interest in the real property.

1632 ~~(3)(2)~~ The department may ~~shall~~ not permit erection of the
1633 noise-attenuation barrier to the extent the barrier screens or
1634 blocks visibility of the sign until after the public hearing is
1635 held and until such time as the survey has been conducted and a
1636 majority of the impacted property owners have indicated approval
1637 to erect the noise-attenuation barrier. When the impacted
1638 property owners approve of the noise-attenuation barrier
1639 construction, the department shall notify the local governments
1640 or local jurisdictions. The local government or local
1641 jurisdiction shall, notwithstanding the provisions of a
1642 conflicting ordinance or land development regulation:

1643 ~~(a)~~ Issue a permit by variance or otherwise for the
1644 reconstruction of a sign under this section;

1645 ~~(b)~~ Allow the relocation of a sign, or construction of
1646 another sign, at an alternative location that is permissible
1647 under the provisions of this chapter, if the sign owner agrees
1648 to relocate the sign or construct another sign; or

1649 ~~(c)~~ Refuse to issue the required permits for reconstruction
1650 of a sign under this section and pay fair market value of the
1651 sign and its associated interest in the real property to the
1652 owner of the sign.

1653 ~~(4)(3)~~ This section does ~~shall~~ not apply to the provisions

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1654 of any existing written agreement executed before July 1, 2006,
1655 between any local government and the owner of an outdoor
1656 advertising sign.

1657 Section 21. Subsection (1) of section 479.261, Florida
1658 Statutes, is amended to read:

1659 479.261 Logo sign program.—

1660 (1) The department shall establish a logo sign program for
1661 the rights-of-way of the limited access interstate highway
1662 system to provide information to motorists about available gas,
1663 food, lodging, camping, attractions, and other services, as
1664 approved by the Federal Highway Administration, at interchanges
1665 through the use of business logos and may include additional
1666 interchanges under the program.

1667 (a) As used in this chapter, the term "attraction" means an
1668 establishment, site, facility, or landmark that is open a
1669 minimum of 5 days a week for 52 weeks a year; that has as its
1670 principal focus family-oriented entertainment, cultural,
1671 educational, recreational, scientific, or historical activities;
1672 and that is publicly recognized as a bona fide tourist
1673 attraction.

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

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1683 administer this paragraph, including rules setting forth the
1684 minimum requirements that establishments must meet in order to
1685 qualify as RV-friendly. These requirements shall include large
1686 parking spaces, entrances, and exits that can easily accommodate
1687 recreational vehicles and facilities having appropriate overhead
1688 clearances, if applicable.

1689 Section 22. Section 479.313, Florida Statutes, is amended
1690 to read:

1691 479.313 Permit revocation and cancellation; cost of
1692 removal.—All costs incurred by the department in connection with
1693 the removal of a sign located within a controlled area adjacent
1694 to the State Highway System, interstate highway system, or
1695 federal-aid primary highway system following the revocation or
1696 cancellation of the permit for such sign shall be assessed
1697 against and collected from the permittee.

1698 Section 23. Section 76 of chapter 2012-174, Laws of
1699 Florida, is repealed.

1700 Section 24. This act shall take effect July 1, 2013.