



226156

LEGISLATIVE ACTION

Senate

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House

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04/30/2013 03:48 PM

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Senator Brandes moved the following:

1 **Senate Amendment to Amendment (740626) (with title**
2 **amendment)**

3
4 Between lines 4302 and 4303
5 insert:

6 Section 83. Section 479.16, Florida Statutes, is amended to
7 read:

8 479.16 Signs for which permits are not required.—The
9 following signs are exempt from the requirement that a permit
10 for a sign be obtained under the provisions of this chapter but
11 are required to comply with the provisions of s. 479.11(4)-(8),
12 and the provisions of subsections (15)-(20) may not be
13 implemented or continued if the Federal Government notifies the



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14 department that implementation or continuation will adversely
15 affect the allocation of federal funds to the department:

16 (1) Signs erected on the premises of an establishment,
17 which signs consist primarily of the name of the establishment
18 or which identify the principal or accessory merchandise,
19 services, activities, or entertainment sold, produced,
20 manufactured, or furnished on the premises of the establishment
21 and which comply with the lighting restrictions ~~under department~~
22 ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a
23 municipality or a county located on the premises of such
24 municipality or such county which display information regarding
25 government services, activities, events, or entertainment. For
26 purposes of this section, the following types of messages shall
27 not be considered information regarding government services,
28 activities, events, or entertainment:

29 (a) Messages which specifically reference any commercial
30 enterprise.

31 (b) Messages which reference a commercial sponsor of any
32 event.

33 (c) Personal messages.

34 (d) Political campaign messages.

35

36 If a sign located on the premises of an establishment consists
37 principally of brand name or trade name advertising and the
38 merchandise or service is only incidental to the principal
39 activity, or if the owner of the establishment receives rental
40 income from the sign, then the sign is not exempt under this
41 subsection.

42 (2) Signs erected, used, or maintained on a farm by the



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43 owner or lessee of such farm and relating solely to farm
44 produce, merchandise, service, or entertainment sold, produced,
45 manufactured, or furnished on such farm.

46 (3) Signs posted or displayed on real property by the owner
47 or by the authority of the owner, stating that the real property
48 is for sale or rent. However, if the sign contains any message
49 not pertaining to the sale or rental of that real property, then
50 it is not exempt under this section.

51 (4) Official notices or advertisements posted or displayed
52 on private property by or under the direction of any public or
53 court officer in the performance of her or his official or
54 directed duties, or by trustees under deeds of trust or deeds of
55 assignment or other similar instruments.

56 (5) Danger or precautionary signs relating to the premises
57 on which they are located; forest fire warning signs erected
58 under the authority of the Florida Forest Service of the
59 Department of Agriculture and Consumer Services; and signs,
60 notices, or symbols erected by the United States Government
61 under the direction of the United States Forestry Service.

62 (6) Notices of any railroad, bridge, ferry, or other
63 transportation or transmission company necessary for the
64 direction or safety of the public.

65 (7) Signs, notices, or symbols for the information of
66 aviators as to location, directions, and landings and conditions
67 affecting safety in aviation erected or authorized by the
68 department.

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



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72 (9) Historical markers erected by duly constituted and
73 authorized public authorities.

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

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

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

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

87 (14) Signs relating exclusively to political campaigns.

88 (15) Signs not in excess of 16 square feet placed at a road
89 junction with the State Highway System denoting only the
90 distance or direction of a residence or farm operation, or,
91 outside an incorporated in a rural area where a hardship is
92 created because a small business is not visible from the road
93 junction with the State Highway System, one sign not in excess
94 of 16 square feet, denoting only the name of the business and
95 the distance and direction to the business. ~~The small-business-~~
96 ~~sign provision of this subsection does not apply to charter~~
97 ~~counties and may not be implemented if the Federal Government~~
98 ~~notifies the department that implementation will adversely~~
99 ~~affect the allocation of federal funds to the department.~~

100 (16) Signs placed by a local tourist-oriented business



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101 located within a rural area of critical economic concern, as
102 defined by s. 288.0656(2) (d) and (e), and are:

103 (a) Not more than 8 square feet in size or more than 4 feet
104 in height;

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

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

109 (d) Located only in two directions leading to the business;
110 and

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

112
113 A business placing such signs must be at least 4 miles from any
114 other business using this exemption and may not participate in
115 any other department directional signage program.

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

121 (18) Acknowledgement signs erected upon publicly funded
122 school premises relating to a specific public school club, team,
123 or event placed no closer than 1,000 feet from another
124 acknowledgement sign on the same side of the roadway. The
125 sponsor information on an acknowledgement sign may constitute no
126 more than 100 square feet of the sign. As used in this
127 subsection, the term "acknowledgement signs" means signs that
128 are intended to inform the traveling public that a public school
129 club, team, or event has been sponsored by a person, firm, or



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130 other entity.

131 (19) Displays erected upon a sports facility the content of
132 which is directly related to the facility's activities or where
133 a presence of the products or services offered on the property
134 exists. Displays must be mounted flush to the surface of the
135 sports facility and must rely upon the building facade for
136 structural support. For purposes of this subsection, the term
137 "sports facility" means an athletic complex, athletic arena, or
138 athletic stadium, including physically connected parking
139 facilities, which is open to the public and has a permanent
140 installed seating capacity of 15,000 or more.

141 (20) The Legislature believes it is in the public interest
142 that all welcome centers created pursuant to s. 288.12265 have
143 the option to own, acquire, develop, construct, operate, and
144 manage public information systems. Public information systems
145 may only display messages to the general public concerning
146 public service announcements, including severe weather reports,
147 Amber Alerts, Silver Alerts, and other essential information
148 needed by the public. Local government review or approval is not
149 required for a public information system owned or hereafter
150 acquired, developed, or constructed at the welcome center. A
151 public information system is exempt from the requirements of
152 chapter 479; provided, however, that any public information
153 system that is subject to the Highway Beautification Act of 1965
154 or the Manual of Uniform Transportation Control Devices must be
155 approved by the Department of Transportation and the Federal
156 Highway Administration if required by federal law and federal
157 regulations.

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159 If the exemptions in subsections (15) through (20) are not
160 implemented or continued due to Federal Government notification
161 to the department that the allocation of federal funds to the
162 department will be adversely impacted, the department shall
163 provide notice to the sign owner that the sign must be removed
164 within 30 days after receiving notice. If the sign is not
165 removed within 30 days, the department may remove the sign, and
166 the costs incurred in connection with the sign removal shall be
167 assessed against and collected from the sign owner.

168
169 ===== T I T L E A M E N D M E N T =====

170 And the title is amended as follows:

171 Delete line 4815

172 and insert:

173 prohibition; providing an exception; amending s.
174 479.16, F.S.; providing an exception if the Federal
175 Government notifies the department that implementation
176 or continuation will adversely affect allocation of
177 federal funds; expanding the allowable size of certain
178 signs or notices; expanding the placement exemption of
179 certain signs; removing a certain small-business sign
180 exemption; expanding the exemption requiring permits
181 to signs placed by a local tourist-oriented business
182 located in an area of critical economic concern, signs
183 not in excess of a certain size placed temporarily
184 during harvest season of a farm operation for a
185 certain period of time, certain acknowledgement signs
186 erected upon publicly funded school premises relating
187 to a specific public school club, team, or event, and



188 displays erected upon a sports facility; providing
189 criteria for the signs; providing criteria for welcome
190 centers to place certain signs under specified
191 conditions; requiring the