

By Senator Latvala

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1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 creating s. 339.041, F.S.; providing legislative
4 findings and intent; authorizing the department to
5 seek certain investors for certain leases; prohibiting
6 the department from pledging the credit, general
7 revenues, or taxing power of the state or any
8 political subdivision of the state; specifying the
9 collection and deposit of lease payments by agreement
10 with the department; amending s. 373.618, F.S.;
11 removing a provision exempting certain public
12 information systems from local government review or
13 approval; providing that a public information system
14 is subject to the requirements of ch. 479, F.S.;
15 requiring that certain public information systems be
16 approved by the United States Department of
17 Transportation and the Federal Highway Administration
18 under certain circumstances; amending s. 479.01, F.S.,
19 relating to outdoor advertising signs; revising and
20 deleting definitions; amending s. 479.02, F.S.;
21 revising duties of the Department of Transportation
22 relating to signs; deleting a requirement that the
23 department adopt certain rules; creating s. 479.024,
24 F.S.; limiting the placement of signs to commercial or
25 industrial zones; defining the terms "parcel" and
26 "utilities"; requiring a local government to use
27 specified criteria to determine zoning for commercial
28 or industrial parcels; providing that certain parcels
29 are considered unzoned commercial or industrial areas;

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30 authorizing a permit for a sign in an unzoned
31 commercial or industrial area in certain
32 circumstances; prohibiting specified uses and
33 activities from being independently recognized as
34 commercial or industrial; providing an appeal process
35 for an applicant whose permit is denied; requiring an
36 applicant whose application is denied to remove an
37 existing sign pertaining to the application; requiring
38 the department to reduce certain transportation
39 funding in certain circumstances; amending s. 479.03,
40 F.S.; requiring notice to owners of intervening
41 privately owned lands before the department enters
42 upon such lands to remove an illegal sign; amending s.
43 479.04, F.S.; providing that an outdoor advertising
44 license is not required solely to erect or construct
45 outdoor signs or structures; amending s. 479.05, F.S.;
46 authorizing the department to suspend a license for
47 certain offenses and specifying activities that the
48 licensee may engage in during the suspension;
49 prohibiting the department from granting a transfer of
50 an existing permit or issuing an additional permit
51 during the suspension; amending s. 479.07, F.S.;
52 revising requirements for obtaining sign permits;
53 conforming and clarifying provisions; revising permit
54 tag placement requirements for signs; deleting a
55 provision that allows a permittee to provide its own
56 replacement tag; increasing the permit transfer fee
57 for any multiple transfers between two outdoor
58 advertisers in a single transaction; revising the

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59 permit reinstatement fee; revising requirements for
60 permitting certain signs visible to more than one
61 highway; deleting provisions limiting a pilot program
62 to specified locations; deleting redundant provisions
63 relating to certain new or replacement signs; deleting
64 provisions requiring maintenance of statistics on the
65 pilot program; amending s. 479.08, F.S.; revising
66 provisions relating to the denial or revocation of a
67 permit because of false or misleading information in
68 the permit application; amending s. 479.10, F.S.;
69 authorizing the cancellation of a permit; amending s.
70 479.105, F.S.; revising notice requirements to owners
71 and advertisers relating to signs erected or
72 maintained without a permit; revising procedures for
73 the department to issue a permit as a conforming or
74 nonconforming sign to the owner of an unpermitted
75 sign; providing a penalty; amending s. 479.106, F.S.;
76 revising provisions relating to the removal, cutting,
77 or trimming of trees or vegetation to increase sign
78 face visibility; providing that a specified penalty is
79 applied per sign facing; amending s. 479.107, F.S.;
80 deleting a fine for specified violations; amending s.
81 479.11, F.S.; prohibiting signs on specified portions
82 of the interstate highway system; amending s. 479.111,
83 F.S.; clarifying a reference to a certain agreement;
84 amending s. 479.15, F.S.; deleting a definition;
85 revising provisions relating to relocation of certain
86 signs on property subject to public acquisition;
87 amending s. 479.156, F.S.; clarifying provisions

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88 relating to the regulation of wall murals; amending s.
89 479.16, F.S.; exempting certain signs from ch. 479,
90 F.S.; exempting from permitting certain signs placed
91 by tourist-oriented businesses, certain farm signs
92 placed during harvest seasons, certain acknowledgment
93 signs on publicly funded school premises, and certain
94 displays on specific sports facilities; prohibiting
95 certain permit exemptions from being implemented or
96 continued if the implementations or continuations will
97 adversely impact the allocation of federal funds to
98 the Department of Transportation; directing the
99 department to notify a sign owner that the sign must
100 be removed if federal funds are adversely impacted;
101 authorizing the department to remove the sign and
102 assess costs to the sign owner under certain
103 circumstances; amending s. 479.24, F.S.; clarifying
104 provisions relating to compensation paid for the
105 department's acquisition of lawful signs; amending s.
106 479.25, F.S.; revising provisions relating to local
107 government action with respect to erection of noise-
108 attenuation barriers that block views of lawfully
109 erected signs; deleting provisions to conform to
110 changes made by the act; amending s. 479.261, F.S.;
111 expanding the logo program to the limited access
112 highway system; conforming provisions related to a
113 logo sign program on the limited access highway
114 system; amending s. 479.262, F.S.; clarifying
115 provisions relating to the tourist-oriented
116 directional sign program; limiting the placement of

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117 such signs to intersections on certain rural roads;
118 prohibiting such signs in urban areas or at
119 interchanges on freeways or expressways; amending s.
120 479.313, F.S.; requiring a permittee to pay the cost
121 of removing certain signs following the cancellation
122 of the permit for the sign; repealing s. 76 of chapter
123 2012-174, Laws of Florida, relating to authorizing the
124 department to seek Federal Highway Administration
125 approval of a tourist-oriented commerce sign pilot
126 program and directing the department to submit the
127 approved pilot program for legislative approval;
128 providing an effective date.

129
130 Be It Enacted by the Legislature of the State of Florida:

131
132 Section 1. Section 339.041, Florida Statutes, is created to
133 read:

134 339.041 Factoring of revenues from leases for wireless
135 communication facilities.—

136 (1) The Legislature finds that efforts to increase funding
137 for capital expenditures for the transportation system are
138 necessary for the protection of the public safety and general
139 welfare and for the preservation of transportation facilities in
140 this state. Therefore, it is the intent of the Legislature to:

141 (a) Create a mechanism for factoring future revenues
142 received by the department from leases for wireless
143 communication facilities on department property on a nonrecourse
144 basis;

145 (b) Fund fixed capital expenditures for the statewide

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146 transportation system from proceeds generated through this
147 mechanism; and

148 (c) Maximize revenues from factoring by ensuring that such
149 revenues are exempt from income taxation under federal law in
150 order to increase funds available for capital expenditures.

151 (2) For the purposes of factoring future revenues under
152 this section, department property includes real property located
153 within the department's limited access rights-of-way, real
154 property located outside the current operating right-of-way
155 limits which is not needed to support current transportation
156 facilities, other property owned by the Board of Trustees of the
157 Internal Improvement Trust Fund and leased by the department,
158 space on department telecommunications facilities, and space on
159 department structures.

160 (3) The department may seek investors willing to enter into
161 agreements to purchase the revenue stream from one or more
162 existing department leases for wireless communication facilities
163 on property owned or controlled by the department. Such
164 agreements are exempt from chapter 287 and, in order to provide
165 the largest possible payout, shall be structured as tax-exempt
166 financings for federal income tax purposes.

167 (4) The department may not pledge the credit, the general
168 revenues, or the taxing power of the state or of any political
169 subdivision of the state. The obligations of the department and
170 investors under the agreement do not constitute a general
171 obligation of the state or a pledge of the full faith and credit
172 or taxing power of the state. The agreement is payable from and
173 secured solely by payments received from department leases for
174 wireless communication facilities on property owned or

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175 controlled by the department, and neither the state nor any of
176 its agencies has any liability beyond such payments.

177 (5) The department may make any covenant or representation
178 necessary or desirable in connection with the agreement,
179 including a commitment by the department to take whatever
180 actions are necessary on behalf of investors to enforce the
181 department's rights to payments on property leased for wireless
182 communications facilities. However, the department may not
183 guarantee that actual revenues received in a future year will be
184 those anticipated in its leases for wireless communication
185 facilities. The department may agree to use its best efforts to
186 ensure that anticipated future-year revenues are protected. Any
187 risk that actual revenues received from department leases for
188 wireless communications facilities are lower than anticipated
189 shall be borne exclusively by investors.

190 (6) Subject to annual appropriation, investors shall
191 collect the lease payments on a schedule and in a manner
192 established in the agreements entered into by the department and
193 investors pursuant to this section. The agreements may provide
194 for lease payments to be made directly to investors by lessees
195 if the lease agreements entered into by the department and the
196 lessees pursuant to s. 365.172(12)(f) allow direct payment.

197 (7) Proceeds received by the department from leases for
198 wireless communication facilities shall be deposited in the
199 State Transportation Trust Fund created under s. 206.46 and used
200 for fixed capital expenditures for the statewide transportation
201 system.

202 Section 2. Section 373.618, Florida Statutes, is amended to
203 read:

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204 373.618 Public service warnings, alerts, and
205 announcements.—The Legislature believes it is in the public
206 interest that all water management districts created pursuant to
207 s. 373.069 own, acquire, develop, construct, operate, and manage
208 public information systems. Public information systems may be
209 located on property owned by the water management district, upon
210 terms and conditions approved by the water management district,
211 and must display messages to the general public concerning water
212 management services, activities, events, and sponsors, as well
213 as other public service announcements, including watering
214 restrictions, severe weather reports, amber alerts, and other
215 essential information needed by the public. ~~Local government~~
216 ~~review or approval is not required for a public information~~
217 ~~system owned or hereafter acquired, developed, or constructed by~~
218 ~~the water management district on its own property.~~ A public
219 information system is subject to ~~exempt from~~ the requirements of
220 chapter 479. However, a public information system that is
221 subject to the Highway Beautification Act of 1965 must be
222 approved by the United States Department of Transportation and
223 the Federal Highway Administration if such approval is required
224 by federal law and federal regulation under the agreement
225 between the state and the United States Department of
226 Transportation and by federal regulations enforced by the
227 Department of Transportation under s. 479.02(1). Water
228 management district funds may not be used to pay the cost to
229 acquire, develop, construct, operate, or manage a public
230 information system. Any necessary funds for a public information
231 system shall be paid for and collected from private sponsors who
232 may display commercial messages.

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233 Section 3. Section 479.01, Florida Statutes, is amended to
234 read:

235 479.01 Definitions.—As used in this chapter, the term:

236 (1) "Allowable uses" means the intended uses identified in
237 a local government's land development regulations which ~~those~~
238 uses that are authorized within a zoning category as a use by
239 right, without the requirement to obtain a variance or waiver.
240 The term includes conditional uses and those allowed by special
241 exception if such uses are a present and actual use, but does
242 not include uses that are accessory, ancillary, incidental to
243 the allowable uses, or allowed only on a temporary basis.

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

247 (3) "Business of outdoor advertising" means the business of
248 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,
249 or selling outdoor advertising structures, outdoor advertising
250 signs, or outdoor advertisements.

251 ~~(4) "Commercial or industrial zone" means a parcel of land~~
252 ~~designated for commercial or industrial uses under both the~~
253 ~~future land use map of the comprehensive plan and the land use~~
254 ~~development regulations adopted pursuant to chapter 163. If a~~
255 ~~parcel is located in an area designated for multiple uses on the~~
256 ~~future land use map of a comprehensive plan and the zoning~~
257 ~~category of the land development regulations does not clearly~~
258 ~~designate that parcel for a specific use, the area will be~~
259 ~~considered an unzoned commercial or industrial area if it meets~~
260 ~~the criteria of subsection (26).~~

261 (4) ~~(5)~~ "Commercial use" means activities associated with

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262 the sale, rental, or distribution of products or the performance
263 of services. The term includes, but is not limited to ~~without~~
264 ~~limitation~~, such uses or activities as retail sales; wholesale
265 sales; rentals of equipment, goods, or products; offices;
266 restaurants; food service vendors; sports arenas; theaters; and
267 tourist attractions.

268 (5)~~(6)~~ "Controlled area" means 660 feet or less from the
269 nearest edge of the right-of-way of any portion of the State
270 Highway System, interstate, or federal-aid primary highway
271 system and beyond 660 feet of the nearest edge of the right-of-
272 way of any portion of the State Highway System, interstate
273 highway system, or federal-aid primary system outside an urban
274 area.

275 (6)~~(7)~~ "Department" means the Department of Transportation.

276 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,
277 place, affix, attach, create, paint, draw, or in any other way
278 bring into being or establish. The term; ~~but it~~ does not include
279 such any of the foregoing activities when performed as an
280 incident to the change of advertising message or customary
281 maintenance or repair of a sign.

282 (8)~~(9)~~ "Federal-aid primary highway system" means the
283 federal-aid primary highway system in existence on June 1, 1991,
284 and any highway that was not a part of such system as of that
285 date but that is, or became after June 1, 1991, a part of the
286 National Highway System, including portions that have been
287 accepted as part of the National Highway System but are unbuilt
288 or unopened existing, unbuilt, or unopened system of highways or
289 portions thereof, which shall include the National Highway
290 System, designated as the federal-aid primary highway system by

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291 ~~the department.~~

292 (9)~~(10)~~ "Highway" means any road, street, or other way open
293 or intended to be opened to the public for travel by motor
294 vehicles.

295 (10)~~(11)~~ "Industrial use" means activities associated with
296 the manufacture, assembly, processing, or storage of products or
297 the performance of related services ~~relating thereto~~. The term
298 includes, but is not limited to ~~without limitation~~, such uses or
299 activities as automobile manufacturing or repair, boat
300 manufacturing or repair, junk yards, meat packing facilities,
301 citrus processing and packing facilities, produce processing and
302 packing facilities, electrical generating plants, water
303 treatment plants, sewage treatment plants, and solid waste
304 disposal sites.

305 (11)~~(12)~~ "Interstate highway system" means the existing,
306 unbuilt, or unopened system of highways or portions thereof
307 designated as the national system of interstate and defense
308 highways by the department.

309 (12)~~(13)~~ "Main-traveled way" means the traveled way of a
310 highway on which through traffic is carried. In the case of a
311 divided highway, the traveled way of each of the separate
312 roadways for traffic in opposite directions is a main-traveled
313 way. The term ~~It~~ does not include such facilities as frontage
314 roads, turning roadways which specifically include on-ramps or
315 off-ramps to the interstate highway system, or parking areas.

316 (13)~~(14)~~ "Maintain" means to allow to exist.

317 (14)~~(15)~~ "Motorist services directional signs" means signs
318 providing directional information about goods and services in
319 the interest of the traveling public where such signs were

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320 lawfully erected and in existence on or before May 6, 1976, and
321 continue to provide directional information to goods and
322 services in a defined area.

323 (15)~~(16)~~ "New highway" means the construction of any road,
324 paved or unpaved, where no road previously existed or the act of
325 paving any previously unpaved road.

326 (16)~~(17)~~ "Nonconforming sign" means a sign which was
327 lawfully erected but which does not comply with the land use,
328 setback, size, spacing, and lighting provisions of state or
329 local law, rule, regulation, or ordinance passed at a later date
330 or a sign which was lawfully erected but which later fails to
331 comply with state or local law, rule, regulation, or ordinance
332 due to changed conditions.

333 (17)~~(18)~~ "Premises" means all the land areas under
334 ownership or lease arrangement to the sign owner which are
335 contiguous to the business conducted on the land except for
336 instances where such land is a narrow strip contiguous to the
337 advertised activity or is connected by such narrow strip, the
338 only viable use of such land is to erect or maintain an
339 advertising sign. If ~~When~~ the sign owner is a municipality or
340 county, the term means ~~"premises" shall mean~~ all lands owned or
341 leased by the ~~such~~ municipality or county within its
342 jurisdictional boundaries ~~as set forth by law~~.

343 (18)~~(19)~~ "Remove" means to disassemble all sign materials
344 above ground level and, transport such materials from the site,
345 ~~and dispose of sign materials by sale or destruction.~~

346 (19)~~(20)~~ "Sign" means any combination of structure and
347 message in the form of an outdoor sign, display, device, figure,
348 painting, drawing, message, placard, poster, billboard,

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349 advertising structure, advertisement, logo, symbol, or other
350 form, whether placed individually or on a V-type, back-to-back,
351 side-to-side, stacked, or double-faced display or automatic
352 changeable facing, designed, intended, or used to advertise or
353 inform, any part of the advertising message or informative
354 contents of which is visible from any place on the main-traveled
355 way. The term does not include an official traffic control sign,
356 official marker, or specific information panel erected, caused
357 to be erected, or approved by the department.

358 (20)~~(21)~~ "Sign direction" means the ~~that~~ direction from
359 which the message or informative contents are most visible to
360 oncoming traffic on the main-traveled way.

361 (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,
362 including trim and background, which contains the message or
363 informative contents, including an automatic changeable face.

364 (22)~~(23)~~ "Sign facing" includes all sign faces and
365 automatic changeable faces displayed at the same location and
366 facing the same direction.

367 (23)~~(24)~~ "Sign structure" means all the interrelated parts
368 and material, such as beams, poles, and stringers, which are
369 constructed for the purpose of supporting or displaying a
370 message or informative contents.

371 (24)~~(25)~~ "State Highway System" has the same meaning as in
372 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~
373 ~~highways or portions thereof designated as the State Highway~~
374 ~~System by the department.~~

375 ~~(26) "Unzoned commercial or industrial area" means a parcel~~
376 ~~of land designated by the future land use map of the~~
377 ~~comprehensive plan for multiple uses that include commercial or~~

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378 ~~industrial uses but are not specifically designated for~~
379 ~~commercial or industrial uses under the land development~~
380 ~~regulations, in which three or more separate and distinct~~
381 ~~conforming industrial or commercial activities are located.~~

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

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

386 ~~2. The commercial or industrial activities must be within~~
387 ~~660 feet from the nearest edge of the right-of-way; and~~

388 ~~3. The commercial industrial activities must be within~~
389 ~~1,600 feet of each other.~~

390
391 ~~Distances specified in this paragraph must be measured from the~~
392 ~~nearest outer edge of the primary building or primary building~~
393 ~~complex when the individual units of the complex are connected~~
394 ~~by covered walkways.~~

395 ~~(b) Certain activities, including, but not limited to, the~~
396 ~~following, may not be so recognized as commercial or industrial~~
397 ~~activities:~~

398 ~~1. Signs.~~

399 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~
400 ~~related activities, including, but not limited to, wayside fresh~~
401 ~~produce stands.~~

402 ~~3. Transient or temporary activities.~~

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

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

406 ~~6. Activities conducted in a building principally used as a~~

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407 ~~residence.~~

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

409 ~~8. Communication towers.~~

410 (25)~~(27)~~ "Urban area" has the same meaning as ~~defined~~ in s.
411 334.03~~(31)~~.

412 (26)~~(28)~~ "Visible commercial or industrial activity" means
413 a commercial or industrial activity that is capable of being
414 seen without visual aid by a person of normal visual acuity from
415 the main-traveled way and that is generally recognizable as
416 commercial or industrial.

417 (27)~~(29)~~ "Visible sign" means that the advertising message
418 or informative contents of a sign, whether or not legible, can
419 be ~~is capable of being~~ seen without visual aid by a person of
420 normal visual acuity.

421 (28)~~(30)~~ "Wall mural" means a sign that is a painting or an
422 artistic work composed of photographs or arrangements of color
423 and that displays a commercial or noncommercial message, relies
424 solely on the side of the building for rigid structural support,
425 and is painted on the building or depicted on vinyl, fabric, or
426 other similarly flexible material that is held in place flush or
427 flat against the surface of the building. The term excludes a
428 painting or work placed on a structure that is erected for the
429 sole or primary purpose of signage.

430 (29)~~(31)~~ "Zoning category" means the designation under the
431 land development regulations or other similar ordinance enacted
432 to regulate the use of land as provided in s. 163.3202(2)(b),
433 which designation sets forth the allowable uses, restrictions,
434 and limitations on use applicable to properties within the
435 category.

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436 Section 4. Section 479.02, Florida Statutes, is amended to
437 read:

438 479.02 Duties of the department. ~~It shall be the duty of~~
439 The department shall ~~to~~:

440 (1) Administer and enforce ~~the provisions of~~ this chapter,
441 ~~and~~ the 1972 agreement between the state and the United States
442 Department of Transportation ~~relating to the size, lighting, and~~
443 ~~spacing of signs in accordance with Title I of the Highway~~
444 ~~Beautification Act of 1965 and Title 23 of the,~~ United States
445 Code, and federal regulations, including, but not limited to,
446 those pertaining to the maintenance, continuance, and removal of
447 nonconforming signs in effect as of the effective date of this
448 act.

449 (2) Regulate size, height, lighting, and spacing of signs
450 permitted on commercial and industrial parcels and in unzoned
451 commercial or industrial areas ~~in zoned and unzoned commercial~~
452 ~~areas and zoned and unzoned industrial areas~~ on the interstate
453 highway system and the federal-aid primary highway system.

454 (3) Determine ~~unzoned commercial and industrial parcels and~~
455 unzoned commercial or ~~areas and unzoned industrial areas~~ in the
456 manner provided in s. 479.024.

457 (4) Implement a specific information panel program on the
458 limited access ~~interstate~~ highway system to promote tourist-
459 oriented businesses by providing directional information safely
460 and aesthetically.

461 (5) Implement a rest area information panel or devices
462 program at rest areas along the interstate highway system and
463 the federal-aid primary highway system to promote tourist-
464 oriented businesses.

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465 (6) Test and, if economically feasible, implement
466 alternative methods of providing information in the specific
467 interest of the traveling public which allow the traveling
468 public freedom of choice, conserve natural beauty, and present
469 information safely and aesthetically.

470 (7) Adopt such rules as the department ~~it~~ deems necessary
471 or proper for the administration of this chapter, including
472 rules that ~~which~~ identify activities that may not be recognized
473 as industrial or commercial activities for purposes of
474 determination of a an area as an unzoned commercial or
475 industrial parcel or an unzoned commercial or industrial area in
476 the manner provided in s. 479.024.

477 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
478 location of all signs on the state highway system, interstate
479 highway system, and federal-aid primary highway system to be
480 used as systems. ~~Upon completion of the inventory, it shall~~
481 ~~become~~ the database and permit information for all permitted
482 signs ~~permitted at the time of completion, and the previous~~
483 ~~records of the department shall be amended accordingly.~~ The
484 inventory shall be updated at least no less than every 2 years.
485 ~~The department shall adopt rules regarding what information is~~
486 ~~to be collected and preserved to implement the purposes of this~~
487 ~~chapter.~~ The department may perform the inventory using
488 department staff, or may contract with a private firm to perform
489 the work, whichever is more cost efficient. The department shall
490 maintain a database of sign inventory information such as sign
491 location, size, height, and structure type, the permittee's
492 ~~permitholder's~~ name, and any other information the department
493 finds necessary to administer the program.

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494 Section 5. Section 479.024, Florida Statutes, is created to
495 read:

496 479.024 Commercial and industrial parcels.—Signs shall be
497 permitted by the department only in commercial or industrial
498 zones, as determined by the local government, in compliance with
499 chapter 163, unless otherwise provided in this chapter.
500 Commercial and industrial zones are those areas appropriate for
501 commerce, industry, or trade, regardless of how those areas are
502 labeled.

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

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

506 (b) "Utilities" includes all privately, publicly, or
507 cooperatively owned lines, facilities, and systems for
508 producing, transmitting, or distributing communications, power,
509 electricity, light, heat, gas, oil, crude products, water,
510 steam, waste, and stormwater not connected with the highway
511 drainage, and other similar commodities.

512 (2) The determination as to zoning by the local government
513 for the parcel must meet all of the following criteria:

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

516 (b) The parcel can reasonably accommodate a commercial or
517 industrial use under the future land use map of the
518 comprehensive plan and land use development regulations, as
519 follows:

520 1. Sufficient utilities are available to support commercial
521 or industrial development; and

522 2. The size, configuration, and public access of the parcel

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523 are sufficient to accommodate a commercial or industrial use,
524 given the requirements in the comprehensive plan and land
525 development regulations for vehicular access, on-site
526 circulation, building setbacks, buffering, parking, and other
527 applicable standards or the parcel consists of railroad tracks
528 or minor sidings abutting commercial or industrial property that
529 meets the criteria of this subsection.

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

532 (3) If a local government has not designated zoning through
533 land development regulations in compliance with chapter 163 but
534 has designated the parcel under the future land use map of the
535 comprehensive plan for uses that include commercial or
536 industrial uses, the parcel shall be considered an unzoned
537 commercial or industrial area. For a permit to be issued for a
538 sign in an unzoned commercial or industrial area, there must be
539 three or more distinct commercial or industrial activities
540 within 1,600 feet of each other, with at least one of the
541 commercial or industrial activities located on the same side of
542 the highway as, and within 800 feet of, the sign location.
543 Multiple commercial or industrial activities enclosed in one
544 building shall be considered one use if all activities have only
545 shared building entrances.

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

549 (a) Signs.

550 (b) Agricultural, forestry, ranching, grazing, farming, and
551 related activities, including, but not limited to, wayside fresh

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552 produce stands.

553 (c) Transient or temporary activities.

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

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

559 (f) Activities conducted in a building principally used as
560 a residence.

561 (g) Railroad tracks and minor sidings, unless the tracks
562 and sidings are abutted by a commercial or industrial property
563 that meets the criteria in subsection (2).

564 (h) Communication towers.

565 (i) Public parks, public recreation services, and
566 governmental uses and activities that take place in a structure
567 that serves as the permanent public meeting place for local,
568 state, or federal boards, commissions, or courts.

569 (5) If the local government has indicated that the proposed
570 sign location is on a parcel that is in a commercial or
571 industrial zone but the department finds that it is not, the
572 department shall notify the sign applicant in writing of its
573 determination.

574 (6) An applicant whose application for a permit is denied
575 may request, within 30 days after the receipt of the
576 notification of intent to deny, an administrative hearing
577 pursuant to chapter 120 for a determination of whether the
578 parcel is located in a commercial or industrial zone. Upon
579 receipt of such request, the department shall notify the local
580 government that the applicant has requested an administrative

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581 hearing pursuant to chapter 120.

582 (7) If the department determines in a final order that the
 583 parcel does not meet the permitting conditions in this section
 584 and a sign exists on the parcel, the applicant shall remove the
 585 sign within 30 days after the date of the order. The applicant
 586 is responsible for all sign removal costs.

587 (8) If the Federal Highway Administration reduces funds
 588 that would otherwise be apportioned to the department due to a
 589 local government's failure to comply with this section, the
 590 department shall reduce transportation funding apportioned to
 591 the local government by an equivalent amount.

592 Section 6. Section 479.03, Florida Statutes, is amended to
 593 read:

594 479.03 Jurisdiction of the Department of Transportation;
 595 entry upon privately owned lands.—The territory under the
 596 jurisdiction of the department for the purpose of this chapter
 597 includes ~~shall include~~ all the state. Employees, agents, or
 598 independent contractors working for the department, in the
 599 performance of their functions and duties under the provisions
 600 of this chapter, may enter into and upon any land upon which a
 601 sign is displayed, is proposed to be erected, or is being
 602 erected and make such inspections, surveys, and removals as may
 603 be relevant. Upon written notice to ~~After receiving consent by~~
 604 the landowner, operator, or person in charge of an intervening
 605 privately owned land that ~~or appropriate inspection warrant~~
 606 ~~issued by a judge of any county court or circuit court of this~~
 607 ~~state which has jurisdiction of the place or thing to be~~
 608 ~~removed,~~ that the removal of an illegal outdoor advertising sign
 609 is necessary and has been authorized by a final order or results

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610 from an uncontested notice to the sign owner, the department may
611 ~~shall be authorized to~~ enter upon any intervening privately
612 owned lands for the purposes of effectuating removal of illegal
613 signs. ~~, provided that~~ The department may enter intervening
614 privately owned lands ~~shall~~ only ~~do so~~ in circumstances where it
615 has determined that ~~no~~ other legal or economically feasible
616 means of entry to the sign site are not reasonably available.
617 Except as otherwise provided by this chapter, the department is
618 ~~shall be~~ responsible for the repair or replacement in a like
619 manner for any physical damage or destruction of private
620 property, other than the sign, incidental to the department's
621 entry upon such intervening privately owned lands.

622 Section 7. Section 479.04, Florida Statutes, is amended to
623 read:

624 479.04 Business of outdoor advertising; license
625 requirement; renewal; fees.—

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

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

636 Section 8. Section 479.05, Florida Statutes, is amended to
637 read:

638 479.05 Denial, suspension, or revocation of license.—The

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639 department may ~~has authority to~~ deny, suspend, or revoke a any
640 license requested or granted under this chapter in any case in
641 which it determines that the application for the license
642 contains ~~knowingly~~ false or misleading information of material
643 consequence, that the licensee has failed to pay fees or costs
644 owed to the department for outdoor advertising purposes, or that
645 the licensee has violated any of the provisions of this chapter,
646 unless such licensee, within 30 days after the receipt of notice
647 by the department, corrects such false or misleading
648 information, pays the outstanding amounts, or complies with ~~the~~
649 ~~provisions of~~ this chapter. Suspension of a license allows the
650 licensee to maintain existing sign permits, but the department
651 may not grant a transfer of an existing permit or issue an
652 additional permit to a licensee with a suspended license. A Any
653 person aggrieved by an any action of the department which
654 denies, suspends, or revokes ~~in denying or revoking~~ a license
655 under this chapter may, within 30 days after ~~from~~ the receipt of
656 the notice, apply to the department for an administrative
657 hearing pursuant to chapter 120.

658 Section 9. Section 479.07, Florida Statutes, is amended to
659 read:

660 479.07 Sign permits.—

661 (1) Except as provided in ss. 479.105(1) ~~(e)~~ and 479.16, a
662 person may not erect, operate, use, or maintain, or cause to be
663 erected, operated, used, or maintained, any sign on the State
664 Highway System outside an urban area, ~~as defined in s.~~
665 ~~334.03(31),~~ or on any portion of the interstate or federal-aid
666 primary highway system without first obtaining a permit for the
667 sign from the department and paying the annual fee as provided

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668 in this section. As used in this section, the term "on any
669 portion of the State Highway System, interstate highway system,
670 or federal-aid primary system" means a sign located within the
671 controlled area which is visible from any portion of the main-
672 traveled way of such system.

673 (2) ~~A person may not apply for a permit unless he or she~~
674 ~~has first obtained the~~ Written permission of the owner or other
675 person in lawful possession or control of the site designated as
676 the location of the sign is required for issuance of a ~~in the~~
677 ~~application for the permit.~~

678 (3) (a) An application for a sign permit must be made on a
679 form prescribed by the department, and a separate application
680 must be submitted for each permit requested. A permit is
681 required for each sign facing.

682 (b) As part of the application, the applicant or his or her
683 authorized representative must certify ~~in a notarized signed~~
684 ~~statement~~ that all information provided in the application is
685 true and correct ~~and that, pursuant to subsection (2), he or she~~
686 ~~has obtained the written permission of the owner or other person~~
687 ~~in lawful possession of the site designated as the location of~~
688 ~~the sign in the permit application.~~ Each Every permit
689 application must be accompanied by the appropriate permit fee; a
690 signed statement by the owner or other person in lawful control
691 of the site on which the sign is located or will be erected,
692 authorizing the placement of the sign on that site; ~~and, where~~
693 ~~local governmental regulation of signs exists,~~ a statement from
694 the appropriate local governmental official indicating that the
695 sign complies with all local government ~~governmental~~
696 requirements; and, if a local government permit is required for

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697 a sign, a statement that the agency or unit of local government
698 will issue a permit to that applicant upon approval of the state
699 permit application by the department.

700 (c) The annual permit fee for each sign facing shall be
701 established by the department by rule in an amount sufficient to
702 offset the total cost to the department for the program, but may
703 shall not be greater than exceed \$100. ~~The A fee may not be~~
704 ~~prorated for a period less than the remainder of the permit year~~
705 ~~to accommodate short term publicity features; however, a first-~~
706 ~~year fee may be prorated by payment of an amount equal to one-~~
707 ~~fourth of the annual fee for each remaining whole quarter or~~
708 ~~partial quarter of the permit year. Applications received after~~
709 ~~the end of the third quarter of the permit year must include~~
710 ~~fees for the last quarter of the current year and fees for the~~
711 ~~succeeding year.~~

712 (4) An application for a permit shall be acted on by
713 granting, denying, or returning the incomplete application ~~the~~
714 ~~department~~ within 30 days after receipt of the application by
715 the department.

716 (5) (a) For each permit issued, the department shall furnish
717 to the applicant a serially numbered permanent metal permit tag.
718 The permittee is responsible for maintaining a valid permit tag
719 on each permitted sign facing at all times. The tag shall be
720 securely attached to the upper 50 percent of the sign structure,
721 and ~~sign facing or, if there is no facing, on the pole nearest~~
722 ~~the highway; and it shall be attached in such a manner as to be~~
723 ~~plainly visible from the main-traveled way. Effective July 1,~~
724 ~~2012, the tag must be securely attached to the upper 50 percent~~
725 ~~of the pole nearest the highway and must be attached in such a~~

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726 ~~manner as to be plainly visible from the main traveled way. The~~
727 ~~permit becomes void unless the permit tag must be is properly~~
728 ~~and permanently displayed at the permitted site within 30 days~~
729 ~~after the date of permit issuance. If the permittee fails to~~
730 ~~erect a completed sign on the permitted site within 270 days~~
731 ~~after the date on which the permit was issued, the permit will~~
732 ~~be void, and the department may not issue a new permit to that~~
733 ~~permittee for the same location for 270 days after the date on~~
734 ~~which the permit becomes ~~became~~ void.~~

735 (b) If a permit tag is lost, stolen, or destroyed, the
736 permittee to whom the tag was issued must apply to the
737 department for a replacement tag. The department shall adopt a
738 rule establishing a service fee for replacement tags in an
739 amount that will recover the actual cost of providing the
740 replacement tag. Upon receipt of the application accompanied by
741 the service fee, the department shall issue a replacement permit
742 tag. ~~Alternatively, the permittee may provide its own~~
743 ~~replacement tag pursuant to department specifications that the~~
744 ~~department shall adopt by rule at the time it establishes the~~
745 ~~service fee for replacement tags.~~

746 (6) A permit is valid only for the location specified in
747 the permit. Valid permits may be transferred from one sign owner
748 to another upon written acknowledgment from the current
749 permittee and submittal of a transfer fee of \$5 for each permit
750 to be transferred. However, the maximum transfer fee for any
751 multiple transfer between two outdoor advertisers in a single
752 transaction is \$1,000 ~~\$100~~.

753 (7) A permittee shall at all times maintain the permission
754 of the owner or other person in lawful control of the sign site

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755 in order to have and maintain a sign at such site.

756 (8) (a) In order to reduce peak workloads, the department
757 may adopt rules providing for staggered expiration dates for
758 licenses and permits. Unless otherwise provided for by rule, all
759 licenses and permits expire annually on January 15. All license
760 and permit renewal fees are required to be submitted to the
761 department by no later than the expiration date. At least 105
762 days before ~~prior to~~ the expiration date of licenses and
763 permits, the department shall send to each permittee a notice of
764 fees due for all licenses and permits that ~~which~~ were issued to
765 him or her before ~~prior to~~ the date of the notice. Such notice
766 must ~~shall~~ list the permits and the permit fees due for each
767 sign facing. The permittee shall, no later than 45 days before
768 ~~prior to~~ the expiration date, advise the department of any
769 additions, deletions, or errors contained in the notice. Permit
770 tags that ~~which~~ are not renewed shall be returned to the
771 department for cancellation by the expiration date. Permits that
772 ~~which~~ are not renewed or are canceled shall be certified in
773 writing at that time as canceled or not renewed by the
774 permittee, and permit tags for such permits shall be returned to
775 the department or shall be accounted for by the permittee in
776 writing, which writing shall be submitted with the renewal fee
777 payment or the cancellation certification. However, failure of a
778 permittee to submit a permit cancellation does ~~shall~~ not affect
779 the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a
780 permit, the permittee shall provide written notice to all
781 persons or entities having a right to advertise on the sign that
782 the permittee intends to cancel the permit.

783 (b) If a permittee has not submitted his or her fee payment

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784 by the expiration date of the licenses or permits, the
785 department shall send a notice of violation to the permittee
786 within 45 days after the expiration date, requiring the payment
787 of the permit fee within 30 days after the date of the notice
788 and payment of a delinquency fee equal to 10 percent of the
789 original amount due or, in the alternative to these payments,
790 requiring the filing of a request for an administrative hearing
791 to show cause why the ~~his or her~~ sign should not be subject to
792 immediate removal due to expiration of his or her license or
793 permit. If the permittee submits payment as required by the
794 violation notice, the ~~his or her~~ license or permit shall ~~will~~ be
795 automatically reinstated and such reinstatement is ~~will be~~
796 retroactive to the original expiration date. If the permittee
797 does not respond to the notice of violation within the 30-day
798 period, the department shall, within 30 days, issue a final
799 notice of sign removal and may, following 90 days after the date
800 of the department's final notice of sign removal, remove the
801 sign without incurring any liability as a result of such
802 removal. However, if at any time before removal of the sign, the
803 permittee demonstrates that a good faith error on the part of
804 the permittee resulted in cancellation or nonrenewal of the
805 permit, the department may reinstate the permit if:

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

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

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

812 (c) Conflicting applications filed by other persons for the

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813 same or competing sites covered by a permit subject to paragraph
814 (b) may not be approved until after the sign subject to the
815 expired permit has been removed.

816 (d) The cost for removing a sign, ~~whether~~ by the department
817 or an independent contractor, shall be assessed by the
818 department against the permittee.

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

822 1. One thousand five hundred feet from any other permitted
823 sign on the same side of the highway, if on an interstate
824 highway.

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

827

828 The minimum spacing provided in this paragraph does not preclude
829 the permitting of V-type, back-to-back, side-to-side, stacked,
830 or double-faced signs at the permitted sign site. If a sign is
831 visible to more than one highway subject to the jurisdiction of
832 the department and within the controlled area of the highways
833 ~~from the controlled area of more than one highway subject to the~~
834 ~~jurisdiction of the department~~, the sign must ~~shall~~ meet the
835 permitting requirements of all highways, and, ~~if the sign meets~~
836 ~~the applicable permitting requirements~~, be permitted to, the
837 highway having the more stringent permitting requirements.

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

841 1. Exceeds 50 feet in sign structure height above the crown

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842 of the main-traveled way to which the sign is permitted, if
843 outside an incorporated area;

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

847 3. Exceeds 950 square feet of sign facing including all
848 embellishments.

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

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

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

863 3. The local government notifies the department of its
864 intention to allow such removal and replacement as agreed upon
865 pursuant to subparagraph 2.

866 ~~4. The new or replacement sign to be erected on an~~
867 ~~interstate highway within that jurisdiction is to be located on~~
868 ~~a parcel of land specifically designated for commercial or~~
869 ~~industrial use under both the future land use map of the~~
870 ~~comprehensive plan and the land use development regulations~~

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871 ~~adopted pursuant to chapter 163, and such parcel shall not be~~
872 ~~subject to an evaluation in accordance with the criteria set~~
873 ~~forth in s. 479.01(26) to determine if the parcel can be~~
874 ~~considered an unzoned commercial or industrial area.~~

875

876 ~~The department shall maintain statistics tracking the use of the~~
877 ~~provisions of this pilot program based on the notifications~~
878 ~~received by the department from local governments under this~~
879 ~~paragraph.~~

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

882 (10) Commercial or industrial zoning that ~~which~~ is not
883 comprehensively enacted or that ~~which~~ is enacted primarily to
884 permit signs may ~~shall~~ not be recognized as commercial or
885 industrial zoning for purposes of this provision, and permits
886 may ~~shall~~ not be issued for signs in such areas. The department
887 shall adopt rules that ~~within 180 days after this act takes~~
888 ~~effect which shall~~ provide criteria to determine whether such
889 zoning is comprehensively enacted or enacted primarily to permit
890 signs.

891 Section 10. Section 479.08, Florida Statutes, is amended to
892 read:

893 479.08 Denial or revocation of permit.—The department may
894 deny or revoke a ~~any~~ permit requested or granted under this
895 chapter in any case in which it determines that the application
896 for the permit contains ~~knowingly~~ false or misleading
897 information of material consequence. The department may revoke a
898 ~~any~~ permit granted under this chapter in any case in which the
899 permittee has violated ~~any of the provisions of this chapter,~~

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900 unless such permittee, within 30 days after the receipt of
901 notice by the department, complies with ~~the provisions of~~ this
902 chapter. For the purpose of this section, the notice of
903 violation issued by the department must describe in detail the
904 alleged violation. A ~~Any~~ person aggrieved by any action of the
905 department in denying or revoking a permit under this chapter
906 may, within 30 days after receipt of the notice, apply to the
907 department for an administrative hearing pursuant to chapter
908 120. If a timely request for hearing has been filed and the
909 department issues a final order revoking a permit, such
910 revocation shall be effective 30 days after the date of
911 rendition. Except for department action pursuant to s.
912 479.107(1), the filing of a timely and proper notice of appeal
913 shall operate to stay the revocation until the department's
914 action is upheld.

915 Section 11. Section 479.10, Florida Statutes, is amended to
916 read:

917 479.10 Sign removal following permit revocation or
918 cancellation.—A sign shall be removed by the permittee within 30
919 days after the date of revocation or cancellation of the permit
920 for the sign. If the permittee fails to remove the sign within
921 the 30-day period, the department shall remove the sign at the
922 permittee's expense with or without further notice and without
923 incurring any liability as a result of such removal.

924 Section 12. Section 479.105, Florida Statutes, is amended
925 to read:

926 479.105 Signs erected or maintained without required
927 permit; removal.—

928 (1) A ~~Any~~ sign that ~~which~~ is located adjacent to the right-

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929 of-way of any highway on the State Highway System outside an
930 incorporated area or adjacent to the right-of-way on any portion
931 of the interstate or federal-aid primary highway system, which
932 sign was erected, operated, or maintained without the permit
933 required by s. 479.07(1) having been issued by the department,
934 is declared to be a public nuisance and a private nuisance and
935 shall be removed as provided in this section.

936 (a) Upon a determination by the department that a sign is
937 in violation of s. 479.07(1), the department shall prominently
938 post on the sign, or as close to the sign as possible for a
939 location in which the sign is not easily accessible, face a
940 notice stating that the sign is illegal and must be removed
941 within 30 days after the date on which the notice was posted.
942 ~~However, if the sign bears the name of the licensee or the name~~
943 ~~and address of the nonlicensed sign owner,~~ The department shall,
944 concurrently with and in addition to posting the notice on the
945 sign, provide a written notice to the owner of the sign, the
946 advertiser displayed on the sign, or the owner of the property,
947 stating that the sign is illegal and must be permanently removed
948 within the 30-day period specified on the posted notice. The
949 written notice shall further state that ~~the sign owner has a~~
950 ~~right to request~~ a hearing may be requested and that the, ~~which~~
951 request must be filed with the department within 30 days after
952 receipt the date of the written notice. However, the filing of a
953 request for a hearing will not stay the removal of the sign.

954 (b) If, pursuant to the notice provided, the sign is not
955 removed by the ~~sign~~ owner of the sign, the advertiser displayed
956 on the sign, or the owner of the property within the prescribed
957 period, the department shall immediately remove the sign without

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958 further notice; and, for that purpose, the employees, agents, or
959 independent contractors of the department may enter upon private
960 property without incurring any liability for so entering.

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

964 1. If the sign meets the current requirements of this
965 chapter for a sign permit, the sign owner may submit the
966 required application package and receive a permit as a
967 conforming sign, upon payment of all applicable fees.

968 2. If the sign does not meet the current requirements of
969 this chapter for a sign permit and has never been exempt from
970 the requirement that a permit be obtained, the sign owner may
971 receive a permit as a nonconforming sign if the department
972 determines that the sign is not located on state right-of-way
973 and is not a safety hazard, and if the sign owner pays a penalty
974 fee of \$300 and all pertinent fees required by this chapter,
975 including annual permit renewal fees payable since the date of
976 the erection of the sign, and attaches to the permit application
977 package documentation that demonstrates that:

978 a. The sign has been unpermitted, structurally unchanged,
979 and continuously maintained at the same location for 7 years or
980 more;

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

985 c. The department has not initiated a notice of violation
986 or taken other action to remove the sign during the initial 7-

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987 year period in which the sign has been subject to the
988 jurisdiction of the department.

989 (d) This subsection does not cause a neighboring sign that
990 is permitted and that is within the spacing requirements under
991 s. 479.07(9) (a) to become nonconforming.

992 (e)~~(e)~~ For purposes of this subsection, a notice to the
993 sign owner, when required, constitutes sufficient notice.~~;~~ and
994 Notice is not required to be provided to the lessee, advertiser,
995 or the owner of the real property on which the sign is located.

996 (f)~~(d)~~ If, after a hearing, it is determined that a sign
997 has been wrongfully or erroneously removed pursuant to this
998 subsection, the department, at the sign owner's discretion,
999 shall either pay just compensation to the owner of the sign or
1000 reerect the sign in kind at the expense of the department.

1001 ~~(e) However, if the sign owner demonstrates to the~~
1002 ~~department that:~~

1003 ~~1. The sign has been unpermitted, structurally unchanged,~~
1004 ~~and continuously maintained at the same location for a period of~~
1005 ~~7 years or more;~~

1006 ~~2. At any time during the period in which the sign has been~~
1007 ~~erected, the sign would have met the criteria established in~~
1008 ~~this chapter for issuance of a permit;~~

1009 ~~3. The department has not initiated a notice of violation~~
1010 ~~or taken other action to remove the sign during the initial 7-~~
1011 ~~year period described in subparagraph 1.; and~~

1012 ~~4. The department determines that the sign is not located~~
1013 ~~on state right-of-way and is not a safety hazard,~~

1014
1015 ~~the sign may be considered a conforming or nonconforming sign~~

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1016 ~~and may be issued a permit by the department upon application in~~
1017 ~~accordance with this chapter and payment of a penalty fee of~~
1018 ~~\$300 and all pertinent fees required by this chapter, including~~
1019 ~~annual permit renewal fees payable since the date of the~~
1020 ~~erection of the sign.~~

1021 (2) (a) If a sign is under construction and the department
1022 determines that a permit has not been issued for the sign as
1023 required under ~~the provisions of~~ this chapter, the department
1024 may ~~is authorized to~~ require that all work on the sign cease
1025 until the sign owner shows that the sign does not violate ~~the~~
1026 ~~provisions of~~ this chapter. The order to cease work shall be
1027 prominently posted on the sign structure, and ~~no~~ further notice
1028 is not required ~~to be given~~. The failure of a sign owner or her
1029 or his agents to immediately comply with the order subjects
1030 ~~shall subject~~ the sign to prompt removal by the department.

1031 (b) For the purposes of this subsection only, a sign is
1032 under construction when it is in any phase of initial
1033 construction before ~~prior to~~ the attachment and display of the
1034 advertising message in final position for viewing by the
1035 traveling public. A sign that is undergoing routine maintenance
1036 or change of the advertising message only is not considered to
1037 be under construction for the purposes of this subsection.

1038 (3) The cost of removing a sign, ~~whether~~ by the department
1039 or an independent contractor, shall be assessed against the
1040 owner of the sign by the department.

1041 Section 13. Subsections (5) and (7) of section 479.106,
1042 Florida Statutes, are amended to read:

1043 479.106 Vegetation management.—

1044 (5) The department may only grant a permit pursuant to s.

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1045 479.07 for a new sign ~~that~~ ~~which~~ requires the removal, cutting,
1046 or trimming of existing trees or vegetation on public right-of-
1047 way for the sign face to be visible from the highway the sign
1048 will be permitted to when the sign owner has removed at least
1049 two nonconforming signs of approximate comparable size and
1050 surrendered the permits for the nonconforming signs to the
1051 department for cancellation. For signs originally permitted
1052 after July 1, 1996, the first application, or application for a
1053 change of view zone, no permit for the removal, cutting, or
1054 trimming of trees or vegetation along the highway the sign is
1055 permitted to shall require the removal of two nonconforming
1056 signs, in addition to mitigation or contribution to a plan of
1057 mitigation. The department may not grant a permit for the
1058 removal, cutting, or trimming of trees for a sign permitted
1059 after July 1, 1996, if the shall be granted where such trees are
1060 or the vegetation is ~~are~~ part of a beautification project
1061 implemented before ~~prior to~~ the date of the original sign permit
1062 application and if, ~~when~~ the beautification project is
1063 specifically identified in the department's construction plans,
1064 permitted landscape projects, or agreements.

1065 (7) Any person engaging in removal, cutting, or trimming of
1066 trees or vegetation in violation of this section or benefiting
1067 from such actions shall be subject to an administrative penalty
1068 of up to \$1,000 per sign facing and required to mitigate for the
1069 unauthorized removal, cutting, or trimming in such manner and in
1070 such amount as may be required under the rules of the
1071 department.

1072 Section 14. Subsection (5) of section 479.107, Florida
1073 Statutes, is amended to read:

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1074 479.107 Signs on highway rights-of-way; removal.—

1075 (5) The cost of removing a sign, ~~whether~~ by the department
1076 or an independent contractor, shall be assessed by the
1077 department against the owner of the sign. ~~Furthermore, the~~
1078 ~~department shall assess a fine of \$75 against the sign owner for~~
1079 ~~any sign which violates the requirements of this section.~~

1080 Section 15. Section 479.111, Florida Statutes, is amended
1081 to read:

1082 479.111 Specified signs allowed within controlled portions
1083 of the interstate and federal-aid primary highway system.—Only
1084 the following signs shall be allowed within controlled portions
1085 of the interstate highway system and the federal-aid primary
1086 highway system as set forth in s. 479.11(1) and (2):

1087 (1) Directional or other official signs and notices that
1088 ~~which~~ conform to 23 C.F.R. ss. 750.151-750.155.

1089 (2) Signs in commercial-zoned and industrial-zoned areas or
1090 commercial-unzoned and industrial-unzoned areas and within 660
1091 feet of the nearest edge of the right-of-way, subject to the
1092 requirements set forth in the 1972 agreement between the state
1093 and the United States Department of Transportation.

1094 (3) Signs for which permits are not required under s.
1095 479.16.

1096 Section 16. Section 479.15, Florida Statutes, is amended to
1097 read:

1098 479.15 Harmony of regulations.—

1099 (1) A ~~No~~ zoning board or commission or other public officer
1100 or agency may not ~~shall~~ issue a permit to erect a ~~any~~ sign that
1101 ~~which~~ is prohibited under ~~the provisions of~~ this chapter or the
1102 rules of the department, and ~~nor shall~~ the department may not

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1103 issue a permit for a any sign that ~~which~~ is prohibited by any
1104 other public board, officer, or agency in the lawful exercise of
1105 its powers.

1106 (2) A municipality, county, local zoning authority, or
1107 other local governmental entity may not remove, or cause to be
1108 removed, a any lawfully erected sign along any portion of the
1109 interstate or federal-aid primary highway system without first
1110 paying just compensation for such removal. A local governmental
1111 entity may not cause in any way the alteration of a any lawfully
1112 erected sign located along any portion of the interstate or
1113 federal-aid primary highway system without payment of just
1114 compensation if such alteration constitutes a taking under state
1115 law. The municipality, county, local zoning authority, or other
1116 local governmental ~~government~~ entity that adopts requirements
1117 for such alteration shall pay just compensation to the sign
1118 owner if such alteration constitutes a taking under state law.
1119 This subsection applies only to a lawfully erected sign the
1120 subject matter of which relates to premises other than the
1121 premises on which it is located or to merchandise, services,
1122 activities, or entertainment not sold, produced, manufactured,
1123 or furnished on the premises on which the sign is located. ~~As~~
1124 ~~used in this subsection, the term "federal-aid primary highway~~
1125 ~~system" means the federal-aid primary highway system in~~
1126 ~~existence on June 1, 1991, and any highway that was not a part~~
1127 ~~of such system as of that date but that is or becomes after June~~
1128 ~~1, 1991, a part of the National Highway System. This subsection~~
1129 may shall not be interpreted as explicit or implicit legislative
1130 recognition that alterations do or do not constitute a taking
1131 under state law.

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1132 (3) It is the express intent of the Legislature to limit
1133 the state right-of-way acquisition costs on state and federal
1134 roads in eminent domain proceedings, ~~the provisions of ss.~~
1135 479.07 and 479.155 notwithstanding. Subject to approval by the
1136 Federal Highway Administration, if ~~whenever~~ public acquisition
1137 of land upon which is situated a lawful permitted ~~nonconforming~~
1138 sign occurs, as provided in this chapter, the sign may, at the
1139 election of its owner and the department, be relocated or
1140 reconstructed adjacent to the new right-of-way and in close
1141 proximity to the current site if along the roadway within 100
1142 feet of the current location, ~~provided the nonconforming~~ sign is
1143 not relocated in an area inconsistent with s. 479.024. ~~on a~~
1144 ~~parcel zoned residential, and provided further that~~ Such
1145 relocation is ~~shall be~~ subject to the ~~applicable~~ setback
1146 requirements in the 1972 agreement between the state and the
1147 United States Department of Transportation. The sign owner shall
1148 pay all costs associated with relocating or reconstructing a ~~any~~
1149 sign under this subsection, and ~~neither~~ the state or ~~nor~~ any
1150 local government may not ~~shall~~ reimburse the sign owner for such
1151 costs, unless part of such relocation costs is ~~are~~ required by
1152 federal law. If ~~no~~ adjacent property is not available for the
1153 relocation, the department is ~~shall be~~ responsible for paying
1154 the owner of the sign just compensation for its removal.

1155 (4) For a nonconforming sign, ~~Such relocation shall be~~
1156 ~~adjacent to the current site and the face of the sign~~ may ~~shall~~
1157 not be increased in size or height or structurally modified at
1158 the point of relocation in a manner inconsistent with the
1159 current building codes of the jurisdiction in which the sign is
1160 located.

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1161 (5) ~~If In the event that~~ relocation can be accomplished but
1162 is inconsistent with the ordinances of the municipality or
1163 county within whose jurisdiction the sign is located, the
1164 ordinances of the local government shall prevail if, provided
1165 ~~that~~ the local government assumes ~~shall assume~~ the
1166 responsibility to provide the owner of the sign just
1167 compensation for its removal, ~~but in no event shall~~
1168 Compensation paid by the local government may not be greater
1169 than exceed the compensation required under state or federal
1170 law. ~~Further, the provisions of~~ This section does ~~shall~~ not
1171 impair any agreement or future agreements between a municipality
1172 or county and the owner of a sign or signs within the
1173 jurisdiction of the municipality or county. ~~Nothing in this~~
1174 ~~section shall be deemed to cause a nonconforming sign to become~~
1175 ~~conforming solely as a result of the relocation allowed in this~~
1176 ~~section.~~

1177 (6) ~~The provisions of~~ Subsections (3), (4), and (5) do ~~of~~
1178 ~~this section shall~~ not apply within the jurisdiction of a any
1179 municipality that ~~which~~ is engaged in any litigation concerning
1180 its sign ordinance on April 23, 1999, and the subsections do not
1181 ~~nor shall such provisions~~ apply to a any municipality whose
1182 boundaries are identical to the county within which the said
1183 municipality is located.

1184 (7) This section does not cause a neighboring sign that is
1185 already permitted and that is within the spacing requirements
1186 established in s. 479.07(9)(a) to become nonconforming.

1187 Section 17. Section 479.156, Florida Statutes, is amended
1188 to read:

1189 479.156 Wall murals.—Notwithstanding any other provision of

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1190 this chapter, a municipality or county may permit and regulate
1191 wall murals within areas designated by such government. If a
1192 municipality or county permits wall murals, a wall mural that
1193 displays a commercial message and is within 660 feet of the
1194 nearest edge of the right-of-way within an area adjacent to the
1195 interstate highway system or the federal-aid primary highway
1196 system shall be located only in an area that is zoned for
1197 industrial or commercial use pursuant to s. 479.024. ~~and~~ The
1198 municipality or county shall establish and enforce rules
1199 ~~regulations~~ for such areas which that, at a minimum, set forth
1200 criteria governing the size, lighting, and spacing of wall
1201 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~
1202 ~~Highway Beautification Act of 1965~~ and with customary use. If
1203 ~~Whenever~~ a municipality or county exercises such control and
1204 makes a determination of customary use pursuant to 23 U.S.C. s.
1205 131(d), such determination shall be accepted in lieu of controls
1206 in the agreement between the state and the United States
1207 Department of Transportation, and the department shall notify
1208 the Federal Highway Administration pursuant to the agreement, 23
1209 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that
1210 is subject to municipal or county regulation and 23 U.S.C. s.
1211 131 ~~the Highway Beautification Act of 1965~~ must be approved by
1212 the Department of Transportation and the Federal Highway
1213 Administration when required by federal law and federal
1214 regulation under the agreement between the state and the United
1215 States Department of Transportation and federal regulations
1216 enforced by the Department of Transportation under s. 479.02(1).
1217 The existence of a wall mural as defined in s. 479.01~~(30)~~ must
1218 ~~shall~~ not be considered in determining whether a sign as defined

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1219 in s. 479.01(20), ~~either~~ existing or new, is in compliance with
1220 s. 479.07(9)(a).

1221 Section 18. Section 479.16, Florida Statutes, is amended to
1222 read:

1223 479.16 Signs for which permits are not required.—The
1224 following signs are exempt from the requirement that a permit
1225 for a sign be obtained under ~~the provisions of~~ this chapter but
1226 are required to comply with ~~the provisions of~~ s. 479.11(4)-(8),
1227 and the provisions of subsections (15)-(19) may not be
1228 implemented or continued if the Federal Government notifies the
1229 department that implementation or continuation will adversely
1230 affect the allocation of federal funds to the department:

1231 (1) Signs erected on the premises of an establishment,
1232 which ~~signs~~ consist primarily of the name of the establishment
1233 or ~~which~~ identify the principal or accessory merchandise,
1234 services, activities, or entertainment sold, produced,
1235 manufactured, or furnished on the premises of the establishment
1236 and which comply with the lighting restrictions imposed under
1237 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned
1238 by a municipality or a county located on the premises of such
1239 municipality or ~~such~~ county which display information regarding
1240 governmental government services, activities, events, or
1241 entertainment. For purposes of this section, the following types
1242 of messages are ~~shall not be~~ considered information regarding
1243 governmental government services, activities, events, or
1244 entertainment:

1245 (a) Messages that ~~which~~ specifically reference any
1246 commercial enterprise.

1247 (b) Messages that ~~which~~ reference a commercial sponsor of

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1248 any event.

1249 (c) Personal messages.

1250 (d) Political campaign messages.

1251

1252 If a sign located on the premises of an establishment consists
1253 principally of brand name or trade name advertising and the
1254 merchandise or service is only incidental to the principal
1255 activity, or if the owner of the establishment receives rental
1256 income from the sign, ~~then~~ the sign is not exempt under this
1257 subsection.

1258 (2) Signs erected, used, or maintained on a farm by the
1259 owner or lessee of such farm and relating solely to farm
1260 produce, merchandise, service, or entertainment sold, produced,
1261 manufactured, or furnished on such farm.

1262 (3) Signs posted or displayed on real property by the owner
1263 or by the authority of the owner, stating that the real property
1264 is for sale or rent. However, if the sign contains any message
1265 not pertaining to the sale or rental of the ~~that~~ real property,
1266 ~~then~~ it is not exempt under this section.

1267 (4) Official notices or advertisements posted or displayed
1268 on private property by or under the direction of any public or
1269 court officer in the performance of her or his official or
1270 directed duties, ~~r~~ or by trustees under deeds of trust or deeds of
1271 assignment or other similar instruments.

1272 (5) Danger or precautionary signs relating to the premises
1273 on which they are located; forest fire warning signs erected
1274 under the authority of the Florida Forest Service of the
1275 Department of Agriculture and Consumer Services; and signs,
1276 notices, or symbols erected by the United States Government

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1277 under the direction of the United States Forest Forestry
1278 Service.

1279 (6) Notices of any railroad, bridge, ferry, or other
1280 transportation or transmission company necessary for the
1281 direction or safety of the public.

1282 (7) Signs, notices, or symbols for the information of
1283 aviators as to location, directions, and landings and conditions
1284 affecting safety in aviation erected or authorized by the
1285 department.

1286 (8) Signs or notices measuring up to 8 square feet in area
1287 which are erected or maintained upon property and which state
1288 ~~stating~~ only the name of the owner, lessee, or occupant of the
1289 premises ~~and not exceeding 8 square feet in area.~~

1290 (9) Historical markers erected by ~~duly constituted and~~
1291 authorized public authorities.

1292 (10) Official traffic control signs and markers erected,
1293 caused to be erected, or approved by the department.

1294 (11) Signs erected upon property warning the public against
1295 hunting and fishing or trespassing ~~thereon.~~

1296 (12) Signs ~~not in excess of~~ up to 8 square feet ~~which that~~
1297 are owned by and relate to the facilities and activities of
1298 churches, civic organizations, fraternal organizations,
1299 charitable organizations, or units or agencies of government.

1300 (13) ~~Except that~~ Signs placed on benches, transit shelters,
1301 modular news racks, street light poles, public pay telephones,
1302 and waste receptacles, within the right-of-way, as provided for
1303 in s. 337.408 are exempt from ~~all provisions of~~ this chapter.

1304 (14) Signs relating exclusively to political campaigns.

1305 (15) Signs measuring up to ~~not in excess of~~ 16 square feet

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1306 placed at a road junction with the State Highway System denoting
1307 only the distance or direction of a residence or farm operation,
1308 or, outside an incorporated in a rural area where a hardship is
1309 created because a small business is not visible from the road
1310 junction with the State Highway System, one sign measuring up to
1311 ~~not in excess of~~ 16 square feet, denoting only the name of the
1312 business and the distance and direction to the business. ~~The~~
1313 ~~small business sign provision of this subsection does not apply~~
1314 ~~to charter counties and may not be implemented if the Federal~~
1315 ~~Government notifies the department that implementation will~~
1316 ~~adversely affect the allocation of federal funds to the~~
1317 ~~department.~~

1318 (16) Signs placed by a local tourist-oriented business
1319 located within a rural area of critical economic concern as
1320 defined in s. 288.0656(2) which are:

1321 (a) Not more than 8 square feet in size or more than 4 feet
1322 in height;

1323 (b) Located only in rural areas on a facility that does not
1324 meet the definition of a limited access facility, as defined in
1325 s. 334.03;

1326 (c) Located within 2 miles of the business location and at
1327 least 500 feet apart;

1328 (d) Located only in two directions leading to the business;
1329 and

1330 (e) Not located within the road right-of-way.

1331
1332 A business placing such signs must be at least 4 miles from any
1333 other business using this exemption and may not participate in
1334 any other directional signage program by the department.

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1335 (17) Signs measuring up to 32 square feet denoting only the
1336 distance or direction of a farm operation which are erected at a
1337 road junction with the State Highway System, but only during the
1338 harvest season of the farm operation for up to 4 months.

1339 (18) Acknowledgment signs erected upon publicly funded
1340 school premises which relate to a specific public school club,
1341 team, or event and which are placed at least 1,000 feet from any
1342 other acknowledgment sign on the same side of the roadway. The
1343 sponsor information on an acknowledgment sign may constitute no
1344 more than 100 square feet of the sign. As used in this
1345 subsection, the term "acknowledgment sign" means a sign that is
1346 intended to inform the traveling public that a public school
1347 club, team, or event has been sponsored by a person, firm, or
1348 other entity.

1349 (19) Displays erected upon a sports facility, the content
1350 of which is directly related to the facility's activities or to
1351 the facility's products or services. Displays must be mounted
1352 flush to the surface of the sports facility and must rely upon
1353 the building facade for structural support. As used in this
1354 subsection, the term "sports facility" means an athletic
1355 complex, athletic arena, or athletic stadium, including
1356 physically connected parking facilities, which is open to the
1357 public and has a seating capacity of 15,000 or more permanently
1358 installed seats.

1359
1360 If the exemptions in subsections (15)-(19) are not implemented
1361 or continued due to notification from the Federal Government
1362 that the allocation of federal funds to the department will be
1363 adversely impacted, the department shall provide notice to the

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1364 sign owner that the sign must be removed within 30 days after
1365 receipt of the notice. If the sign is not removed within 30 days
1366 after receipt of the notice by the sign owner, the department
1367 may remove the sign, and the costs incurred in connection with
1368 the sign removal shall be assessed against and collected from
1369 the sign owner.

1370 Section 19. Section 479.24, Florida Statutes, is amended to
1371 read:

1372 479.24 Compensation for ~~removal~~ of signs; eminent domain;
1373 exceptions.-

1374 (1) Just compensation shall be paid by the department upon
1375 the department's acquisition ~~removal~~ of a lawful conforming or
1376 nonconforming sign along any portion of the interstate or
1377 federal-aid primary highway system. This section does not apply
1378 to a sign that ~~which~~ is illegal at the time of its removal. A
1379 sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~
1380 illegal at such time as it fails to be permitted or maintained
1381 in accordance with all applicable laws, rules, ordinances, or
1382 regulations other than the provision that ~~which~~ makes it
1383 nonconforming. A legal nonconforming sign under state law or
1384 rule does ~~will~~ not lose its nonconforming status solely because
1385 it additionally becomes nonconforming under an ordinance or
1386 regulation of a local governmental entity passed at a later
1387 date. The department shall make every reasonable effort to
1388 negotiate the purchase of the signs to avoid litigation and
1389 congestion in the courts.

1390 (2) The department is not required to remove any sign under
1391 this section if the federal share of the just compensation to be
1392 paid upon removal of the sign is not available to make such

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1393 payment, unless an appropriation by the Legislature for such
1394 purpose is made to the department.

1395 (3) (a) The department may ~~is authorized to~~ use the power of
1396 eminent domain when necessary to carry out ~~the provisions of~~
1397 this chapter.

1398 (b) If eminent domain procedures are instituted, just
1399 compensation shall be made pursuant to the state's eminent
1400 domain procedures, chapters 73 and 74.

1401 Section 20. Section 479.25, Florida Statutes, is amended to
1402 read:

1403 479.25 Erection of noise-attenuation barrier blocking view
1404 of sign; procedures; application.-

1405 (1) The owner of a lawfully erected sign that is governed
1406 by and conforms to state and federal requirements for land use,
1407 size, height, and spacing may increase the height above ground
1408 level of such sign at its permitted location if a noise-
1409 attenuation barrier is permitted by or erected by any
1410 governmental entity in such a way as to screen or block
1411 visibility of the sign. Any increase in height permitted under
1412 this section may only be the increase in height which is
1413 required to achieve the same degree of visibility from the
1414 right-of-way which the sign had before ~~prior to~~ the construction
1415 of the noise-attenuation barrier, notwithstanding the
1416 restrictions contained in s. 479.07(9)(b). A sign reconstructed
1417 under this section must ~~shall~~ comply with the building standards
1418 and wind load requirements provided ~~set forth~~ in the Florida
1419 Building Code. If construction of a proposed noise-attenuation
1420 barrier will screen a sign lawfully permitted under this
1421 chapter, the department shall provide notice to the local

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1422 government or local jurisdiction within which the sign is
1423 located before construction ~~prior to erection of the noise-~~
1424 ~~attenuation barrier~~. Upon a determination that an increase in
1425 the height of a sign as permitted under this section will
1426 violate ~~a provision contained in~~ an ordinance or a land
1427 development regulation of the local government or local
1428 jurisdiction, the local government or local jurisdiction shall,
1429 before construction ~~so notify the department~~. When notice has
1430 been received from the local government or local jurisdiction
1431 ~~prior to erection of the noise-attenuation barrier~~, the
1432 department shall:

1433 (a) Provide a variance or waiver to the local ordinance or
1434 land development regulations to ~~Conduct a written survey of all~~
1435 ~~property owners identified as impacted by highway noise and who~~
1436 ~~may benefit from the proposed noise-attenuation barrier~~. The
1437 ~~written survey shall inform the property owners of the location,~~
1438 ~~date, and time of the public hearing described in paragraph (b)~~
1439 ~~and shall specifically advise the impacted property owners that:~~

1440 1. ~~Erection of the noise-attenuation barrier may block the~~
1441 ~~visibility of an existing outdoor advertising sign;~~

1442 2. ~~The local government or local jurisdiction may restrict~~
1443 ~~or prohibit increasing the height of the existing outdoor~~
1444 ~~advertising sign to make it visible over the barrier; and~~

1445 3. ~~If a majority of the impacted property owners vote for~~
1446 ~~construction of the noise-attenuation barrier, the local~~
1447 ~~government or local jurisdiction will be required to:~~

1448 a. ~~allow an increase in the height of the sign in violation~~
1449 ~~of a local ordinance or land development regulation;~~

1450 (b) ~~b.~~ Allow the sign to be relocated or reconstructed at

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1451 another location if the sign owner agrees; or

1452 (c)~~e~~. Pay the fair market value of the sign and its
1453 associated interest in the real property.

1454 (2)~~(b)~~ The department shall hold a public hearing within
1455 the boundaries of the affected local governments or local
1456 jurisdictions to receive input on the proposed noise-attenuation
1457 barrier and its conflict with the local ordinance or land
1458 development regulation and to suggest or consider alternatives
1459 or modifications ~~to the proposed noise-attenuation barrier~~ to
1460 alleviate or minimize the conflict with the local ordinance or
1461 land development regulation or minimize any costs that may be
1462 associated with relocating, reconstructing, or paying for the
1463 affected sign. The public hearing may be held concurrently with
1464 other public hearings scheduled for the project. The department
1465 shall provide a written notification to the local government or
1466 local jurisdiction of the date and time of the public hearing
1467 and shall provide general notice of the public hearing in
1468 accordance with the notice provisions of s. 335.02(1). The
1469 notice may ~~shall~~ not be placed in that portion of a newspaper in
1470 which legal notices or classified advertisements appear. The
1471 notice must ~~shall~~ specifically state that:

1472 (a)~~1~~. Erection of the proposed noise-attenuation barrier
1473 may block the visibility of an existing outdoor advertising
1474 sign;

1475 (b)~~2~~. The local government or local jurisdiction may
1476 restrict or prohibit increasing the height of the existing
1477 outdoor advertising sign ~~to make it visible over the barrier;~~
1478 and

1479 (c)~~3~~. Upon ~~If a majority of the impacted property owners~~

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1480 ~~vote for~~ construction of the noise-attenuation barrier, the
 1481 local government or local jurisdiction shall ~~will be required~~
 1482 ~~to~~:

1483 ~~1.a.~~ Allow an increase in the height of the sign through a
 1484 waiver or variance to ~~in violation of~~ a local ordinance or land
 1485 development regulation;

1486 ~~2.b.~~ Allow the sign to be relocated or reconstructed at
 1487 another location if the sign owner agrees; or

1488 ~~3.e.~~ Pay the fair market value of the sign and its
 1489 associated interest in the real property.

1490 ~~(3)-(2)~~ The department may ~~shall~~ not permit erection of the
 1491 noise-attenuation barrier to the extent the barrier screens or
 1492 blocks visibility of the sign until after the public hearing is
 1493 held ~~and until such time as the survey has been conducted and a~~
 1494 ~~majority of the impacted property owners have indicated approval~~
 1495 ~~to erect the noise-attenuation barrier. When the impacted~~
 1496 ~~property owners approve of the noise-attenuation barrier~~
 1497 ~~construction, the department shall notify the local governments~~
 1498 ~~or local jurisdictions. The local government or local~~
 1499 ~~jurisdiction shall, notwithstanding the provisions of a~~
 1500 ~~conflicting ordinance or land development regulation:~~

1501 ~~(a) Issue a permit by variance or otherwise for the~~
 1502 ~~reconstruction of a sign under this section;~~

1503 ~~(b) Allow the relocation of a sign, or construction of~~
 1504 ~~another sign, at an alternative location that is permissible~~
 1505 ~~under the provisions of this chapter, if the sign owner agrees~~
 1506 ~~to relocate the sign or construct another sign; or~~

1507 ~~(c) Refuse to issue the required permits for reconstruction~~
 1508 ~~of a sign under this section and pay fair market value of the~~

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1509 ~~sign and its associated interest in the real property to the~~
1510 ~~owner of the sign.~~

1511 (4)~~(3)~~ This section does ~~shall~~ not apply to ~~the provisions~~
1512 ~~of~~ any existing written agreement executed before July 1, 2006,
1513 between any local government and the owner of an outdoor
1514 advertising sign.

1515 Section 21. Subsection (1) of section 479.261, Florida
1516 Statutes, is amended to read:

1517 479.261 Logo sign program.—

1518 (1) The department shall establish a logo sign program for
1519 the rights-of-way of the limited access ~~interstate~~ highway
1520 system to provide information to motorists about available gas,
1521 food, lodging, camping, attractions, and other services, as
1522 approved by the Federal Highway Administration, at interchanges
1523 through the use of business logos and may include additional
1524 interchanges under the program.

1525 (a) As used in this chapter, the term "attraction" means an
1526 establishment, site, facility, or landmark that is open a
1527 minimum of 5 days a week for 52 weeks a year; that has as its
1528 principal focus family-oriented entertainment, cultural,
1529 educational, recreational, scientific, or historical activities;
1530 and that is publicly recognized as a bona fide tourist
1531 attraction.

1532 (b) The department shall incorporate the use of RV-friendly
1533 markers on specific information logo signs for establishments
1534 that cater to the needs of persons driving recreational
1535 vehicles. Establishments that qualify for participation in the
1536 specific information logo program and that also qualify as "RV-
1537 friendly" may request the RV-friendly marker on their specific

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1538 information logo sign. An RV-friendly marker must consist of a
1539 design approved by the Federal Highway Administration. The
1540 department shall adopt rules ~~in accordance with chapter 120~~ to
1541 administer this paragraph. Such rules must establish minimum
1542 requirements for parking spaces, entrances and exits, and
1543 overhead clearance which must be met by, ~~including rules setting~~
1544 ~~forth the minimum requirements that establishments that wish~~
1545 ~~must meet in order to qualify as RV-friendly. These requirements~~
1546 ~~shall include large parking spaces, entrances, and exits that~~
1547 ~~can easily accommodate recreational vehicles and facilities~~
1548 ~~having appropriate overhead clearances, if applicable.~~

1549 Section 22. Subsection (1) of section 479.262, Florida
1550 Statutes, is amended to read:

1551 479.262 Tourist-oriented directional sign program.—

1552 (1) A tourist-oriented directional sign program to provide
1553 directions to rural tourist-oriented businesses, services, and
1554 activities may be established at intersections on rural and
1555 conventional state, county, or municipal roads only in rural
1556 ~~counties identified by criteria and population in s. 288.0656~~
1557 when approved and permitted by county or local governmental
1558 ~~government~~ entities within their respective jurisdictional areas
1559 ~~at intersections on rural and conventional state, county, or~~
1560 ~~municipal roads~~. A county or local government that ~~which~~ issues
1561 permits for a tourist-oriented directional sign program is ~~shall~~
1562 ~~be~~ responsible for sign construction, maintenance, and program
1563 operation in compliance with subsection (3) for roads on the
1564 state highway system and may establish permit fees sufficient to
1565 offset associated costs. A tourist-oriented directional sign may
1566 not be used on roads in urban areas or at interchanges on

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1567 freeways or expressways.

1568 Section 23. Section 479.313, Florida Statutes, is amended
1569 to read:

1570 479.313 Permit revocation and cancellation; cost of
1571 removal.—All costs incurred by the department in connection with
1572 the removal of a sign located within a controlled area adjacent
1573 to the State Highway System, interstate highway system, or
1574 federal-aid primary highway system following the revocation or
1575 cancellation of the permit for such sign shall be assessed
1576 against and collected from the permittee.

1577 Section 24. Section 76 of chapter 2012-174, Laws of
1578 Florida, is repealed.

1579 Section 25. This act shall take effect July 1, 2014.