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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;  
5           providing that a public agency of this state may have  
6           membership in a separate legal entity created under  
7           the Florida Interlocal Cooperation Act of 1969;  
8           amending s. 337.25, F.S.; authorizing the Department  
9           of Transportation to use auction services in the  
10          conveyance of certain property or leasehold interests;  
11          revising certain inventory requirements; revising  
12          provisions and providing criteria for the department  
13          to dispose of certain excess property; providing such  
14          criteria for the disposition of donated property,  
15          property used for a public purpose, or property  
16          acquired to provide replacement housing for certain  
17          displaced persons; providing value offsets for  
18          property that requires significant maintenance costs  
19          or exposes the department to significant liability;  
20          providing procedures for the sale of property to  
21          abutting property owners; deleting provisions to  
22          conform to changes made by the act; providing monetary  
23          restrictions and criteria for the conveyance of  
24          certain leasehold interests; providing exceptions to  
25          restrictions for leases entered into for a public  
26          purpose; providing criteria for the preparation of  
27          estimates of value prepared by the department;  
28          providing that the requirements of s. 73.013, F.S.,  
29          relating to eminent domain, are not modified;

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30 providing that certain programs approved by the  
31 Federal Government relating to the maintenance of  
32 highway roadside rights-of-way must be submitted to  
33 the Legislature for approval; amending s. 373.618,  
34 F.S.; deleting a provision that exempts public  
35 information systems operated by water management  
36 districts from review and approval by local  
37 governments; providing that such systems are subject  
38 to the requirements of ch. 479, F.S.; providing that  
39 certain public information systems operated by water  
40 management districts must be approved by the  
41 Department of Transportation and the Federal Highway  
42 Administration if such approval is required by certain  
43 laws and regulations; amending provisions of ch. 479,  
44 F.S., relating to outdoor advertising signs; amending  
45 s. 479.01, F.S.; revising and deleting definitions;  
46 amending s. 479.02, F.S.; revising powers of the  
47 department relating to nonconforming signs; deleting a  
48 requirement that the department adopt certain rules;  
49 creating s. 479.024, F.S.; limiting the placement of  
50 signs in commercial or industrial zones; defining the  
51 terms "parcel" and "utilities"; providing mandatory  
52 criteria for local governments to use in determining  
53 zoning for commercial or industrial parcels; providing  
54 that certain parcels are considered unzoned commercial  
55 or industrial areas; providing that specified uses may  
56 not be independently recognized as commercial or  
57 industrial areas; providing an appeal process for an  
58 applicant whose permit is denied; requiring an

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59 applicant whose application is denied to remove an  
60 existing sign pertaining to the application; requiring  
61 the department to reduce certain transportation  
62 funding in certain circumstances; amending s. 479.03,  
63 F.S.; providing for notice to owners of intervening  
64 privately owned lands before entering upon such lands  
65 to remove an illegal sign; amending s. 479.04, F.S.;  
66 providing that an outdoor advertising license is not  
67 required solely to erect outdoor signs or structures;  
68 amending s. 479.05, F.S.; authorizing the department  
69 to suspend a license for certain offenses and  
70 specifying activities that the licensee may engage in  
71 during the suspension; amending s. 479.07, F.S.;  
72 revising requirements for obtaining sign permits;  
73 conforming and clarifying provisions; requiring an  
74 application fee; revising sign placement requirements  
75 for signs on certain highways; deleting provisions  
76 that establish a pilot program relating to placement  
77 and removing a permit reinstatement fee; amending s.  
78 479.08, F.S.; clarifying provisions relating to the  
79 denial or revocation of a permit because of false or  
80 misleading information in the permit application;  
81 amending s. 479.10, F.S.; providing for cancellation  
82 of a permit; amending s. 479.105, F.S.; revising  
83 notice requirements to owners and advertisers relating  
84 to signs erected or maintained without a permit;  
85 revising procedures providing for the department to  
86 issue a permit as a conforming or nonconforming sign  
87 to the owner of an unpermitted sign; amending s.

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88 479.106, F.S.; increasing an administrative penalty  
89 for illegally removing certain vegetation; amending s.  
90 479.107, F.S.; deleting fines for certain signs on  
91 highway rights-of-way; amending s. 479.111, F.S.;  
92 clarifying provisions relating to signs allowed on  
93 certain highways; amending s. 479.15, F.S.; deleting a  
94 definition; clarifying and conforming provisions  
95 related to permitted signs on property that is the  
96 subject of public acquisition; amending s. 479.156,  
97 F.S.; clarifying provisions related to the regulation  
98 of wall murals; amending s. 479.16, F.S.; providing  
99 that certain provisions relating to the regulation of  
100 signs may not be implemented or continued if such  
101 actions will adversely affect the allocation of  
102 federal funds to the department; exempting from permit  
103 requirements certain signs placed by tourist-oriented  
104 businesses, certain farm signs during harvest season,  
105 acknowledgement signs on publicly funded school  
106 premises, and certain displays on specific sports  
107 facilities; providing for the removal of signs if  
108 certain exemptions do not apply because the allocation  
109 of federal funds to the department will be adversely  
110 impacted; amending s. 479.24, F.S.; clarifying  
111 provisions relating to compensation paid for the  
112 department's acquisition of lawful signs; amending s.  
113 479.25, F.S.; requiring a local government to grant a  
114 variance or waiver to a local ordinance or regulation  
115 to allow the owner of a lawfully permitted sign to  
116 increase the height of the sign if a noise-attenuation

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117 barrier is permitted by or erected by a governmental  
118 entity in a way that interferes with the visibility of  
119 the sign; deleting provisions to conform; amending s.  
120 479.261, F.S.; conforming provisions related to a logo  
121 sign program on limited access highways; amending s.  
122 479.262, F.S.; clarifying provisions relating to a  
123 tourist-oriented directional sign program; limiting  
124 the placement of such signs to intersections on  
125 certain rural roads; prohibiting such signs in urban  
126 areas; amending s. 479.313, F.S.; requiring a  
127 permittee to pay the cost of removing certain signs  
128 following the cancellation of the permit for the sign;  
129 repealing s. 76 of chapter 2012-174, Laws of Florida,  
130 relating to authorizing the department to seek Federal  
131 Highway Administration approval of a tourist-oriented  
132 commerce sign pilot program and directing the  
133 department to submit the approved pilot program for  
134 legislative approval; providing an effective date.

135  
136 Be It Enacted by the Legislature of the State of Florida:

137  
138 Section 1. Paragraph (b) of subsection (3) and paragraph  
139 (g) of subsection (7) of section 163.01, Florida Statutes, are  
140 amended to read:

141 163.01 Florida Interlocal Cooperation Act of 1969.—

142 (3) As used in this section:

143 (b) "Public agency" means a political subdivision, agency,  
144 or officer of this state or of any state of the United States,  
145 including, but not limited to, state government, county, city,

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146 school district, single and multipurpose special district,  
147 single and multipurpose public authority, metropolitan or  
148 consolidated government, a separate legal entity or  
149 administrative entity created under subsection (7), a public  
150 transit provider as defined in s. 341.031, an independently  
151 elected county officer, any agency of the United States  
152 Government, a federally recognized Native American tribe, and  
153 any similar entity of any other state of the United States.

154 (7)

155 (g)1. Notwithstanding any other provisions of this section,  
156 any separate legal entity created under this section, the  
157 membership of which is limited to municipalities and counties of  
158 the state, and which may include a special district or a public  
159 agency of this state in addition to a municipality or county or  
160 both, may acquire, own, construct, improve, operate, and manage  
161 public facilities, or finance facilities on behalf of any  
162 person, relating to a governmental function or purpose,  
163 including, but not limited to, wastewater facilities, water or  
164 alternative water supply facilities, and water reuse facilities,  
165 which may serve populations within or outside of the members of  
166 the entity. Notwithstanding s. 367.171(7), any separate legal  
167 entity created under this paragraph is not subject to Public  
168 Service Commission jurisdiction. The separate legal entity may  
169 not provide utility services within the service area of an  
170 existing utility system unless it has received the consent of  
171 the utility.

172 2. For purposes of this paragraph, the term:

173 a. "Host government" means the governing body of the  
174 county, if the largest number of equivalent residential

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175 connections currently served by a system of the utility is  
176 located in the unincorporated area, or the governing body of a  
177 municipality, if the largest number of equivalent residential  
178 connections currently served by a system of the utility is  
179 located within that municipality's boundaries.

180 b. "Separate legal entity" means any entity created by  
181 interlocal agreement the membership of which is limited to two  
182 or more special districts, municipalities, ~~or~~ counties, or  
183 public agencies of the state, but which entity is legally  
184 separate and apart from any of its member governments.

185 c. "System" means a water or wastewater facility or group  
186 of such facilities owned by one entity or affiliate entities.

187 d. "Utility" means a water or wastewater utility and  
188 includes every person, separate legal entity, lessee, trustee,  
189 or receiver owning, operating, managing, or controlling a  
190 system, or proposing construction of a system, who is providing,  
191 or proposes to provide, water or wastewater service to the  
192 public for compensation.

193 3. A separate legal entity that seeks to acquire any  
194 utility shall notify the host government in writing by certified  
195 mail about the contemplated acquisition not less than 30 days  
196 before any proposed transfer of ownership, use, or possession of  
197 any utility assets by such separate legal entity. The potential  
198 acquisition notice shall be provided to the legislative head of  
199 the governing body of the host government and to its chief  
200 administrative officer and shall provide the name and address of  
201 a contact person for the separate legal entity and information  
202 identified in s. 367.071(4)(a) concerning the contemplated  
203 acquisition.

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204 4.a. Within 30 days following receipt of the notice, the  
205 host government may adopt a resolution to become a member of the  
206 separate legal entity, adopt a resolution to approve the utility  
207 acquisition, or adopt a resolution to prohibit the utility  
208 acquisition by the separate legal entity if the host government  
209 determines that the proposed acquisition is not in the public  
210 interest. A resolution adopted by the host government which  
211 prohibits the acquisition may include conditions that would make  
212 the proposal acceptable to the host government.

213 b. If a host government adopts a membership resolution, the  
214 separate legal entity shall accept the host government as a  
215 member on the same basis as its existing members before any  
216 transfer of ownership, use, or possession of the utility or the  
217 utility facilities. If a host government adopts a resolution to  
218 approve the utility acquisition, the separate legal entity may  
219 complete the acquisition. If a host government adopts a  
220 prohibition resolution, the separate legal entity may not  
221 acquire the utility within that host government's territory  
222 without the specific consent of the host government by future  
223 resolution. If a host government does not adopt a prohibition  
224 resolution or an approval resolution, the separate legal entity  
225 may proceed to acquire the utility after the 30-day notice  
226 period without further notice.

227 5. After the acquisition or construction of any utility  
228 systems by a separate legal entity created under this paragraph,  
229 revenues or any other income may not be transferred or paid to a  
230 member of a separate legal entity, or to any other special  
231 district, county, ~~or~~ municipality, or public agency of this  
232 state, from user fees or other charges or revenues generated



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233 from customers that are not physically located within the  
234 jurisdictional or service delivery boundaries of the member,  
235 special district, county, ~~or~~ municipality, or public agency  
236 receiving the transfer or payment. Any transfer or payment to a  
237 member, special district, ~~or other~~ local government, or public  
238 agency of this state must be solely from user fees or other  
239 charges or revenues generated from customers that are physically  
240 located within the jurisdictional or service delivery boundaries  
241 of the member, special district, ~~or~~ local government, or public  
242 agency receiving the transfer of payment.

243 6. This section is an alternative provision otherwise  
244 provided by law as authorized in s. 4, Art. VIII of the State  
245 Constitution for any transfer of power as a result of an  
246 acquisition of a utility by a separate legal entity from a  
247 municipality, county, ~~or~~ special district, or public agency of  
248 this state.

249 7. The entity may finance or refinance the acquisition,  
250 construction, expansion, and improvement of such facilities  
251 relating to a governmental function or purpose through the  
252 issuance of its bonds, notes, or other obligations under this  
253 section or as otherwise authorized by law. The entity has all  
254 the powers provided by the interlocal agreement under which it  
255 is created or which are necessary to finance, own, operate, or  
256 manage the public facility, including, without limitation, the  
257 power to establish rates, charges, and fees for products or  
258 services provided by it, the power to levy special assessments,  
259 the power to sell or finance all or a portion of such facility,  
260 and the power to contract with a public or private entity to  
261 manage and operate such facilities or to provide or receive

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262 facilities, services, or products. Except as may be limited by  
263 the interlocal agreement under which the entity is created, all  
264 of the privileges, benefits, powers, and terms of s. 125.01,  
265 relating to counties, and s. 166.021, relating to  
266 municipalities, are fully applicable to the entity. However,  
267 neither the entity nor any of its members on behalf of the  
268 entity may exercise the power of eminent domain over the  
269 facilities or property of any existing water or wastewater plant  
270 utility system, nor may the entity acquire title to any water or  
271 wastewater plant utility facilities, other facilities, or  
272 property which was acquired by the use of eminent domain after  
273 the effective date of this act. Bonds, notes, and other  
274 obligations issued by the entity are issued on behalf of the  
275 public agencies that are members of the entity.

276 8. Any entity created under this section may also issue  
277 bond anticipation notes in connection with the authorization,  
278 issuance, and sale of bonds. The bonds may be issued as serial  
279 bonds or as term bonds or both. Any entity may issue capital  
280 appreciation bonds or variable rate bonds. Any bonds, notes, or  
281 other obligations must be authorized by resolution of the  
282 governing body of the entity and bear the date or dates; mature  
283 at the time or times, not exceeding 40 years from their  
284 respective dates; bear interest at the rate or rates; be payable  
285 at the time or times; be in the denomination; be in the form;  
286 carry the registration privileges; be executed in the manner; be  
287 payable from the sources and in the medium or payment and at the  
288 place; and be subject to the terms of redemption, including  
289 redemption prior to maturity, as the resolution may provide. If  
290 any officer whose signature, or a facsimile of whose signature,

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291 appears on any bonds, notes, or other obligations ceases to be  
292 an officer before the delivery of the bonds, notes, or other  
293 obligations, the signature or facsimile is valid and sufficient  
294 for all purposes as if he or she had remained in office until  
295 the delivery. The bonds, notes, or other obligations may be sold  
296 at public or private sale for such price as the governing body  
297 of the entity shall determine. Pending preparation of the  
298 definitive bonds, the entity may issue interim certificates,  
299 which shall be exchanged for the definitive bonds. The bonds may  
300 be secured by a form of credit enhancement, if any, as the  
301 entity deems appropriate. The bonds may be secured by an  
302 indenture of trust or trust agreement. In addition, the  
303 governing body of the legal entity may delegate, to an officer,  
304 official, or agent of the legal entity as the governing body of  
305 the legal entity may select, the power to determine the time;  
306 manner of sale, public or private; maturities; rate of interest,  
307 which may be fixed or may vary at the time and in accordance  
308 with a specified formula or method of determination; and other  
309 terms and conditions as may be deemed appropriate by the  
310 officer, official, or agent so designated by the governing body  
311 of the legal entity. However, the amount and maturity of the  
312 bonds, notes, or other obligations and the interest rate of the  
313 bonds, notes, or other obligations must be within the limits  
314 prescribed by the governing body of the legal entity and its  
315 resolution delegating to an officer, official, or agent the  
316 power to authorize the issuance and sale of the bonds, notes, or  
317 other obligations.

318 9. Bonds, notes, or other obligations issued under this  
319 paragraph may be validated as provided in chapter 75. The

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320 complaint in any action to validate the bonds, notes, or other  
321 obligations must be filed only in the Circuit Court for Leon  
322 County. The notice required to be published by s. 75.06 must be  
323 published in Leon County and in each county that is a member of  
324 the entity issuing the bonds, notes, or other obligations, or in  
325 which a member of the entity is located, and the complaint and  
326 order of the circuit court must be served only on the State  
327 Attorney of the Second Judicial Circuit and on the state  
328 attorney of each circuit in each county that is a member of the  
329 entity issuing the bonds, notes, or other obligations or in  
330 which a member of the entity is located. Section 75.04(2) does  
331 not apply to a complaint for validation brought by the legal  
332 entity.

333 10. The accomplishment of the authorized purposes of a  
334 legal entity created under this paragraph is in all respects for  
335 the benefit of the people of the state, for the increase of  
336 their commerce and prosperity, and for the improvement of their  
337 health and living conditions. Since the legal entity will  
338 perform essential governmental functions in accomplishing its  
339 purposes, the legal entity is not required to pay any taxes or  
340 assessments of any kind whatsoever upon any property acquired or  
341 used by it for such purposes or upon any revenues at any time  
342 received by it. The bonds, notes, and other obligations of an  
343 entity, their transfer, and the income therefrom, including any  
344 profits made on the sale thereof, are at all times free from  
345 taxation of any kind by the state or by any political  
346 subdivision or other agency or instrumentality thereof. The  
347 exemption granted in this subparagraph is not applicable to any  
348 tax imposed by chapter 220 on interest, income, or profits on

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349 debt obligations owned by corporations.

350 Section 2. Section 337.25, Florida Statutes, is amended to  
351 read:

352 337.25 Acquisition, lease, and disposal of real and  
353 personal property.—

354 (1) (a) The department may purchase, lease, exchange, or  
355 otherwise acquire any land, property interests, or buildings or  
356 other improvements, including personal property within such  
357 buildings or on such lands, necessary to secure or utilize  
358 transportation rights-of-way for existing, proposed, or  
359 anticipated transportation facilities on the State Highway  
360 System, on the State Park Road System, in a rail corridor, or in  
361 a transportation corridor designated by the department. Such  
362 property shall be held in the name of the state.

363 (b) The department may accept donations of any land or  
364 buildings or other improvements, including personal property  
365 within such buildings or on such lands with or without such  
366 conditions, reservations, or reverter provisions as are  
367 acceptable to the department. Such donations may be used as  
368 transportation rights-of-way or to secure or utilize  
369 transportation rights-of-way for existing, proposed, or  
370 anticipated transportation facilities on the State Highway  
371 System, on the State Park Road System, or in a transportation  
372 corridor designated by the department.

373 (c) When lands, buildings, or other improvements are needed  
374 for transportation purposes, but are held by a federal, state,  
375 or local governmental entity and utilized for public purposes  
376 other than transportation, the department may compensate the  
377 entity for such properties by providing functionally equivalent

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378 replacement facilities. The providing of replacement facilities  
379 under this subsection may only be undertaken with the agreement  
380 of the governmental entity affected.

381 (d) The department may contract pursuant to s. 287.055 for  
382 auction services used in the conveyance of real or personal  
383 property or the conveyance of leasehold interests under the  
384 provisions of subsections (4) and (5). The contract may allow  
385 for the contractor to retain a portion of the proceeds as  
386 compensation for the contractor's services.

387 (2) A complete inventory shall be made of all real or  
388 personal property immediately upon possession or acquisition.  
389 Such inventory shall include a statement of the location or site  
390 of each piece of realty, structure, or severable item ~~an~~  
391 ~~itemized listing of all appliances, fixtures, and other~~  
392 ~~severable items; a statement of the location or site of each~~  
393 ~~piece of realty, structure, or severable item; and the serial~~  
394 ~~number assigned to each.~~ Copies of each inventory shall be filed  
395 in the district office in which the property is located. Such  
396 inventory shall be carried forward to show the final disposition  
397 of each item of property, both real and personal.

398 (3) The inventory of real property which was acquired by  
399 the state after December 31, 1988, which has been owned by the  
400 state for 10 or more years, and which is not within a  
401 transportation corridor or within the right-of-way of a  
402 transportation facility shall be evaluated to determine the  
403 necessity for retaining the property. If the property is not  
404 needed for the construction, operation, and maintenance of a  
405 transportation facility, or is not located within a  
406 transportation corridor, the department may dispose of the

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407 property pursuant to subsection (4).

408 (4) The department may convey ~~sell~~, in the name of the  
409 state, any land, building, or other property, real or personal,  
410 which was acquired under the provisions of subsection (1) and  
411 which the department has determined is not needed for the  
412 construction, operation, and maintenance of a transportation  
413 facility. ~~With the exception of any parcel governed by paragraph~~  
414 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~  
415 ~~(i), the department shall afford first right of refusal to the~~  
416 ~~local government in the jurisdiction of which the parcel is~~  
417 ~~situated.~~ When such a determination has been made, property may  
418 be disposed of through negotiations, sealed competitive bids,  
419 auctions, or any other means the department deems to be in its  
420 best interest, with due advertisement for property valued by the  
421 department at greater than \$10,000. A sale may not occur at a  
422 price less than the department's current estimate of value,  
423 except as provided in paragraphs (a)-(d). The department may  
424 afford a right of first refusal to the local government or other  
425 political subdivision in the jurisdiction in which the parcel is  
426 situated, except in conveyances transacted under paragraph (a),  
427 paragraph (c), or paragraph (e). ~~in the following manner:~~

428 (a) If the ~~value of the property has been donated to the~~  
429 state for transportation purposes and a facility has not been  
430 constructed for a period of at least 5 years, plans have not  
431 been prepared for the construction of such facility, and the  
432 property is not located in a transportation corridor, the  
433 governmental entity may authorize reconveyance of the donated  
434 property for no consideration to the original donor or the  
435 donor's heirs, successors, assigns, or representatives ~~is~~

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436 ~~\$10,000 or less as determined by department estimate, the~~  
437 ~~department may negotiate the sale.~~

438 (b) If the value of the property is to be used for a public  
439 purpose, the property may be conveyed without consideration to a  
440 governmental entity exceeds \$10,000 as determined by department  
441 estimate, such property may be sold to the highest bidder  
442 through receipt of sealed competitive bids, after due  
443 advertisement, or by public auction held at the site of the  
444 improvement which is being sold.

445 (c) If the property was originally acquired specifically to  
446 provide replacement housing for persons displaced by  
447 transportation projects, the department may negotiate for the  
448 sale of such property as replacement housing. As compensation,  
449 the state shall receive no less than its investment in such  
450 property or the department's current estimate of value,  
451 whichever is lower. It is expressly intended that this benefit  
452 be extended only to persons actually displaced by the project.  
453 Dispositions to any other person must be for no less than the  
454 department's current estimate of value, in the discretion of the  
455 department, public sale would be inequitable, properties may be  
456 sold by negotiation to the owner holding title to the property  
457 abutting the property to be sold, provided such sale is at a  
458 negotiated price not less than fair market value as determined  
459 by an independent appraisal, the cost of which shall be paid by  
460 the owner of the abutting land. If negotiations do not result in  
461 the sale of the property to the owner of the abutting land and  
462 the property is sold to someone else, the cost of the  
463 independent appraisal shall be borne by the purchaser; and the  
464 owner of the abutting land shall have the cost of the appraisal



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465 ~~refunded to him or her. If, however, no purchase takes place,~~  
466 ~~the owner of the abutting land shall forfeit the sum paid by him~~  
467 ~~or her for the independent appraisal. If, due to action of the~~  
468 ~~department, the property is removed from eligibility for sale,~~  
469 ~~the cost of any appraisal prepared shall be refunded to the~~  
470 ~~owner of the abutting land.~~

471 (d) If the department determines that the property will  
472 require significant costs to be incurred or that continued  
473 ownership of the property exposes the department to significant  
474 liability risks, the department may use the projected  
475 maintenance costs over the next 10 years to offset the  
476 property's value in establishing a value for disposal of the  
477 property, even if that value is zero ~~property acquired for use~~  
478 ~~as a borrow pit is no longer needed, the department may sell~~  
479 ~~such property to the owner of the parcel of abutting land from~~  
480 ~~which the borrow pit was originally acquired, provided the sale~~  
481 ~~is at a negotiated price not less than fair market value as~~  
482 ~~determined by an independent appraisal, the cost of which shall~~  
483 ~~be paid by the owner of such abutting land.~~

484 (e) If, in the discretion of the department, a sale to  
485 anyone other than an abutting property owner would be  
486 inequitable, the property may be sold to the abutting owner for  
487 the department's current estimate of value ~~the department begins~~  
488 ~~the process for disposing of the property on its own initiative,~~  
489 ~~either by negotiation under the provisions of paragraph (a),~~  
490 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~  
491 ~~sealed competitive bids or public auction under the provisions~~  
492 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~  
493 ~~may determine the fair market value of the property by an~~

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494 appraisal.

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

503 ~~(g) If a property has been donated to the state for~~  
504 ~~transportation purposes and the facility has not been~~  
505 ~~constructed for a period of at least 5 years and no plans have~~  
506 ~~been prepared for the construction of such facility and the~~  
507 ~~property is not located in a transportation corridor, the~~  
508 ~~governmental entity may authorize reconveyance of the donated~~  
509 ~~property for no consideration to the original donor or the~~  
510 ~~donor's heirs, successors, assigns, or representatives.~~

511 ~~(h) If property is to be used for a public purpose, the~~  
512 ~~property may be conveyed without consideration to a governmental~~  
513 ~~entity.~~

514 ~~(i) If property was originally acquired specifically to~~  
515 ~~provide replacement housing for persons displaced by~~  
516 ~~transportation projects, the department may negotiate for the~~  
517 ~~sale of such property as replacement housing. As compensation,~~  
518 ~~the state shall receive no less than its investment in such~~  
519 ~~properties or fair market value, whichever is lower. It is~~  
520 ~~expressly intended that this benefit be extended only to those~~  
521 ~~persons actually displaced by such project. Dispositions to any~~  
522 ~~other persons must be for fair market value.~~

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523 ~~(j) If the department determines that the property will~~  
524 ~~require significant costs to be incurred or that continued~~  
525 ~~ownership of the property exposes the department to significant~~  
526 ~~liability risks, the department may use the projected~~  
527 ~~maintenance costs over the next 5 years to offset the market~~  
528 ~~value in establishing a value for disposal of the property, even~~  
529 ~~if that value is zero.~~

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

536 (a) A lease may be through negotiations, sealed competitive  
537 bids, auctions, or any other means the department deems to be in  
538 its best interest ~~The department may negotiate such a lease at~~  
539 ~~the prevailing market value with the owner from whom the~~  
540 ~~property was acquired; with the holders of leasehold estates~~  
541 ~~existing at the time of the department's acquisition; or, if~~  
542 ~~public bidding would be inequitable, with the owner holding~~  
543 ~~title to privately owned abutting property, if reasonable notice~~  
544 ~~is provided to all other owners of abutting property.~~ The  
545 department may allow an outdoor advertising sign to remain on  
546 the property acquired, or be relocated on department property,  
547 and such sign shall not be considered a nonconforming sign  
548 pursuant to chapter 479.

549 (b) If, in the discretion of the department, a lease to a  
550 person other than an abutting property owner or tenant with a  
551 leasehold interest in the abutting property would be

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552 inequitable, the property may be leased to the abutting owner or  
553 tenant for no less than the department's current estimate of  
554 value ~~All other leases shall be by competitive bid.~~

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

560 (d) Each lease shall provide that, unless otherwise  
561 directed by the lessor, any improvements made to the property  
562 during the term of the lease shall be removed at the lessee's  
563 expense.

564 (e) If property is to be used for a public purpose,  
565 ~~including a fair, art show, or other educational, cultural, or~~  
566 ~~fundraising activity,~~ the property may be leased without  
567 consideration to a governmental entity ~~or school board.~~ A lease  
568 for a public purpose is exempt from the term limits in paragraph  
569 (c).

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

573 (g) No lease executed under this subsection may be utilized  
574 by the lessee to establish the ~~4 years'~~ standing required by s.  
575 73.071(3) (b) if the business had not been established for the  
576 specified number of 4 years on the date title passed to the  
577 department.

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

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581 to the port.

582 (6) Nothing in this chapter prevents the joint use of  
583 right-of-way for alternative modes of transportation; provided  
584 that the joint use does not impair the integrity and safety of  
585 the transportation facility.

586 (7) The department's estimate of value, required by  
587 subsections (4) and (5), shall be prepared in accordance with  
588 department procedures, guidelines, and rules for valuation of  
589 real property. If the value of the property exceeds \$50,000, as  
590 determined by the department estimate, the sale or lease must be  
591 at a negotiated price not less than the estimate of value as  
592 determined by an appraisal prepared in accordance with  
593 department procedures, guidelines, and rules for valuation of  
594 real property, the cost of which shall be paid by the party  
595 seeking the purchase or lease of the property appraisal required  
596 by paragraphs (4) (c) and (d) shall be prepared in accordance  
597 with department guidelines and rules by an independent appraiser  
598 who has been certified by the department. If federal funds were  
599 used in the acquisition of the property, the appraisal shall  
600 also be subject to the approval of the Federal Highway  
601 Administration.

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

607 (9) The department, with the approval of the Chief  
608 Financial Officer, is authorized to disburse state funds for  
609 real estate closings in a manner consistent with good business

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610 practices and in a manner minimizing costs and risks to the  
611 state.

612 (10) The department is authorized to purchase title  
613 insurance in those instances where it is determined that such  
614 insurance is necessary to protect the public's investment in  
615 property being acquired for transportation purposes. The  
616 department shall adopt procedures to be followed in making the  
617 determination to purchase title insurance for a particular  
618 parcel or group of parcels which, at a minimum, shall set forth  
619 criteria which the parcels must meet.

620 (11) This section does not modify the requirements of s.  
621 73.013.

622 Section 3. If the Federal Government approves a program  
623 that allows participation in the maintenance of highway roadside  
624 rights-of-way through monetary contributions in exchange for  
625 recognition of services provided in the form of organic  
626 corporate emblems placed in view of passing motorists, the  
627 Department of Transportation shall submit the program for  
628 legislative approval in the next regular legislative session.

629 Section 4. Section 373.618, Florida Statutes, is amended to  
630 read:

631 373.618 Public service warnings, alerts, and  
632 announcements.—The Legislature believes it is in the public  
633 interest that all water management districts created pursuant to  
634 s. 373.069 own, acquire, develop, construct, operate, and manage  
635 public information systems. Public information systems may be  
636 located on property owned by the water management district, upon  
637 terms and conditions approved by the water management district,  
638 and must display messages to the general public concerning water

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639 management services, activities, events, and sponsors, as well  
640 as other public service announcements, including watering  
641 restrictions, severe weather reports, amber alerts, and other  
642 essential information needed by the public. ~~Local government~~  
643 ~~review or approval is not required for a public information~~  
644 ~~system owned or hereafter acquired, developed, or constructed by~~  
645 ~~the water management district on its own property.~~ A public  
646 information system is subject to exempt from the requirements of  
647 chapter 479. However, a public information system that is  
648 subject to the Highway Beautification Act of 1965 must be  
649 approved by the Department of Transportation and the Federal  
650 Highway Administration if such approval is required by federal  
651 law and federal regulation under the agreement between the state  
652 and the United States Department of Transportation and by  
653 federal regulations enforced by the Department of Transportation  
654 under s. 479.02(1). Water management district funds may not be  
655 used to pay the cost to acquire, develop, construct, operate, or  
656 manage a public information system. Any necessary funds for a  
657 public information system shall be paid for and collected from  
658 private sponsors who may display commercial messages.

659 Section 5. Section 479.01, Florida Statutes, is amended to  
660 read:

661 479.01 Definitions.—As used in this chapter, the term:

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

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

671 (3) "Business of outdoor advertising" means the business of  
672 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,  
673 or selling outdoor advertising structures, outdoor advertising  
674 signs, or outdoor advertisements.

675 ~~(4) "Commercial or industrial zone" means a parcel of land~~  
676 ~~designated for commercial or industrial uses under both the~~  
677 ~~future land use map of the comprehensive plan and the land use~~  
678 ~~development regulations adopted pursuant to chapter 163. If a~~  
679 ~~parcel is located in an area designated for multiple uses on the~~  
680 ~~future land use map of a comprehensive plan and the zoning~~  
681 ~~category of the land development regulations does not clearly~~  
682 ~~designate that parcel for a specific use, the area will be~~  
683 ~~considered an unzoned commercial or industrial area if it meets~~  
684 ~~the criteria of subsection (26).~~

685 (4)~~(5)~~ "Commercial use" means activities associated with  
686 the sale, rental, or distribution of products or the performance  
687 of services. The term includes, without limitation, such uses or  
688 activities as retail sales; wholesale sales; rentals of  
689 equipment, goods, or products; offices; restaurants; food  
690 service vendors; sports arenas; theaters; and tourist  
691 attractions.

692 (5)~~(6)~~ "Controlled area" means 660 feet or less from the  
693 nearest edge of the right-of-way of any portion of the State  
694 Highway System, interstate, or federal-aid primary system and  
695 beyond 660 feet of the nearest edge of the right-of-way of any  
696 portion of the State Highway System, interstate, or federal-aid



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697 primary system outside an urban area.

698 (6)~~(7)~~ "Department" means the Department of Transportation.

699 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,  
700 place, affix, attach, create, paint, draw, or in any other way  
701 bring into being or establish; but it does not include any of  
702 the foregoing activities when performed as an incident to the  
703 change of advertising message or customary maintenance or repair  
704 of a sign.

705 (8)~~(9)~~ "Federal-aid primary highway system" means the  
706 federal-aid primary highway system in existence on June 1, 1991,  
707 and any highway that was not a part of such system as of that  
708 date, but that is, or became after June 1, 1991, a part of the  
709 National Highway System, including portions that have been  
710 accepted as part of the National Highway System but are unbuilt  
711 or unopened existing, unbuilt, or unopened system of highways or  
712 portions thereof, which shall include the National Highway  
713 System, designated as the federal-aid primary highway system by  
714 the department.

715 (9)~~(10)~~ "Highway" means any road, street, or other way open  
716 or intended to be opened to the public for travel by motor  
717 vehicles.

718 (10)~~(11)~~ "Industrial use" means activities associated with  
719 the manufacture, assembly, processing, or storage of products or  
720 the performance of services relating thereto. The term includes,  
721 without limitation, such uses or activities as automobile  
722 manufacturing or repair, boat manufacturing or repair, junk  
723 yards, meat packing facilities, citrus processing and packing  
724 facilities, produce processing and packing facilities,  
725 electrical generating plants, water treatment plants, sewage

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726 treatment plants, and solid waste disposal sites.

727 (11)~~(12)~~ "Interstate highway system" means the existing,  
728 unbuilt, or unopened system of highways or portions thereof  
729 designated as the national system of interstate and defense  
730 highways by the department.

731 (12)~~(13)~~ "Main-traveled way" means the traveled way of a  
732 highway on which through traffic is carried. In the case of a  
733 divided highway, the traveled way of each of the separate  
734 roadways for traffic in opposite directions is a main-traveled  
735 way. It does not include such facilities as frontage roads,  
736 turning roadways which specifically include on-ramps or off-  
737 ramps to the interstate highway system, or parking areas.

738 (13)~~(14)~~ "Maintain" means to allow to exist.

739 (14)~~(15)~~ "Motorist services directional signs" means signs  
740 providing directional information about goods and services in  
741 the interest of the traveling public where such signs were  
742 lawfully erected and in existence on or before May 6, 1976, and  
743 continue to provide directional information to goods and  
744 services in a defined area.

745 (15)~~(16)~~ "New highway" means the construction of any road,  
746 paved or unpaved, where no road previously existed or the act of  
747 paving any previously unpaved road.

748 (16)~~(17)~~ "Nonconforming sign" means a sign which was  
749 lawfully erected but which does not comply with the land use,  
750 setback, size, spacing, and lighting provisions of state or  
751 local law, rule, regulation, or ordinance passed at a later date  
752 or a sign which was lawfully erected but which later fails to  
753 comply with state or local law, rule, regulation, or ordinance  
754 due to changed conditions.

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755        ~~(17)~~~~(18)~~ "Premises" means all the land areas under  
756 ownership or lease arrangement to the sign owner which are  
757 contiguous to the business conducted on the land except for  
758 instances where such land is a narrow strip contiguous to the  
759 advertised activity or is connected by such narrow strip, the  
760 only viable use of such land is to erect or maintain an  
761 advertising sign. When the sign owner is a municipality or  
762 county, "premises" shall mean all lands owned or leased by such  
763 municipality or county within its jurisdictional boundaries as  
764 set forth by law.

765        ~~(18)~~~~(19)~~ "Remove" means to disassemble all sign materials  
766 above ground level and, transport them from the site, ~~and~~  
767 ~~dispose of sign materials by sale or destruction.~~

768        ~~(19)~~~~(20)~~ "Sign" means any combination of structure and  
769 message in the form of an outdoor sign, display, device, figure,  
770 painting, drawing, message, placard, poster, billboard,  
771 advertising structure, advertisement, logo, symbol, or other  
772 form, whether placed individually or on a V-type, back-to-back,  
773 side-to-side, stacked, or double-faced display or automatic  
774 changeable facing, designed, intended, or used to advertise or  
775 inform, any part of the advertising message or informative  
776 contents of which is visible from any place on the main-traveled  
777 way. The term does not include an official traffic control sign,  
778 official marker, or specific information panel erected, caused  
779 to be erected, or approved by the department.

780        ~~(20)~~~~(21)~~ "Sign direction" means that direction from which  
781 the message or informative contents are most visible to oncoming  
782 traffic on the main-traveled way.

783        ~~(21)~~~~(22)~~ "Sign face" means the part of the sign, including

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784 trim and background, which contains the message or informative  
785 contents, including an automatic changeable face.

786 (22)~~(23)~~ "Sign facing" includes all sign faces and  
787 automatic changeable faces displayed at the same location and  
788 facing the same direction.

789 (23)~~(24)~~ "Sign structure" means all the interrelated parts  
790 and material, such as beams, poles, and stringers, which are  
791 constructed for the purpose of supporting or displaying a  
792 message or informative contents.

793 (24)~~(25)~~ "State Highway System" has the same meaning as in  
794 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~  
795 ~~highways or portions thereof designated as the State Highway~~  
796 ~~System by the department.~~

797 ~~(26) "Unzoned commercial or industrial area" means a parcel~~  
798 ~~of land designated by the future land use map of the~~  
799 ~~comprehensive plan for multiple uses that include commercial or~~  
800 ~~industrial uses but are not specifically designated for~~  
801 ~~commercial or industrial uses under the land development~~  
802 ~~regulations, in which three or more separate and distinct~~  
803 ~~conforming industrial or commercial activities are located.~~

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

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

808 ~~2. The commercial or industrial activities must be within~~  
809 ~~660 feet from the nearest edge of the right-of-way; and~~

810 ~~3. The commercial industrial activities must be within~~  
811 ~~1,600 feet of each other.~~

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813 ~~Distances specified in this paragraph must be measured from the~~  
814 ~~nearest outer edge of the primary building or primary building~~  
815 ~~complex when the individual units of the complex are connected~~  
816 ~~by covered walkways.~~

817 ~~(b) Certain activities, including, but not limited to, the~~  
818 ~~following, may not be so recognized as commercial or industrial~~  
819 ~~activities:~~

820 ~~1. Signs.~~

821 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~  
822 ~~related activities, including, but not limited to, wayside fresh~~  
823 ~~produce stands.~~

824 ~~3. Transient or temporary activities.~~

825 ~~4. Activities not visible from the main-traveled way.~~

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

828 ~~6. Activities conducted in a building principally used as a~~  
829 ~~residence.~~

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

831 ~~8. Communication towers.~~

832 ~~(25)-(27)~~ "Urban area" has the same meaning as defined in s.  
833 334.03(31).

834 ~~(26)-(28)~~ "Visible commercial or industrial activity" means  
835 a commercial or industrial activity that is capable of being  
836 seen without visual aid by a person of normal visual acuity from  
837 the main-traveled way and that is generally recognizable as  
838 commercial or industrial.

839 ~~(27)-(29)~~ "Visible sign" means that the advertising message  
840 or informative contents of a sign, whether or not legible, is  
841 capable of being seen without visual aid by a person of normal

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842 visual acuity.

843 ~~(28)(30)~~ "Wall mural" means a sign that is a painting or an  
844 artistic work composed of photographs or arrangements of color  
845 and that displays a commercial or noncommercial message, relies  
846 solely on the side of the building for rigid structural support,  
847 and is painted on the building or depicted on vinyl, fabric, or  
848 other similarly flexible material that is held in place flush or  
849 flat against the surface of the building. The term excludes a  
850 painting or work placed on a structure that is erected for the  
851 sole or primary purpose of signage.

852 ~~(29)(31)~~ "Zoning category" means the designation under the  
853 land development regulations or other similar ordinance enacted  
854 to regulate the use of land as provided in s. 163.3202(2)(b),  
855 which designation sets forth the allowable uses, restrictions,  
856 and limitations on use applicable to properties within the  
857 category.

858 Section 6. Section 479.02, Florida Statutes, is amended to  
859 read:

860 479.02 Duties of the department. ~~It shall be the duty of~~  
861 The department shall ~~to~~:

862 (1) Administer and enforce the provisions of this chapter,  
863 ~~and the 1972~~ agreement between the state and the United States  
864 Department of Transportation, ~~relating to the size, lighting,~~  
865 ~~and spacing of signs in accordance with Title I of the Highway~~  
866 ~~Beautification Act of 1965 and Title 23, United States Code, and~~  
867 federal regulations, including, but not limited to, those  
868 pertaining to the maintenance, continuance, and removal of  
869 nonconforming signs ~~in effect as of the effective date of this~~  
870 ~~act.~~

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871 (2) Regulate size, height, lighting, and spacing of signs  
872 permitted on commercial and industrial parcels and in unzoned  
873 commercial or industrial areas ~~in zoned and unzoned commercial~~  
874 ~~areas and zoned and unzoned industrial areas~~ on the interstate  
875 highway system and the federal-aid primary highway system.

876 (3) Determine ~~unzoned~~ commercial and industrial parcels and  
877 unzoned commercial or areas and unzoned industrial areas in the  
878 manner provided in s. 479.024.

879 (4) Implement a specific information panel program on the  
880 limited access interstate highway system to promote tourist-  
881 oriented businesses by providing directional information safely  
882 and aesthetically.

883 (5) Implement a rest area information panel or devices  
884 program at rest areas along the interstate highway system and  
885 the federal-aid primary highway system to promote tourist-  
886 oriented businesses.

887 (6) Test and, if economically feasible, implement  
888 alternative methods of providing information in the specific  
889 interest of the traveling public which allow the traveling  
890 public freedom of choice, conserve natural beauty, and present  
891 information safely and aesthetically.

892 (7) Adopt such rules as it deems necessary or proper for  
893 the administration of this chapter, including rules that ~~which~~  
894 identify activities that may not be recognized as industrial or  
895 commercial activities for purposes of determination of a ~~an area~~  
896 ~~as an unzoned~~ commercial or industrial parcel or an unzoned  
897 commercial or industrial area in the manner provided in s.  
898 479.024.

899 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the

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900 location of all signs on the state, interstate and federal-aid  
901 primary highway systems to be used as. ~~Upon completion of the~~  
902 ~~inventory, it shall become~~ the database and permit information  
903 for all permitted signs ~~permitted at the time of completion, and~~  
904 ~~the previous records of the department shall be amended~~  
905 ~~accordingly~~. The inventory shall be updated no less than every 2  
906 years. ~~The department shall adopt rules regarding what~~  
907 ~~information is to be collected and preserved to implement the~~  
908 ~~purposes of this chapter~~. The department may perform the  
909 inventory using department staff, or may contract with a private  
910 firm to perform the work, whichever is more cost efficient. The  
911 department shall maintain a database of sign inventory  
912 information such as sign location, size, height, and structure  
913 type, the permitholder's name, and any other information the  
914 department finds necessary to administer the program.

915 Section 7. Section 479.024, Florida Statutes, is created to  
916 read:

917 479.024 Commercial and industrial parcels.—Signs shall only  
918 be permitted by the department in commercial or industrial  
919 zones, as determined by the local government, in compliance with  
920 chapter 163, unless otherwise provided in this chapter.

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

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

924 (b) "Utilities" includes all privately, publicly, or  
925 cooperatively owned lines, facilities, and systems for  
926 producing, transmitting, or distributing communications, power,  
927 electricity, light, heat, gas, oil, crude products, water,  
928 steam, waste, and stormwater not connected with the highway



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929 drainage, and other similar commodities.

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

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

934 (b) The parcel can reasonably accommodate a commercial or  
935 industrial use under the future land use map of the  
936 comprehensive plan and land use development regulations, as  
937 follows:

938 1. Sufficient utilities are available to support commercial  
939 or industrial development.

940 2. The size, configuration, and public access of the parcel  
941 are sufficient to accommodate a commercial or industrial use,  
942 given requirements in the comprehensive plan and land  
943 development regulations for vehicular access, on-site  
944 circulation, building setbacks, buffering, parking, and other  
945 applicable standards or the parcel consists of railroad tracks  
946 or minor sidings abutting commercial or industrial property that  
947 meets the criteria of this subsection.

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

950 (3) If a local government has not designated zoning through  
951 land development regulations in compliance with chapter 163, but  
952 has designated the parcel under the future land use map of the  
953 comprehensive plan for uses that include commercial or  
954 industrial uses, the parcel shall be considered an unzoned  
955 commercial or industrial area. For a permit to be issued for a  
956 sign in an unzoned commercial or industrial area, there must be  
957 three or more distinct commercial or industrial activities

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958 within 1,600 feet of each other, with at least one of the  
959 commercial or industrial activities located on the same side of  
960 the highway as the sign location, and within 800 feet of the  
961 sign location. Multiple commercial or industrial activities  
962 enclosed in one building when all uses have only shared building  
963 entrances shall be considered one use.

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

967 (a) Signs.

968 (b) Agricultural, forestry, ranching, grazing, farming, and  
969 related activities, including, but not limited to, wayside fresh  
970 produce stands.

971 (c) Transient or temporary activities.

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

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

977 (f) Activities conducted in a building principally used as  
978 a residence.

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

982 (h) Communication towers.

983 (i) Governmental uses, unless those governmental uses would  
984 be industrial in nature if privately owned and operated. Such  
985 industrial uses must be the present and actual use, not merely  
986 be among the allowed uses.

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987 (5) If the local government has indicated that the proposed  
988 sign location is on a parcel that is in a commercial or  
989 industrial zone, but the department finds that it is not, the  
990 department shall notify the sign applicant in writing of its  
991 determination.

992 (6) An applicant whose application for a permit is denied  
993 may, within 30 days after the receipt of the notification of  
994 intent to deny, request an administrative hearing pursuant to  
995 chapter 120 for a determination of whether the parcel is located  
996 in a commercial or industrial zone. Upon receipt of such  
997 request, the department shall notify the local government that  
998 the applicant has requested an administrative hearing pursuant  
999 to chapter 120.

1000 (7) If the department in a final order determines that the  
1001 parcel does not meet the permitting conditions in this section  
1002 and a sign structure exists on the parcel, the applicant shall  
1003 remove the sign within 30 days after the date of the order and  
1004 is responsible for all sign removal costs.

1005 (8) If the Federal Highway Administration reduces funds  
1006 that would otherwise be apportioned to the department due to a  
1007 local government's failure to be compliant with this section,  
1008 the department shall reduce apportioned transportation funding  
1009 to the local government by an equivalent amount.

1010 Section 8. Section 479.03, Florida Statutes, is amended to  
1011 read:

1012 479.03 Jurisdiction of the Department of Transportation;  
1013 entry upon privately owned lands.—The territory under the  
1014 jurisdiction of the department for the purpose of this chapter  
1015 shall include all the state. Employees, agents, or independent

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1016 contractors working for the department, in the performance of  
1017 their functions and duties under the provisions of this chapter,  
1018 may enter into and upon any land upon which a sign is displayed,  
1019 is proposed to be erected, or is being erected and make such  
1020 inspections, surveys, and removals as may be relevant. Upon  
1021 written notice to ~~After receiving consent by~~ the landowner,  
1022 operator, or person in charge of an intervening privately owned  
1023 land that ~~or appropriate inspection warrant issued by a judge of~~  
1024 ~~any county court or circuit court of this state which has~~  
1025 ~~jurisdiction of the place or thing to be removed,~~ that the  
1026 removal of an illegal outdoor advertising sign is necessary and  
1027 has been authorized by a final order or results from an  
1028 uncontested notice to the sign owner, the department may ~~shall~~  
1029 ~~be authorized to~~ enter upon any intervening privately owned  
1030 lands for the purposes of effectuating removal of illegal signs,  
1031 provided that the department shall only do so in circumstances  
1032 where it has determined that no other legal or economically  
1033 feasible means of entry to the sign site are reasonably  
1034 available. Except as otherwise provided by this chapter, the  
1035 department shall be responsible for the repair or replacement in  
1036 a like manner for any physical damage or destruction of private  
1037 property, other than the sign, incidental to the department's  
1038 entry upon such intervening privately owned lands.

1039 Section 9. Section 479.04, Florida Statutes, is amended to  
1040 read:

1041 479.04 Business of outdoor advertising; license  
1042 requirement; renewal; fees.—

1043 (1) A ~~No~~ person may not ~~shall~~ engage in the business of  
1044 outdoor advertising in this state without first obtaining a

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1045 license ~~therefor~~ from the department. Such license shall be  
1046 renewed annually. The fee for such license, and for each annual  
1047 renewal, is \$300. License renewal fees shall be payable as  
1048 provided for in s. 479.07.

1049 (2) A ~~No~~ person is not ~~shall be~~ required to obtain the  
1050 license provided for in this section solely to erect or  
1051 construct outdoor advertising signs or structures ~~as an~~  
1052 ~~incidental part of a building construction contract.~~

1053 Section 10. Section 479.05, Florida Statutes, is amended to  
1054 read:

1055 479.05 Denial, suspension, or revocation of license.—The  
1056 department may ~~has authority to deny, suspend, or revoke~~ any  
1057 license requested or granted under this chapter in any case in  
1058 which it determines that the application for the license  
1059 contains ~~knowingly~~ false or misleading information of material  
1060 consequence, that the licensee has failed to pay fees or costs  
1061 owed to the department for outdoor advertising purposes, or that  
1062 the licensee has violated any of the provisions of this chapter,  
1063 unless such licensee, within 30 days after the receipt of notice  
1064 by the department, corrects such false or misleading  
1065 information, pays the outstanding amounts, or complies with the  
1066 provisions of this chapter. Suspension of a license allows the  
1067 licensee to maintain existing sign permits, but the department  
1068 may not grant a transfer of an existing permit or issue an  
1069 additional permit to a licensee with a suspended license. Any  
1070 person aggrieved by an ~~any~~ action of the department which  
1071 denies, suspends, or revokes ~~in denying or revoking~~ a license  
1072 under this chapter may, within 30 days after ~~from~~ the receipt of  
1073 the notice, apply to the department for an administrative

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1074 hearing pursuant to chapter 120.

1075 Section 11. Section 479.07, Florida Statutes, is amended to  
1076 read:

1077 479.07 Sign permits.—

1078 (1) Except as provided in ss. 479.105(1) ~~479.105(1)(e)~~ and  
1079 479.16, a person may not erect, operate, use, or maintain, or  
1080 cause to be erected, operated, used, or maintained, any sign on  
1081 the State Highway System outside an urban area, ~~as defined in s.~~  
1082 ~~334.03(31)~~, or on any portion of the interstate or federal-aid  
1083 primary highway system without first obtaining a permit for the  
1084 sign from the department and paying the annual fee as provided  
1085 in this section. As used in this section, the term “on any  
1086 portion of the State Highway System, interstate, or federal-aid  
1087 primary system” means a sign located within the controlled area  
1088 which is visible from any portion of the main-traveled way of  
1089 such system.

1090 (2) ~~A person may not apply for a permit unless he or she~~  
1091 ~~has first obtained the~~ Written permission of the owner or other  
1092 person in lawful possession or control of the site designated as  
1093 the location of the sign is required for issuance of a ~~in the~~  
1094 ~~application for the~~ permit.

1095 (3) (a) An application for a sign permit must be made on a  
1096 form prescribed by the department, and a separate application  
1097 must be submitted for each permit requested. A permit is  
1098 required for each sign facing.

1099 (b) As part of the application, the applicant or his or her  
1100 authorized representative must certify ~~in a notarized signed~~  
1101 ~~statement~~ that all information provided in the application is  
1102 true and correct ~~and that, pursuant to subsection (2), he or she~~

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1103 ~~has obtained the written permission of the owner or other person~~  
1104 ~~in lawful possession of the site designated as the location of~~  
1105 ~~the sign in the permit application.~~ Every permit application  
1106 must be accompanied by the appropriate permit fee, + a signed  
1107 statement by the owner or other person in lawful control of the  
1108 site on which the sign is located or will be erected,  
1109 authorizing the placement of the sign on that site, + and, ~~where~~  
1110 ~~local governmental regulation of signs exists,~~ a statement from  
1111 the appropriate local governmental official indicating that the  
1112 sign complies with all local government ~~governmental~~  
1113 requirements and, if a local government permit is required for a  
1114 sign, that the agency or unit of local government will issue a  
1115 permit to that applicant upon approval of the state permit  
1116 application by the department.

1117 (c) The annual permit fee for each sign facing shall be  
1118 established by the department by rule in an amount sufficient to  
1119 offset the total cost to the department for the program, but  
1120 shall not exceed \$100. The A fee may not be prorated for a  
1121 period less than the remainder of the permit year to accommodate  
1122 short-term publicity features; however, a first-year fee may be  
1123 prorated by payment of an amount equal to one-fourth of the  
1124 annual fee for each remaining whole quarter or partial quarter  
1125 of the permit year. Applications received after the end of the  
1126 third quarter of the permit year must include fees for the last  
1127 quarter of the current year and fees for the succeeding year. A  
1128 nonrefundable application fee of \$25 must accompany each permit  
1129 application.

1130 (4) An application for a permit shall be acted on by  
1131 granting, denying, or returning the incomplete application ~~the~~

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1132 ~~department~~ within 30 days after receipt of the application by  
1133 the department.

1134 (5) (a) For each permit issued, the department shall furnish  
1135 to the applicant a serially numbered permanent metal permit tag.  
1136 The permittee is responsible for maintaining a valid permit tag  
1137 on each permitted sign facing at all times. The tag shall be  
1138 securely attached to the upper 50 percent of the sign structure  
1139 ~~sign facing or, if there is no facing, on the pole nearest the~~  
1140 ~~highway,~~ and it shall be attached in such a manner as to be  
1141 plainly visible from the main-traveled way. ~~Effective July 1,~~  
1142 ~~2012, the tag must be securely attached to the upper 50 percent~~  
1143 ~~of the pole nearest the highway and must be attached in such a~~  
1144 ~~manner as to be plainly visible from the main-traveled way.~~ The  
1145 permit ~~becomes void unless the permit tag~~ must be ~~is~~ properly  
1146 and permanently displayed at the permitted site within 30 days  
1147 after the date of permit issuance. If the permittee fails to  
1148 erect a completed sign on the permitted site within 270 days  
1149 after the date on which the permit was issued, the permit will  
1150 be void, and the department may not issue a new permit to that  
1151 permittee for the same location for 270 days after the date on  
1152 which the permit became void.

1153 (b) If a permit tag is lost, stolen, or destroyed, the  
1154 permittee to whom the tag was issued must apply to the  
1155 department for a replacement tag. The department shall adopt a  
1156 rule establishing a service fee for replacement tags in an  
1157 amount that will recover the actual cost of providing the  
1158 replacement tag. Upon receipt of the application accompanied by  
1159 the service fee, the department shall issue a replacement permit  
1160 tag. ~~Alternatively, the permittee may provide its own~~



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1161 ~~replacement tag pursuant to department specifications that the~~  
1162 ~~department shall adopt by rule at the time it establishes the~~  
1163 ~~service fee for replacement tags.~~

1164 (6) A permit is valid only for the location specified in  
1165 the permit. Valid permits may be transferred from one sign owner  
1166 to another upon written acknowledgment from the current  
1167 permittee and submittal of a transfer fee of \$5 for each permit  
1168 to be transferred. However, the maximum transfer fee for any  
1169 multiple transfer between two outdoor advertisers in a single  
1170 transaction is \$1,000 ~~\$100~~.

1171 (7) A permittee shall at all times maintain the permission  
1172 of the owner or other person in lawful control of the sign site  
1173 to have and maintain a sign at such site.

1174 (8) (a) In order to reduce peak workloads, the department  
1175 may adopt rules providing for staggered expiration dates for  
1176 licenses and permits. Unless otherwise provided for by rule, all  
1177 licenses and permits expire annually on January 15. All license  
1178 and permit renewal fees are required to be submitted to the  
1179 department by no later than the expiration date. At least 105  
1180 days before ~~prior to~~ the expiration date of licenses and  
1181 permits, the department shall send to each permittee a notice of  
1182 fees due for all licenses and permits that ~~which~~ were issued to  
1183 him or her before ~~prior to~~ the date of the notice. Such notice  
1184 shall list the permits and the permit fees due for each sign  
1185 facing. The permittee shall, no later than 45 days before ~~prior~~  
1186 ~~to~~ the expiration date, advise the department of any additions,  
1187 deletions, or errors contained in the notice. Permit tags which  
1188 are not renewed shall be returned to the department for  
1189 cancellation by the expiration date. Permits which are not

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1190 renewed or are canceled shall be certified in writing at that  
1191 time as canceled or not renewed by the permittee, and permit  
1192 tags for such permits shall be returned to the department or  
1193 shall be accounted for by the permittee in writing, which  
1194 writing shall be submitted with the renewal fee payment or the  
1195 cancellation certification. However, failure of a permittee to  
1196 submit a permit cancellation does ~~shall~~ not affect the  
1197 nonrenewal of a permit. Before ~~Prior to~~ cancellation of a  
1198 permit, the permittee shall provide written notice to all  
1199 persons or entities having a right to advertise on the sign that  
1200 the permittee intends to cancel the permit.

1201 (b) If a permittee has not submitted his or her fee payment  
1202 by the expiration date of the licenses or permits, the  
1203 department shall send a notice of violation to the permittee  
1204 within 45 days after the expiration date, requiring the payment  
1205 of the permit fee within 30 days after the date of the notice  
1206 and payment of a delinquency fee equal to 10 percent of the  
1207 original amount due or, in the alternative to these payments,  
1208 requiring the filing of a request for an administrative hearing  
1209 to show cause why the ~~his or her~~ sign should not be subject to  
1210 immediate removal due to expiration of his or her license or  
1211 permit. If the permittee submits payment as required by the  
1212 violation notice, the ~~his or her~~ license or permit will be  
1213 automatically reinstated and such reinstatement will be  
1214 retroactive to the original expiration date. If the permittee  
1215 does not respond to the notice of violation within the 30-day  
1216 period, the department shall, within 30 days, issue a final  
1217 notice of sign removal and may, following 90 days after the date  
1218 of the department's final notice of sign removal, remove the

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1219 sign without incurring any liability as a result of such  
1220 removal. However, if at any time before removal of the sign, the  
1221 permittee demonstrates that a good faith error on the part of  
1222 the permittee resulted in cancellation or nonrenewal of the  
1223 permit, the department may reinstate the permit if:

1224 1. The permit reinstatement fee of ~~up to \$300 based on the~~  
1225 ~~size of the sign~~ is paid;

1226 2. All other permit renewal and delinquent permit fees due  
1227 as of the reinstatement date are paid; and

1228 3. The permittee reimburses the department for all actual  
1229 costs resulting from the permit cancellation or nonrenewal.

1230 (c) Conflicting applications filed by other persons for the  
1231 same or competing sites covered by a permit subject to paragraph  
1232 (b) may not be approved until after the sign subject to the  
1233 expired permit has been removed.

1234 (d) The cost for removing a sign, whether by the department  
1235 or an independent contractor, shall be assessed by the  
1236 department against the permittee.

1237 (9) (a) A permit may ~~shall~~ not be granted for any sign for  
1238 which a permit had not been granted by the effective date of  
1239 this act unless such sign is located at least:

1240 1. One thousand five hundred feet from any other permitted  
1241 sign on the same side of the highway, if on an interstate  
1242 highway.

1243 2. One thousand feet from any other permitted sign on the  
1244 same side of the highway, if on a federal-aid primary highway.

1245  
1246 The minimum spacing provided in this paragraph does not preclude  
1247 the permitting of V-type, back-to-back, side-to-side, stacked,

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1248 or double-faced signs at the permitted sign site. If a sign is  
1249 visible to more than one highway subject to the jurisdiction of  
1250 the department and within the controlled area of the highways  
1251 ~~from the controlled area of more than one highway subject to the~~  
1252 ~~jurisdiction of the department,~~ the sign must ~~shall~~ meet the  
1253 permitting requirements of all highways, ~~and, if the sign meets~~  
1254 ~~the applicable permitting requirements,~~ be permitted to, the  
1255 highway having the more stringent permitting requirements.

1256 (b) A permit may ~~shall~~ not be granted for a sign pursuant  
1257 to this chapter to locate such sign on any portion of the  
1258 interstate or federal-aid primary highway system, which sign:

1259 1. Exceeds 50 feet in sign structure height above the crown  
1260 of the main-traveled way to which the sign is permitted, if  
1261 outside an incorporated area;

1262 2. Exceeds 65 feet in sign structure height above the crown  
1263 of the main-traveled way to which the sign is permitted, if  
1264 inside an incorporated area; or

1265 3. Exceeds 950 square feet of sign facing including all  
1266 embellishments.

1267 (c) Notwithstanding subparagraph (a)1., ~~there is~~  
1268 ~~established a pilot program in Orange, Hillsborough, and Osceola~~  
1269 ~~Counties, and within the boundaries of the City of Miami, under~~  
1270 ~~which~~ the distance between permitted signs on the same side of  
1271 an interstate highway may be reduced to 1,000 feet if all other  
1272 requirements of this chapter are met and if:

1273 1. The local government has adopted a plan, program,  
1274 resolution, ordinance, or other policy encouraging the voluntary  
1275 removal of signs in a downtown, historic, redevelopment, infill,  
1276 or other designated area which also provides for a new or

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1277 replacement sign to be erected on an interstate highway within  
1278 that jurisdiction if a sign in the designated area is removed;

1279 2. The sign owner and the local government mutually agree  
1280 to the terms of the removal and replacement; and

1281 3. The local government notifies the department of its  
1282 intention to allow such removal and replacement as agreed upon  
1283 pursuant to subparagraph 2.

1284 ~~4. The new or replacement sign to be erected on an~~  
1285 ~~interstate highway within that jurisdiction is to be located on~~  
1286 ~~a parcel of land specifically designated for commercial or~~  
1287 ~~industrial use under both the future land use map of the~~  
1288 ~~comprehensive plan and the land use development regulations~~  
1289 ~~adopted pursuant to chapter 163, and such parcel shall not be~~  
1290 ~~subject to an evaluation in accordance with the criteria set~~  
1291 ~~forth in s. 479.01(26) to determine if the parcel can be~~  
1292 ~~considered an unzoned commercial or industrial area.~~

1293

1294 ~~The department shall maintain statistics tracking the use of the~~  
1295 ~~provisions of this pilot program based on the notifications~~  
1296 ~~received by the department from local governments under this~~  
1297 ~~paragraph.~~

1298 (d) This subsection does not cause a sign that was  
1299 conforming on October 1, 1984, to become nonconforming.

1300 (10) Commercial or industrial zoning that ~~which~~ is not  
1301 comprehensively enacted or that ~~which~~ is enacted primarily to  
1302 permit signs may ~~shall~~ not be recognized as commercial or  
1303 industrial zoning for purposes of this provision, and permits  
1304 may ~~shall~~ not be issued for signs in such areas. The department  
1305 shall adopt rules that ~~within 180 days after this act takes~~

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1306 ~~effect which shall~~ provide criteria to determine whether such  
1307 zoning is comprehensively enacted or enacted primarily to permit  
1308 signs.

1309 Section 12. Section 479.08, Florida Statutes, is amended to  
1310 read:

1311 479.08 Denial or revocation of permit.—The department may  
1312 deny or revoke any permit requested or granted under this  
1313 chapter in any case in which it determines that the application  
1314 for the permit contains ~~knowingly~~ false or misleading  
1315 information of material consequence. The department may revoke  
1316 any permit granted under this chapter in any case in which the  
1317 permittee has violated any of the provisions of this chapter,  
1318 unless such permittee, within 30 days after the receipt of  
1319 notice by the department, complies with the provisions of this  
1320 chapter. For the purpose of this section, the notice of  
1321 violation issued by the department must describe in detail the  
1322 alleged violation. Any person aggrieved by any action of the  
1323 department in denying or revoking a permit under this chapter  
1324 may, within 30 days after receipt of the notice, apply to the  
1325 department for an administrative hearing pursuant to chapter  
1326 120. If a timely request for hearing has been filed and the  
1327 department issues a final order revoking a permit, such  
1328 revocation shall be effective 30 days after the date of  
1329 rendition. Except for department action pursuant to s.  
1330 479.107(1), the filing of a timely and proper notice of appeal  
1331 shall operate to stay the revocation until the department's  
1332 action is upheld.

1333 Section 13. Section 479.10, Florida Statutes, is amended to  
1334 read:

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1335 479.10 Sign removal following permit revocation or  
1336 cancellation.—A sign shall be removed by the permittee within 30  
1337 days after the date of revocation or cancellation of the permit  
1338 for the sign. If the permittee fails to remove the sign within  
1339 the 30-day period, the department shall remove the sign at the  
1340 permittee's expense with or without further notice and without  
1341 incurring any liability as a result of such removal.

1342 Section 14. Section 479.105, Florida Statutes, is amended  
1343 to read:

1344 479.105 Signs erected or maintained without required  
1345 permit; removal.—

1346 (1) Any sign which is located adjacent to the right-of-way  
1347 of any highway on the State Highway System outside an  
1348 incorporated area or adjacent to the right-of-way on any portion  
1349 of the interstate or federal-aid primary highway system, which  
1350 sign was erected, operated, or maintained without the permit  
1351 required by s. 479.07(1) having been issued by the department,  
1352 is declared to be a public nuisance and a private nuisance and  
1353 shall be removed as provided in this section.

1354 (a) Upon a determination by the department that a sign is  
1355 in violation of s. 479.07(1), the department shall prominently  
1356 post on the sign, or as close to the sign as possible for those  
1357 locations where the sign is not easily accessible, ~~face~~ a notice  
1358 stating that the sign is illegal and must be removed within 30  
1359 days after the date on which the notice was posted. ~~However, if~~  
1360 ~~the sign bears the name of the licensee or the name and address~~  
1361 ~~of the nonlicensed sign owner,~~ The department shall,  
1362 concurrently with and in addition to posting the notice on the  
1363 sign, provide a written notice to the owner of the sign, the

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1364 advertiser displayed on the sign, or the owner of the property,  
1365 stating that the sign is illegal and must be permanently removed  
1366 within the 30-day period specified on the posted notice. The  
1367 written notice shall further state that a hearing may be  
1368 requested, ~~the sign owner has a right to request a hearing,~~  
1369 which request must be filed with the department within 30 days  
1370 after receipt ~~the date~~ of the written notice. However, the  
1371 filing of a request for a hearing will not stay the removal of  
1372 the sign.

1373 (b) If, pursuant to the notice provided, the sign is not  
1374 removed by the ~~sign~~ owner of the sign, the advertiser displayed  
1375 on the sign, or the owner of the property within the prescribed  
1376 period, the department shall immediately remove the sign without  
1377 further notice; and, for that purpose, the employees, agents, or  
1378 independent contractors of the department may enter upon private  
1379 property without incurring any liability for so entering.

1380 (c) However, the department may issue a permit for a sign,  
1381 as a conforming or nonconforming sign, if the sign owner  
1382 demonstrates to the department one of the following:

1383 1. If the sign meets the current requirements of this  
1384 chapter for a sign permit, the sign owner may submit the  
1385 required application package and receive a permit as a  
1386 conforming sign, upon payment of all applicable fees.

1387 2. If the sign does not meet the current requirements of  
1388 this chapter for a sign permit, and has never been exempt from  
1389 the requirement that a permit be obtained pursuant to s. 479.16,  
1390 the sign owner may receive a permit as a nonconforming sign if  
1391 the department determines that the sign is not located on a  
1392 state right-of-way and is not a safety hazard, and if the sign



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1393 owner pays a penalty fee of \$300 and all pertinent fees required  
1394 by this chapter, including annual permit renewal fees payable  
1395 since the date of the erection of the sign, and attaches to the  
1396 permit application package documentation that demonstrates that:

1397 a. The sign has been unpermitted, structurally unchanged,  
1398 and continuously maintained at the same location for a period of  
1399 7 years or more;

1400 b. During the initial 7 years in which the sign has been  
1401 subject to the jurisdiction of the department, the sign would  
1402 have met the criteria established in this chapter which were in  
1403 effect at that time for issuance of a permit; and

1404 c. The department has not initiated a notice of violation  
1405 or taken other action to remove the sign during the initial 7-  
1406 year period in which the sign has been subject to the  
1407 jurisdiction of the department.

1408 (d) This subsection does not cause a neighboring sign that  
1409 is permitted and that is within the spacing requirements in s.  
1410 479.07(9) (a) to become nonconforming.

1411 (e) ~~(e)~~ For purposes of this subsection, a notice to the  
1412 sign owner, when required, constitutes sufficient notice; and  
1413 notice is not required to be provided to the lessee, advertiser,  
1414 or the owner of the real property on which the sign is located.

1415 (f) ~~(d)~~ If, after a hearing, it is determined that a sign  
1416 has been wrongfully or erroneously removed pursuant to this  
1417 subsection, the department, at the sign owner's discretion,  
1418 shall either pay just compensation to the owner of the sign or  
1419 reerect the sign in kind at the expense of the department.

1420 ~~(e) However, if the sign owner demonstrates to the~~  
1421 ~~department that:~~

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1422 ~~1. The sign has been unpermitted, structurally unchanged,~~  
1423 ~~and continuously maintained at the same location for a period of~~  
1424 ~~7 years or more;~~

1425 ~~2. At any time during the period in which the sign has been~~  
1426 ~~erected, the sign would have met the criteria established in~~  
1427 ~~this chapter for issuance of a permit;~~

1428 ~~3. The department has not initiated a notice of violation~~  
1429 ~~or taken other action to remove the sign during the initial 7-~~  
1430 ~~year period described in subparagraph 1.; and~~

1431 ~~4. The department determines that the sign is not located~~  
1432 ~~on state right-of-way and is not a safety hazard,~~

1433  
1434 ~~the sign may be considered a conforming or nonconforming sign~~  
1435 ~~and may be issued a permit by the department upon application in~~  
1436 ~~accordance with this chapter and payment of a penalty fee of~~  
1437 ~~\$300 and all pertinent fees required by this chapter, including~~  
1438 ~~annual permit renewal fees payable since the date of the~~  
1439 ~~erection of the sign.~~

1440 (2) (a) If a sign is under construction and the department  
1441 determines that a permit has not been issued for the sign as  
1442 required under the provisions of this chapter, the department is  
1443 authorized to require that all work on the sign cease until the  
1444 sign owner shows that the sign does not violate the provisions  
1445 of this chapter. The order to cease work shall be prominently  
1446 posted on the sign structure, and no further notice is required  
1447 to be given. The failure of a sign owner or her or his agents to  
1448 immediately comply with the order shall subject the sign to  
1449 prompt removal by the department.

1450 (b) For the purposes of this subsection only, a sign is

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1451 under construction when it is in any phase of initial  
1452 construction prior to the attachment and display of the  
1453 advertising message in final position for viewing by the  
1454 traveling public. A sign that is undergoing routine maintenance  
1455 or change of the advertising message only is not considered to  
1456 be under construction for the purposes of this subsection.

1457 (3) The cost of removing a sign, whether by the department  
1458 or an independent contractor, shall be assessed against the  
1459 owner of the sign by the department.

1460 Section 15. Subsections (5) and (7) of section 479.106,  
1461 Florida Statutes, are amended to read:

1462 479.106 Vegetation management.—

1463 (5) The department may only grant a permit pursuant to s.  
1464 479.07 for a new sign which requires the removal, cutting, or  
1465 trimming of existing trees or vegetation on public right-of-way  
1466 for the sign face to be visible from the highway when the sign  
1467 owner has removed at least two nonconforming signs of  
1468 approximate comparable size and surrendered the permits for the  
1469 nonconforming signs to the department for cancellation. For  
1470 signs originally permitted after July 1, 1996, the first  
1471 application, or application for a change of view zone, ~~no permit~~  
1472 for the removal, cutting, or trimming of trees or vegetation  
1473 shall require, in addition to mitigation or contribution to a  
1474 plan of mitigation, the removal of two nonconforming signs. No  
1475 permits for the removal, cutting, or trimming of trees may be  
1476 granted for signs permitted after July 1, 1996 ~~be granted~~ where  
1477 such trees or vegetation are part of a beautification project  
1478 implemented before ~~prior to~~ the date of the original sign permit  
1479 application, when the beautification project is specifically

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1480 identified in the department's construction plans, permitted  
1481 landscape projects, or agreements.

1482 (7) Any person engaging in removal, cutting, or trimming of  
1483 trees or vegetation in violation of this section or benefiting  
1484 from such actions shall be subject to an administrative penalty  
1485 of up to \$1,000 per sign facing and required to mitigate for the  
1486 unauthorized removal, cutting, or trimming in such manner and in  
1487 such amount as may be required under the rules of the  
1488 department. If such actions are determined by the department to  
1489 have been taken with willful intent, such person shall be  
1490 subject to an administrative penalty of \$1,000 for each tree  
1491 removed, cut, or trimmed in violation of this section. A person  
1492 aggrieved by an action of the department levying or imposing an  
1493 administrative penalty under this section may, within 30 days  
1494 after receipt of the notice of administrative penalty, request  
1495 an administrative hearing pursuant to chapter 120. If a timely  
1496 request for a hearing has been filed and the department issues a  
1497 final order imposing the administrative penalty, the penalty  
1498 shall become effective 30 days after the date it was issued. The  
1499 timely filing of a proper notice of appeal stays the imposition  
1500 of the administrative penalty until the department's action is  
1501 upheld.

1502 Section 16. Subsection (5) of section 479.107, Florida  
1503 Statutes, is amended to read:

1504 479.107 Signs on highway rights-of-way; removal.-

1505 (5) The cost of removing a sign, whether by the department  
1506 or an independent contractor, shall be assessed by the  
1507 department against the owner of the sign. ~~Furthermore, the~~  
1508 ~~department shall assess a fine of \$75 against the sign owner for~~

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1509 ~~any sign which violates the requirements of this section.~~

1510 Section 17. Section 479.111, Florida Statutes, is amended  
1511 to read:

1512 479.111 Specified signs allowed within controlled portions  
1513 of the interstate and federal-aid primary highway system.—Only  
1514 the following signs shall be allowed within controlled portions  
1515 of the interstate highway system and the federal-aid primary  
1516 highway system as set forth in s. 479.11(1) and (2):

1517 (1) Directional or other official signs and notices which  
1518 conform to 23 C.F.R. ss. 750.151-750.155.

1519 (2) Signs in commercial-zoned and industrial-zoned areas or  
1520 commercial-unzoned and industrial-unzoned areas and within 660  
1521 feet of the nearest edge of the right-of-way, subject to the  
1522 requirements set forth in the 1972 agreement between the state  
1523 and the United States Department of Transportation.

1524 (3) Signs for which permits are not required under s.  
1525 479.16.

1526 Section 18. Section 479.15, Florida Statutes, is amended to  
1527 read:

1528 479.15 Harmony of regulations.—

1529 (1) No zoning board or commission or other public officer  
1530 or agency shall issue a permit to erect any sign which is  
1531 prohibited under the provisions of this chapter or the rules of  
1532 the department, nor shall the department issue a permit for any  
1533 sign which is prohibited by any other public board, officer, or  
1534 agency in the lawful exercise of its powers.

1535 (2) A municipality, county, local zoning authority, or  
1536 other local governmental entity may not remove, or cause to be  
1537 removed, any lawfully erected sign along any portion of the

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1538 interstate or federal-aid primary highway system without first  
1539 paying just compensation for such removal. A local governmental  
1540 entity may not cause in any way the alteration of any lawfully  
1541 erected sign located along any portion of the interstate or  
1542 federal-aid primary highway system without payment of just  
1543 compensation if such alteration constitutes a taking under state  
1544 law. The municipality, county, local zoning authority, or other  
1545 local government entity that adopts requirements for such  
1546 alteration shall pay just compensation to the sign owner if such  
1547 alteration constitutes a taking under state law. This subsection  
1548 applies only to a lawfully erected sign the subject matter of  
1549 which relates to premises other than the premises on which it is  
1550 located or to merchandise, services, activities, or  
1551 entertainment not sold, produced, manufactured, or furnished on  
1552 the premises on which the sign is located. ~~As used in this~~  
1553 ~~subsection, the term "federal-aid primary highway system" means~~  
1554 ~~the federal-aid primary highway system in existence on June 1,~~  
1555 ~~1991, and any highway that was not a part of such system as of~~  
1556 ~~that date but that is or becomes after June 1, 1991, a part of~~  
1557 ~~the National Highway System.~~ This subsection shall not be  
1558 interpreted as explicit or implicit legislative recognition that  
1559 alterations do or do not constitute a taking under state law.

1560 (3) It is the express intent of the Legislature to limit  
1561 the state right-of-way acquisition costs on state and federal  
1562 roads in eminent domain proceedings, the provisions of ss.  
1563 479.07 and 479.155 notwithstanding. Subject to approval by the  
1564 Federal Highway Administration, whenever public acquisition of  
1565 land upon which is situated a lawful permitted ~~nonconforming~~  
1566 sign occurs, as provided in this chapter, the sign may, at the

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1567 election of its owner and the department, be relocated or  
1568 reconstructed adjacent to the new right-of-way and in close  
1569 proximity to the current site ~~along the roadway within 100 feet~~  
1570 ~~of the current location~~, provided the ~~nonconforming~~ sign is not  
1571 relocated in an area inconsistent with s. 479.024 ~~on a parcel~~  
1572 ~~zoned residential~~, and provided further that such relocation  
1573 shall be subject to ~~applicable setback~~ requirements in the 1972  
1574 agreement between the state and the United States Department of  
1575 Transportation. The sign owner shall pay all costs associated  
1576 with relocating or reconstructing any sign under this  
1577 subsection, and neither the state nor any local government shall  
1578 reimburse the sign owner for such costs, unless part of such  
1579 relocation costs are required by federal law. If no adjacent  
1580 property is available for the relocation, the department shall  
1581 be responsible for paying the owner of the sign just  
1582 compensation for its removal.

1583 (4) For a nonconforming sign, ~~Such relocation shall be~~  
1584 ~~adjacent to the current site and~~ the face of the sign may ~~shall~~  
1585 not be increased in size or height or structurally modified at  
1586 the point of relocation in a manner inconsistent with the  
1587 current building codes of the jurisdiction in which the sign is  
1588 located.

1589 (5) In the event that relocation can be accomplished but is  
1590 inconsistent with the ordinances of the municipality or county  
1591 within whose jurisdiction the sign is located, the ordinances of  
1592 the local government shall prevail, provided that the local  
1593 government shall assume the responsibility to provide the owner  
1594 of the sign just compensation for its removal, but in no event  
1595 shall compensation paid by the local government exceed the

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1596 compensation required under state or federal law. Further, the  
1597 provisions of this section shall not impair any agreement or  
1598 future agreements between a municipality or county and the owner  
1599 of a sign or signs within the jurisdiction of the municipality  
1600 or county. ~~Nothing in this section shall be deemed to cause a~~  
1601 ~~nonconforming sign to become conforming solely as a result of~~  
1602 ~~the relocation allowed in this section.~~

1603 (6) The provisions of subsections (3), (4), and (5) of this  
1604 section shall not apply within the jurisdiction of any  
1605 municipality which is engaged in any litigation concerning its  
1606 sign ordinance on April 23, 1999, nor shall such provisions  
1607 apply to any municipality whose boundaries are identical to the  
1608 county within which said municipality is located.

1609 (7) This section does not cause a neighboring sign that is  
1610 already permitted and that is within the spacing requirements  
1611 established in s. 479.07(9)(a) to become nonconforming.

1612 Section 19. Section 479.156, Florida Statutes, is amended  
1613 to read:

1614 479.156 Wall murals.—Notwithstanding any other provision of  
1615 this chapter, a municipality or county may permit and regulate  
1616 wall murals within areas designated by such government. If a  
1617 municipality or county permits wall murals, a wall mural that  
1618 displays a commercial message and is within 660 feet of the  
1619 nearest edge of the right-of-way within an area adjacent to the  
1620 interstate highway system or the federal-aid primary highway  
1621 system shall be located in an area that is zoned for industrial  
1622 or commercial use and the municipality or county shall establish  
1623 and enforce regulations for such areas that, at a minimum, set  
1624 forth criteria governing the size, lighting, and spacing of wall



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1625 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~  
1626 ~~Highway Beautification Act of 1965~~ and with customary use.  
1627 Whenever a municipality or county exercises such control and  
1628 makes a determination of customary use pursuant to 23 U.S.C. s.  
1629 131(d), such determination shall be accepted in lieu of controls  
1630 in the agreement between the state and the United States  
1631 Department of Transportation, and the department shall notify  
1632 the Federal Highway Administration pursuant to the agreement, 23  
1633 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that  
1634 is subject to municipal or county regulation and 23 U.S.C. s.  
1635 131 ~~the Highway Beautification Act of 1965~~ must be approved by  
1636 the Department of Transportation and the Federal Highway  
1637 Administration when required by federal law and federal  
1638 regulation under the agreement between the state and the United  
1639 States Department of Transportation and federal regulations  
1640 enforced by the Department of Transportation under s. 479.02(1).  
1641 The existence of a wall mural as defined in s. 479.01(28)  
1642 ~~479.01(30)~~ shall not be considered in determining whether a sign  
1643 as defined in s. 479.01(19) ~~479.01(20)~~, either existing or new,  
1644 is in compliance with s. 479.07(9)(a).

1645 Section 20. Section 479.16, Florida Statutes, is amended to  
1646 read:

1647 479.16 Signs for which permits are not required.—The  
1648 following signs are exempt from the requirement that a permit  
1649 for a sign be obtained under the provisions of this chapter but  
1650 are required to comply with the provisions of s. 479.11(4)-(8),  
1651 and the provisions of subsections (15)-(19) may not be  
1652 implemented or continued if the Federal Government notifies the  
1653 department that implementation or continuation will adversely

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1654 affect the allocation of federal funds to the department:

1655 (1) Signs erected on the premises of an establishment,  
1656 which signs consist primarily of the name of the establishment  
1657 or which identify the principal or accessory merchandise,  
1658 services, activities, or entertainment sold, produced,  
1659 manufactured, or furnished on the premises of the establishment  
1660 and which comply with the lighting restrictions ~~under department~~  
1661 ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a  
1662 municipality or a county located on the premises of such  
1663 municipality or such county which display information regarding  
1664 government services, activities, events, or entertainment. For  
1665 purposes of this section, the following types of messages shall  
1666 not be considered information regarding government services,  
1667 activities, events, or entertainment:

1668 (a) Messages which specifically reference any commercial  
1669 enterprise.

1670 (b) Messages which reference a commercial sponsor of any  
1671 event.

1672 (c) Personal messages.

1673 (d) Political campaign messages.

1674

1675 If a sign located on the premises of an establishment consists  
1676 principally of brand name or trade name advertising and the  
1677 merchandise or service is only incidental to the principal  
1678 activity, or if the owner of the establishment receives rental  
1679 income from the sign, then the sign is not exempt under this  
1680 subsection.

1681 (2) Signs erected, used, or maintained on a farm by the  
1682 owner or lessee of such farm and relating solely to farm

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1683 produce, merchandise, service, or entertainment sold, produced,  
1684 manufactured, or furnished on such farm.

1685 (3) Signs posted or displayed on real property by the owner  
1686 or by the authority of the owner, stating that the real property  
1687 is for sale or rent. However, if the sign contains any message  
1688 not pertaining to the sale or rental of that real property, then  
1689 it is not exempt under this section.

1690 (4) Official notices or advertisements posted or displayed  
1691 on private property by or under the direction of any public or  
1692 court officer in the performance of her or his official or  
1693 directed duties, or by trustees under deeds of trust or deeds of  
1694 assignment or other similar instruments.

1695 (5) Danger or precautionary signs relating to the premises  
1696 on which they are located; forest fire warning signs erected  
1697 under the authority of the Florida Forest Service of the  
1698 Department of Agriculture and Consumer Services; and signs,  
1699 notices, or symbols erected by the United States Government  
1700 under the direction of the United States Forestry Service.

1701 (6) Notices of any railroad, bridge, ferry, or other  
1702 transportation or transmission company necessary for the  
1703 direction or safety of the public.

1704 (7) Signs, notices, or symbols for the information of  
1705 aviators as to location, directions, and landings and conditions  
1706 affecting safety in aviation erected or authorized by the  
1707 department.

1708 (8) Signs or notices erected or maintained upon property  
1709 stating only the name of the owner, lessee, or occupant of the  
1710 premises and not exceeding 16 & square feet in area.

1711 (9) Historical markers erected by duly constituted and

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1712 authorized public authorities.

1713 (10) Official traffic control signs and markers erected,  
1714 caused to be erected, or approved by the department.

1715 (11) Signs erected upon property warning the public against  
1716 hunting and fishing or trespassing thereon.

1717 (12) Signs not in excess of 16 & square feet that are owned  
1718 by and relate to the facilities and activities of churches,  
1719 civic organizations, fraternal organizations, charitable  
1720 organizations, or units or agencies of government.

1721 (13) ~~Except that~~ Signs placed on benches, transit shelters,  
1722 modular news racks, street light poles, public pay telephones,  
1723 and waste receptacles, within the right-of-way, as provided for  
1724 in s. 337.408 are exempt from all provisions of this chapter.

1725 (14) Signs relating exclusively to political campaigns.

1726 (15) Signs not in excess of 16 square feet placed at a road  
1727 junction with the State Highway System denoting only the  
1728 distance or direction of a residence or farm operation, or,  
1729 outside an incorporated in a rural area where a hardship is  
1730 created because a small business is not visible from the road  
1731 junction with the State Highway System, one sign not in excess  
1732 of 16 square feet, denoting only the name of the business and  
1733 the distance and direction to the business. ~~The small-business-~~  
1734 ~~sign provision of this subsection does not apply to charter~~  
1735 ~~counties and may not be implemented if the Federal Government~~  
1736 ~~notifies the department that implementation will adversely~~  
1737 ~~affect the allocation of federal funds to the department.~~

1738 (16) Signs placed by a local tourist-oriented business  
1739 located within a rural area of critical economic concern, as  
1740 defined by s. 288.0656(2)(d) and (e), and are:

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1741 (a) Not more than 8 square feet in size or more than 4 feet  
1742 in height;

1743 (b) Located only in rural areas, along non-limited access  
1744 highways;

1745 (c) Located within 2 miles of the business location and are  
1746 not less than 500 feet apart;

1747 (d) Located only in two directions leading to the business;  
1748 and

1749 (e) Not located within the road right-of-way.

1750

1751 A business placing such signs must be at least 4 miles from any  
1752 other business using this exemption and may not participate in  
1753 any other department directional signage program.

1754 (17) Signs not in excess of 32 square feet placed  
1755 temporarily during harvest season of a farm operation for a  
1756 period of no more than 4 months at a road junction with the  
1757 State Highway System denoting only the distance or direction of  
1758 the farm operation.

1759 (18) Acknowledgement signs erected upon publicly funded  
1760 school premises relating to a specific public school club, team,  
1761 or event placed no closer than 1,000 feet from another  
1762 acknowledgment sign on the same side of the roadway. All sponsor  
1763 information on an acknowledgement sign may constitute no more  
1764 than 100 square feet of the sign. As used in this subsection,  
1765 the term "acknowledgement signs" means signs that are intended  
1766 to inform the traveling public that a public school club, team,  
1767 or event has been sponsored by a person, firm, or other entity.

1768 (19) Displays erected upon a sports facility which display  
1769 content directly related to the facility's activities or where a

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1770 presence of the products or services offered on the property  
1771 exists. Displays are to be mounted flush or flat to the surface  
1772 of the sports facility and rely upon the building facade for  
1773 structural support. For purposes of this subsection, the term  
1774 "sports facility", means any athletic complex, athletic arena,  
1775 or athletic stadium, including physically connected parking  
1776 facilities, which is open to the public and has a permanent  
1777 installed seating capacity of 15,000 or more.

1778  
1779 If the exemptions in subsections (15)-(19) are not implemented  
1780 or continued due to notification from the Federal Government to  
1781 the department that the allocation of federal funds to the  
1782 department will be adversely impacted, the department shall  
1783 provide notice to the sign owner that the sign must be removed  
1784 within 30 days after receiving the notice. If the sign is not  
1785 removed within the 30 days, the department may remove the sign  
1786 and all costs incurred in connection with the sign removal shall  
1787 be assessed against and collected from the sign owner.

1788 Section 21. Section 479.24, Florida Statutes, is amended to  
1789 read:

1790 479.24 Compensation for ~~removal of~~ signs; eminent domain;  
1791 exceptions.-

1792 (1) Just compensation shall be paid by the department upon  
1793 the department's acquisition ~~removal~~ of a lawful conforming or  
1794 nonconforming sign along any portion of the interstate or  
1795 federal-aid primary highway system. This section does not apply  
1796 to a sign which is illegal at the time of its removal. A sign  
1797 will lose its nonconforming status and become illegal at such  
1798 time as it fails to be permitted or maintained in accordance

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1799 with all applicable laws, rules, ordinances, or regulations  
1800 other than the provision which makes it nonconforming. A legal  
1801 nonconforming sign under state law or rule will not lose its  
1802 nonconforming status solely because it additionally becomes  
1803 nonconforming under an ordinance or regulation of a local  
1804 governmental entity passed at a later date. The department shall  
1805 make every reasonable effort to negotiate the purchase of the  
1806 signs to avoid litigation and congestion in the courts.

1807 (2) The department is not required to remove any sign under  
1808 this section if the federal share of the just compensation to be  
1809 paid upon removal of the sign is not available to make such  
1810 payment, unless an appropriation by the Legislature for such  
1811 purpose is made to the department.

1812 (3) (a) The department is authorized to use the power of  
1813 eminent domain when necessary to carry out the provisions of  
1814 this chapter.

1815 (b) If eminent domain procedures are instituted, just  
1816 compensation shall be made pursuant to the state's eminent  
1817 domain procedures, chapters 73 and 74.

1818 Section 22. Section 479.25, Florida Statutes, is amended to  
1819 read:

1820 479.25 Erection of noise-attenuation barrier blocking view  
1821 of sign; procedures; application.—

1822 (1) The owner of a lawfully erected sign that is governed  
1823 by and conforms to state and federal requirements for land use,  
1824 size, height, and spacing may increase the height above ground  
1825 level of such sign at its permitted location if a noise-  
1826 attenuation barrier is permitted by or erected by any  
1827 governmental entity in such a way as to screen or block

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1828 visibility of the sign. Any increase in height permitted under  
1829 this section may only be the increase in height which is  
1830 required to achieve the same degree of visibility from the  
1831 right-of-way which the sign had prior to the construction of the  
1832 noise-attenuation barrier, notwithstanding the restrictions  
1833 contained in s. 479.07(9)(b). A sign reconstructed under this  
1834 section shall comply with the building standards and wind load  
1835 requirements set forth in the Florida Building Code. If  
1836 construction of a proposed noise-attenuation barrier will screen  
1837 a sign lawfully permitted under this chapter, the department  
1838 shall provide notice to the local government or local  
1839 jurisdiction within which the sign is located prior to  
1840 construction ~~erection of the noise-attenuation barrier~~. Upon a  
1841 determination that an increase in the height of a sign as  
1842 permitted under this section will violate a provision contained  
1843 in an ordinance or land development regulation of the local  
1844 government or local jurisdiction, prior to construction, the  
1845 local government or local jurisdiction shall ~~so notify the~~  
1846 ~~department. When notice has been received from the local~~  
1847 ~~government or local jurisdiction prior to erection of the noise-~~  
1848 ~~attenuation barrier, the department shall:~~

1849 (a) Provide a variance or waiver to the local ordinance or  
1850 land development regulations to ~~Conduct a written survey of all~~  
1851 ~~property owners identified as impacted by highway noise and who~~  
1852 ~~may benefit from the proposed noise-attenuation barrier. The~~  
1853 ~~written survey shall inform the property owners of the location,~~  
1854 ~~date, and time of the public hearing described in paragraph (b)~~  
1855 ~~and shall specifically advise the impacted property owners that:~~  
1856 ~~1. Erection of the noise-attenuation barrier may block the~~



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1857 ~~visibility of an existing outdoor advertising sign;~~

1858 ~~2. The local government or local jurisdiction may restrict~~  
1859 ~~or prohibit increasing the height of the existing outdoor~~  
1860 ~~advertising sign to make it visible over the barrier; and~~

1861 ~~3. If a majority of the impacted property owners vote for~~  
1862 ~~construction of the noise attenuation barrier, the local~~  
1863 ~~government or local jurisdiction will be required to:~~

1864 ~~a. allow an increase in the height of the sign in violation~~  
1865 ~~of a local ordinance or land development regulation;~~

1866 ~~(b)~~ b. Allow the sign to be relocated or reconstructed at  
1867 another location if the sign owner agrees; or

1868 ~~(c)~~ c. Pay the fair market value of the sign and its  
1869 associated interest in the real property.

1870 ~~(2)~~ (2) The department shall hold a public hearing within  
1871 the boundaries of the affected local governments or local  
1872 jurisdictions to receive input on the proposed noise-attenuation  
1873 barrier and its conflict with the local ordinance or land  
1874 development regulation and to suggest or consider alternatives  
1875 or modifications ~~to the proposed noise-attenuation barrier~~ to  
1876 alleviate or minimize the conflict with the local ordinance or  
1877 land development regulation or minimize any costs that may be  
1878 associated with relocating, reconstructing, or paying for the  
1879 affected sign. The public hearing may be held concurrently with  
1880 other public hearings scheduled for the project. The department  
1881 shall provide a written notification to the local government or  
1882 local jurisdiction of the date and time of the public hearing  
1883 and shall provide general notice of the public hearing in  
1884 accordance with the notice provisions of s. 335.02(1). The  
1885 notice shall not be placed in that portion of a newspaper in

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1886 which legal notices or classified advertisements appear. The  
1887 notice shall specifically state that:

1888 (a)1. ~~Erection of the proposed noise-attenuation barrier~~  
1889 ~~may block the visibility of an existing outdoor advertising~~  
1890 ~~sign;~~

1891 (b)2. The local government or local jurisdiction may  
1892 restrict or prohibit increasing the height of the existing  
1893 outdoor advertising sign ~~to make it visible over the barrier;~~  
1894 and

1895 (c)3. ~~Upon If a majority of the impacted property owners~~  
1896 ~~vote for construction of the noise-attenuation barrier, the~~  
1897 ~~local government or local jurisdiction shall will be required~~  
1898 ~~to:~~

1899 1.a. Allow an increase in the height of the sign through a  
1900 waiver or variance to ~~in violation of~~ a local ordinance or land  
1901 development regulation;

1902 2.b. Allow the sign to be relocated or reconstructed at  
1903 another location if the sign owner agrees; or

1904 3.c. Pay the fair market value of the sign and its  
1905 associated interest in the real property.

1906 (3)(2) ~~The department may shall~~ not permit erection of the  
1907 noise-attenuation barrier to the extent the barrier screens or  
1908 blocks visibility of the sign until after the public hearing is  
1909 held ~~and until such time as the survey has been conducted and a~~  
1910 ~~majority of the impacted property owners have indicated approval~~  
1911 ~~to erect the noise-attenuation barrier. When the impacted~~  
1912 ~~property owners approve of the noise-attenuation barrier~~  
1913 ~~construction, the department shall notify the local governments~~  
1914 ~~or local jurisdictions. The local government or local~~

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1915 ~~jurisdiction shall, notwithstanding the provisions of a~~  
1916 ~~conflicting ordinance or land development regulation:~~

1917 ~~(a) Issue a permit by variance or otherwise for the~~  
1918 ~~reconstruction of a sign under this section;~~

1919 ~~(b) Allow the relocation of a sign, or construction of~~  
1920 ~~another sign, at an alternative location that is permissible~~  
1921 ~~under the provisions of this chapter, if the sign owner agrees~~  
1922 ~~to relocate the sign or construct another sign; or~~

1923 ~~(c) Refuse to issue the required permits for reconstruction~~  
1924 ~~of a sign under this section and pay fair market value of the~~  
1925 ~~sign and its associated interest in the real property to the~~  
1926 ~~owner of the sign.~~

1927 ~~(4)(3)~~ This section does ~~shall~~ not apply to the provisions  
1928 of any existing written agreement executed before July 1, 2006,  
1929 between any local government and the owner of an outdoor  
1930 advertising sign.

1931 Section 23. Subsection (1) of section 479.261, Florida  
1932 Statutes, is amended to read:

1933 479.261 Logo sign program.—

1934 (1) The department shall establish a logo sign program for  
1935 the rights-of-way of the limited access interstate highway  
1936 system to provide information to motorists about available gas,  
1937 food, lodging, camping, attractions, and other services, as  
1938 approved by the Federal Highway Administration, at interchanges  
1939 through the use of business logos and may include additional  
1940 interchanges under the program.

1941 (a) As used in this chapter, the term "attraction" means an  
1942 establishment, site, facility, or landmark that is open a  
1943 minimum of 5 days a week for 52 weeks a year; that has as its

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1944 principal focus family-oriented entertainment, cultural,  
1945 educational, recreational, scientific, or historical activities;  
1946 and that is publicly recognized as a bona fide tourist  
1947 attraction.

1948 (b) The department shall incorporate the use of RV-friendly  
1949 markers on specific information logo signs for establishments  
1950 that cater to the needs of persons driving recreational  
1951 vehicles. Establishments that qualify for participation in the  
1952 specific information logo program and that also qualify as "RV-  
1953 friendly" may request the RV-friendly marker on their specific  
1954 information logo sign. An RV-friendly marker must consist of a  
1955 design approved by the Federal Highway Administration. The  
1956 department shall adopt rules in accordance with chapter 120 to  
1957 administer this paragraph, including rules setting forth the  
1958 minimum requirements that establishments must meet in order to  
1959 qualify as RV-friendly. These requirements shall include large  
1960 parking spaces, entrances, and exits that can easily accommodate  
1961 recreational vehicles and facilities having appropriate overhead  
1962 clearances, if applicable.

1963 Section 24. Subsection (1) of section 479.262, Florida  
1964 Statutes, is amended to read:

1965 479.262 Tourist-oriented directional sign program.—

1966 (1) A tourist-oriented directional sign program to provide  
1967 directions to rural tourist-oriented businesses, services, and  
1968 activities may be established at intersections on rural and  
1969 conventional state, county, or municipal roads only ~~in rural~~  
1970 ~~counties identified by criteria and population in s. 288.0656~~  
1971 when approved and permitted by county or local government  
1972 entities within their respective jurisdictional areas ~~at~~

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1973 ~~intersections on rural and conventional state, county, or~~  
1974 ~~municipal roads.~~ A county or local government that ~~which~~ issues  
1975 permits for a tourist-oriented directional sign program is ~~shall~~  
1976 ~~be~~ responsible for sign construction, maintenance, and program  
1977 operation in compliance with subsection (3) for roads on the  
1978 state highway system and may establish permit fees sufficient to  
1979 offset associated costs. A tourist-oriented directional sign may  
1980 not be used on roads in urban areas or at interchanges on  
1981 freeways or expressways.

1982 Section 25. Section 479.313, Florida Statutes, is amended  
1983 to read:

1984 479.313 Permit revocation and cancellation; cost of  
1985 removal.—All costs incurred by the department in connection with  
1986 the removal of a sign located within a controlled area adjacent  
1987 to the State Highway System, interstate highway system, or  
1988 federal-aid primary highway system following the revocation or  
1989 cancellation of the permit for such sign shall be assessed  
1990 against and collected from the permittee.

1991 Section 26. Section 76 of chapter 2012-174, Laws of  
1992 Florida, is repealed.

1993 Section 27. This act shall take effect July 1, 2013.