

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

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1 A bill to be entitled
2 An act relating to transportation; amending s. 163.01,
3 F.S.; modifying the definition of the term "public
4 agency" to include a public transit provider; amending
5 s. 337.25, F.S.; authorizing the Department of
6 Transportation to use auction services in the
7 conveyance of certain property or leasehold interests;
8 revising certain inventory requirements; revising
9 provisions and providing criteria for the department
10 to dispose of certain excess property; providing such
11 criteria for the disposition of donated property,
12 property used for a public purpose, or property
13 acquired to provide replacement housing for certain
14 displaced persons; providing value offsets for
15 property that requires significant maintenance costs
16 or exposes the department to significant liability;
17 providing procedures for the sale of property to
18 abutting property owners; deleting provisions to
19 conform to changes made by the act; providing monetary
20 restrictions and criteria for the conveyance of
21 certain leasehold interests; providing exceptions to
22 restrictions for leases entered into for a public
23 purpose; providing criteria for the preparation of
24 estimates of value prepared by the department;
25 providing that the requirements of s. 73.013, F.S.,
26 relating to eminent domain, are not modified;
27 providing that certain programs approved by the
28 Federal Government relating to the maintenance of
29 highway roadside rights-of-way must be submitted to

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30 the Legislature for approval; amending s. 373.618,
31 F.S.; providing that certain public information
32 systems operated by water management districts must be
33 approved by the Department of Transportation and the
34 Federal Highway Administration if such approval is
35 required by certain laws and regulations; amending
36 provisions of ch. 479, F.S., relating to outdoor
37 advertising signs; amending s. 479.01, F.S.; revising
38 and deleting definitions; amending s. 479.02, F.S.;
39 revising powers of the department relating to
40 nonconforming signs; deleting a requirement that the
41 department adopt certain rules; creating s. 479.024,
42 F.S.; limiting the placement of signs in commercial or
43 industrial zones; defining the terms "parcel" and
44 "utilities"; providing mandatory criteria for local
45 governments to use in determining zoning for
46 commercial or industrial parcels; providing that
47 certain parcels are considered unzoned commercial or
48 industrial areas; providing that specified uses may
49 not be independently recognized as commercial or
50 industrial areas; providing an appeal process for an
51 applicant whose permit is denied; requiring an
52 applicant whose application is denied to remove an
53 existing sign pertaining to the application; requiring
54 the department to reduce certain transportation
55 funding in certain circumstances; amending s. 479.03,
56 F.S.; providing for notice to owners of intervening
57 privately owned lands before entering upon such lands
58 to remove an illegal sign; amending s. 479.04, F.S.;

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59 providing that an outdoor advertising license is not
60 required solely to erect outdoor signs or structures;
61 amending s. 479.05, F.S.; authorizing the department
62 to suspend a license for certain offenses and
63 specifying activities that the licensee may engage in
64 during the suspension; amending s. 479.07, F.S.;

65 revising requirements for obtaining sign permits;
66 conforming and clarifying provisions; requiring an
67 application fee; revising sign placement requirements
68 for signs on certain highways; deleting provisions
69 that establish a pilot program relating to placement
70 and removing a permit reinstatement fee; amending s.
71 479.08, F.S.; clarifying provisions relating to the
72 denial or revocation of a permit because of false or
73 misleading information in the permit application;
74 amending s. 479.10, F.S.; providing for cancellation
75 of a permit; amending s. 479.105, F.S.; revising
76 notice requirements to owners and advertisers relating
77 to signs erected or maintained without a permit;
78 revising procedures providing for the department to
79 issue a permit as a conforming or nonconforming sign
80 to the owner of an unpermitted sign; amending s.
81 479.106, F.S.; increasing an administrative penalty
82 for illegally removing certain vegetation; amending s.
83 479.107, F.S.; deleting fines for certain signs on
84 highway rights-of-way; amending s. 479.111, F.S.;

85 clarifying provisions relating to signs allowed on
86 certain highways; amending s. 479.15, F.S.; deleting a
87 definition; clarifying and conforming provisions

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88 related to permitted signs on property that is the
89 subject of public acquisition; amending s. 479.156,
90 F.S.; clarifying provisions related to the regulation
91 of wall murals; amending s. 479.16, F.S.; providing
92 that certain provisions relating to the regulation of
93 signs may not be implemented or continued if such
94 actions will adversely affect the allocation of
95 federal funds to the department; exempting from permit
96 requirements certain signs placed by tourist-oriented
97 businesses, certain farm signs during harvest season,
98 acknowledgement signs on publicly funded school
99 premises, and certain displays on specific sports
100 facilities; providing for the removal of signs if
101 certain exemptions do not apply because the allocation
102 of federal funds to the department will be adversely
103 impacted; amending s. 479.24, F.S.; clarifying
104 provisions relating to compensation paid for the
105 department's acquisition of lawful signs; amending s.
106 479.25, F.S.; requiring a local government to grant a
107 variance or waiver to a local ordinance or regulation
108 to allow the owner of a lawfully permitted sign to
109 increase the height of the sign if a noise-attenuation
110 barrier is permitted by or erected by a governmental
111 entity in a way that interferes with the visibility of
112 the sign; deleting provisions to conform; amending s.
113 479.261, F.S.; conforming provisions related to a logo
114 sign program on limited access highways; amending s.
115 479.313, F.S.; requiring a permittee to pay the cost
116 of removing certain signs following the cancellation

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117 of the permit for the sign; repealing s. 76 of chapter
118 2012-174, Laws of Florida, relating to authorizing the
119 department to seek Federal Highway Administration
120 approval of a tourist-oriented commerce sign pilot
121 program and directing the department to submit the
122 approved pilot program for legislative approval;
123 providing an effective date.

124

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

126

127 Section 1. Paragraph (b) of subsection (3) of section
128 163.01, Florida Statutes, is amended to read:

129 163.01 Florida Interlocal Cooperation Act of 1969.—

130 (3) As used in this section:

131 (b) "Public agency" means a political subdivision, agency,
132 or officer of this state or of any state of the United States,
133 including, but not limited to, state government, county, city,
134 school district, single and multipurpose special district,
135 single and multipurpose public authority, metropolitan or
136 consolidated government, a separate legal entity or
137 administrative entity created under subsection (7), a public
138 transit provider as defined in s. 341.031, an independently
139 elected county officer, any agency of the United States
140 Government, a federally recognized Native American tribe, and
141 any similar entity of any other state of the United States.

142 Section 2. Section 337.25, Florida Statutes, is amended to
143 read:

144 337.25 Acquisition, lease, and disposal of real and
145 personal property.—

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146 (1) (a) The department may purchase, lease, exchange, or
147 otherwise acquire any land, property interests, or buildings or
148 other improvements, including personal property within such
149 buildings or on such lands, necessary to secure or utilize
150 transportation rights-of-way for existing, proposed, or
151 anticipated transportation facilities on the State Highway
152 System, on the State Park Road System, in a rail corridor, or in
153 a transportation corridor designated by the department. Such
154 property shall be held in the name of the state.

155 (b) The department may accept donations of any land or
156 buildings or other improvements, including personal property
157 within such buildings or on such lands with or without such
158 conditions, reservations, or reverter provisions as are
159 acceptable to the department. Such donations may be used as
160 transportation rights-of-way or to secure or utilize
161 transportation rights-of-way for existing, proposed, or
162 anticipated transportation facilities on the State Highway
163 System, on the State Park Road System, or in a transportation
164 corridor designated by the department.

165 (c) When lands, buildings, or other improvements are needed
166 for transportation purposes, but are held by a federal, state,
167 or local governmental entity and utilized for public purposes
168 other than transportation, the department may compensate the
169 entity for such properties by providing functionally equivalent
170 replacement facilities. The providing of replacement facilities
171 under this subsection may only be undertaken with the agreement
172 of the governmental entity affected.

173 (d) The department may contract pursuant to s. 287.055 for
174 auction services used in the conveyance of real or personal

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175 property or the conveyance of leasehold interests under the
176 provisions of subsections (4) and (5). The contract may allow
177 for the contractor to retain a portion of the proceeds as
178 compensation for the contractor's services.

179 (2) A complete inventory shall be made of all real or
180 personal property immediately upon possession or acquisition.
181 Such inventory shall include a statement of the location or site
182 of each piece of realty, structure, or severable item ~~an~~
183 ~~itemized listing of all appliances, fixtures, and other~~
184 ~~severable items; a statement of the location or site of each~~
185 ~~piece of realty, structure, or severable item; and the serial~~
186 ~~number assigned to each.~~ Copies of each inventory shall be filed
187 in the district office in which the property is located. Such
188 inventory shall be carried forward to show the final disposition
189 of each item of property, both real and personal.

190 (3) The inventory of real property which was acquired by
191 the state after December 31, 1988, which has been owned by the
192 state for 10 or more years, and which is not within a
193 transportation corridor or within the right-of-way of a
194 transportation facility shall be evaluated to determine the
195 necessity for retaining the property. If the property is not
196 needed for the construction, operation, and maintenance of a
197 transportation facility, or is not located within a
198 transportation corridor, the department may dispose of the
199 property pursuant to subsection (4).

200 (4) The department may convey ~~sell~~, in the name of the
201 state, any land, building, or other property, real or personal,
202 which was acquired under the provisions of subsection (1) and
203 which the department has determined is not needed for the

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204 construction, operation, and maintenance of a transportation
205 facility. ~~With the exception of any parcel governed by paragraph~~
206 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
207 ~~(i), the department shall afford first right of refusal to the~~
208 ~~local government in the jurisdiction of which the parcel is~~
209 ~~situated.~~ When such a determination has been made, property may
210 be disposed of through negotiations, sealed competitive bids,
211 auctions, or any other means the department deems to be in its
212 best interest, with due advertisement for property valued by the
213 department at greater than \$10,000. A sale may not occur at a
214 price less than the department's current estimate of value,
215 except as provided in paragraphs (a)-(d). The department may
216 afford a right of first refusal to the local government or other
217 political subdivision in the jurisdiction in which the parcel is
218 situated, except in conveyances transacted under paragraph (a),
219 paragraph (c), or paragraph (e). ~~in the following manner:~~

220 (a) If the ~~value of the property has been donated to the~~
221 ~~state for transportation purposes and a facility has not been~~
222 ~~constructed for a period of at least 5 years, plans have not~~
223 ~~been prepared for the construction of such facility, and the~~
224 ~~property is not located in a transportation corridor, the~~
225 ~~governmental entity may authorize reconveyance of the donated~~
226 ~~property for no consideration to the original donor or the~~
227 ~~donor's heirs, successors, assigns, or representatives~~ is
228 ~~\$10,000 or less as determined by department estimate, the~~
229 ~~department may negotiate the sale.~~

230 (b) If ~~the value of the property is to be used for a public~~
231 ~~purpose, the property may be conveyed without consideration to a~~
232 ~~governmental entity exceeds \$10,000 as determined by department~~

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233 ~~estimate, such property may be sold to the highest bidder~~
234 ~~through receipt of sealed competitive bids, after due~~
235 ~~advertisement, or by public auction held at the site of the~~
236 ~~improvement which is being sold.~~

237 (c) If the property was originally acquired specifically to
238 provide replacement housing for persons displaced by
239 transportation projects, the department may negotiate for the
240 sale of such property as replacement housing. As compensation,
241 the state shall receive no less than its investment in such
242 property or the department's current estimate of value,
243 whichever is lower. It is expressly intended that this benefit
244 be extended only to persons actually displaced by the project.
245 Dispositions to any other person must be for no less than the
246 department's current estimate of value, in the discretion of the
247 ~~department, public sale would be inequitable, properties may be~~
248 ~~sold by negotiation to the owner holding title to the property~~
249 ~~abutting the property to be sold, provided such sale is at a~~
250 ~~negotiated price not less than fair market value as determined~~
251 ~~by an independent appraisal, the cost of which shall be paid by~~
252 ~~the owner of the abutting land. If negotiations do not result in~~
253 ~~the sale of the property to the owner of the abutting land and~~
254 ~~the property is sold to someone else, the cost of the~~
255 ~~independent appraisal shall be borne by the purchaser; and the~~
256 ~~owner of the abutting land shall have the cost of the appraisal~~
257 ~~refunded to him or her. If, however, no purchase takes place,~~
258 ~~the owner of the abutting land shall forfeit the sum paid by him~~
259 ~~or her for the independent appraisal. If, due to action of the~~
260 ~~department, the property is removed from eligibility for sale,~~
261 ~~the cost of any appraisal prepared shall be refunded to the~~

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262 ~~owner of the abutting land.~~

263 (d) If the department determines that the property will
264 require significant costs to be incurred or that continued
265 ownership of the property exposes the department to significant
266 liability risks, the department may use the projected
267 maintenance costs over the next 10 years to offset the
268 property's value in establishing a value for disposal of the
269 property, even if that value is zero ~~property acquired for use~~
270 ~~as a borrow pit is no longer needed, the department may sell~~
271 ~~such property to the owner of the parcel of abutting land from~~
272 ~~which the borrow pit was originally acquired, provided the sale~~
273 ~~is at a negotiated price not less than fair market value as~~
274 ~~determined by an independent appraisal, the cost of which shall~~
275 ~~be paid by the owner of such abutting land.~~

276 (e) If, in the discretion of the department, a sale to
277 anyone other than an abutting property owner would be
278 inequitable, the property may be sold to the abutting owner for
279 the department's current estimate of value. If the department
280 begins the process for disposing of the property on its own
281 initiative, either by negotiation under the provisions of
282 paragraph (a), paragraph (c), or paragraph (d), or paragraph
283 ~~(i),~~ or by receipt of sealed competitive bids or public auction
284 under the provisions of paragraph (b) or paragraph (i), a
285 department staff appraiser may determine the fair market value
286 of the property by an appraisal.

287 ~~(f) Any property which was acquired by a county or by the~~
288 ~~department using constitutional gas tax funds for the purpose of~~
289 ~~a right-of-way or borrow pit for a road on the State Highway~~
290 ~~System, State Park Road System, or county road system and which~~

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291 ~~is no longer used or needed by the department may be conveyed~~
292 ~~without consideration to that county. The county may then sell~~
293 ~~such surplus property upon receipt of competitive bids in the~~
294 ~~same manner prescribed in this section.~~

295 ~~(g) If a property has been donated to the state for~~
296 ~~transportation purposes and the facility has not been~~
297 ~~constructed for a period of at least 5 years and no plans have~~
298 ~~been prepared for the construction of such facility and the~~
299 ~~property is not located in a transportation corridor, the~~
300 ~~governmental entity may authorize reconveyance of the donated~~
301 ~~property for no consideration to the original donor or the~~
302 ~~donor's heirs, successors, assigns, or representatives.~~

303 ~~(h) If property is to be used for a public purpose, the~~
304 ~~property may be conveyed without consideration to a governmental~~
305 ~~entity.~~

306 ~~(i) If property was originally acquired specifically to~~
307 ~~provide replacement housing for persons displaced by~~
308 ~~transportation projects, the department may negotiate for the~~
309 ~~sale of such property as replacement housing. As compensation,~~
310 ~~the state shall receive no less than its investment in such~~
311 ~~properties or fair market value, whichever is lower. It is~~
312 ~~expressly intended that this benefit be extended only to those~~
313 ~~persons actually displaced by such project. Dispositions to any~~
314 ~~other persons must be for fair market value.~~

315 ~~(j) If the department determines that the property will~~
316 ~~require significant costs to be incurred or that continued~~
317 ~~ownership of the property exposes the department to significant~~
318 ~~liability risks, the department may use the projected~~
319 ~~maintenance costs over the next 5 years to offset the market~~

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320 ~~value in establishing a value for disposal of the property, even~~
321 ~~if that value is zero.~~

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

328 (a) A lease may be through negotiations, sealed competitive
329 bids, auctions, or any other means the department deems to be in
330 its best interest ~~The department may negotiate such a lease at~~
331 ~~the prevailing market value with the owner from whom the~~
332 ~~property was acquired; with the holders of leasehold estates~~
333 ~~existing at the time of the department's acquisition; or, if~~
334 ~~public bidding would be inequitable, with the owner holding~~
335 ~~title to privately owned abutting property, if reasonable notice~~
336 ~~is provided to all other owners of abutting property. The~~
337 ~~department may allow an outdoor advertising sign to remain on~~
338 ~~the property acquired, or be relocated on department property,~~
339 ~~and such sign shall not be considered a nonconforming sign~~
340 ~~pursuant to chapter 479.~~

341 (b) If, in the discretion of the department, a lease to a
342 person other than an abutting property owner or tenant with a
343 leasehold interest in the abutting property would be
344 inequitable, the property may be leased to the abutting owner or
345 tenant for no less than the department's current estimate of
346 value ~~All other leases shall be by competitive bid.~~

347 (c) No lease signed pursuant to paragraph (a) ~~or paragraph~~
348 ~~(b)~~ shall be for a period of more than 5 years; however, the

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349 department may renegotiate or extend such a lease for an
350 additional term of 5 years as the department deems appropriate
351 ~~without rebidding.~~

352 (d) Each lease shall provide that, unless otherwise
353 directed by the lessor, any improvements made to the property
354 during the term of the lease shall be removed at the lessee's
355 expense.

356 (e) If property is to be used for a public purpose,
357 ~~including a fair, art show, or other educational, cultural, or~~
358 ~~fundraising activity,~~ the property may be leased without
359 consideration to a governmental entity ~~or school board.~~ A lease
360 for a public purpose is exempt from the term limits in paragraph
361 (c).

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

365 (g) No lease executed under this subsection may be utilized
366 by the lessee to establish the ~~4 years'~~ standing required by s.
367 73.071(3)(b) if the business had not been established for the
368 specified number of 4 years on the date title passed to the
369 department.

370 (h) The department may enter into a long-term lease without
371 compensation with a public port listed in s. 403.021(9)(b) for
372 rail corridors used for the operation of a short-line railroad
373 to the port.

374 (6) Nothing in this chapter prevents the joint use of
375 right-of-way for alternative modes of transportation; provided
376 that the joint use does not impair the integrity and safety of
377 the transportation facility.

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378 (7) The department's estimate of value, required by
379 subsections (4) and (5), shall be prepared in accordance with
380 department procedures, guidelines, and rules for valuation of
381 real property. If the value of the property exceeds \$50,000, as
382 determined by the department estimate, the sale or lease must be
383 at a negotiated price not less than the estimate of value as
384 determined by an appraisal prepared in accordance with
385 department procedures, guidelines, and rules for valuation of
386 real property, the cost of which shall be paid by the party
387 seeking the purchase or lease of the property ~~appraisal required~~
388 ~~by paragraphs (4) (c) and (d) shall be prepared in accordance~~
389 ~~with department guidelines and rules by an independent appraiser~~
390 ~~who has been certified by the department. If federal funds were~~
391 ~~used in the acquisition of the property, the appraisal shall~~
392 ~~also be subject to the approval of the Federal Highway~~
393 ~~Administration.~~

394 (8) A "due advertisement" under this section is an
395 advertisement in a newspaper of general circulation in the area
396 of the improvements of not less than 14 calendar days prior to
397 the date of the receipt of bids or the date on which a public
398 auction is to be held.

399 (9) The department, with the approval of the Chief
400 Financial Officer, is authorized to disburse state funds for
401 real estate closings in a manner consistent with good business
402 practices and in a manner minimizing costs and risks to the
403 state.

404 (10) The department is authorized to purchase title
405 insurance in those instances where it is determined that such
406 insurance is necessary to protect the public's investment in

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407 property being acquired for transportation purposes. The
408 department shall adopt procedures to be followed in making the
409 determination to purchase title insurance for a particular
410 parcel or group of parcels which, at a minimum, shall set forth
411 criteria which the parcels must meet.

412 (11) This section does not modify the requirements of s.
413 73.013.

414 Section 3. If the Federal Government approves a program
415 that allows participation in the maintenance of highway roadside
416 rights-of-way through monetary contributions in exchange for
417 recognition of services provided in the form of organic
418 corporate emblems placed in view of passing motorists, the
419 Department of Transportation shall submit the program for
420 legislative approval in the next regular legislative session.

421 Section 4. Section 373.618, Florida Statutes, is amended to
422 read:

423 373.618 Public service warnings, alerts, and
424 announcements.—The Legislature believes it is in the public
425 interest that all water management districts created pursuant to
426 s. 373.069 own, acquire, develop, construct, operate, and manage
427 public information systems. Public information systems may be
428 located on property owned by the water management district, upon
429 terms and conditions approved by the water management district,
430 and must display messages to the general public concerning water
431 management services, activities, events, and sponsors, as well
432 as other public service announcements, including watering
433 restrictions, severe weather reports, amber alerts, and other
434 essential information needed by the public. Local government
435 review or approval is not required for a public information

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436 system owned or hereafter acquired, developed, or constructed by
437 the water management district on its own property. A public
438 information system is exempt from the requirements of chapter
439 479. However, a public information system that is subject to the
440 Highway Beautification Act of 1965 must be approved by the
441 Department of Transportation and the Federal Highway
442 Administration if such approval is required by federal law and
443 federal regulation under the agreement between the state and the
444 United States Department of Transportation and by federal
445 regulations enforced by the Department of Transportation under
446 s. 479.02(1). Water management district funds may not be used to
447 pay the cost to acquire, develop, construct, operate, or manage
448 a public information system. Any necessary funds for a public
449 information system shall be paid for and collected from private
450 sponsors who may display commercial messages.

451 Section 5. Section 479.01, Florida Statutes, is amended to
452 read:

453 479.01 Definitions.—As used in this chapter, the term:

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

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

463 (3) "Business of outdoor advertising" means the business of
464 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,

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465 or selling outdoor advertising structures, outdoor advertising
466 signs, or outdoor advertisements.

467 ~~(4) "Commercial or industrial zone" means a parcel of land~~
468 ~~designated for commercial or industrial uses under both the~~
469 ~~future land use map of the comprehensive plan and the land use~~
470 ~~development regulations adopted pursuant to chapter 163. If a~~
471 ~~parcel is located in an area designated for multiple uses on the~~
472 ~~future land use map of a comprehensive plan and the zoning~~
473 ~~category of the land development regulations does not clearly~~
474 ~~designate that parcel for a specific use, the area will be~~
475 ~~considered an unzoned commercial or industrial area if it meets~~
476 ~~the criteria of subsection (26).~~

477 (4)~~(5)~~ "Commercial use" means activities associated with
478 the sale, rental, or distribution of products or the performance
479 of services. The term includes, without limitation, such uses or
480 activities as retail sales; wholesale sales; rentals of
481 equipment, goods, or products; offices; restaurants; food
482 service vendors; sports arenas; theaters; and tourist
483 attractions.

484 (5)~~(6)~~ "Controlled area" means 660 feet or less from the
485 nearest edge of the right-of-way of any portion of the State
486 Highway System, interstate, or federal-aid primary system and
487 beyond 660 feet of the nearest edge of the right-of-way of any
488 portion of the State Highway System, interstate, or federal-aid
489 primary system outside an urban area.

490 (6)~~(7)~~ "Department" means the Department of Transportation.

491 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,
492 place, affix, attach, create, paint, draw, or in any other way
493 bring into being or establish; but it does not include any of

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494 the foregoing activities when performed as an incident to the
495 change of advertising message or customary maintenance or repair
496 of a sign.

497 (8)~~(9)~~ "Federal-aid primary highway system" means the
498 federal-aid primary highway system in existence on June 1, 1991,
499 and any highway that was not a part of such system as of that
500 date, but that is, or became after June 1, 1991, a part of the
501 National Highway System, including portions that have been
502 accepted as part of the National Highway System but are unbuilt
503 or unopened ~~existing, unbuilt, or unopened system of highways or~~
504 ~~portions thereof, which shall include the National Highway~~
505 ~~System, designated as the federal-aid primary highway system by~~
506 ~~the department.~~

507 (9)~~(10)~~ "Highway" means any road, street, or other way open
508 or intended to be opened to the public for travel by motor
509 vehicles.

510 (10)~~(11)~~ "Industrial use" means activities associated with
511 the manufacture, assembly, processing, or storage of products or
512 the performance of services relating thereto. The term includes,
513 without limitation, such uses or activities as automobile
514 manufacturing or repair, boat manufacturing or repair, junk
515 yards, meat packing facilities, citrus processing and packing
516 facilities, produce processing and packing facilities,
517 electrical generating plants, water treatment plants, sewage
518 treatment plants, and solid waste disposal sites.

519 (11)~~(12)~~ "Interstate highway system" means the existing,
520 unbuilt, or unopened system of highways or portions thereof
521 designated as the national system of interstate and defense
522 highways by the department.

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523 (12)~~(13)~~ "Main-traveled way" means the traveled way of a
524 highway on which through traffic is carried. In the case of a
525 divided highway, the traveled way of each of the separate
526 roadways for traffic in opposite directions is a main-traveled
527 way. It does not include such facilities as frontage roads,
528 turning roadways which specifically include on-ramps or off-
529 ramps to the interstate highway system, or parking areas.

530 (13)~~(14)~~ "Maintain" means to allow to exist.

531 (14)~~(15)~~ "Motorist services directional signs" means signs
532 providing directional information about goods and services in
533 the interest of the traveling public where such signs were
534 lawfully erected and in existence on or before May 6, 1976, and
535 continue to provide directional information to goods and
536 services in a defined area.

537 (15)~~(16)~~ "New highway" means the construction of any road,
538 paved or unpaved, where no road previously existed or the act of
539 paving any previously unpaved road.

540 (16)~~(17)~~ "Nonconforming sign" means a sign which was
541 lawfully erected but which does not comply with the land use,
542 setback, size, spacing, and lighting provisions of state or
543 local law, rule, regulation, or ordinance passed at a later date
544 or a sign which was lawfully erected but which later fails to
545 comply with state or local law, rule, regulation, or ordinance
546 due to changed conditions.

547 (17)~~(18)~~ "Premises" means all the land areas under
548 ownership or lease arrangement to the sign owner which are
549 contiguous to the business conducted on the land except for
550 instances where such land is a narrow strip contiguous to the
551 advertised activity or is connected by such narrow strip, the

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552 only viable use of such land is to erect or maintain an
553 advertising sign. When the sign owner is a municipality or
554 county, "premises" shall mean all lands owned or leased by such
555 municipality or county within its jurisdictional boundaries as
556 set forth by law.

557 (18)~~(19)~~ "Remove" means to disassemble all sign materials
558 above ground level and~~7~~ transport them from the site, ~~and~~
559 ~~dispose of sign materials by sale or destruction.~~

560 (19)~~(20)~~ "Sign" means any combination of structure and
561 message in the form of an outdoor sign, display, device, figure,
562 painting, drawing, message, placard, poster, billboard,
563 advertising structure, advertisement, logo, symbol, or other
564 form, whether placed individually or on a V-type, back-to-back,
565 side-to-side, stacked, or double-faced display or automatic
566 changeable facing, designed, intended, or used to advertise or
567 inform, any part of the advertising message or informative
568 contents of which is visible from any place on the main-traveled
569 way. The term does not include an official traffic control sign,
570 official marker, or specific information panel erected, caused
571 to be erected, or approved by the department.

572 (20)~~(21)~~ "Sign direction" means that direction from which
573 the message or informative contents are most visible to oncoming
574 traffic on the main-traveled way.

575 (21)~~(22)~~ "Sign face" means the part of the sign, including
576 trim and background, which contains the message or informative
577 contents, including an automatic changeable face.

578 (22)~~(23)~~ "Sign facing" includes all sign faces and
579 automatic changeable faces displayed at the same location and
580 facing the same direction.

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581 (23)~~(24)~~ "Sign structure" means all the interrelated parts
582 and material, such as beams, poles, and stringers, which are
583 constructed for the purpose of supporting or displaying a
584 message or informative contents.

585 (24)~~(25)~~ "State Highway System" has the same meaning as in
586 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~
587 ~~highways or portions thereof designated as the State Highway~~
588 ~~System by the department.~~

589 ~~(26) "Unzoned commercial or industrial area" means a parcel~~
590 ~~of land designated by the future land use map of the~~
591 ~~comprehensive plan for multiple uses that include commercial or~~
592 ~~industrial uses but are not specifically designated for~~
593 ~~commercial or industrial uses under the land development~~
594 ~~regulations, in which three or more separate and distinct~~
595 ~~conforming industrial or commercial activities are located.~~

596 ~~(a) These activities must satisfy the following criteria:~~
597 ~~1. At least one of the commercial or industrial activities~~
598 ~~must be located on the same side of the highway and within 800~~
599 ~~feet of the sign location;~~
600 ~~2. The commercial or industrial activities must be within~~
601 ~~660 feet from the nearest edge of the right of way; and~~
602 ~~3. The commercial industrial activities must be within~~
603 ~~1,600 feet of each other.~~

604
605 ~~Distances specified in this paragraph must be measured from the~~
606 ~~nearest outer edge of the primary building or primary building~~
607 ~~complex when the individual units of the complex are connected~~
608 ~~by covered walkways.~~

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

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610 following, may not be so recognized as commercial or industrial
611 activities:

612 ~~1. Signs.~~

613 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~
614 ~~related activities, including, but not limited to, wayside fresh~~
615 ~~produce stands.~~

616 ~~3. Transient or temporary activities.~~

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

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

620 ~~6. Activities conducted in a building principally used as a~~
621 ~~residence.~~

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

623 ~~8. Communication towers.~~

624 (25)~~(27)~~ "Urban area" has the same meaning as ~~defined~~ in s.
625 334.03(31).

626 (26)~~(28)~~ "Visible commercial or industrial activity" means
627 a commercial or industrial activity that is capable of being
628 seen without visual aid by a person of normal visual acuity from
629 the main-traveled way and that is generally recognizable as
630 commercial or industrial.

631 (27)~~(29)~~ "Visible sign" means that the advertising message
632 or informative contents of a sign, whether or not legible, is
633 capable of being seen without visual aid by a person of normal
634 visual acuity.

635 (28)~~(30)~~ "Wall mural" means a sign that is a painting or an
636 artistic work composed of photographs or arrangements of color
637 and that displays a commercial or noncommercial message, relies
638 solely on the side of the building for rigid structural support,

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639 and is painted on the building or depicted on vinyl, fabric, or
640 other similarly flexible material that is held in place flush or
641 flat against the surface of the building. The term excludes a
642 painting or work placed on a structure that is erected for the
643 sole or primary purpose of signage.

644 (29)~~(31)~~ "Zoning category" means the designation under the
645 land development regulations or other similar ordinance enacted
646 to regulate the use of land as provided in s. 163.3202(2)(b),
647 which designation sets forth the allowable uses, restrictions,
648 and limitations on use applicable to properties within the
649 category.

650 Section 6. Section 479.02, Florida Statutes, is amended to
651 read:

652 479.02 Duties of the department.~~It shall be the duty of~~
653 The department shall ~~to~~:

654 (1) Administer and enforce the provisions of this chapter,
655 ~~and the 1972 agreement between the state and the United States~~
656 ~~Department of Transportation, relating to the size, lighting,~~
657 ~~and spacing of signs in accordance with Title I of the Highway~~
658 ~~Beautification Act of 1965 and Title 23, United States Code, and~~
659 federal regulations, including, but not limited to, those
660 pertaining to the maintenance, continuance, and removal of
661 nonconforming signs in effect as of the effective date of this
662 act.

663 (2) Regulate size, height, lighting, and spacing of signs
664 permitted on commercial and industrial parcels and in unzoned
665 commercial or industrial areas ~~in zoned and unzoned commercial~~
666 ~~areas and zoned and unzoned industrial areas~~ on the interstate
667 highway system and the federal-aid primary highway system.

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668 (3) Determine ~~unzoned~~ commercial and industrial parcels and
669 unzoned commercial or areas and unzoned industrial areas in the
670 manner provided in s. 479.024.

671 (4) Implement a specific information panel program on the
672 limited access interstate highway system to promote tourist-
673 oriented businesses by providing directional information safely
674 and aesthetically.

675 (5) Implement a rest area information panel or devices
676 program at rest areas along the interstate highway system and
677 the federal-aid primary highway system to promote tourist-
678 oriented businesses.

679 (6) Test and, if economically feasible, implement
680 alternative methods of providing information in the specific
681 interest of the traveling public which allow the traveling
682 public freedom of choice, conserve natural beauty, and present
683 information safely and aesthetically.

684 (7) Adopt such rules as it deems necessary or proper for
685 the administration of this chapter, including rules that ~~which~~
686 identify activities that may not be recognized as industrial or
687 commercial activities for purposes of determination of a ~~an area~~
688 ~~as an unzoned~~ commercial or industrial parcel or an unzoned
689 commercial or industrial area in the manner provided in s.
690 479.024.

691 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
692 location of all signs on the state, interstate and federal-aid
693 primary highway systems to be used as. ~~Upon completion of the~~
694 ~~inventory, it shall become~~ the database and permit information
695 for all permitted signs ~~permitted at the time of completion, and~~
696 ~~the previous records of the department shall be amended~~

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697 accordingly. The inventory shall be updated no less than every 2
698 years. ~~The department shall adopt rules regarding what~~
699 ~~information is to be collected and preserved to implement the~~
700 ~~purposes of this chapter.~~ The department may perform the
701 inventory using department staff, or may contract with a private
702 firm to perform the work, whichever is more cost efficient. The
703 department shall maintain a database of sign inventory
704 information such as sign location, size, height, and structure
705 type, the permitholder's name, and any other information the
706 department finds necessary to administer the program.

707 Section 7. Section 479.024, Florida Statutes, is created to
708 read:

709 479.024 Commercial and industrial parcels.—Signs shall only
710 be permitted by the department in commercial or industrial
711 zones, as determined by the local government, in compliance with
712 chapter 163, unless otherwise provided in this chapter.

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

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

716 (b) "Utilities" includes all privately, publicly, or
717 cooperatively owned lines, facilities, and systems for
718 producing, transmitting, or distributing communications, power,
719 electricity, light, heat, gas, oil, crude products, water,
720 steam, waste, and stormwater not connected with the highway
721 drainage, and other similar commodities.

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

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

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726 (b) The parcel can reasonably accommodate a commercial or
727 industrial use under the future land use map of the
728 comprehensive plan and land use development regulations, as
729 follows:

730 1. Sufficient utilities are available to support commercial
731 or industrial development.

732 2. The size, configuration, and public access of the parcel
733 are sufficient to accommodate a commercial or industrial use,
734 given requirements in the comprehensive plan and land
735 development regulations for vehicular access, on-site
736 circulation, building setbacks, buffering, parking, and other
737 applicable standards or the parcel consists of railroad tracks
738 or minor sidings abutting commercial or industrial property that
739 meets the criteria of this subsection.

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

742 (3) If a local government has not designated zoning through
743 land development regulations in compliance with chapter 163, but
744 has designated the parcel under the future land use map of the
745 comprehensive plan for uses that include commercial or
746 industrial uses, the parcel shall be considered an unzoned
747 commercial or industrial area. For a permit to be issued for a
748 sign in an unzoned commercial or industrial area, there must be
749 three or more distinct commercial or industrial activities
750 within 1,600 feet of each other, with at least one of the
751 commercial or industrial activities located on the same side of
752 the highway as the sign location, and within 800 feet of the
753 sign location. Multiple commercial or industrial activities
754 enclosed in one building when all uses have only shared building

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755 entrances shall be considered one use.

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

759 (a) Signs.

760 (b) Agricultural, forestry, ranching, grazing, farming, and
761 related activities, including, but not limited to, wayside fresh
762 produce stands.

763 (c) Transient or temporary activities.

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

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

769 (f) Activities conducted in a building principally used as
770 a residence.

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

774 (h) Communication towers.

775 (i) Governmental uses, unless those governmental uses would
776 be industrial in nature if privately owned and operated. Such
777 industrial uses must be the present and actual use, not merely
778 be among the allowed uses.

779 (5) If the local government has indicated that the proposed
780 sign location is on a parcel that is in a commercial or
781 industrial zone, but the department finds that it is not, the
782 department shall notify the sign applicant in writing of its
783 determination.

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784 (6) An applicant whose application for a permit is denied
785 may, within 30 days after the receipt of the notification of
786 intent to deny, request an administrative hearing pursuant to
787 chapter 120 for a determination of whether the parcel is located
788 in a commercial or industrial zone. Upon receipt of such
789 request, the department shall notify the local government that
790 the applicant has requested an administrative hearing pursuant
791 to chapter 120.

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

797 (8) If the Federal Highway Administration reduces funds
798 that would otherwise be apportioned to the department due to a
799 local government's failure to be compliant with this section,
800 the department shall reduce apportioned transportation funding
801 to the local government by an equivalent amount.

802 Section 8. Section 479.03, Florida Statutes, is amended to
803 read:

804 479.03 Jurisdiction of the Department of Transportation;
805 entry upon privately owned lands.—The territory under the
806 jurisdiction of the department for the purpose of this chapter
807 shall include all the state. Employees, agents, or independent
808 contractors working for the department, in the performance of
809 their functions and duties under the provisions of this chapter,
810 may enter into and upon any land upon which a sign is displayed,
811 is proposed to be erected, or is being erected and make such
812 inspections, surveys, and removals as may be relevant. Upon

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813 written notice to ~~After receiving consent by~~ the landowner,
814 operator, or person in charge of an intervening privately owned
815 land that ~~or appropriate inspection warrant issued by a judge of~~
816 ~~any county court or circuit court of this state which has~~
817 ~~jurisdiction of the place or thing to be removed,~~ that the
818 removal of an illegal outdoor advertising sign is necessary and
819 has been authorized by a final order or results from an
820 uncontested notice to the sign owner, the department may ~~shall~~
821 ~~be authorized to~~ enter upon any intervening privately owned
822 lands for the purposes of effectuating removal of illegal signs,
823 provided that the department shall only do so in circumstances
824 where it has determined that no other legal or economically
825 feasible means of entry to the sign site are reasonably
826 available. Except as otherwise provided by this chapter, the
827 department shall be responsible for the repair or replacement in
828 a like manner for any physical damage or destruction of private
829 property, other than the sign, incidental to the department's
830 entry upon such intervening privately owned lands.

831 Section 9. Section 479.04, Florida Statutes, is amended to
832 read:

833 479.04 Business of outdoor advertising; license
834 requirement; renewal; fees.-

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

841 (2) A ~~No~~ person is not ~~shall be~~ required to obtain the

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842 license provided for in this section solely to erect or
843 construct outdoor advertising signs or structures ~~as an~~
844 ~~incidental part of a building construction contract.~~

845 Section 10. Section 479.05, Florida Statutes, is amended to
846 read:

847 479.05 Denial, suspension, or revocation of license.—The
848 department may ~~has authority to deny, suspend, or revoke~~ any
849 license requested or granted under this chapter in any case in
850 which it determines that the application for the license
851 contains ~~knowingly~~ false or misleading information of material
852 consequence, that the licensee has failed to pay fees or costs
853 owed to the department for outdoor advertising purposes, or that
854 the licensee has violated any of the provisions of this chapter,
855 unless such licensee, within 30 days after the receipt of notice
856 by the department, corrects such false or misleading
857 information, pays the outstanding amounts, or complies with the
858 provisions of this chapter. Suspension of a license allows the
859 licensee to maintain existing sign permits, but the department
860 may not grant a transfer of an existing permit or issue an
861 additional permit to a licensee with a suspended license. Any
862 person aggrieved by an ~~any~~ action of the department which
863 denies, suspends, or revokes ~~in denying or revoking~~ a license
864 under this chapter may, within 30 days after ~~from~~ the receipt of
865 the notice, apply to the department for an administrative
866 hearing pursuant to chapter 120.

867 Section 11. Section 479.07, Florida Statutes, is amended to
868 read:

869 479.07 Sign permits.—

870 (1) Except as provided in ss. 479.105(1) ~~479.105(1)(e)~~ and

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871 479.16, a person may not erect, operate, use, or maintain, or
872 cause to be erected, operated, used, or maintained, any sign on
873 the State Highway System outside an urban area, ~~as defined in s.~~
874 ~~334.03(31),~~ or on any portion of the interstate or federal-aid
875 primary highway system without first obtaining a permit for the
876 sign from the department and paying the annual fee as provided
877 in this section. As used in this section, the term "on any
878 portion of the State Highway System, interstate, or federal-aid
879 primary system" means a sign located within the controlled area
880 which is visible from any portion of the main-traveled way of
881 such system.

882 (2) ~~A person may not apply for a permit unless he or she~~
883 ~~has first obtained the~~ Written permission of the owner or other
884 person in lawful possession or control of the site designated as
885 the location of the sign is required for issuance of a ~~in the~~
886 ~~application for the permit.~~

887 (3) (a) An application for a sign permit must be made on a
888 form prescribed by the department, and a separate application
889 must be submitted for each permit requested. A permit is
890 required for each sign facing.

891 (b) As part of the application, the applicant or his or her
892 authorized representative must certify ~~in a notarized signed~~
893 ~~statement~~ that all information provided in the application is
894 true and correct ~~and that, pursuant to subsection (2), he or she~~
895 ~~has obtained the written permission of the owner or other person~~
896 ~~in lawful possession of the site designated as the location of~~
897 ~~the sign in the permit application.~~ Every permit application
898 must be accompanied by the appropriate permit fee, ~~+~~ a signed
899 statement by the owner or other person in lawful control of the

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900 site on which the sign is located or will be erected,
901 authorizing the placement of the sign on that site, and ~~and, where~~
902 ~~local governmental regulation of signs exists,~~ a statement from
903 the appropriate local governmental official indicating that the
904 sign complies with all local government ~~governmental~~
905 requirements and, if a local government permit is required for a
906 sign, that the agency or unit of local government will issue a
907 permit to that applicant upon approval of the state permit
908 application by the department.

909 (c) The annual permit fee for each sign facing shall be
910 established by the department by rule in an amount sufficient to
911 offset the total cost to the department for the program, but
912 shall not exceed \$100. The A fee may not be prorated for a
913 ~~period less than the remainder of the permit year to accommodate~~
914 ~~short-term publicity features; however,~~ a first-year fee may be
915 prorated by payment of an amount equal to one-fourth of the
916 annual fee for each remaining whole quarter or partial quarter
917 of the permit year. Applications received after the end of the
918 third quarter of the permit year must include fees for the last
919 quarter of the current year and fees for the succeeding year. A
920 nonrefundable application fee of \$25 must accompany each permit
921 application.

922 (4) An application for a permit shall be acted on by
923 granting, denying, or returning the incomplete application ~~the~~
924 ~~department~~ within 30 days after receipt of the application by
925 the department.

926 (5) (a) For each permit issued, the department shall furnish
927 to the applicant a serially numbered permanent metal permit tag.
928 The permittee is responsible for maintaining a valid permit tag

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929 on each permitted sign facing at all times. The tag shall be
930 securely attached to the upper 50 percent of the sign structure
931 ~~sign facing or, if there is no facing, on the pole nearest the~~
932 ~~highway;~~ and it shall be attached in such a manner as to be
933 plainly visible from the main-traveled way. ~~Effective July 1,~~
934 ~~2012, the tag must be securely attached to the upper 50 percent~~
935 ~~of the pole nearest the highway and must be attached in such a~~
936 ~~manner as to be plainly visible from the main-traveled way.~~ The
937 permit ~~becomes void unless the permit~~ tag must be ~~is~~ properly
938 and permanently displayed at the permitted site within 30 days
939 after the date of permit issuance. If the permittee fails to
940 erect a completed sign on the permitted site within 270 days
941 after the date on which the permit was issued, the permit will
942 be void, and the department may not issue a new permit to that
943 permittee for the same location for 270 days after the date on
944 which the permit became void.

945 (b) If a permit tag is lost, stolen, or destroyed, the
946 permittee to whom the tag was issued must apply to the
947 department for a replacement tag. The department shall adopt a
948 rule establishing a service fee for replacement tags in an
949 amount that will recover the actual cost of providing the
950 replacement tag. Upon receipt of the application accompanied by
951 the service fee, the department shall issue a replacement permit
952 tag. ~~Alternatively, the permittee may provide its own~~
953 ~~replacement tag pursuant to department specifications that the~~
954 ~~department shall adopt by rule at the time it establishes the~~
955 ~~service fee for replacement tags.~~

956 (6) A permit is valid only for the location specified in
957 the permit. Valid permits may be transferred from one sign owner

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958 to another upon written acknowledgment from the current
959 permittee and submittal of a transfer fee of \$5 for each permit
960 to be transferred. However, the maximum transfer fee for any
961 multiple transfer between two outdoor advertisers in a single
962 transaction is \$1,000 ~~\$100~~.

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

966 (8) (a) In order to reduce peak workloads, the department
967 may adopt rules providing for staggered expiration dates for
968 licenses and permits. Unless otherwise provided for by rule, all
969 licenses and permits expire annually on January 15. All license
970 and permit renewal fees are required to be submitted to the
971 department by no later than the expiration date. At least 105
972 days before ~~prior to~~ the expiration date of licenses and
973 permits, the department shall send to each permittee a notice of
974 fees due for all licenses and permits that ~~which~~ were issued to
975 him or her before ~~prior to~~ the date of the notice. Such notice
976 shall list the permits and the permit fees due for each sign
977 facing. The permittee shall, no later than 45 days before ~~prior~~
978 ~~to~~ the expiration date, advise the department of any additions,
979 deletions, or errors contained in the notice. Permit tags which
980 are not renewed shall be returned to the department for
981 cancellation by the expiration date. Permits which are not
982 renewed or are canceled shall be certified in writing at that
983 time as canceled or not renewed by the permittee, and permit
984 tags for such permits shall be returned to the department or
985 shall be accounted for by the permittee in writing, which
986 writing shall be submitted with the renewal fee payment or the

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987 cancellation certification. However, failure of a permittee to
988 submit a permit cancellation does ~~shall~~ not affect the
989 nonrenewal of a permit. Before ~~Prior to~~ cancellation of a
990 permit, the permittee shall provide written notice to all
991 persons or entities having a right to advertise on the sign that
992 the permittee intends to cancel the permit.

993 (b) If a permittee has not submitted his or her fee payment
994 by the expiration date of the licenses or permits, the
995 department shall send a notice of violation to the permittee
996 within 45 days after the expiration date, requiring the payment
997 of the permit fee within 30 days after the date of the notice
998 and payment of a delinquency fee equal to 10 percent of the
999 original amount due or, in the alternative to these payments,
1000 requiring the filing of a request for an administrative hearing
1001 to show cause why the ~~his or her~~ sign should not be subject to
1002 immediate removal due to expiration of his or her license or
1003 permit. If the permittee submits payment as required by the
1004 violation notice, the ~~his or her~~ license or permit will be
1005 automatically reinstated and such reinstatement will be
1006 retroactive to the original expiration date. If the permittee
1007 does not respond to the notice of violation within the 30-day
1008 period, the department shall, within 30 days, issue a final
1009 notice of sign removal and may, following 90 days after the date
1010 of the department's final notice of sign removal, remove the
1011 sign without incurring any liability as a result of such
1012 removal. However, if at any time before removal of the sign, the
1013 permittee demonstrates that a good faith error on the part of
1014 the permittee resulted in cancellation or nonrenewal of the
1015 permit, the department may reinstate the permit if:

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1016 1. The permit reinstatement fee of ~~up to~~ \$300 ~~based on the~~
1017 ~~size of the sign~~ is paid;

1018 2. All other permit renewal and delinquent permit fees due
1019 as of the reinstatement date are paid; and

1020 3. The permittee reimburses the department for all actual
1021 costs resulting from the permit cancellation or nonrenewal.

1022 (c) Conflicting applications filed by other persons for the
1023 same or competing sites covered by a permit subject to paragraph
1024 (b) may not be approved until after the sign subject to the
1025 expired permit has been removed.

1026 (d) The cost for removing a sign, whether by the department
1027 or an independent contractor, shall be assessed by the
1028 department against the permittee.

1029 (9) (a) A permit may ~~shall~~ not be granted for any sign for
1030 which a permit had not been granted by the effective date of
1031 this act unless such sign is located at least:

1032 1. One thousand five hundred feet from any other permitted
1033 sign on the same side of the highway, if on an interstate
1034 highway.

1035 2. One thousand feet from any other permitted sign on the
1036 same side of the highway, if on a federal-aid primary highway.

1037
1038 The minimum spacing provided in this paragraph does not preclude
1039 the permitting of V-type, back-to-back, side-to-side, stacked,
1040 or double-faced signs at the permitted sign site. If a sign is
1041 visible to more than one highway subject to the jurisdiction of
1042 the department and within the controlled area of the highways
1043 ~~from the controlled area of more than one highway subject to the~~
1044 ~~jurisdiction of the department~~, the sign must ~~shall~~ meet the

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1045 permitting requirements of all highways, and, ~~if the sign meets~~
1046 ~~the applicable permitting requirements~~, be permitted to, the
1047 highway having the more stringent permitting requirements.

1048 (b) A permit may ~~shall~~ not be granted for a sign pursuant
1049 to this chapter to locate such sign on any portion of the
1050 interstate or federal-aid primary highway system, which sign:

1051 1. Exceeds 50 feet in sign structure height above the crown
1052 of the main-traveled way to which the sign is permitted, if
1053 outside an incorporated area;

1054 2. Exceeds 65 feet in sign structure height above the crown
1055 of the main-traveled way to which the sign is permitted, if
1056 inside an incorporated area; or

1057 3. Exceeds 950 square feet of sign facing including all
1058 embellishments.

1059 (c) Notwithstanding subparagraph (a)1., ~~there is~~
1060 ~~established a pilot program in Orange, Hillsborough, and Osceola~~
1061 ~~Counties, and within the boundaries of the City of Miami, under~~
1062 ~~which~~ the distance between permitted signs on the same side of
1063 an interstate highway may be reduced to 1,000 feet if all other
1064 requirements of this chapter are met and if:

1065 1. The local government has adopted a plan, program,
1066 resolution, ordinance, or other policy encouraging the voluntary
1067 removal of signs in a downtown, historic, redevelopment, infill,
1068 or other designated area which also provides for a new or
1069 replacement sign to be erected on an interstate highway within
1070 that jurisdiction if a sign in the designated area is removed;

1071 2. The sign owner and the local government mutually agree
1072 to the terms of the removal and replacement; and

1073 3. The local government notifies the department of its

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1074 intention to allow such removal and replacement as agreed upon
1075 pursuant to subparagraph 2.

1076 ~~4. The new or replacement sign to be erected on an~~
1077 ~~interstate highway within that jurisdiction is to be located on~~
1078 ~~a parcel of land specifically designated for commercial or~~
1079 ~~industrial use under both the future land use map of the~~
1080 ~~comprehensive plan and the land use development regulations~~
1081 ~~adopted pursuant to chapter 163, and such parcel shall not be~~
1082 ~~subject to an evaluation in accordance with the criteria set~~
1083 ~~forth in s. 479.01(26) to determine if the parcel can be~~
1084 ~~considered an unzoned commercial or industrial area.~~

1085
1086 ~~The department shall maintain statistics tracking the use of the~~
1087 ~~provisions of this pilot program based on the notifications~~
1088 ~~received by the department from local governments under this~~
1089 ~~paragraph.~~

1090 (d) This subsection does not cause a sign that was
1091 conforming on October 1, 1984, to become nonconforming.

1092 (10) Commercial or industrial zoning that ~~which~~ is not
1093 comprehensively enacted or that ~~which~~ is enacted primarily to
1094 permit signs may ~~shall~~ not be recognized as commercial or
1095 industrial zoning for purposes of this provision, and permits
1096 may ~~shall~~ not be issued for signs in such areas. The department
1097 shall adopt rules that ~~within 180 days after this act takes~~
1098 ~~effect which shall~~ provide criteria to determine whether such
1099 zoning is comprehensively enacted or enacted primarily to permit
1100 signs.

1101 Section 12. Section 479.08, Florida Statutes, is amended to
1102 read:

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1103 479.08 Denial or revocation of permit.—The department may
1104 deny or revoke any permit requested or granted under this
1105 chapter in any case in which it determines that the application
1106 for the permit contains ~~knowingly~~ false or misleading
1107 information of material consequence. The department may revoke
1108 any permit granted under this chapter in any case in which the
1109 permittee has violated any of the provisions of this chapter,
1110 unless such permittee, within 30 days after the receipt of
1111 notice by the department, complies with the provisions of this
1112 chapter. For the purpose of this section, the notice of
1113 violation issued by the department must describe in detail the
1114 alleged violation. Any person aggrieved by any action of the
1115 department in denying or revoking a permit under this chapter
1116 may, within 30 days after receipt of the notice, apply to the
1117 department for an administrative hearing pursuant to chapter
1118 120. If a timely request for hearing has been filed and the
1119 department issues a final order revoking a permit, such
1120 revocation shall be effective 30 days after the date of
1121 rendition. Except for department action pursuant to s.
1122 479.107(1), the filing of a timely and proper notice of appeal
1123 shall operate to stay the revocation until the department's
1124 action is upheld.

1125 Section 13. Section 479.10, Florida Statutes, is amended to
1126 read:

1127 479.10 Sign removal following permit revocation or
1128 cancellation.—A sign shall be removed by the permittee within 30
1129 days after the date of revocation or cancellation of the permit
1130 for the sign. If the permittee fails to remove the sign within
1131 the 30-day period, the department shall remove the sign at the

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1132 permittee's expense with or without further notice and without
1133 incurring any liability as a result of such removal.

1134 Section 14. Section 479.105, Florida Statutes, is amended
1135 to read:

1136 479.105 Signs erected or maintained without required
1137 permit; removal.—

1138 (1) Any sign which is located adjacent to the right-of-way
1139 of any highway on the State Highway System outside an
1140 incorporated area or adjacent to the right-of-way on any portion
1141 of the interstate or federal-aid primary highway system, which
1142 sign was erected, operated, or maintained without the permit
1143 required by s. 479.07(1) having been issued by the department,
1144 is declared to be a public nuisance and a private nuisance and
1145 shall be removed as provided in this section.

1146 (a) Upon a determination by the department that a sign is
1147 in violation of s. 479.07(1), the department shall prominently
1148 post on the sign, or as close to the sign as possible for those
1149 locations where the sign is not easily accessible, ~~face~~ a notice
1150 stating that the sign is illegal and must be removed within 30
1151 days after the date on which the notice was posted. ~~However, if~~
1152 ~~the sign bears the name of the licensee or the name and address~~
1153 ~~of the nonlicensed sign owner,~~ The department shall,
1154 concurrently with and in addition to posting the notice on the
1155 sign, provide a written notice to the owner of the sign, the
1156 advertiser displayed on the sign, or the owner of the property,
1157 stating that the sign is illegal and must be permanently removed
1158 within the 30-day period specified on the posted notice. The
1159 written notice shall further state that a hearing may be
1160 requested, ~~the sign owner has a right to request a hearing,~~

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1161 which request must be filed with the department within 30 days
1162 after receipt ~~the date~~ of the written notice. However, the
1163 filing of a request for a hearing will not stay the removal of
1164 the sign.

1165 (b) If, pursuant to the notice provided, the sign is not
1166 removed by the ~~sign~~ owner of the sign, the advertiser displayed
1167 on the sign, or the owner of the property within the prescribed
1168 period, the department shall immediately remove the sign without
1169 further notice; and, for that purpose, the employees, agents, or
1170 independent contractors of the department may enter upon private
1171 property without incurring any liability for so entering.

1172 (c) However, the department may issue a permit for a sign,
1173 as a conforming or nonconforming sign, if the sign owner
1174 demonstrates to the department one of the following:

1175 1. If the sign meets the current requirements of this
1176 chapter for a sign permit, the sign owner may submit the
1177 required application package and receive a permit as a
1178 conforming sign, upon payment of all applicable fees.

1179 2. If the sign does not meet the current requirements of
1180 this chapter for a sign permit, the sign owner may receive a
1181 permit as a nonconforming sign if the department determines that
1182 the sign is not located on state right-of-way and is not a
1183 safety hazard and if the sign owner pays a penalty fee of \$300
1184 and all pertinent fees required by this chapter, including
1185 annual permit renewal fees payable since the date of the
1186 erection of the sign, and attaches to the permit application
1187 package documentation that demonstrates that:

1188 a. The sign has been unpermitted, structurally unchanged,
1189 and continuously maintained at the same location for a period of

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1190 7 years or more;

1191 b. During the entire period in which the sign has been
1192 erected, a permit was required but was not obtained;

1193 c. During the initial 7 years in which the sign has been
1194 erected, the sign would have met the criteria established in
1195 this chapter at that time for issuance of a permit; and

1196 d. The department has not initiated a notice of violation
1197 or taken other action to remove the sign during the initial 7-
1198 year period.

1199 (d) This subsection does not cause a neighboring sign that
1200 is permitted and that is within the spacing requirements in s.
1201 479.07(9)(a) to become nonconforming.

1202 (e)~~(e)~~ For purposes of this subsection, a notice to the
1203 sign owner, when required, constitutes sufficient notice; and
1204 notice is not required to be provided to the lessee, advertiser,
1205 or the owner of the real property on which the sign is located.

1206 (f)~~(d)~~ If, after a hearing, it is determined that a sign
1207 has been wrongfully or erroneously removed pursuant to this
1208 subsection, the department, at the sign owner's discretion,
1209 shall either pay just compensation to the owner of the sign or
1210 reerect the sign in kind at the expense of the department.

1211 ~~(e) However, if the sign owner demonstrates to the~~
1212 ~~department that:~~

1213 ~~1. The sign has been unpermitted, structurally unchanged,~~
1214 ~~and continuously maintained at the same location for a period of~~
1215 ~~7 years or more;~~

1216 ~~2. At any time during the period in which the sign has been~~
1217 ~~erected, the sign would have met the criteria established in~~
1218 ~~this chapter for issuance of a permit;~~

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1219 ~~3. The department has not initiated a notice of violation~~
1220 ~~or taken other action to remove the sign during the initial 7-~~
1221 ~~year period described in subparagraph 1.; and~~

1222 ~~4. The department determines that the sign is not located~~
1223 ~~on state right-of-way and is not a safety hazard,~~

1224
1225 ~~the sign may be considered a conforming or nonconforming sign~~
1226 ~~and may be issued a permit by the department upon application in~~
1227 ~~accordance with this chapter and payment of a penalty fee of~~
1228 ~~\$300 and all pertinent fees required by this chapter, including~~
1229 ~~annual permit renewal fees payable since the date of the~~
1230 ~~erection of the sign.~~

1231 (2) (a) If a sign is under construction and the department
1232 determines that a permit has not been issued for the sign as
1233 required under the provisions of this chapter, the department is
1234 authorized to require that all work on the sign cease until the
1235 sign owner shows that the sign does not violate the provisions
1236 of this chapter. The order to cease work shall be prominently
1237 posted on the sign structure, and no further notice is required
1238 to be given. The failure of a sign owner or her or his agents to
1239 immediately comply with the order shall subject the sign to
1240 prompt removal by the department.

1241 (b) For the purposes of this subsection only, a sign is
1242 under construction when it is in any phase of initial
1243 construction prior to the attachment and display of the
1244 advertising message in final position for viewing by the
1245 traveling public. A sign that is undergoing routine maintenance
1246 or change of the advertising message only is not considered to
1247 be under construction for the purposes of this subsection.

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1248 (3) The cost of removing a sign, whether by the department
1249 or an independent contractor, shall be assessed against the
1250 owner of the sign by the department.

1251 Section 15. Subsections (5) and (7) of section 479.106,
1252 Florida Statutes, are amended to read:

1253 479.106 Vegetation management.—

1254 (5) The department may only grant a permit pursuant to s.
1255 479.07 for a new sign which requires the removal, cutting, or
1256 trimming of existing trees or vegetation on public right-of-way
1257 for the sign face to be visible from the highway when the sign
1258 owner has removed at least two nonconforming signs of
1259 approximate comparable size and surrendered the permits for the
1260 nonconforming signs to the department for cancellation. For
1261 signs originally permitted after July 1, 1996, the first
1262 application, or application for a change of view zone, ~~no permit~~
1263 for the removal, cutting, or trimming of trees or vegetation
1264 shall require, in addition to mitigation or contribution to a
1265 plan of mitigation, the removal of two nonconforming signs. No
1266 permits for the removal, cutting, or trimming of trees may be
1267 granted for signs permitted after July 1, 1996 ~~be granted~~ where
1268 such trees or vegetation are part of a beautification project
1269 implemented ~~before~~ prior to the date of the original sign permit
1270 application, when the beautification project is specifically
1271 identified in the department's construction plans, permitted
1272 landscape projects, or agreements.

1273 (7) Any person engaging in removal, cutting, or trimming of
1274 trees or vegetation in violation of this section or benefiting
1275 from such actions shall be subject to an administrative penalty
1276 of up to \$1,000 per sign facing and required to mitigate for the

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1277 unauthorized removal, cutting, or trimming in such manner and in
1278 such amount as may be required under the rules of the
1279 department.

1280 Section 16. Subsection (5) of section 479.107, Florida
1281 Statutes, is amended to read:

1282 479.107 Signs on highway rights-of-way; removal.—

1283 (5) The cost of removing a sign, whether by the department
1284 or an independent contractor, shall be assessed by the
1285 department against the owner of the sign. ~~Furthermore, the~~
1286 ~~department shall assess a fine of \$75 against the sign owner for~~
1287 ~~any sign which violates the requirements of this section.~~

1288 Section 17. Section 479.111, Florida Statutes, is amended
1289 to read:

1290 479.111 Specified signs allowed within controlled portions
1291 of the interstate and federal-aid primary highway system.—Only
1292 the following signs shall be allowed within controlled portions
1293 of the interstate highway system and the federal-aid primary
1294 highway system as set forth in s. 479.11(1) and (2):

1295 (1) Directional or other official signs and notices which
1296 conform to 23 C.F.R. ss. 750.151-750.155.

1297 (2) Signs in commercial-zoned and industrial-zoned areas or
1298 commercial-unzoned and industrial-unzoned areas and within 660
1299 feet of the nearest edge of the right-of-way, subject to the
1300 requirements set forth in the 1972 agreement between the state
1301 and the United States Department of Transportation.

1302 (3) Signs for which permits are not required under s.
1303 479.16.

1304 Section 18. Section 479.15, Florida Statutes, is amended to
1305 read:

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1306 479.15 Harmony of regulations.—

1307 (1) No zoning board or commission or other public officer
1308 or agency shall issue a permit to erect any sign which is
1309 prohibited under the provisions of this chapter or the rules of
1310 the department, nor shall the department issue a permit for any
1311 sign which is prohibited by any other public board, officer, or
1312 agency in the lawful exercise of its powers.

1313 (2) A municipality, county, local zoning authority, or
1314 other local governmental entity may not remove, or cause to be
1315 removed, any lawfully erected sign along any portion of the
1316 interstate or federal-aid primary highway system without first
1317 paying just compensation for such removal. A local governmental
1318 entity may not cause in any way the alteration of any lawfully
1319 erected sign located along any portion of the interstate or
1320 federal-aid primary highway system without payment of just
1321 compensation if such alteration constitutes a taking under state
1322 law. The municipality, county, local zoning authority, or other
1323 local government entity that adopts requirements for such
1324 alteration shall pay just compensation to the sign owner if such
1325 alteration constitutes a taking under state law. This subsection
1326 applies only to a lawfully erected sign the subject matter of
1327 which relates to premises other than the premises on which it is
1328 located or to merchandise, services, activities, or
1329 entertainment not sold, produced, manufactured, or furnished on
1330 the premises on which the sign is located. ~~As used in this~~
1331 ~~subsection, the term "federal-aid primary highway system" means~~
1332 ~~the federal-aid primary highway system in existence on June 1,~~
1333 ~~1991, and any highway that was not a part of such system as of~~
1334 ~~that date but that is or becomes after June 1, 1991, a part of~~

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1335 ~~the National Highway System.~~ This subsection shall not be
1336 interpreted as explicit or implicit legislative recognition that
1337 alterations do or do not constitute a taking under state law.

1338 (3) It is the express intent of the Legislature to limit
1339 the state right-of-way acquisition costs on state and federal
1340 roads in eminent domain proceedings, the provisions of ss.
1341 479.07 and 479.155 notwithstanding. Subject to approval by the
1342 Federal Highway Administration, whenever public acquisition of
1343 land upon which is situated a lawful permitted ~~nonconforming~~
1344 sign occurs, as provided in this chapter, the sign may, at the
1345 election of its owner and the department, be relocated or
1346 reconstructed adjacent to the new right-of-way and in close
1347 proximity to the current site ~~along the roadway within 100 feet~~
1348 ~~of the current location~~, provided the ~~nonconforming~~ sign is not
1349 relocated in an area inconsistent with s. 479.024 ~~on a parcel~~
1350 ~~zoned residential~~, and provided further that such relocation
1351 shall be subject to ~~applicable setback~~ requirements in the 1972
1352 agreement between the state and the United States Department of
1353 Transportation. The sign owner shall pay all costs associated
1354 with relocating or reconstructing any sign under this
1355 subsection, and neither the state nor any local government shall
1356 reimburse the sign owner for such costs, unless part of such
1357 relocation costs are required by federal law. If no adjacent
1358 property is available for the relocation, the department shall
1359 be responsible for paying the owner of the sign just
1360 compensation for its removal.

1361 (4) For a nonconforming sign, ~~Such relocation shall be~~
1362 ~~adjacent to the current site and~~ the face of the sign may ~~shall~~
1363 not be increased in size or height or structurally modified at

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1364 the point of relocation in a manner inconsistent with the
1365 current building codes of the jurisdiction in which the sign is
1366 located.

1367 (5) In the event that relocation can be accomplished but is
1368 inconsistent with the ordinances of the municipality or county
1369 within whose jurisdiction the sign is located, the ordinances of
1370 the local government shall prevail, provided that the local
1371 government shall assume the responsibility to provide the owner
1372 of the sign just compensation for its removal, but in no event
1373 shall compensation paid by the local government exceed the
1374 compensation required under state or federal law. Further, the
1375 provisions of this section shall not impair any agreement or
1376 future agreements between a municipality or county and the owner
1377 of a sign or signs within the jurisdiction of the municipality
1378 or county. ~~Nothing in this section shall be deemed to cause a~~
1379 ~~nonconforming sign to become conforming solely as a result of~~
1380 ~~the relocation allowed in this section.~~

1381 (6) The provisions of subsections (3), (4), and (5) of this
1382 section shall not apply within the jurisdiction of any
1383 municipality which is engaged in any litigation concerning its
1384 sign ordinance on April 23, 1999, nor shall such provisions
1385 apply to any municipality whose boundaries are identical to the
1386 county within which said municipality is located.

1387 (7) This section does not cause a neighboring sign that is
1388 already permitted and that is within the spacing requirements
1389 established in s. 479.07(9)(a) to become nonconforming.

1390 Section 19. Section 479.156, Florida Statutes, is amended
1391 to read:

1392 479.156 Wall murals.—Notwithstanding any other provision of

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1393 this chapter, a municipality or county may permit and regulate
1394 wall murals within areas designated by such government. If a
1395 municipality or county permits wall murals, a wall mural that
1396 displays a commercial message and is within 660 feet of the
1397 nearest edge of the right-of-way within an area adjacent to the
1398 interstate highway system or the federal-aid primary highway
1399 system shall be located in an area that is zoned for industrial
1400 or commercial use and the municipality or county shall establish
1401 and enforce regulations for such areas that, at a minimum, set
1402 forth criteria governing the size, lighting, and spacing of wall
1403 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~
1404 ~~Highway Beautification Act of 1965~~ and with customary use.
1405 Whenever a municipality or county exercises such control and
1406 makes a determination of customary use pursuant to 23 U.S.C. s.
1407 131(d), such determination shall be accepted in lieu of controls
1408 in the agreement between the state and the United States
1409 Department of Transportation, and the department shall notify
1410 the Federal Highway Administration pursuant to the agreement, 23
1411 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that
1412 is subject to municipal or county regulation and 23 U.S.C. s.
1413 131 ~~the Highway Beautification Act of 1965~~ must be approved by
1414 the Department of Transportation and the Federal Highway
1415 Administration when required by federal law and federal
1416 regulation under the agreement between the state and the United
1417 States Department of Transportation and federal regulations
1418 enforced by the Department of Transportation under s. 479.02(1).
1419 The existence of a wall mural as defined in s. 479.01(28)
1420 ~~479.01(30)~~ shall not be considered in determining whether a sign
1421 as defined in s. 479.01(19) ~~479.01(20)~~, either existing or new,

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1422 is in compliance with s. 479.07(9)(a).

1423 Section 20. Section 479.16, Florida Statutes, is amended to
1424 read:

1425 479.16 Signs for which permits are not required.—The
1426 following signs are exempt from the requirement that a permit
1427 for a sign be obtained under the provisions of this chapter but
1428 are required to comply with the provisions of s. 479.11(4)-(8),
1429 and the provisions of subsections (15)-(19) may not be
1430 implemented or continued if the Federal Government notifies the
1431 department that implementation or continuation will adversely
1432 affect the allocation of federal funds to the department:

1433 (1) Signs erected on the premises of an establishment,
1434 which signs consist primarily of the name of the establishment
1435 or which identify the principal or accessory merchandise,
1436 services, activities, or entertainment sold, produced,
1437 manufactured, or furnished on the premises of the establishment
1438 and which comply with the lighting restrictions ~~under department~~
1439 ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a
1440 municipality or a county located on the premises of such
1441 municipality or such county which display information regarding
1442 government services, activities, events, or entertainment. For
1443 purposes of this section, the following types of messages shall
1444 not be considered information regarding government services,
1445 activities, events, or entertainment:

1446 (a) Messages which specifically reference any commercial
1447 enterprise.

1448 (b) Messages which reference a commercial sponsor of any
1449 event.

1450 (c) Personal messages.

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1451 (d) Political campaign messages.

1452

1453 If a sign located on the premises of an establishment consists
1454 principally of brand name or trade name advertising and the
1455 merchandise or service is only incidental to the principal
1456 activity, or if the owner of the establishment receives rental
1457 income from the sign, then the sign is not exempt under this
1458 subsection.

1459 (2) Signs erected, used, or maintained on a farm by the
1460 owner or lessee of such farm and relating solely to farm
1461 produce, merchandise, service, or entertainment sold, produced,
1462 manufactured, or furnished on such farm.

1463 (3) Signs posted or displayed on real property by the owner
1464 or by the authority of the owner, stating that the real property
1465 is for sale or rent. However, if the sign contains any message
1466 not pertaining to the sale or rental of that real property, then
1467 it is not exempt under this section.

1468 (4) Official notices or advertisements posted or displayed
1469 on private property by or under the direction of any public or
1470 court officer in the performance of her or his official or
1471 directed duties, or by trustees under deeds of trust or deeds of
1472 assignment or other similar instruments.

1473 (5) Danger or precautionary signs relating to the premises
1474 on which they are located; forest fire warning signs erected
1475 under the authority of the Florida Forest Service of the
1476 Department of Agriculture and Consumer Services; and signs,
1477 notices, or symbols erected by the United States Government
1478 under the direction of the United States Forestry Service.

1479 (6) Notices of any railroad, bridge, ferry, or other

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1480 transportation or transmission company necessary for the
1481 direction or safety of the public.

1482 (7) Signs, notices, or symbols for the information of
1483 aviators as to location, directions, and landings and conditions
1484 affecting safety in aviation erected or authorized by the
1485 department.

1486 (8) Signs or notices erected or maintained upon property
1487 stating only the name of the owner, lessee, or occupant of the
1488 premises and not exceeding 16 & square feet in area.

1489 (9) Historical markers erected by duly constituted and
1490 authorized public authorities.

1491 (10) Official traffic control signs and markers erected,
1492 caused to be erected, or approved by the department.

1493 (11) Signs erected upon property warning the public against
1494 hunting and fishing or trespassing thereon.

1495 (12) Signs not in excess of 16 & square feet that are owned
1496 by and relate to the facilities and activities of churches,
1497 civic organizations, fraternal organizations, charitable
1498 organizations, or units or agencies of government.

1499 (13) ~~Except that~~ Signs placed on benches, transit shelters,
1500 modular news racks, street light poles, public pay telephones,
1501 and waste receptacles, within the right-of-way, as provided for
1502 in s. 337.408 are exempt from all provisions of this chapter.

1503 (14) Signs relating exclusively to political campaigns.

1504 (15) Signs not in excess of 16 square feet placed at a road
1505 junction with the State Highway System denoting only the
1506 distance or direction of a residence or farm operation, or,
1507 outside an incorporated ~~in a rural~~ area where a hardship is
1508 created because a small business is not visible from the road

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1509 junction with the State Highway System, one sign not in excess
1510 of 16 square feet, denoting only the name of the business and
1511 the distance and direction to the business. ~~The small-business-~~
1512 ~~sign provision of this subsection does not apply to charter~~
1513 ~~counties and may not be implemented if the Federal Government~~
1514 ~~notifies the department that implementation will adversely~~
1515 ~~affect the allocation of federal funds to the department.~~

1516 (16) Signs placed by a local tourist-oriented business
1517 located within a rural area of critical economic concern, as
1518 defined by s. 288.0656(2)(d) and (e), and are:

1519 (a) Not more than 8 square feet in size or more than 4 feet
1520 in height;

1521 (b) Located only in rural areas, along non-limited access
1522 highways;

1523 (c) Located within 2 miles of the business location and are
1524 not less than 500 feet apart;

1525 (d) Located only in two directions leading to the business;
1526 and

1527 (e) Not located within the road right-of-way.

1528
1529 A business placing such signs must be at least 4 miles from any
1530 other business using this exemption and may not participate in
1531 any other department directional signage program.

1532 (17) Signs not in excess of 32 square feet placed
1533 temporarily during harvest season of a farm operation for a
1534 period of no more than 4 months at a road junction with the
1535 State Highway System denoting only the distance or direction of
1536 the farm operation.

1537 (18) Acknowledgement signs erected upon publicly funded

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1538 school premises relating to a specific public school club, team,
1539 or event placed no closer than 1,000 feet from another
1540 acknowledgment sign on the same side of the roadway. All sponsor
1541 information on an acknowledgement sign may constitute no more
1542 than 100 square feet of the sign. As used in this subsection,
1543 the term "acknowledgement signs" means signs that are intended
1544 to inform the traveling public that a public school club, team,
1545 or event has been sponsored by a person, firm, or other entity.

1546 (19) Displays erected upon a sports facility which display
1547 content directly related to the facility's activities or where a
1548 presence of the products or services offered on the property
1549 exists. Displays are to be mounted flush or flat to the surface
1550 of the sports facility and rely upon the building facade for
1551 structural support. For purposes of this subsection, the term
1552 "sports facility", means any athletic complex, athletic arena,
1553 or athletic stadium, including physically connected parking
1554 facilities, which is open to the public and has a permanent
1555 installed seating capacity of 15,000 or more.

1556
1557 If the exemptions in subsections (15)-(19) are not implemented
1558 or continued due to notification from the Federal Government to
1559 the department that the allocation of federal funds to the
1560 department will be adversely impacted, the department shall
1561 provide notice to the sign owner that the sign must be removed
1562 within 30 days after receiving the notice. If the sign is not
1563 removed within the 30 days, the department may remove the sign
1564 and all costs incurred in connection with the sign removal shall
1565 be assessed against and collected from the sign owner.

1566 Section 21. Section 479.24, Florida Statutes, is amended to

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1567 read:

1568 479.24 Compensation for ~~removal~~ of signs; eminent domain;
1569 exceptions.-

1570 (1) Just compensation shall be paid by the department upon
1571 the department's acquisition ~~removal~~ of a lawful conforming or
1572 nonconforming sign along any portion of the interstate or
1573 federal-aid primary highway system. This section does not apply
1574 to a sign which is illegal at the time of its removal. A sign
1575 will lose its nonconforming status and become illegal at such
1576 time as it fails to be permitted or maintained in accordance
1577 with all applicable laws, rules, ordinances, or regulations
1578 other than the provision which makes it nonconforming. A legal
1579 nonconforming sign under state law or rule will not lose its
1580 nonconforming status solely because it additionally becomes
1581 nonconforming under an ordinance or regulation of a local
1582 governmental entity passed at a later date. The department shall
1583 make every reasonable effort to negotiate the purchase of the
1584 signs to avoid litigation and congestion in the courts.

1585 (2) The department is not required to remove any sign under
1586 this section if the federal share of the just compensation to be
1587 paid upon removal of the sign is not available to make such
1588 payment, unless an appropriation by the Legislature for such
1589 purpose is made to the department.

1590 (3) (a) The department is authorized to use the power of
1591 eminent domain when necessary to carry out the provisions of
1592 this chapter.

1593 (b) If eminent domain procedures are instituted, just
1594 compensation shall be made pursuant to the state's eminent
1595 domain procedures, chapters 73 and 74.

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1596 Section 22. Section 479.25, Florida Statutes, is amended to
1597 read:

1598 479.25 Erection of noise-attenuation barrier blocking view
1599 of sign; procedures; application.-

1600 (1) The owner of a lawfully erected sign that is governed
1601 by and conforms to state and federal requirements for land use,
1602 size, height, and spacing may increase the height above ground
1603 level of such sign at its permitted location if a noise-
1604 attenuation barrier is permitted by or erected by any
1605 governmental entity in such a way as to screen or block
1606 visibility of the sign. Any increase in height permitted under
1607 this section may only be the increase in height which is
1608 required to achieve the same degree of visibility from the
1609 right-of-way which the sign had prior to the construction of the
1610 noise-attenuation barrier, notwithstanding the restrictions
1611 contained in s. 479.07(9)(b). A sign reconstructed under this
1612 section shall comply with the building standards and wind load
1613 requirements set forth in the Florida Building Code. If
1614 construction of a proposed noise-attenuation barrier will screen
1615 a sign lawfully permitted under this chapter, the department
1616 shall provide notice to the local government or local
1617 jurisdiction within which the sign is located prior to
1618 construction ~~erection of the noise-attenuation barrier~~. Upon a
1619 determination that an increase in the height of a sign as
1620 permitted under this section will violate a provision contained
1621 in an ordinance or land development regulation of the local
1622 government or local jurisdiction, prior to construction, the
1623 local government or local jurisdiction shall ~~so notify the~~
1624 ~~department. When notice has been received from the local~~

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1625 ~~government or local jurisdiction prior to erection of the noise-~~
1626 ~~attenuation barrier, the department shall:~~

1627 (a) Provide a variance or waiver to the local ordinance or
1628 land development regulations to ~~Conduct a written survey of all~~
1629 ~~property owners identified as impacted by highway noise and who~~
1630 ~~may benefit from the proposed noise-attenuation barrier. The~~
1631 ~~written survey shall inform the property owners of the location,~~
1632 ~~date, and time of the public hearing described in paragraph (b)-~~
1633 ~~and shall specifically advise the impacted property owners that:~~

1634 1. ~~Erection of the noise-attenuation barrier may block the~~
1635 ~~visibility of an existing outdoor advertising sign;~~

1636 2. ~~The local government or local jurisdiction may restrict~~
1637 ~~or prohibit increasing the height of the existing outdoor~~
1638 ~~advertising sign to make it visible over the barrier; and~~

1639 3. ~~If a majority of the impacted property owners vote for~~
1640 ~~construction of the noise-attenuation barrier, the local~~
1641 ~~government or local jurisdiction will be required to:~~

1642 a. ~~allow an increase in the height of the sign in violation~~
1643 ~~of a local ordinance or land development regulation;~~

1644 **(b)** ~~b.~~ Allow the sign to be relocated or reconstructed at
1645 another location if the sign owner agrees; or

1646 **(c)** ~~e.~~ Pay the fair market value of the sign and its
1647 associated interest in the real property.

1648 **(2)** ~~(b)~~ The department shall hold a public hearing within
1649 the boundaries of the affected local governments or local
1650 jurisdictions to receive input on the proposed noise-attenuation
1651 barrier and its conflict with the local ordinance or land
1652 development regulation and to suggest or consider alternatives
1653 or modifications ~~to the proposed noise-attenuation barrier to~~

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1654 alleviate or minimize the conflict with the local ordinance or
1655 land development regulation or minimize any costs that may be
1656 associated with relocating, reconstructing, or paying for the
1657 affected sign. The public hearing may be held concurrently with
1658 other public hearings scheduled for the project. The department
1659 shall provide a written notification to the local government or
1660 local jurisdiction of the date and time of the public hearing
1661 and shall provide general notice of the public hearing in
1662 accordance with the notice provisions of s. 335.02(1). The
1663 notice shall not be placed in that portion of a newspaper in
1664 which legal notices or classified advertisements appear. The
1665 notice shall specifically state that:

1666 (a)1. ~~Erection of the proposed noise-attenuation barrier~~
1667 ~~may block the visibility of an existing outdoor advertising~~
1668 ~~sign;~~

1669 (b)2. ~~The local government or local jurisdiction may~~
1670 ~~restrict or prohibit increasing the height of the existing~~
1671 ~~outdoor advertising sign to make it visible over the barrier;~~
1672 ~~and~~

1673 (c)3. ~~Upon If a majority of the impacted property owners~~
1674 ~~vote for construction of the noise-attenuation barrier, the~~
1675 ~~local government or local jurisdiction shall will be required~~
1676 ~~to:~~

1677 1.a. ~~Allow an increase in the height of the sign through a~~
1678 ~~waiver or variance to in violation of a local ordinance or land~~
1679 ~~development regulation;~~

1680 2.b. ~~Allow the sign to be relocated or reconstructed at~~
1681 ~~another location if the sign owner agrees; or~~

1682 3.c. ~~Pay the fair market value of the sign and its~~

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1683 associated interest in the real property.

1684 ~~(3)(2)~~ The department may ~~shall~~ not permit erection of the
1685 noise-attenuation barrier to the extent the barrier screens or
1686 blocks visibility of the sign until after the public hearing is
1687 held and ~~until such time as the survey has been conducted and a~~
1688 ~~majority of the impacted property owners have indicated approval~~
1689 ~~to erect the noise-attenuation barrier. When the impacted~~
1690 ~~property owners approve of the noise-attenuation barrier~~
1691 ~~construction, the department shall notify the local governments~~
1692 ~~or local jurisdictions. The local government or local~~
1693 ~~jurisdiction shall, notwithstanding the provisions of a~~
1694 ~~conflicting ordinance or land development regulation:~~

1695 ~~(a) Issue a permit by variance or otherwise for the~~
1696 ~~reconstruction of a sign under this section;~~

1697 ~~(b) Allow the relocation of a sign, or construction of~~
1698 ~~another sign, at an alternative location that is permissible~~
1699 ~~under the provisions of this chapter, if the sign owner agrees~~
1700 ~~to relocate the sign or construct another sign; or~~

1701 ~~(c) Refuse to issue the required permits for reconstruction~~
1702 ~~of a sign under this section and pay fair market value of the~~
1703 ~~sign and its associated interest in the real property to the~~
1704 ~~owner of the sign.~~

1705 ~~(4)(3)~~ This section does ~~shall~~ not apply to the provisions
1706 of any existing written agreement executed before July 1, 2006,
1707 between any local government and the owner of an outdoor
1708 advertising sign.

1709 Section 23. Subsection (1) of section 479.261, Florida
1710 Statutes, is amended to read:

1711 479.261 Logo sign program.—

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1712 (1) The department shall establish a logo sign program for
1713 the rights-of-way of the limited access ~~interstate~~ highway
1714 system to provide information to motorists about available gas,
1715 food, lodging, camping, attractions, and other services, as
1716 approved by the Federal Highway Administration, at interchanges
1717 through the use of business logos and may include additional
1718 interchanges under the program.

1719 (a) As used in this chapter, the term "attraction" means an
1720 establishment, site, facility, or landmark that is open a
1721 minimum of 5 days a week for 52 weeks a year; that has as its
1722 principal focus family-oriented entertainment, cultural,
1723 educational, recreational, scientific, or historical activities;
1724 and that is publicly recognized as a bona fide tourist
1725 attraction.

1726 (b) The department shall incorporate the use of RV-friendly
1727 markers on specific information logo signs for establishments
1728 that cater to the needs of persons driving recreational
1729 vehicles. Establishments that qualify for participation in the
1730 specific information logo program and that also qualify as "RV-
1731 friendly" may request the RV-friendly marker on their specific
1732 information logo sign. An RV-friendly marker must consist of a
1733 design approved by the Federal Highway Administration. The
1734 department shall adopt rules in accordance with chapter 120 to
1735 administer this paragraph, including rules setting forth the
1736 minimum requirements that establishments must meet in order to
1737 qualify as RV-friendly. These requirements shall include large
1738 parking spaces, entrances, and exits that can easily accommodate
1739 recreational vehicles and facilities having appropriate overhead
1740 clearances, if applicable.

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1741 Section 24. Section 479.313, Florida Statutes, is amended
1742 to read:

1743 479.313 Permit revocation and cancellation; cost of
1744 removal.—All costs incurred by the department in connection with
1745 the removal of a sign located within a controlled area adjacent
1746 to the State Highway System, interstate highway system, or
1747 federal-aid primary highway system following the revocation or
1748 cancellation of the permit for such sign shall be assessed
1749 against and collected from the permittee.

1750 Section 25. Section 76 of chapter 2012-174, Laws of
1751 Florida, is repealed.

1752 Section 26. This act shall take effect July 1, 2013.