

By the Committee on Transportation; and Senator Latvala

596-02948-14

20141048c1

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      providing that a public information system is subject  
12      to the requirements of the Highway Beautification Act  
13      of 1965 and all federal laws and agreements when  
14      applicable; deleting an exemption; amending s. 479.01,  
15      F.S., relating to outdoor advertising signs; revising  
16      and deleting definitions; amending s. 479.02, F.S.;  
17      revising duties of the Department of Transportation  
18      relating to signs; deleting a requirement that the  
19      department adopt certain rules; creating s. 479.024,  
20      F.S.; limiting the placement of signs to commercial or  
21      industrial zones; defining the terms "parcel" and  
22      "utilities"; requiring a local government to use  
23      specified criteria to determine zoning for commercial  
24      or industrial parcels; providing that certain parcels  
25      are considered unzoned commercial or industrial areas;  
26      authorizing a permit for a sign in an unzoned  
27      commercial or industrial area in certain  
28      circumstances; prohibiting specified uses and  
29      activities from being independently recognized as

596-02948-14

20141048c1

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

596-02948-14

20141048c1

59 relating to certain new or replacement signs; deleting  
60 provisions requiring maintenance of statistics on the  
61 pilot program; amending s. 479.08, F.S.; revising  
62 provisions relating to the denial or revocation of a  
63 permit because of false or misleading information in  
64 the permit application; amending s. 479.10, F.S.;  
65 authorizing the cancellation of a permit; amending s.  
66 479.105, F.S.; revising notice requirements to owners  
67 and advertisers relating to signs erected or  
68 maintained without a permit; revising procedures for  
69 the department to issue a permit as a conforming or  
70 nonconforming sign to the owner of an unpermitted  
71 sign; providing a penalty; amending s. 479.106, F.S.;  
72 revising provisions relating to the removal, cutting,  
73 or trimming of trees or vegetation to increase sign  
74 face visibility; providing that a specified penalty is  
75 applied per sign facing; amending s. 479.107, F.S.;  
76 deleting a fine for specified violations; amending s.  
77 479.11, F.S.; prohibiting signs on specified portions  
78 of the interstate highway system; amending s. 479.111,  
79 F.S.; clarifying a reference to a certain agreement;  
80 amending s. 479.15, F.S.; deleting a definition;  
81 revising provisions relating to relocation of certain  
82 signs on property subject to public acquisition;  
83 amending s. 479.156, F.S.; clarifying provisions  
84 relating to the regulation of wall murals; amending s.  
85 479.16, F.S.; exempting certain signs from ch. 479,  
86 F.S.; exempting from permitting certain signs placed  
87 by tourist-oriented businesses, certain farm signs

596-02948-14

20141048c1

88 placed during harvest seasons, certain acknowledgment  
89 signs on publicly funded school premises, and certain  
90 displays on specific sports facilities; prohibiting  
91 certain permit exemptions from being implemented or  
92 continued if the implementations or continuations will  
93 adversely impact the allocation of federal funds to  
94 the Department of Transportation; directing the  
95 department to notify a sign owner that the sign must  
96 be removed if federal funds are adversely impacted;  
97 authorizing the department to remove the sign and  
98 assess costs to the sign owner under certain  
99 circumstances; amending s. 479.24, F.S.; clarifying  
100 provisions relating to compensation paid for the  
101 department's acquisition of lawful signs; amending s.  
102 479.25, F.S.; revising provisions relating to local  
103 government action with respect to erection of noise-  
104 attenuation barriers that block views of lawfully  
105 erected signs; deleting provisions to conform to  
106 changes made by the act; amending s. 479.261, F.S.;  
107 expanding the logo program to the limited access  
108 highway system; conforming provisions related to a  
109 logo sign program on the limited access highway  
110 system; amending s. 479.262, F.S.; clarifying  
111 provisions relating to the tourist-oriented  
112 directional sign program; limiting the placement of  
113 such signs to intersections on certain rural roads;  
114 prohibiting such signs in urban areas or at  
115 interchanges on freeways or expressways; amending s.  
116 479.313, F.S.; requiring a permittee to pay the cost

596-02948-14

20141048c1

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

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

127  
128 Section 1. Section 339.041, Florida Statutes, is created to  
129 read:

130 339.041 Factoring of revenues from leases for wireless  
131 communication facilities.-

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

137 (a) Create a mechanism for factoring future revenues  
138 received by the department from leases for wireless  
139 communication facilities on department property on a nonrecourse  
140 basis;

141 (b) Fund fixed capital expenditures for the statewide  
142 transportation system from proceeds generated through this  
143 mechanism; and

144 (c) Maximize revenues from factoring by ensuring that such  
145 revenues are exempt from income taxation under federal law in

596-02948-14

20141048c1

146 order to increase funds available for capital expenditures.

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

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

163 (4) The department may not pledge the credit, the general  
164 revenues, or the taxing power of the state or of any political  
165 subdivision of the state. The obligations of the department and  
166 investors under the agreement do not constitute a general  
167 obligation of the state or a pledge of the full faith and credit  
168 or taxing power of the state. The agreement is payable from and  
169 secured solely by payments received from department leases for  
170 wireless communication facilities on property owned or  
171 controlled by the department, and neither the state nor any of  
172 its agencies has any liability beyond such payments.

173 (5) The department may make any covenant or representation  
174 necessary or desirable in connection with the agreement,

596-02948-14

20141048c1

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

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

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

198 Section 2. Section 373.618, Florida Statutes, is amended to  
199 read:

200 373.618 Public service warnings, alerts, and  
201 announcements.—The Legislature believes it is in the public  
202 interest that all water management districts created pursuant to  
203 s. 373.069 own, acquire, develop, construct, operate, and manage

596-02948-14

20141048c1

204 public information systems. Public information systems may be  
205 located on property owned by the water management district, upon  
206 terms and conditions approved by the water management district,  
207 and must display messages to the general public concerning water  
208 management services, activities, events, and sponsors, as well  
209 as other public service announcements, including watering  
210 restrictions, severe weather reports, amber alerts, and other  
211 essential information needed by the public. Local government  
212 review or approval is not required for a public information  
213 system owned or hereafter acquired, developed, or constructed by  
214 the water management district on its own property. A public  
215 information system is subject to ~~exempt from~~ the requirements of  
216 the Highway Beautification Act of 1965 and all federal laws and  
217 agreements when applicable ~~chapter 479~~. Water management  
218 district funds may not be used to pay the cost to acquire,  
219 develop, construct, operate, or manage a public information  
220 system. Any necessary funds for a public information system  
221 shall be paid for and collected from private sponsors who may  
222 display commercial messages.

223 Section 3. Section 479.01, Florida Statutes, is amended to  
224 read:

225 479.01 Definitions.—As used in this chapter, the term:

226 (1) "Allowable uses" means the intended uses identified in  
227 a local government's land development regulations which ~~these~~  
228 ~~uses that~~ are authorized within a zoning category as a use by  
229 right, without the requirement to obtain a variance or waiver.  
230 The term includes conditional uses and those allowed by special  
231 exception if such uses are a present and actual use, but does  
232 not include uses that are accessory, ancillary, incidental to



596-02948-14

20141048c1

233 the allowable uses, or allowed only on a temporary basis.

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

237 (3) "Business of outdoor advertising" means the business of  
238 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,  
239 or selling outdoor advertising structures, outdoor advertising  
240 signs, or outdoor advertisements.

241 ~~(4) "Commercial or industrial zone" means a parcel of land~~  
242 ~~designated for commercial or industrial uses under both the~~  
243 ~~future land use map of the comprehensive plan and the land use~~  
244 ~~development regulations adopted pursuant to chapter 163. If a~~  
245 ~~parcel is located in an area designated for multiple uses on the~~  
246 ~~future land use map of a comprehensive plan and the zoning~~  
247 ~~category of the land development regulations does not clearly~~  
248 ~~designate that parcel for a specific use, the area will be~~  
249 ~~considered an unzoned commercial or industrial area if it meets~~  
250 ~~the criteria of subsection (26).~~

251 (4)~~(5)~~ "Commercial use" means activities associated with  
252 the sale, rental, or distribution of products or the performance  
253 of services. The term includes, but is not limited to ~~without~~  
254 ~~limitation~~, such uses or activities as retail sales; wholesale  
255 sales; rentals of equipment, goods, or products; offices;  
256 restaurants; food service vendors; sports arenas; theaters; and  
257 tourist attractions.

258 (5)~~(6)~~ "Controlled area" means 660 feet or less from the  
259 nearest edge of the right-of-way of any portion of the State  
260 Highway System, interstate, or federal-aid primary highway  
261 system and beyond 660 feet of the nearest edge of the right-of-

596-02948-14

20141048c1

262 way of any portion of the State Highway System, interstate  
263 highway system, or federal-aid primary system outside an urban  
264 area.

265 ~~(6)-(7)~~ "Department" means the Department of Transportation.

266 ~~(7)-(8)~~ "Erect" means to construct, build, raise, assemble,  
267 place, affix, attach, create, paint, draw, or in any other way  
268 bring into being or establish. The term; ~~but it~~ does not include  
269 such any of the foregoing activities when performed as an  
270 incident to the change of advertising message or customary  
271 maintenance or repair of a sign.

272 ~~(8)-(9)~~ "Federal-aid primary highway system" means the  
273 federal-aid primary highway system in existence on June 1, 1991,  
274 and any highway that was not a part of such system as of that  
275 date but that is, or became after June 1, 1991, a part of the  
276 National Highway System, including portions that have been  
277 accepted as part of the National Highway System but are unbuilt  
278 or unopened existing, unbuilt, or unopened system of highways or  
279 portions thereof, which shall include the National Highway  
280 System, designated as the federal-aid primary highway system by  
281 the department.

282 ~~(9)-(10)~~ "Highway" means any road, street, or other way open  
283 or intended to be opened to the public for travel by motor  
284 vehicles.

285 ~~(10)-(11)~~ "Industrial use" means activities associated with  
286 the manufacture, assembly, processing, or storage of products or  
287 the performance of related services ~~relating thereto~~. The term  
288 includes, but is not limited to ~~without limitation~~, such uses or  
289 activities as automobile manufacturing or repair, boat  
290 manufacturing or repair, junk yards, meat packing facilities,

596-02948-14

20141048c1

291 citrus processing and packing facilities, produce processing and  
292 packing facilities, electrical generating plants, water  
293 treatment plants, sewage treatment plants, and solid waste  
294 disposal sites.

295 (11)~~(12)~~ "Interstate highway system" means the existing,  
296 unbuilt, or unopened system of highways or portions thereof  
297 designated as the national system of interstate and defense  
298 highways by the department.

299 (12)~~(13)~~ "Main-traveled way" means the traveled way of a  
300 highway on which through traffic is carried. In the case of a  
301 divided highway, the traveled way of each of the separate  
302 roadways for traffic in opposite directions is a main-traveled  
303 way. The term ~~It~~ does not include such facilities as frontage  
304 roads, turning roadways which specifically include on-ramps or  
305 off-ramps to the interstate highway system, or parking areas.

306 (13)~~(14)~~ "Maintain" means to allow to exist.

307 (14)~~(15)~~ "Motorist services directional signs" means signs  
308 providing directional information about goods and services in  
309 the interest of the traveling public where such signs were  
310 lawfully erected and in existence on or before May 6, 1976, and  
311 continue to provide directional information to goods and  
312 services in a defined area.

313 (15)~~(16)~~ "New highway" means the construction of any road,  
314 paved or unpaved, where no road previously existed or the act of  
315 paving any previously unpaved road.

316 (16)~~(17)~~ "Nonconforming sign" means a sign which was  
317 lawfully erected but which does not comply with the land use,  
318 setback, size, spacing, and lighting provisions of state or  
319 local law, rule, regulation, or ordinance passed at a later date

596-02948-14

20141048c1

320 or a sign which was lawfully erected but which later fails to  
321 comply with state or local law, rule, regulation, or ordinance  
322 due to changed conditions.

323 ~~(17)-(18)~~ "Premises" means all the land areas under  
324 ownership or lease arrangement to the sign owner which are  
325 contiguous to the business conducted on the land except for  
326 instances where such land is a narrow strip contiguous to the  
327 advertised activity or is connected by such narrow strip, the  
328 only viable use of such land is to erect or maintain an  
329 advertising sign. If ~~When~~ the sign owner is a municipality or  
330 county, the term means ~~"premises" shall mean~~ all lands owned or  
331 leased by the ~~such~~ municipality or county within its  
332 jurisdictional boundaries ~~as set forth by law~~.

333 ~~(18)-(19)~~ "Remove" means to disassemble all sign materials  
334 above ground level and ~~transport~~ such materials from the site ~~and~~  
335 ~~dispose of sign materials by sale or destruction~~.

336 ~~(19)-(20)~~ "Sign" means any combination of structure and  
337 message in the form of an outdoor sign, display, device, figure,  
338 painting, drawing, message, placard, poster, billboard,  
339 advertising structure, advertisement, logo, symbol, or other  
340 form, whether placed individually or on a V-type, back-to-back,  
341 side-to-side, stacked, or double-faced display or automatic  
342 changeable facing, designed, intended, or used to advertise or  
343 inform, any part of the advertising message or informative  
344 contents of which is visible from any place on the main-traveled  
345 way. The term does not include an official traffic control sign,  
346 official marker, or specific information panel erected, caused  
347 to be erected, or approved by the department.

348 ~~(20)-(21)~~ "Sign direction" means the ~~that~~ direction from

596-02948-14

20141048c1

349 which the message or informative contents are most visible to  
350 oncoming traffic on the main-traveled way.

351 (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,  
352 including trim and background, which contains the message or  
353 informative contents, including an automatic changeable face.

354 (22)~~(23)~~ "Sign facing" includes all sign faces and  
355 automatic changeable faces displayed at the same location and  
356 facing the same direction.

357 (23)~~(24)~~ "Sign structure" means all the interrelated parts  
358 and material, such as beams, poles, and stringers, which are  
359 constructed for the purpose of supporting or displaying a  
360 message or informative contents.

361 (24)~~(25)~~ "State Highway System" has the same meaning as in  
362 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~  
363 ~~highways or portions thereof designated as the State Highway~~  
364 ~~System by the department.~~

365 ~~(26) "Unzoned commercial or industrial area" means a parcel~~  
366 ~~of land designated by the future land use map of the~~  
367 ~~comprehensive plan for multiple uses that include commercial or~~  
368 ~~industrial uses but are not specifically designated for~~  
369 ~~commercial or industrial uses under the land development~~  
370 ~~regulations, in which three or more separate and distinct~~  
371 ~~conforming industrial or commercial activities are located.~~

372 ~~(a) These activities must satisfy the following criteria:~~  
373 ~~1. At least one of the commercial or industrial activities~~  
374 ~~must be located on the same side of the highway and within 800~~  
375 ~~feet of the sign location;~~  
376 ~~2. The commercial or industrial activities must be within~~  
377 ~~660 feet from the nearest edge of the right-of-way; and~~

596-02948-14

20141048c1

378 ~~3. The commercial industrial activities must be within~~  
379 ~~1,600 feet of each other.~~

380

381 ~~Distances specified in this paragraph must be measured from the~~  
382 ~~nearest outer edge of the primary building or primary building~~  
383 ~~complex when the individual units of the complex are connected~~  
384 ~~by covered walkways.~~

385 ~~(b) Certain activities, including, but not limited to, the~~  
386 ~~following, may not be so recognized as commercial or industrial~~  
387 ~~activities:~~

388 ~~1. Signs.~~

389 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~  
390 ~~related activities, including, but not limited to, wayside fresh~~  
391 ~~produce stands.~~

392 ~~3. Transient or temporary activities.~~

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

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

396 ~~6. Activities conducted in a building principally used as a~~  
397 ~~residence.~~

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

399 ~~8. Communication towers.~~

400 ~~(25)-(27)~~ "Urban area" has the same meaning as ~~defined~~ in s.  
401 334.03~~(31)~~.

402 ~~(26)-(28)~~ "Visible commercial or industrial activity" means  
403 a commercial or industrial activity that is capable of being  
404 seen without visual aid by a person of normal visual acuity from  
405 the main-traveled way and that is generally recognizable as  
406 commercial or industrial.

596-02948-14

20141048c1

407        ~~(27)(29)~~ "Visible sign" means that the advertising message  
408 or informative contents of a sign, whether or not legible, can  
409 be ~~is capable of being~~ seen without visual aid by a person of  
410 normal visual acuity.

411        ~~(28)(30)~~ "Wall mural" means a sign that is a painting or an  
412 artistic work composed of photographs or arrangements of color  
413 and that displays a commercial or noncommercial message, relies  
414 solely on the side of the building for rigid structural support,  
415 and is painted on the building or depicted on vinyl, fabric, or  
416 other similarly flexible material that is held in place flush or  
417 flat against the surface of the building. The term excludes a  
418 painting or work placed on a structure that is erected for the  
419 sole or primary purpose of signage.

420        ~~(29)(31)~~ "Zoning category" means the designation under the  
421 land development regulations or other similar ordinance enacted  
422 to regulate the use of land as provided in s. 163.3202(2)(b),  
423 which designation sets forth the allowable uses, restrictions,  
424 and limitations on use applicable to properties within the  
425 category.

426        Section 4. Section 479.02, Florida Statutes, is amended to  
427 read:

428        479.02 Duties of the department. ~~It shall be the duty of~~  
429 The department shall ~~to~~:

430        (1) Administer and enforce ~~the provisions of~~ this chapter,  
431 ~~and the 1972~~ agreement between the state and the United States  
432 Department of Transportation ~~relating to the size, lighting, and~~  
433 ~~spacing of signs in accordance with Title I of the Highway~~  
434 ~~Beautification Act of 1965 and Title 23 of the,~~ United States  
435 Code, and federal regulations, including, but not limited to,

596-02948-14

20141048c1

436 those pertaining to the maintenance, continuance, and removal of  
437 nonconforming signs in effect as of the effective date of this  
438 act.

439 (2) Regulate size, height, lighting, and spacing of signs  
440 permitted on commercial and industrial parcels and in unzoned  
441 commercial or industrial areas ~~in zoned and unzoned commercial~~  
442 ~~areas and zoned and unzoned industrial areas~~ on the interstate  
443 highway system and the federal-aid primary highway system.

444 (3) Determine ~~unzoned~~ commercial and industrial parcels and  
445 unzoned commercial or areas and unzoned industrial areas in the  
446 manner provided in s. 479.024.

447 (4) Implement a specific information panel program on the  
448 limited access ~~interstate~~ highway system to promote tourist-  
449 oriented businesses by providing directional information safely  
450 and aesthetically.

451 (5) Implement a rest area information panel or devices  
452 program at rest areas along the interstate highway system and  
453 the federal-aid primary highway system to promote tourist-  
454 oriented businesses.

455 (6) Test and, if economically feasible, implement  
456 alternative methods of providing information in the specific  
457 interest of the traveling public which allow the traveling  
458 public freedom of choice, conserve natural beauty, and present  
459 information safely and aesthetically.

460 (7) Adopt such rules as the department ~~it~~ deems necessary  
461 or proper for the administration of this chapter, including  
462 rules that ~~which~~ identify activities that may not be recognized  
463 as industrial or commercial activities for purposes of  
464 determination of a ~~an area as an unzoned~~ commercial or



596-02948-14

20141048c1

465 industrial parcel or an unzoned commercial or industrial area in  
466 the manner provided in s. 479.024.

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

484 Section 5. Section 479.024, Florida Statutes, is created to  
485 read:

486 479.024 Commercial and industrial parcels.—Signs shall be  
487 permitted by the department only in commercial or industrial  
488 zones, as determined by the local government, in compliance with  
489 chapter 163, unless otherwise provided in this chapter.  
490 Commercial and industrial zones are those areas appropriate for  
491 commerce, industry, or trade, regardless of how those areas are  
492 labeled.

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

596-02948-14

20141048c1

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

496 (b) "Utilities" includes all privately, publicly, or  
497 cooperatively owned lines, facilities, and systems for  
498 producing, transmitting, or distributing communications, power,  
499 electricity, light, heat, gas, oil, crude products, water,  
500 steam, waste, and stormwater not connected with the highway  
501 drainage, and other similar commodities.

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

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

506 (b) The parcel can reasonably accommodate a commercial or  
507 industrial use under the future land use map of the  
508 comprehensive plan and land use development regulations, as  
509 follows:

510 1. Sufficient utilities are available to support commercial  
511 or industrial development; and

512 2. The size, configuration, and public access of the parcel  
513 are sufficient to accommodate a commercial or industrial use,  
514 given the requirements in the comprehensive plan and land  
515 development regulations for vehicular access, on-site  
516 circulation, building setbacks, buffering, parking, and other  
517 applicable standards or the parcel consists of railroad tracks  
518 or minor sidings abutting commercial or industrial property that  
519 meets the criteria of this subsection.

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

522 (3) If a local government has not designated zoning through

596-02948-14

20141048c1

523 land development regulations in compliance with chapter 163 but  
524 has designated the parcel under the future land use map of the  
525 comprehensive plan for uses that include commercial or  
526 industrial uses, the parcel shall be considered an unzoned  
527 commercial or industrial area. For a permit to be issued for a  
528 sign in an unzoned commercial or industrial area, there must be  
529 three or more distinct commercial or industrial activities  
530 within 1,600 feet of each other, with at least one of the  
531 commercial or industrial activities located on the same side of  
532 the highway as, and within 800 feet of, the sign location.  
533 Multiple commercial or industrial activities enclosed in one  
534 building shall be considered one use if all activities have only  
535 shared building entrances.

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

539 (a) Signs.

540 (b) Agricultural, forestry, ranching, grazing, farming, and  
541 related activities, including, but not limited to, wayside fresh  
542 produce stands.

543 (c) Transient or temporary activities.

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

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

549 (f) Activities conducted in a building principally used as  
550 a residence.

551 (g) Railroad tracks and minor sidings, unless the tracks

596-02948-14

20141048c1

552 and sidings are abutted by a commercial or industrial property  
553 that meets the criteria in subsection (2).

554 (h) Communication towers.

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

559 (5) If the local government has indicated that the proposed  
560 sign location is on a parcel that is in a commercial or  
561 industrial zone but the department finds that it is not, the  
562 department shall notify the sign applicant in writing of its  
563 determination.

564 (6) An applicant whose application for a permit is denied  
565 may request, within 30 days after the receipt of the  
566 notification of intent to deny, an administrative hearing  
567 pursuant to chapter 120 for a determination of whether the  
568 parcel is located in a commercial or industrial zone. Upon  
569 receipt of such request, the department shall notify the local  
570 government that the applicant has requested an administrative  
571 hearing pursuant to chapter 120.

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

577 (8) If the Federal Highway Administration reduces funds  
578 that would otherwise be apportioned to the department due to a  
579 local government's failure to comply with this section, the  
580 department shall reduce transportation funding apportioned to

596-02948-14

20141048c1

581 the local government by an equivalent amount.

582 Section 6. Section 479.03, Florida Statutes, is amended to  
583 read:

584 479.03 Jurisdiction of the Department of Transportation;  
585 entry upon privately owned lands.—The territory under the  
586 jurisdiction of the department for the purpose of this chapter  
587 includes ~~shall include~~ all the state. Employees, agents, or  
588 independent contractors working for the department, in the  
589 performance of their functions and duties under the provisions  
590 of this chapter, may enter into and upon any land upon which a  
591 sign is displayed, is proposed to be erected, or is being  
592 erected and make such inspections, surveys, and removals as may  
593 be relevant. Upon written notice to ~~After receiving consent by~~  
594 the landowner, operator, or person in charge of an intervening  
595 privately owned land that ~~or appropriate inspection warrant~~  
596 ~~issued by a judge of any county court or circuit court of this~~  
597 ~~state which has jurisdiction of the place or thing to be~~  
598 ~~removed, that~~ the removal of an illegal outdoor advertising sign  
599 is necessary and has been authorized by a final order or results  
600 from an uncontested notice to the sign owner, the department may  
601 ~~shall be authorized to~~ enter upon any intervening privately  
602 owned lands for the purposes of effectuating removal of illegal  
603 signs. ~~, provided that~~ The department may enter intervening  
604 privately owned lands ~~shall~~ only ~~do so~~ in circumstances where it  
605 has determined that ~~no~~ other legal or economically feasible  
606 means of entry to the sign site are not reasonably available.  
607 Except as otherwise provided by this chapter, the department is  
608 ~~shall be~~ responsible for the repair or replacement in a like  
609 manner for any physical damage or destruction of private

596-02948-14

20141048c1

610 property, other than the sign, incidental to the department's  
611 entry upon such intervening privately owned lands.

612 Section 7. Section 479.04, Florida Statutes, is amended to  
613 read:

614 479.04 Business of outdoor advertising; license  
615 requirement; renewal; fees.—

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

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

626 Section 8. Section 479.05, Florida Statutes, is amended to  
627 read:

628 479.05 Denial, suspension, or revocation of license.—The  
629 department may ~~has authority to deny, suspend,~~ or revoke a any  
630 license requested or granted under this chapter in any case in  
631 which it determines that the application for the license  
632 contains ~~knowingly~~ false or misleading information of material  
633 consequence, that the licensee has failed to pay fees or costs  
634 owed to the department for outdoor advertising purposes, or that  
635 the licensee has violated any of the provisions of this chapter,  
636 unless such licensee, within 30 days after the receipt of notice  
637 by the department, corrects such false or misleading  
638 information, pays the outstanding amounts, or complies with ~~the~~

596-02948-14

20141048c1

639 ~~provisions of this chapter. Suspension of a license allows the~~  
640 ~~licensee to maintain existing sign permits, but the department~~  
641 ~~may not grant a transfer of an existing permit or issue an~~  
642 ~~additional permit to a licensee with a suspended license. A Any~~  
643 ~~person aggrieved by an any action of the department which~~  
644 ~~denies, suspends, or revokes ~~in denying or revoking~~ a license~~  
645 ~~under this chapter may, within 30 days after ~~from~~ the receipt of~~  
646 ~~the notice, apply to the department for an administrative~~  
647 ~~hearing pursuant to chapter 120.~~

648 Section 9. Section 479.07, Florida Statutes, is amended to  
649 read:

650 479.07 Sign permits.—

651 (1) Except as provided in ss. 479.105(1)~~(e)~~ and 479.16, a  
652 person may not erect, operate, use, or maintain, or cause to be  
653 erected, operated, used, or maintained, any sign on the State  
654 Highway System outside an urban area, ~~as defined in s.~~  
655 ~~334.03(31),~~ or on any portion of the interstate or federal-aid  
656 primary highway system without first obtaining a permit for the  
657 sign from the department and paying the annual fee as provided  
658 in this section. As used in this section, the term "on any  
659 portion of the State Highway System, interstate highway system,  
660 or federal-aid primary system" means a sign located within the  
661 controlled area which is visible from any portion of the main-  
662 traveled way of such system.

663 (2) ~~A person may not apply for a permit unless he or she~~  
664 ~~has first obtained the~~ Written permission of the owner or other  
665 person in lawful possession or control of the site designated as  
666 the location of the sign is required for issuance of a ~~in the~~  
667 ~~application for the permit.~~

596-02948-14

20141048c1

668 (3) (a) An application for a sign permit must be made on a  
669 form prescribed by the department, and a separate application  
670 must be submitted for each permit requested. A permit is  
671 required for each sign facing.

672 (b) As part of the application, the applicant or his or her  
673 authorized representative must certify ~~in a notarized signed~~  
674 ~~statement~~ that all information provided in the application is  
675 true and correct ~~and that, pursuant to subsection (2), he or she~~  
676 ~~has obtained the written permission of the owner or other person~~  
677 ~~in lawful possession of the site designated as the location of~~  
678 ~~the sign in the permit application.~~ Each Every permit  
679 application must be accompanied by the appropriate permit fee; a  
680 signed statement by the owner or other person in lawful control  
681 of the site on which the sign is located or will be erected,  
682 authorizing the placement of the sign on that site; ~~and, where~~  
683 ~~local governmental regulation of signs exists,~~ a statement from  
684 the appropriate local governmental official indicating that the  
685 sign complies with all local government ~~governmental~~  
686 requirements; and, if a local government permit is required for  
687 a sign, a statement that the agency or unit of local government  
688 will issue a permit to that applicant upon approval of the state  
689 permit application by the department.

690 (c) The annual permit fee for each sign facing shall be  
691 established by the department by rule in an amount sufficient to  
692 offset the total cost to the department for the program, but may  
693 ~~shall not be greater than~~ exceed \$100. ~~The~~ A fee may not be  
694 ~~prorated for a period less than the remainder of the permit year~~  
695 ~~to accommodate short-term publicity features; however,~~ a first-  
696 year fee may be prorated by payment of an amount equal to one-



596-02948-14

20141048c1

697 fourth of the annual fee for each remaining whole quarter or  
698 partial quarter of the permit year. Applications received after  
699 the end of the third quarter of the permit year must include  
700 fees for the last quarter of the current year and fees for the  
701 succeeding year.

702 (4) An application for a permit shall be acted on by  
703 granting, denying, or returning the incomplete application ~~the~~  
704 ~~department~~ within 30 days after receipt of the application by  
705 the department.

706 (5) (a) For each permit issued, the department shall furnish  
707 to the applicant a serially numbered permanent metal permit tag.  
708 The permittee is responsible for maintaining a valid permit tag  
709 on each permitted sign facing at all times. The tag shall be  
710 securely attached to the upper 50 percent of the sign structure,  
711 and sign facing or, if there is no facing, on the pole nearest  
712 ~~the highway; and it shall be~~ attached in such a manner as to be  
713 plainly visible from the main-traveled way. ~~Effective July 1,~~  
714 ~~2012, the tag must be securely attached to the upper 50 percent~~  
715 ~~of the pole nearest the highway and must be attached in such a~~  
716 ~~manner as to be plainly visible from the main-traveled way.~~ The  
717 permit ~~becomes void unless the permit tag~~ must be ~~is~~ properly  
718 and permanently displayed at the permitted site within 30 days  
719 after the date of permit issuance. If the permittee fails to  
720 erect a completed sign on the permitted site within 270 days  
721 after the date on which the permit was issued, the permit will  
722 be void, and the department may not issue a new permit to that  
723 permittee for the same location for 270 days after the date on  
724 which the permit becomes ~~became~~ void.

725 (b) If a permit tag is lost, stolen, or destroyed, the

596-02948-14

20141048c1

726 permittee to whom the tag was issued must apply to the  
727 department for a replacement tag. The department shall adopt a  
728 rule establishing a service fee for replacement tags in an  
729 amount that will recover the actual cost of providing the  
730 replacement tag. Upon receipt of the application accompanied by  
731 the service fee, the department shall issue a replacement permit  
732 tag. ~~Alternatively, the permittee may provide its own~~  
733 ~~replacement tag pursuant to department specifications that the~~  
734 ~~department shall adopt by rule at the time it establishes the~~  
735 ~~service fee for replacement tags.~~

736 (6) A permit is valid only for the location specified in  
737 the permit. Valid permits may be transferred from one sign owner  
738 to another upon written acknowledgment from the current  
739 permittee and submittal of a transfer fee of \$5 for each permit  
740 to be transferred. However, the maximum transfer fee for any  
741 multiple transfer between two outdoor advertisers in a single  
742 transaction is \$1,000 ~~\$100~~.

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

746 (8) (a) In order to reduce peak workloads, the department  
747 may adopt rules providing for staggered expiration dates for  
748 licenses and permits. Unless otherwise provided for by rule, all  
749 licenses and permits expire annually on January 15. All license  
750 and permit renewal fees are required to be submitted to the  
751 department by no later than the expiration date. At least 105  
752 days before ~~prior to~~ the expiration date of licenses and  
753 permits, the department shall send to each permittee a notice of  
754 fees due for all licenses and permits that ~~which~~ were issued to

596-02948-14

20141048c1

755 him or her before ~~prior to~~ the date of the notice. Such notice  
756 must ~~shall~~ list the permits and the permit fees due for each  
757 sign facing. The permittee shall, no later than 45 days before  
758 ~~prior to~~ the expiration date, advise the department of any  
759 additions, deletions, or errors contained in the notice. Permit  
760 tags that ~~which~~ are not renewed shall be returned to the  
761 department for cancellation by the expiration date. Permits that  
762 ~~which~~ are not renewed or are canceled shall be certified in  
763 writing at that time as canceled or not renewed by the  
764 permittee, and permit tags for such permits shall be returned to  
765 the department or shall be accounted for by the permittee in  
766 writing, which writing shall be submitted with the renewal fee  
767 payment or the cancellation certification. However, failure of a  
768 permittee to submit a permit cancellation does ~~shall~~ not affect  
769 the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a  
770 permit, the permittee shall provide written notice to all  
771 persons or entities having a right to advertise on the sign that  
772 the permittee intends to cancel the permit.

773 (b) If a permittee has not submitted his or her fee payment  
774 by the expiration date of the licenses or permits, the  
775 department shall send a notice of violation to the permittee  
776 within 45 days after the expiration date, requiring the payment  
777 of the permit fee within 30 days after the date of the notice  
778 and payment of a delinquency fee equal to 10 percent of the  
779 original amount due or, in the alternative to these payments,  
780 requiring the filing of a request for an administrative hearing  
781 to show cause why the ~~his or her~~ sign should not be subject to  
782 immediate removal due to expiration of his or her license or  
783 permit. If the permittee submits payment as required by the

596-02948-14

20141048c1

784 violation notice, the ~~his or her~~ license or permit shall ~~will~~ be  
785 automatically reinstated and such reinstatement is ~~will be~~  
786 retroactive to the original expiration date. If the permittee  
787 does not respond to the notice of violation within the 30-day  
788 period, the department shall, within 30 days, issue a final  
789 notice of sign removal and may, following 90 days after the date  
790 of the department's final notice of sign removal, remove the  
791 sign without incurring any liability as a result of such  
792 removal. However, if at any time before removal of the sign, the  
793 permittee demonstrates that a good faith error on the part of  
794 the permittee resulted in cancellation or nonrenewal of the  
795 permit, the department may reinstate the permit if:

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

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

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

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

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

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

812 1. One thousand five hundred feet from any other permitted

596-02948-14

20141048c1

813 sign on the same side of the highway, if on an interstate  
814 highway.

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

817  
818 The minimum spacing provided in this paragraph does not preclude  
819 the permitting of V-type, back-to-back, side-to-side, stacked,  
820 or double-faced signs at the permitted sign site. If a sign is  
821 visible to more than one highway subject to the jurisdiction of  
822 the department and within the controlled area of the highways  
823 ~~from the controlled area of more than one highway subject to the~~  
824 ~~jurisdiction of the department, the sign must shall meet the~~  
825 ~~permitting requirements of all highways, and, if the sign meets~~  
826 ~~the applicable permitting requirements, be permitted to, the~~  
827 highway having the more stringent permitting requirements.

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

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

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

837 3. Exceeds 950 square feet of sign facing including all  
838 embellishments.

839 (c) Notwithstanding subparagraph (a)1., ~~there is~~  
840 ~~established a pilot program in Orange, Hillsborough, and Osceola~~  
841 ~~Counties, and within the boundaries of the City of Miami, under~~

596-02948-14

20141048c1

842 ~~which~~ the distance between permitted signs on the same side of  
843 an interstate highway may be reduced to 1,000 feet if all other  
844 requirements of this chapter are met and if:

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

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

853 3. The local government notifies the department of its  
854 intention to allow such removal and replacement as agreed upon  
855 pursuant to subparagraph 2.

856 ~~4. The new or replacement sign to be erected on an~~  
857 ~~interstate highway within that jurisdiction is to be located on~~  
858 ~~a parcel of land specifically designated for commercial or~~  
859 ~~industrial use under both the future land use map of the~~  
860 ~~comprehensive plan and the land use development regulations~~  
861 ~~adopted pursuant to chapter 163, and such parcel shall not be~~  
862 ~~subject to an evaluation in accordance with the criteria set~~  
863 ~~forth in s. 479.01(26) to determine if the parcel can be~~  
864 ~~considered an unzoned commercial or industrial area.~~

865  
866 ~~The department shall maintain statistics tracking the use of the~~  
867 ~~provisions of this pilot program based on the notifications~~  
868 ~~received by the department from local governments under this~~  
869 ~~paragraph.~~

870 (d) This subsection does not cause a sign that was

596-02948-14

20141048c1

871 conforming on October 1, 1984, to become nonconforming.

872 (10) Commercial or industrial zoning that ~~which~~ is not  
873 comprehensively enacted or that ~~which~~ is enacted primarily to  
874 permit signs may ~~shall~~ not be recognized as commercial or  
875 industrial zoning for purposes of this provision, and permits  
876 may ~~shall~~ not be issued for signs in such areas. The department  
877 shall adopt rules that ~~within 180 days after this act takes~~  
878 ~~effect which shall~~ provide criteria to determine whether such  
879 zoning is comprehensively enacted or enacted primarily to permit  
880 signs.

881 Section 10. Section 479.08, Florida Statutes, is amended to  
882 read:

883 479.08 Denial or revocation of permit.—The department may  
884 deny or revoke a ~~any~~ permit requested or granted under this  
885 chapter in any case in which it determines that the application  
886 for the permit contains ~~knowingly~~ false or misleading  
887 information of material consequence. The department may revoke a  
888 ~~any~~ permit granted under this chapter in any case in which the  
889 permittee has violated ~~any of the provisions of~~ this chapter,  
890 unless such permittee, within 30 days after the receipt of  
891 notice by the department, complies with ~~the provisions of~~ this  
892 chapter. For the purpose of this section, the notice of  
893 violation issued by the department must describe in detail the  
894 alleged violation. A ~~Any~~ person aggrieved by any action of the  
895 department in denying or revoking a permit under this chapter  
896 may, within 30 days after receipt of the notice, apply to the  
897 department for an administrative hearing pursuant to chapter  
898 120. If a timely request for hearing has been filed and the  
899 department issues a final order revoking a permit, such

596-02948-14

20141048c1

900 revocation shall be effective 30 days after the date of  
901 rendition. Except for department action pursuant to s.  
902 479.107(1), the filing of a timely and proper notice of appeal  
903 shall operate to stay the revocation until the department's  
904 action is upheld.

905 Section 11. Section 479.10, Florida Statutes, is amended to  
906 read:

907 479.10 Sign removal following permit revocation or  
908 cancellation.—A sign shall be removed by the permittee within 30  
909 days after the date of revocation or cancellation of the permit  
910 for the sign. If the permittee fails to remove the sign within  
911 the 30-day period, the department shall remove the sign at the  
912 permittee's expense with or without further notice and without  
913 incurring any liability as a result of such removal.

914 Section 12. Section 479.105, Florida Statutes, is amended  
915 to read:

916 479.105 Signs erected or maintained without required  
917 permit; removal.—

918 (1) A ~~Any~~ sign that ~~which~~ is located adjacent to the right-  
919 of-way of any highway on the State Highway System outside an  
920 incorporated area or adjacent to the right-of-way on any portion  
921 of the interstate or federal-aid primary highway system, which  
922 sign was erected, operated, or maintained without the permit  
923 required by s. 479.07(1) having been issued by the department,  
924 is declared to be a public nuisance and a private nuisance and  
925 shall be removed as provided in this section.

926 (a) Upon a determination by the department that a sign is  
927 in violation of s. 479.07(1), the department shall prominently  
928 post on the sign, or as close to the sign as possible for a



596-02948-14

20141048c1

929 location in which the sign is not easily accessible, face a  
930 notice stating that the sign is illegal and must be removed  
931 within 30 days after the date on which the notice was posted.  
932 ~~However, if the sign bears the name of the licensee or the name~~  
933 ~~and address of the nonlicensed sign owner,~~ The department shall,  
934 concurrently with and in addition to posting the notice on the  
935 sign, provide a written notice to the owner of the sign, the  
936 advertiser displayed on the sign, or the owner of the property,  
937 stating that the sign is illegal and must be permanently removed  
938 within the 30-day period specified on the posted notice. The  
939 written notice shall further state that ~~the sign owner has a~~  
940 ~~right to request~~ a hearing may be requested and that the, ~~which~~  
941 request must be filed with the department within 30 days after  
942 receipt ~~the date~~ of the written notice. However, the filing of a  
943 request for a hearing will not stay the removal of the sign.

944 (b) If, pursuant to the notice provided, the sign is not  
945 removed by the ~~sign~~ owner of the sign, the advertiser displayed  
946 on the sign, or the owner of the property within the prescribed  
947 period, the department shall immediately remove the sign without  
948 further notice; and, for that purpose, the employees, agents, or  
949 independent contractors of the department may enter upon private  
950 property without incurring any liability for so entering.

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

954 1. If the sign meets the current requirements of this  
955 chapter for a sign permit, the sign owner may submit the  
956 required application package and receive a permit as a  
957 conforming sign, upon payment of all applicable fees.

596-02948-14

20141048c1

958       2. If the sign does not meet the current requirements of  
959 this chapter for a sign permit and has never been exempt from  
960 the requirement that a permit be obtained, the sign owner may  
961 receive a permit as a nonconforming sign if the department  
962 determines that the sign is not located on state right-of-way  
963 and is not a safety hazard, and if the sign owner pays a penalty  
964 fee of \$300 and all pertinent fees required by this chapter,  
965 including annual permit renewal fees payable since the date of  
966 the erection of the sign, and attaches to the permit application  
967 package documentation that demonstrates that:

968           a. The sign has been unpermitted, structurally unchanged,  
969 and continuously maintained at the same location for 7 years or  
970 more;

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

975           c. The department has not initiated a notice of violation  
976 or taken other action to remove the sign during the initial 7-  
977 year period in which the sign has been subject to the  
978 jurisdiction of the department.

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

982           (e) ~~(e)~~ For purposes of this subsection, a notice to the  
983 sign owner, when required, constitutes sufficient notice. ~~and~~  
984 Notice is not required to be provided to the lessee, advertiser,  
985 or the owner of the real property on which the sign is located.

986           (f) ~~(d)~~ If, after a hearing, it is determined that a sign

596-02948-14

20141048c1

987 has been wrongfully or erroneously removed pursuant to this  
988 subsection, the department, at the sign owner's discretion,  
989 shall either pay just compensation to the owner of the sign or  
990 reerect the sign in kind at the expense of the department.

991 ~~(c) However, if the sign owner demonstrates to the~~  
992 ~~department that:~~

993 ~~1. The sign has been unpermitted, structurally unchanged,~~  
994 ~~and continuously maintained at the same location for a period of~~  
995 ~~7 years or more;~~

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

999 ~~3. The department has not initiated a notice of violation~~  
1000 ~~or taken other action to remove the sign during the initial 7-~~  
1001 ~~year period described in subparagraph 1.; and~~

1002 ~~4. The department determines that the sign is not located~~  
1003 ~~on state right of way and is not a safety hazard,~~

1004  
1005 ~~the sign may be considered a conforming or nonconforming sign~~  
1006 ~~and may be issued a permit by the department upon application in~~  
1007 ~~accordance with this chapter and payment of a penalty fee of~~  
1008 ~~\$300 and all pertinent fees required by this chapter, including~~  
1009 ~~annual permit renewal fees payable since the date of the~~  
1010 ~~erection of the sign.~~

1011 (2) (a) If a sign is under construction and the department  
1012 determines that a permit has not been issued for the sign as  
1013 required under ~~the provisions of~~ this chapter, the department  
1014 may ~~is authorized to~~ require that all work on the sign cease  
1015 until the sign owner shows that the sign does not violate ~~the~~

596-02948-14

20141048c1

1016 ~~provisions of~~ this chapter. The order to cease work shall be  
1017 prominently posted on the sign structure, and ~~no~~ further notice  
1018 is not required ~~to be given~~. The failure of a sign owner or her  
1019 or his agents to immediately comply with the order subjects  
1020 ~~shall subject~~ the sign to prompt removal by the department.

1021 (b) For the purposes of this subsection only, a sign is  
1022 under construction when it is in any phase of initial  
1023 construction before ~~prior to~~ the attachment and display of the  
1024 advertising message in final position for viewing by the  
1025 traveling public. A sign that is undergoing routine maintenance  
1026 or change of the advertising message only is not considered to  
1027 be under construction for the purposes of this subsection.

1028 (3) The cost of removing a sign, ~~whether~~ by the department  
1029 or an independent contractor, shall be assessed against the  
1030 owner of the sign by the department.

1031 Section 13. Subsections (5) and (7) of section 479.106,  
1032 Florida Statutes, are amended to read:

1033 479.106 Vegetation management.—

1034 (5) The department may only grant a permit pursuant to s.  
1035 479.07 for a new sign that ~~which~~ requires the removal, cutting,  
1036 or trimming of existing trees or vegetation on public right-of-  
1037 way for the sign face to be visible from the highway the sign  
1038 will be permitted to when the sign owner has removed at least  
1039 two nonconforming signs of approximate comparable size and  
1040 surrendered the permits for the nonconforming signs to the  
1041 department for cancellation. For signs originally permitted  
1042 after July 1, 1996, the first application, or application for a  
1043 change of view zone, no permit for the removal, cutting, or  
1044 trimming of trees or vegetation along the highway the sign is

596-02948-14

20141048c1

1045 permitted to shall require the removal of two nonconforming  
1046 signs, in addition to mitigation or contribution to a plan of  
1047 mitigation. The department may not grant a permit for the  
1048 removal, cutting, or trimming of trees for a sign permitted  
1049 after July 1, 1996, if the ~~shall be granted where such trees are~~  
1050 or ~~the~~ vegetation ~~is~~ are part of a beautification project  
1051 implemented ~~before~~ prior to the date of the original sign permit  
1052 application ~~and if, when~~ the beautification project is  
1053 specifically identified in the department's construction plans,  
1054 permitted landscape projects, or agreements.

1055 (7) Any person engaging in removal, cutting, or trimming of  
1056 trees or vegetation in violation of this section or benefiting  
1057 from such actions shall be subject to an administrative penalty  
1058 of up to \$1,000 per sign facing and required to mitigate for the  
1059 unauthorized removal, cutting, or trimming in such manner and in  
1060 such amount as may be required under the rules of the  
1061 department.

1062 Section 14. Subsection (5) of section 479.107, Florida  
1063 Statutes, is amended to read:

1064 479.107 Signs on highway rights-of-way; removal.-

1065 (5) The cost of removing a sign, ~~whether~~ by the department  
1066 or an independent contractor, shall be assessed by the  
1067 department against the owner of the sign. ~~Furthermore, the~~  
1068 ~~department shall assess a fine of \$75 against the sign owner for~~  
1069 ~~any sign which violates the requirements of this section.~~

1070 Section 15. Section 479.111, Florida Statutes, is amended  
1071 to read:

1072 479.111 Specified signs allowed within controlled portions  
1073 of the interstate and federal-aid primary highway system.-Only

596-02948-14

20141048c1

1074 the following signs shall be allowed within controlled portions  
1075 of the interstate highway system and the federal-aid primary  
1076 highway system as set forth in s. 479.11(1) and (2):

1077 (1) Directional or other official signs and notices that  
1078 ~~which~~ conform to 23 C.F.R. ss. 750.151-750.155.

1079 (2) Signs in commercial-zoned and industrial-zoned areas or  
1080 commercial-unzoned and industrial-unzoned areas and within 660  
1081 feet of the nearest edge of the right-of-way, subject to the  
1082 requirements set forth in the 1972 agreement between the state  
1083 and the United States Department of Transportation.

1084 (3) Signs for which permits are not required under s.  
1085 479.16.

1086 Section 16. Section 479.15, Florida Statutes, is amended to  
1087 read:

1088 479.15 Harmony of regulations.—

1089 (1) A ~~No~~ zoning board or commission or other public officer  
1090 or agency may not ~~shall~~ issue a permit to erect a any sign that  
1091 ~~which~~ is prohibited under ~~the provisions of~~ this chapter or the  
1092 rules of the department, and ~~nor shall~~ the department may not  
1093 issue a permit for a any sign that ~~which~~ is prohibited by any  
1094 other public board, officer, or agency in the lawful exercise of  
1095 its powers.

1096 (2) A municipality, county, local zoning authority, or  
1097 other local governmental entity may not remove, or cause to be  
1098 removed, a any lawfully erected sign along any portion of the  
1099 interstate or federal-aid primary highway system without first  
1100 paying just compensation for such removal. A local governmental  
1101 entity may not cause in any way the alteration of a any lawfully  
1102 erected sign located along any portion of the interstate or

596-02948-14

20141048c1

1103 federal-aid primary highway system without payment of just  
1104 compensation if such alteration constitutes a taking under state  
1105 law. The municipality, county, local zoning authority, or other  
1106 local governmental ~~government~~ entity that adopts requirements  
1107 for such alteration shall pay just compensation to the sign  
1108 owner if such alteration constitutes a taking under state law.  
1109 This subsection applies only to a lawfully erected sign the  
1110 subject matter of which relates to premises other than the  
1111 premises on which it is located or to merchandise, services,  
1112 activities, or entertainment not sold, produced, manufactured,  
1113 or furnished on the premises on which the sign is located. ~~As~~  
1114 ~~used in this subsection, the term "federal-aid primary highway~~  
1115 ~~system" means the federal-aid primary highway system in~~  
1116 ~~existence on June 1, 1991, and any highway that was not a part~~  
1117 ~~of such system as of that date but that is or becomes after June~~  
1118 ~~1, 1991, a part of the National Highway System.~~ This subsection  
1119 may shall not be interpreted as explicit or implicit legislative  
1120 recognition that alterations do or do not constitute a taking  
1121 under state law.

1122 (3) It is the express intent of the Legislature to limit  
1123 the state right-of-way acquisition costs on state and federal  
1124 roads in eminent domain proceedings, ~~the provisions of ss.~~  
1125 479.07 and 479.155 notwithstanding. Subject to approval by the  
1126 Federal Highway Administration, if ~~whenever~~ public acquisition  
1127 of land upon which is situated a lawful permitted ~~nonconforming~~  
1128 sign occurs, as provided in this chapter, the sign may, at the  
1129 election of its owner and the department, be relocated or  
1130 reconstructed adjacent to the new right-of-way and in close  
1131 proximity to the current site if ~~along the roadway within 100~~

596-02948-14

20141048c1

1132 ~~feet of the current location, provided the nonconforming sign is~~  
1133 ~~not relocated in an area inconsistent with s. 479.024. ~~on a~~~~  
1134 ~~parcel zoned residential, and provided further that Such~~  
1135 ~~relocation is ~~shall be~~ subject to the applicable setback~~  
1136 ~~requirements in the 1972 agreement between the state and the~~  
1137 ~~United States Department of Transportation. The sign owner shall~~  
1138 ~~pay all costs associated with relocating or reconstructing a any~~  
1139 ~~sign under this subsection, and ~~neither~~ the state or ~~nor~~ any~~  
1140 ~~local government may not ~~shall~~ reimburse the sign owner for such~~  
1141 ~~costs, unless part of such relocation costs is ~~are~~ required by~~  
1142 ~~federal law. If ~~no~~ adjacent property is not available for the~~  
1143 ~~relocation, the department is ~~shall be~~ responsible for paying~~  
1144 ~~the owner of the sign just compensation for its removal.~~

1145 (4) ~~For a nonconforming sign, Such relocation shall be~~  
1146 ~~adjacent to the current site and the face of the sign may ~~shall~~~~  
1147 ~~not be increased in size or height or structurally modified at~~  
1148 ~~the point of relocation in a manner inconsistent with the~~  
1149 ~~current building codes of the jurisdiction in which the sign is~~  
1150 ~~located.~~

1151 (5) ~~If ~~In the event that~~ relocation can be accomplished but~~  
1152 ~~is inconsistent with the ordinances of the municipality or~~  
1153 ~~county within whose jurisdiction the sign is located, the~~  
1154 ~~ordinances of the local government shall prevail if, ~~provided~~~~  
1155 ~~~~that~~ the local government assumes ~~shall assume~~ the~~  
1156 ~~responsibility to provide the owner of the sign just~~  
1157 ~~compensation for its removal~~.~~, ~~but in no event shall~~~~  
1158 ~~Compensation paid by the local government may not be greater~~  
1159 ~~than ~~exceed~~ the compensation required under state or federal~~  
1160 ~~law. ~~Further,~~ ~~the provisions of~~ This section does ~~shall~~ not~~



596-02948-14

20141048c1

1161 impair any agreement or future agreements between a municipality  
1162 or county and the owner of a sign or signs within the  
1163 jurisdiction of the municipality or county. ~~Nothing in this~~  
1164 ~~section shall be deemed to cause a nonconforming sign to become~~  
1165 ~~conforming solely as a result of the relocation allowed in this~~  
1166 ~~section.~~

1167 (6) ~~The provisions of Subsections (3), (4), and (5) do of~~  
1168 ~~this section shall not apply within the jurisdiction of a any~~  
1169 municipality that ~~which~~ is engaged in any litigation concerning  
1170 its sign ordinance on April 23, 1999, and the subsections do not  
1171 ~~nor shall such provisions apply to a any~~ municipality whose  
1172 boundaries are identical to the county within which the said  
1173 municipality is located.

1174 (7) This section does not cause a neighboring sign that is  
1175 already permitted and that is within the spacing requirements  
1176 established in s. 479.07(9)(a) to become nonconforming.

1177 Section 17. Section 479.156, Florida Statutes, is amended  
1178 to read:

1179 479.156 Wall murals.—Notwithstanding any other provision of  
1180 this chapter, a municipality or county may permit and regulate  
1181 wall murals within areas designated by such government. If a  
1182 municipality or county permits wall murals, a wall mural that  
1183 displays a commercial message and is within 660 feet of the  
1184 nearest edge of the right-of-way within an area adjacent to the  
1185 interstate highway system or the federal-aid primary highway  
1186 system shall be located only in an area that is zoned for  
1187 industrial or commercial use pursuant to s. 479.024. ~~and~~ The  
1188 municipality or county shall establish and enforce regulations  
1189 for such areas which ~~that~~, at a minimum, set forth criteria

596-02948-14

20141048c1

1190 governing the size, lighting, and spacing of wall murals  
1191 consistent with the intent of 23 U.S.C. s. 131 ~~the Highway~~  
1192 ~~Beautification Act of 1965~~ and with customary use. If ~~Whenever~~ a  
1193 municipality or county exercises such control and makes a  
1194 determination of customary use pursuant to 23 U.S.C. s. 131(d),  
1195 such determination shall be accepted in lieu of controls in the  
1196 agreement between the state and the United States Department of  
1197 Transportation, and the department shall notify the Federal  
1198 Highway Administration pursuant to the agreement, 23 U.S.C. s.  
1199 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is  
1200 subject to municipal or county regulation and 23 U.S.C. s. 131  
1201 ~~the Highway Beautification Act of 1965~~ must be approved by the  
1202 Department of Transportation and the Federal Highway  
1203 Administration when required by federal law and federal  
1204 regulation under the agreement between the state and the United  
1205 States Department of Transportation and federal regulations  
1206 enforced by the Department of Transportation under s. 479.02(1).  
1207 The existence of a wall mural as defined in s. 479.01(30) must  
1208 ~~shall~~ not be considered in determining whether a sign as defined  
1209 in s. 479.01(20), ~~either~~ existing or new, is in compliance with  
1210 s. 479.07(9)(a).

1211 Section 18. Section 479.16, Florida Statutes, is amended to  
1212 read:

1213 479.16 Signs for which permits are not required.—The  
1214 following signs are exempt from the requirement that a permit  
1215 for a sign be obtained under ~~the provisions of~~ this chapter but  
1216 are required to comply with ~~the provisions of~~ s. 479.11(4)-(8),  
1217 and the provisions of subsections (15)-(19) may not be  
1218 implemented or continued if the Federal Government notifies the

596-02948-14

20141048c1

1219 department that implementation or continuation will adversely  
1220 affect the allocation of federal funds to the department:

1221 (1) Signs erected on the premises of an establishment~~7~~  
1222 which ~~signs~~ consist primarily of the name of the establishment  
1223 or ~~which~~ identify the principal or accessory merchandise,  
1224 services, activities, or entertainment sold, produced,  
1225 manufactured, or furnished on the premises of the establishment  
1226 and which comply with the lighting restrictions imposed under  
1227 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned  
1228 by a municipality or a county located on the premises of such  
1229 municipality or ~~such~~ county which display information regarding  
1230 governmental ~~government~~ services, activities, events, or  
1231 entertainment. For purposes of this section, the following types  
1232 of messages are ~~shall not be~~ considered information regarding  
1233 governmental ~~government~~ services, activities, events, or  
1234 entertainment:

1235 (a) Messages that ~~which~~ specifically reference any  
1236 commercial enterprise.

1237 (b) Messages that ~~which~~ reference a commercial sponsor of  
1238 any event.

1239 (c) Personal messages.

1240 (d) Political campaign messages.

1241  
1242 If a sign located on the premises of an establishment consists  
1243 principally of brand name or trade name advertising and the  
1244 merchandise or service is only incidental to the principal  
1245 activity, or if the owner of the establishment receives rental  
1246 income from the sign, ~~then~~ the sign is not exempt under this  
1247 subsection.

596-02948-14

20141048c1

1248 (2) Signs erected, used, or maintained on a farm by the  
1249 owner or lessee of such farm and relating solely to farm  
1250 produce, merchandise, service, or entertainment sold, produced,  
1251 manufactured, or furnished on such farm.

1252 (3) Signs posted or displayed on real property by the owner  
1253 or by the authority of the owner, stating that the real property  
1254 is for sale or rent. However, if the sign contains any message  
1255 not pertaining to the sale or rental of the ~~that~~ real property,  
1256 ~~then~~ it is not exempt under this section.

1257 (4) Official notices or advertisements posted or displayed  
1258 on private property by or under the direction of any public or  
1259 court officer in the performance of her or his official or  
1260 directed duties, or by trustees under deeds of trust or deeds of  
1261 assignment or other similar instruments.

1262 (5) Danger or precautionary signs relating to the premises  
1263 on which they are located; forest fire warning signs erected  
1264 under the authority of the Florida Forest Service of the  
1265 Department of Agriculture and Consumer Services; and signs,  
1266 notices, or symbols erected by the United States Government  
1267 under the direction of the United States Forest ~~Forestry~~  
1268 Service.

1269 (6) Notices of any railroad, bridge, ferry, or other  
1270 transportation or transmission company necessary for the  
1271 direction or safety of the public.

1272 (7) Signs, notices, or symbols for the information of  
1273 aviators as to location, directions, and landings and conditions  
1274 affecting safety in aviation erected or authorized by the  
1275 department.

1276 (8) Signs or notices measuring up to 8 square feet in area

596-02948-14

20141048c1

1277 which are erected or maintained upon property and which state  
1278 ~~stating~~ only the name of the owner, lessee, or occupant of the  
1279 premises ~~and not exceeding 8 square feet in area.~~

1280 (9) Historical markers erected by ~~duly constituted and~~  
1281 authorized public authorities.

1282 (10) Official traffic control signs and markers erected,  
1283 caused to be erected, or approved by the department.

1284 (11) Signs erected upon property warning the public against  
1285 hunting and fishing or trespassing ~~thereon.~~

1286 (12) Signs ~~not in excess~~ of up to 8 square feet which that  
1287 are owned by and relate to the facilities and activities of  
1288 churches, civic organizations, fraternal organizations,  
1289 charitable organizations, or units or agencies of government.

1290 (13) ~~Except that~~ Signs placed on benches, transit shelters,  
1291 modular news racks, street light poles, public pay telephones,  
1292 and waste receptacles, within the right-of-way, as provided for  
1293 in s. 337.408 are exempt from ~~all provisions of~~ this chapter.

1294 (14) Signs relating exclusively to political campaigns.

1295 (15) Signs measuring up to ~~not in excess of~~ 16 square feet  
1296 placed at a road junction with the State Highway System denoting  
1297 only the distance or direction of a residence or farm operation,  
1298 or, outside an incorporated in a rural area where a hardship is  
1299 created because a small business is not visible from the road  
1300 junction with the State Highway System, one sign measuring up to  
1301 ~~not in excess of~~ 16 square feet, denoting only the name of the  
1302 business and the distance and direction to the business. ~~The~~  
1303 ~~small business sign provision of this subsection does not apply~~  
1304 ~~to charter counties and may not be implemented if the Federal~~  
1305 ~~Government notifies the department that implementation will~~

596-02948-14

20141048c1

1306 ~~adversely affect the allocation of federal funds to the~~  
1307 ~~department.~~

1308 (16) Signs placed by a local tourist-oriented business  
1309 located within a rural area of critical economic concern as  
1310 defined in s. 288.0656(2) which are:

1311 (a) Not more than 8 square feet in size or more than 4 feet  
1312 in height;

1313 (b) Located only in rural areas on a facility that does not  
1314 meet the definition of a limited access facility, as defined in  
1315 s. 334.03;

1316 (c) Located within 2 miles of the business location and at  
1317 least 500 feet apart;

1318 (d) Located only in two directions leading to the business;  
1319 and

1320 (e) Not located within the road right-of-way.

1321  
1322 A business placing such signs must be at least 4 miles from any  
1323 other business using this exemption and may not participate in  
1324 any other directional signage program by the department.

1325 (17) Signs measuring up to 32 square feet denoting only the  
1326 distance or direction of a farm operation which are erected at a  
1327 road junction with the State Highway System, but only during the  
1328 harvest season of the farm operation for up to 4 months.

1329 (18) Acknowledgment signs erected upon publicly funded  
1330 school premises which relate to a specific public school club,  
1331 team, or event and which are placed at least 1,000 feet from any  
1332 other acknowledgment sign on the same side of the roadway. The  
1333 sponsor information on an acknowledgment sign may constitute no  
1334 more than 100 square feet of the sign. As used in this

596-02948-14

20141048c1

1335 subsection, the term "acknowledgment sign" means a sign that is  
1336 intended to inform the traveling public that a public school  
1337 club, team, or event has been sponsored by a person, firm, or  
1338 other entity.

1339 (19) Displays erected upon a sports facility, the content  
1340 of which is directly related to the facility's activities or to  
1341 the facility's products or services. Displays must be mounted  
1342 flush to the surface of the sports facility and must rely upon  
1343 the building facade for structural support. As used in this  
1344 subsection, the term "sports facility" means an athletic  
1345 complex, athletic arena, or athletic stadium, including  
1346 physically connected parking facilities, which is open to the  
1347 public and has a seating capacity of 15,000 or more permanently  
1348 installed seats.

1349  
1350 If the exemptions in subsections (15)-(19) are not implemented  
1351 or continued due to notification from the Federal Government  
1352 that the allocation of federal funds to the department will be  
1353 adversely impacted, the department shall provide notice to the  
1354 sign owner that the sign must be removed within 30 days after  
1355 receipt of the notice. If the sign is not removed within 30 days  
1356 after receipt of the notice by the sign owner, the department  
1357 may remove the sign, and the costs incurred in connection with  
1358 the sign removal shall be assessed against and collected from  
1359 the sign owner.

1360 Section 19. Section 479.24, Florida Statutes, is amended to  
1361 read:

1362 479.24 Compensation for ~~removal of~~ signs; eminent domain;  
1363 exceptions.-

596-02948-14

20141048c1

1364 (1) Just compensation shall be paid by the department upon  
1365 the department's acquisition ~~removal~~ of a lawful conforming or  
1366 nonconforming sign along any portion of the interstate or  
1367 federal-aid primary highway system. This section does not apply  
1368 to a sign that ~~which~~ is illegal at the time of its removal. A  
1369 sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~  
1370 illegal at such time as it fails to be permitted or maintained  
1371 in accordance with all applicable laws, rules, ordinances, or  
1372 regulations other than the provision that ~~which~~ makes it  
1373 nonconforming. A legal nonconforming sign under state law or  
1374 rule does ~~will~~ not lose its nonconforming status solely because  
1375 it additionally becomes nonconforming under an ordinance or  
1376 regulation of a local governmental entity passed at a later  
1377 date. The department shall make every reasonable effort to  
1378 negotiate the purchase of the signs to avoid litigation and  
1379 congestion in the courts.

1380 (2) The department is not required to remove any sign under  
1381 this section if the federal share of the just compensation to be  
1382 paid upon removal of the sign is not available to make such  
1383 payment, unless an appropriation by the Legislature for such  
1384 purpose is made to the department.

1385 (3) (a) The department may ~~is authorized to~~ use the power of  
1386 eminent domain when necessary to carry out ~~the provisions of~~  
1387 this chapter.

1388 (b) If eminent domain procedures are instituted, just  
1389 compensation shall be made pursuant to the state's eminent  
1390 domain procedures, chapters 73 and 74.

1391 Section 20. Section 479.25, Florida Statutes, is amended to  
1392 read:



596-02948-14

20141048c1

1393           479.25 Erection of noise-attenuation barrier blocking view  
1394 of sign; procedures; application.-

1395           (1) The owner of a lawfully erected sign that is governed  
1396 by and conforms to state and federal requirements for land use,  
1397 size, height, and spacing may increase the height above ground  
1398 level of such sign at its permitted location if a noise-  
1399 attenuation barrier is permitted by or erected by any  
1400 governmental entity in such a way as to screen or block  
1401 visibility of the sign. Any increase in height permitted under  
1402 this section may only be the increase in height which is  
1403 required to achieve the same degree of visibility from the  
1404 right-of-way which the sign had before ~~prior to~~ the construction  
1405 of the noise-attenuation barrier, notwithstanding the  
1406 restrictions contained in s. 479.07(9)(b). A sign reconstructed  
1407 under this section must ~~shall~~ comply with the building standards  
1408 and wind load requirements provided ~~set forth~~ in the Florida  
1409 Building Code. If construction of a proposed noise-attenuation  
1410 barrier will screen a sign lawfully permitted under this  
1411 chapter, the department shall provide notice to the local  
1412 government or local jurisdiction within which the sign is  
1413 located before construction ~~prior to erection of the noise-~~  
1414 ~~attenuation barrier~~. Upon a determination that an increase in  
1415 the height of a sign as permitted under this section will  
1416 violate ~~a provision contained in~~ an ordinance or a land  
1417 development regulation of the local government or local  
1418 jurisdiction, the local government or local jurisdiction shall,  
1419 before construction ~~so notify the department. When notice has~~  
1420 ~~been received from the local government or local jurisdiction~~  
1421 ~~prior to erection of the noise-attenuation barrier, the~~

596-02948-14

20141048c1

1422 ~~department shall:~~

1423 (a) Provide a variance or waiver to the local ordinance or  
1424 land development regulations to ~~Conduct a written survey of all~~  
1425 ~~property owners identified as impacted by highway noise and who~~  
1426 ~~may benefit from the proposed noise attenuation barrier. The~~  
1427 ~~written survey shall inform the property owners of the location,~~  
1428 ~~date, and time of the public hearing described in paragraph (b)~~  
1429 ~~and shall specifically advise the impacted property owners that:~~

1430 ~~1. Erection of the noise attenuation barrier may block the~~  
1431 ~~visibility of an existing outdoor advertising sign;~~

1432 ~~2. The local government or local jurisdiction may restrict~~  
1433 ~~or prohibit increasing the height of the existing outdoor~~  
1434 ~~advertising sign to make it visible over the barrier; and~~

1435 ~~3. If a majority of the impacted property owners vote for~~  
1436 ~~construction of the noise attenuation barrier, the local~~  
1437 ~~government or local jurisdiction will be required to:~~

1438 ~~a. allow an increase in the height of the sign in violation~~  
1439 ~~of a local ordinance or land development regulation;~~

1440 ~~(b)~~ b. Allow the sign to be relocated or reconstructed at  
1441 another location if the sign owner agrees; or

1442 ~~(c)~~ e. Pay the fair market value of the sign and its  
1443 associated interest in the real property.

1444 (2) (b) The department shall hold a public hearing within  
1445 the boundaries of the affected local governments or local  
1446 jurisdictions to receive input on the proposed noise-attenuation  
1447 barrier and its conflict with the local ordinance or land  
1448 development regulation and to suggest or consider alternatives  
1449 or modifications ~~to the proposed noise-attenuation barrier~~ to  
1450 alleviate or minimize the conflict with the local ordinance or

596-02948-14

20141048c1

1451 land development regulation or minimize any costs that may be  
 1452 associated with relocating, reconstructing, or paying for the  
 1453 affected sign. The public hearing may be held concurrently with  
 1454 other public hearings scheduled for the project. The department  
 1455 shall provide a written notification to the local government or  
 1456 local jurisdiction of the date and time of the public hearing  
 1457 and shall provide general notice of the public hearing in  
 1458 accordance with the notice provisions of s. 335.02(1). The  
 1459 notice may ~~shall~~ not be placed in that portion of a newspaper in  
 1460 which legal notices or classified advertisements appear. The  
 1461 notice must ~~shall~~ specifically state that:

1462 (a)1. ~~Erection of the proposed noise-attenuation barrier~~  
 1463 ~~may block the visibility of an existing outdoor advertising~~  
 1464 ~~sign;~~

1465 (b)2. ~~The local government or local jurisdiction may~~  
 1466 ~~restrict or prohibit increasing the height of the existing~~  
 1467 ~~outdoor advertising sign to make it visible over the barrier;~~  
 1468 ~~and~~

1469 (c)3. ~~Upon If a majority of the impacted property owners~~  
 1470 ~~vote for construction of the noise-attenuation barrier, the~~  
 1471 ~~local government or local jurisdiction shall will be required~~  
 1472 ~~to:~~

1473 1.a. ~~Allow an increase in the height of the sign through a~~  
 1474 ~~waiver or variance to in violation of a local ordinance or land~~  
 1475 ~~development regulation;~~

1476 2.b. ~~Allow the sign to be relocated or reconstructed at~~  
 1477 ~~another location if the sign owner agrees; or~~

1478 3.e. ~~Pay the fair market value of the sign and its~~  
 1479 ~~associated interest in the real property.~~

596-02948-14

20141048c1

1480        ~~(3)~~(2) The department may ~~shall~~ not permit erection of the  
1481 noise-attenuation barrier to the extent the barrier screens or  
1482 blocks visibility of the sign until after the public hearing is  
1483 held and ~~until such time as the survey has been conducted and a~~  
1484 ~~majority of the impacted property owners have indicated approval~~  
1485 ~~to erect the noise-attenuation barrier. When the impacted~~  
1486 ~~property owners approve of the noise-attenuation barrier~~  
1487 ~~construction, the department shall notify the local governments~~  
1488 ~~or local jurisdictions. The local government or local~~  
1489 ~~jurisdiction shall, notwithstanding the provisions of a~~  
1490 ~~conflicting ordinance or land development regulation:~~

1491           ~~(a) Issue a permit by variance or otherwise for the~~  
1492 ~~reconstruction of a sign under this section;~~

1493           ~~(b) Allow the relocation of a sign, or construction of~~  
1494 ~~another sign, at an alternative location that is permissible~~  
1495 ~~under the provisions of this chapter, if the sign owner agrees~~  
1496 ~~to relocate the sign or construct another sign; or~~

1497           ~~(c) Refuse to issue the required permits for reconstruction~~  
1498 ~~of a sign under this section and pay fair market value of the~~  
1499 ~~sign and its associated interest in the real property to the~~  
1500 ~~owner of the sign.~~

1501        ~~(4)~~(3) This section does ~~shall~~ not apply to the provisions  
1502 ~~of~~ any existing written agreement executed before July 1, 2006,  
1503 between any local government and the owner of an outdoor  
1504 advertising sign.

1505        Section 21. Subsection (1) of section 479.261, Florida  
1506 Statutes, is amended to read:

1507        479.261 Logo sign program.—

1508        (1) The department shall establish a logo sign program for

596-02948-14

20141048c1

1509 the rights-of-way of the limited access ~~interstate~~ highway  
1510 system to provide information to motorists about available gas,  
1511 food, lodging, camping, attractions, and other services, as  
1512 approved by the Federal Highway Administration, at interchanges  
1513 through the use of business logos and may include additional  
1514 interchanges under the program.

1515 (a) As used in this chapter, the term "attraction" means an  
1516 establishment, site, facility, or landmark that is open a  
1517 minimum of 5 days a week for 52 weeks a year; that has as its  
1518 principal focus family-oriented entertainment, cultural,  
1519 educational, recreational, scientific, or historical activities;  
1520 and that is publicly recognized as a bona fide tourist  
1521 attraction.

1522 (b) The department shall incorporate the use of RV-friendly  
1523 markers on specific information logo signs for establishments  
1524 that cater to the needs of persons driving recreational  
1525 vehicles. Establishments that qualify for participation in the  
1526 specific information logo program and that also qualify as "RV-  
1527 friendly" may request the RV-friendly marker on their specific  
1528 information logo sign. An RV-friendly marker must consist of a  
1529 design approved by the Federal Highway Administration. The  
1530 department shall adopt rules ~~in accordance with chapter 120~~ to  
1531 administer this paragraph. Such rules must establish minimum  
1532 requirements for parking spaces, entrances and exits, and  
1533 overhead clearance which must be met by, ~~including rules setting~~  
1534 ~~forth the minimum requirements that establishments that wish~~  
1535 ~~must meet in order to qualify as RV-friendly. These requirements~~  
1536 ~~shall include large parking spaces, entrances, and exits that~~  
1537 ~~can easily accommodate recreational vehicles and facilities~~

596-02948-14

20141048c1

1538 ~~having appropriate overhead clearances, if applicable.~~

1539 Section 22. Subsection (1) of section 479.262, Florida  
1540 Statutes, is amended to read:

1541 479.262 Tourist-oriented directional sign program.—

1542 (1) A tourist-oriented directional sign program to provide  
1543 directions to rural tourist-oriented businesses, services, and  
1544 activities may be established at intersections on rural and  
1545 conventional state, county, or municipal roads only in rural  
1546 ~~counties identified by criteria and population in s. 288.0656~~  
1547 when approved and permitted by county or local governmental  
1548 ~~government~~ entities within their respective jurisdictional areas  
1549 ~~at intersections on rural and conventional state, county, or~~  
1550 ~~municipal roads.~~ A county or local government that ~~which~~ issues  
1551 permits for a tourist-oriented directional sign program is ~~shall~~  
1552 ~~be~~ responsible for sign construction, maintenance, and program  
1553 operation in compliance with subsection (3) for roads on the  
1554 state highway system and may establish permit fees sufficient to  
1555 offset associated costs. A tourist-oriented directional sign may  
1556 not be used on roads in urban areas or at interchanges on  
1557 freeways or expressways.

1558 Section 23. Section 479.313, Florida Statutes, is amended  
1559 to read:

1560 479.313 Permit revocation and cancellation; cost of  
1561 removal.—All costs incurred by the department in connection with  
1562 the removal of a sign located within a controlled area adjacent  
1563 to the State Highway System, interstate highway system, or  
1564 federal-aid primary highway system following the revocation or  
1565 cancellation of the permit for such sign shall be assessed  
1566 against and collected from the permittee.

596-02948-14

20141048c1

1567           Section 24. Section 76 of chapter 2012-174, Laws of  
1568 Florida, is repealed.

1569           Section 25. This act shall take effect July 1, 2014.