

By the Committees on Community Affairs; and Transportation; and
Senator Latvala

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1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 creating s. 339.041, F.S.; providing legislative
4 findings and intent; authorizing the department to
5 seek certain investors for certain leases; prohibiting
6 the department from pledging the credit, general
7 revenues, or taxing power of the state or any
8 political subdivision of the state; specifying the
9 collection and deposit of lease payments by agreement
10 with the department; creating s. 339.70, F.S.;
11 limiting the number of referenda that certain
12 authorities may be subject to; specifying that a
13 referendum applies to future bond issuances; amending
14 s. 373.618, F.S.; providing that a public information
15 system is subject to the requirements of the Highway
16 Beautification Act of 1965 and all federal laws and
17 agreements when applicable; deleting an exemption;
18 amending s. 479.01, F.S., relating to outdoor
19 advertising signs; revising and deleting definitions;
20 amending s. 479.02, F.S.; revising duties of the
21 Department of Transportation relating to signs;
22 deleting a requirement that the department adopt
23 certain rules; creating s. 479.024, F.S.; limiting the
24 placement of signs to commercial or industrial zones;
25 defining the terms "parcel" and "utilities"; requiring
26 a local government to use specified criteria to
27 determine zoning for commercial or industrial parcels;
28 providing that certain parcels are considered unzoned
29 commercial or industrial areas; authorizing a permit

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30 for a sign in an unzoned commercial or industrial area
31 in certain circumstances; prohibiting specified uses
32 and activities from being independently recognized as
33 commercial or industrial; requiring the department to
34 notify an applicant of the department's determination
35 to deny a sign permit; providing an appeal process for
36 an applicant whose permit is denied; requiring an
37 applicant whose application is denied to remove an
38 existing sign pertaining to the application; providing
39 that the applicant is responsible for all sign removal
40 costs in certain circumstances; requiring the
41 department to reduce certain transportation funding in
42 certain circumstances; amending s. 479.03, F.S.;

43 revising the conditions under which the department may
44 enter intervening privately owned lands to remove an
45 illegal sign; amending s. 479.04, F.S.; providing that
46 an outdoor advertising license is not required solely
47 to erect or construct outdoor signs or structures;
48 amending s. 479.05, F.S.; authorizing the department
49 to suspend a license for certain offenses and
50 specifying activities that the licensee may engage in
51 during the suspension; prohibiting the department from
52 granting a transfer of an existing permit or issuing
53 an additional permit during the suspension; amending
54 s. 479.07, F.S.; revising requirements for obtaining
55 sign permits; conforming and clarifying provisions;
56 revising permit tag placement requirements for signs;
57 deleting a provision that allows a permittee to
58 provide its own replacement tag; increasing the permit

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

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

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

133
134 Be It Enacted by the Legislature of the State of Florida:

135
136 Section 1. Section 339.041, Florida Statutes, is created to
137 read:

138 339.041 Factoring of revenues from leases for wireless
139 communication facilities.—

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

145 (a) Create a mechanism for factoring future revenues

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146 received by the department from leases for wireless
147 communication facilities on department property on a nonrecourse
148 basis;

149 (b) Fund fixed capital expenditures for the statewide
150 transportation system from proceeds generated through this
151 mechanism; and

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

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

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

171 (4) The department may not pledge the credit, the general
172 revenues, or the taxing power of the state or of any political
173 subdivision of the state. The obligations of the department and
174 investors under the agreement do not constitute a general

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175 obligation of the state or a pledge of the full faith and credit
176 or taxing power of the state. The agreement is payable from and
177 secured solely by payments received from department leases for
178 wireless communication facilities on property owned or
179 controlled by the department, and neither the state nor any of
180 its agencies has any liability beyond such payments.

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

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

201 (7) Proceeds received by the department from leases for
202 wireless communication facilities shall be deposited in the
203 State Transportation Trust Fund created under s. 206.46 and used

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204 for fixed capital expenditures for the statewide transportation
205 system.

206 Section 2. Section 339.70, Florida Statutes, is created to
207 read:

208 339.70 Authority referendum.—Any authority created by
209 special act of the Legislature which has authority over matters
210 related to transportation, including matters concerning a public
211 right-of-way, and which has the authority to issue bonds is
212 subject to a referendum no more than once every 8 years. A
213 referendum may apply only to future bond issuances and may not
214 affect an existing bond issuance.

215 Section 3. Section 373.618, Florida Statutes, is amended to
216 read:

217 373.618 Public service warnings, alerts, and
218 announcements.—The Legislature believes it is in the public
219 interest that all water management districts created pursuant to
220 s. 373.069 own, acquire, develop, construct, operate, and manage
221 public information systems. Public information systems may be
222 located on property owned by the water management district, upon
223 terms and conditions approved by the water management district,
224 and must display messages to the general public concerning water
225 management services, activities, events, and sponsors, as well
226 as other public service announcements, including watering
227 restrictions, severe weather reports, amber alerts, and other
228 essential information needed by the public. Local government
229 review or approval is not required for a public information
230 system owned or hereafter acquired, developed, or constructed by
231 the water management district on its own property. A public
232 information system is subject to ~~exempt from~~ the requirements of

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233 the Highway Beautification Act of 1965 and all federal laws and
234 agreements when applicable ~~chapter 479~~. Water management
235 district funds may not be used to pay the cost to acquire,
236 develop, construct, operate, or manage a public information
237 system. Any necessary funds for a public information system
238 shall be paid for and collected from private sponsors who may
239 display commercial messages.

240 Section 4. Section 479.01, Florida Statutes, is amended to
241 read:

242 479.01 Definitions.—As used in this chapter, the term:

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

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

254 (3) "Business of outdoor advertising" means the business of
255 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,
256 or selling outdoor advertising structures, outdoor advertising
257 signs, or outdoor advertisements.

258 ~~(4) "Commercial or industrial zone" means a parcel of land~~
259 ~~designated for commercial or industrial uses under both the~~
260 ~~future land use map of the comprehensive plan and the land use~~
261 ~~development regulations adopted pursuant to chapter 163. If a~~

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262 ~~parcel is located in an area designated for multiple uses on the~~
263 ~~future land use map of a comprehensive plan and the zoning~~
264 ~~category of the land development regulations does not clearly~~
265 ~~designate that parcel for a specific use, the area will be~~
266 ~~considered an unzoned commercial or industrial area if it meets~~
267 ~~the criteria of subsection (26).~~

268 (4)~~(5)~~ "Commercial use" means activities associated with
269 the sale, rental, or distribution of products or the performance
270 of services. The term includes, but is not limited to ~~without~~
271 ~~limitation~~, such uses or activities as retail sales; wholesale
272 sales; rentals of equipment, goods, or products; offices;
273 restaurants; food service vendors; sports arenas; theaters; and
274 tourist attractions.

275 (5)~~(6)~~ "Controlled area" means 660 feet or less from the
276 nearest edge of the right-of-way of any portion of the State
277 Highway System, interstate, or federal-aid primary highway
278 system and beyond 660 feet of the nearest edge of the right-of-
279 way of any portion of the State Highway System, interstate
280 highway system, or federal-aid primary system outside an urban
281 area.

282 (6)~~(7)~~ "Department" means the Department of Transportation.

283 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,
284 place, affix, attach, create, paint, draw, or in any other way
285 bring into being or establish. The term, ~~but it~~ does not include
286 such any of the foregoing activities when performed as incidents
287 ~~an incident~~ to the change of advertising message or customary
288 maintenance or repair of a sign.

289 (8)~~(9)~~ "Federal-aid primary highway system" means the
290 federal-aid primary highway system in existence on June 1, 1991,

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291 and any highway that was not a part of such system as of that
292 date but that is, or became after June 1, 1991, a part of the
293 National Highway System, including portions that have been
294 accepted as part of the National Highway System but are unbuilt
295 or unopened ~~existing, unbuilt, or unopened system of highways or~~
296 ~~portions thereof, which shall include the National Highway~~
297 ~~System, designated as the federal-aid primary highway system by~~
298 ~~the department.~~

299 (9)~~(10)~~ "Highway" means any road, street, or other way open
300 or intended to be opened to the public for travel by motor
301 vehicles.

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

312 (11)~~(12)~~ "Interstate highway system" means the existing,
313 unbuilt, or unopened system of highways or portions thereof
314 designated as the national system of interstate and defense
315 highways by the department.

316 (12)~~(13)~~ "Main-traveled way" means the traveled way of a
317 highway on which through traffic is carried. In the case of a
318 divided highway, the traveled way of each of the separate
319 roadways for traffic in opposite directions is a main-traveled

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320 way. The term ~~It~~ does not include such facilities as frontage
321 roads, turning roadways which specifically include on-ramps or
322 off-ramps to the interstate highway system, or parking areas.

323 (13)~~(14)~~ "Maintain" means to allow to exist.

324 (14)~~(15)~~ "Motorist services directional signs" means signs
325 providing directional information about goods and services in
326 the interest of the traveling public where such signs were
327 lawfully erected and in existence on or before May 6, 1976, and
328 continue to provide directional information to goods and
329 services in a defined area.

330 (15)~~(16)~~ "New highway" means the construction of any road,
331 paved or unpaved, where no road previously existed or the act of
332 paving any previously unpaved road.

333 (16)~~(17)~~ "Nonconforming sign" means a sign which was
334 lawfully erected but which does not comply with the land use,
335 setback, size, spacing, and lighting provisions of state or
336 local law, rule, regulation, or ordinance passed at a later date
337 or a sign which was lawfully erected but which later fails to
338 comply with state or local law, rule, regulation, or ordinance
339 due to changed conditions.

340 (17)~~(18)~~ "Premises" means all the land areas under
341 ownership or lease arrangement to the sign owner which are
342 contiguous to the business conducted on the land except for
343 instances where such land is a narrow strip contiguous to the
344 advertised activity or is connected by such narrow strip, the
345 only viable use of such land is to erect or maintain an
346 advertising sign. If ~~When~~ the sign owner is a municipality or
347 county, the term means ~~"premises" shall mean~~ all lands owned or
348 leased by the ~~such~~ municipality or county within its

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349 jurisdictional boundaries ~~as set forth by law.~~

350 (18)~~(19)~~ "Remove" means to disassemble all sign materials
351 above ground level and~~7~~ transport such materials from the site~~7~~
352 ~~and dispose of sign materials by sale or destruction.~~

353 (19)~~(20)~~ "Sign" means any combination of structure and
354 message in the form of an outdoor sign, display, device, figure,
355 painting, drawing, message, placard, poster, billboard,
356 advertising structure, advertisement, logo, symbol, or other
357 form, whether placed individually or on a V-type, back-to-back,
358 side-to-side, stacked, or double-faced display or automatic
359 changeable facing, designed, intended, or used to advertise or
360 inform, any part of the advertising message or informative
361 contents of which is visible from any place on the main-traveled
362 way. The term does not include an official traffic control sign,
363 official marker, or specific information panel erected, caused
364 to be erected, or approved by the department.

365 (20)~~(21)~~ "Sign direction" means the ~~that~~ direction from
366 which the message or informative contents are most visible to
367 oncoming traffic on the main-traveled way.

368 (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,
369 including trim and background, which contains the message or
370 informative contents, including an automatic changeable face.

371 (22)~~(23)~~ "Sign facing" includes all sign faces and
372 automatic changeable faces displayed at the same location and
373 facing the same direction.

374 (23)~~(24)~~ "Sign structure" means all the interrelated parts
375 and material, such as beams, poles, and stringers, which are
376 constructed for the purpose of supporting or displaying a
377 message or informative contents.

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378 (24)~~(25)~~ "State Highway System" has the same meaning as in
379 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~
380 ~~highways or portions thereof designated as the State Highway~~
381 ~~System by the department.~~

382 ~~(26) "Unzoned commercial or industrial area" means a parcel~~
383 ~~of land designated by the future land use map of the~~
384 ~~comprehensive plan for multiple uses that include commercial or~~
385 ~~industrial uses but are not specifically designated for~~
386 ~~commercial or industrial uses under the land development~~
387 ~~regulations, in which three or more separate and distinct~~
388 ~~conforming industrial or commercial activities are located.~~

389 ~~(a) These activities must satisfy the following criteria:~~
390 ~~1. At least one of the commercial or industrial activities~~
391 ~~must be located on the same side of the highway and within 800~~
392 ~~feet of the sign location;~~
393 ~~2. The commercial or industrial activities must be within~~
394 ~~660 feet from the nearest edge of the right-of-way; and~~
395 ~~3. The commercial industrial activities must be within~~
396 ~~1,600 feet of each other.~~

397
398 ~~Distances specified in this paragraph must be measured from the~~
399 ~~nearest outer edge of the primary building or primary building~~
400 ~~complex when the individual units of the complex are connected~~
401 ~~by covered walkways.~~

402 ~~(b) Certain activities, including, but not limited to, the~~
403 ~~following, may not be so recognized as commercial or industrial~~
404 ~~activities:~~

405 ~~1. Signs.~~
406 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~

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407 ~~related activities, including, but not limited to, wayside fresh~~
408 ~~produce stands.~~

409 ~~3. Transient or temporary activities.~~

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

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

413 ~~6. Activities conducted in a building principally used as a~~
414 ~~residence.~~

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

416 ~~8. Communication towers.~~

417 ~~(25)-(27)~~ "Urban area" has the same meaning as ~~defined~~ in s.
418 334.03~~(31)~~.

419 ~~(26)-(28)~~ "Visible commercial or industrial activity" means
420 a commercial or industrial activity that is capable of being
421 seen without visual aid by a person of normal visual acuity from
422 the main-traveled way and that is generally recognizable as
423 commercial or industrial.

424 ~~(27)-(29)~~ "Visible sign" means that the advertising message
425 or informative contents of a sign, whether or not legible, can
426 be ~~is capable of being~~ seen without visual aid by a person of
427 normal visual acuity.

428 ~~(28)-(30)~~ "Wall mural" means a sign that is a painting or an
429 artistic work composed of photographs or arrangements of color
430 and that displays a commercial or noncommercial message, relies
431 solely on the side of the building for rigid structural support,
432 and is painted on the building or depicted on vinyl, fabric, or
433 other similarly flexible material that is held in place flush or
434 flat against the surface of the building. The term excludes a
435 painting or work placed on a structure that is erected for the

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436 sole or primary purpose of signage.

437 ~~(29)~~⁽³¹⁾ "Zoning category" means the designation under the
438 land development regulations or other similar ordinance enacted
439 to regulate the use of land as provided in s. 163.3202(2)(b),
440 which designation sets forth the allowable uses, restrictions,
441 and limitations on use applicable to properties within the
442 category.

443 Section 5. Section 479.02, Florida Statutes, is amended to
444 read:

445 479.02 Duties of the department. ~~It shall be the duty of~~
446 The department shall ~~to~~:

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

456 (2) Regulate size, height, lighting, and spacing of signs
457 permitted on commercial and industrial parcels and in unzoned
458 commercial or industrial areas ~~in zoned and unzoned commercial~~
459 ~~areas and zoned and unzoned industrial areas~~ on the interstate
460 highway system and the federal-aid primary highway system.

461 (3) Determine ~~unzoned commercial and industrial parcels and~~
462 unzoned commercial or areas and unzoned industrial areas in the
463 manner provided in s. 479.024.

464 (4) Implement a specific information panel program on the

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465 limited access ~~interstate~~ highway system to promote tourist-
466 oriented businesses by providing directional information safely
467 and aesthetically.

468 (5) Implement a rest area information panel or devices
469 program at rest areas along the interstate highway system and
470 the federal-aid primary highway system to promote tourist-
471 oriented businesses.

472 (6) Test and, if economically feasible, implement
473 alternative methods of providing information in the specific
474 interest of the traveling public which allow the traveling
475 public freedom of choice, conserve natural beauty, and present
476 information safely and aesthetically.

477 (7) Adopt such rules as the department ~~it~~ deems necessary
478 or proper for the administration of this chapter, including
479 rules that ~~which~~ identify activities that may not be recognized
480 as industrial or commercial activities for purposes of
481 determination of a ~~an area as an unzoned~~ commercial or
482 industrial parcel or an unzoned commercial or industrial area in
483 the manner provided in s. 479.024.

484 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
485 location of all signs on the State Highway System, interstate
486 highway system, and federal-aid primary highway system to be
487 used as systems. ~~Upon completion of the inventory, it shall~~
488 ~~become~~ the database and permit information for all permitted
489 ~~signs permitted at the time of completion, and the previous~~
490 ~~records of the department shall be amended accordingly.~~ The
491 inventory shall be updated at least no less than every 2 years.
492 ~~The department shall adopt rules regarding what information is~~
493 ~~to be collected and preserved to implement the purposes of this~~

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494 ~~chapter.~~ The department may perform the inventory using
495 department staff, or may contract with a private firm to perform
496 the work, whichever is more cost efficient. The department shall
497 maintain a database of sign inventory information such as sign
498 location, size, height, and structure type, the permittee's
499 ~~permitholder's~~ name, and any other information the department
500 finds necessary to administer the program.

501 Section 6. Section 479.024, Florida Statutes, is created to
502 read:

503 479.024 Commercial and industrial parcels.—Signs shall be
504 permitted by the department only in commercial or industrial
505 zones, as determined by the local government, in compliance with
506 chapter 163, unless otherwise provided in this chapter.
507 Commercial and industrial zones are those areas appropriate for
508 commerce, industry, or trade, regardless of how those areas are
509 labeled.

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

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

513 (b) "Utilities" includes all privately, publicly, or
514 cooperatively owned lines, facilities, and systems for
515 producing, transmitting, or distributing communications, power,
516 electricity, light, heat, gas, oil, crude products, water,
517 steam, waste, and stormwater not connected with the highway
518 drainage, and other similar commodities.

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

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

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523 (b) The parcel can reasonably accommodate a commercial or
524 industrial use under the future land use map of the
525 comprehensive plan and land use development regulations, as
526 follows:

527 1. Sufficient utilities are available to support commercial
528 or industrial development; and

529 2. The size, configuration, and public access of the parcel
530 are sufficient to accommodate a commercial or industrial use,
531 given the requirements in the comprehensive plan and land
532 development regulations for vehicular access, on-site
533 circulation, building setbacks, buffering, parking, and other
534 applicable standards, or the parcel consists of railroad tracks
535 or minor sidings abutting commercial or industrial property that
536 meets the criteria of this subsection.

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

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

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552 shared building entrances.

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

556 (a) Signs.

557 (b) Agricultural, forestry, ranching, grazing, and farming,
558 and related activities, including, but not limited to, wayside
559 fresh produce stands.

560 (c) Transient or temporary activities.

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

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

566 (f) Activities conducted in a building principally used as
567 a residence.

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

571 (h) Communication towers.

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

576 (5) If the local government has indicated that the proposed
577 sign location is on a parcel that is in a commercial or
578 industrial zone but the department finds that it is not, the
579 department shall notify the sign applicant in writing of its
580 determination.

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581 (6) An applicant whose application for a permit is denied
582 may request, within 30 days after the receipt of the
583 notification of intent to deny, an administrative hearing
584 pursuant to chapter 120 for a determination of whether the
585 parcel is located in a commercial or industrial zone. Upon
586 receipt of such request, the department shall notify the local
587 government that the applicant has requested an administrative
588 hearing pursuant to chapter 120.

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

594 (8) If the Federal Highway Administration reduces funds
595 that would otherwise be apportioned to the department due to a
596 local government's failure to comply with this section, the
597 department shall reduce transportation funding apportioned to
598 the local government by an equivalent amount.

599 Section 7. Section 479.03, Florida Statutes, is amended to
600 read:

601 479.03 Jurisdiction of the Department of Transportation;
602 entry upon privately owned lands.—The territory under the
603 jurisdiction of the department for the purpose of this chapter
604 includes ~~shall include~~ all the state. Employees, agents, or
605 independent contractors working for the department, in the
606 performance of their functions and duties under the provisions
607 of this chapter, may enter into and upon any land upon which a
608 sign is displayed, is proposed to be erected, or is being
609 erected and make such inspections, surveys, and removals as may

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610 be relevant. Upon written notice to ~~After receiving consent by~~
611 the landowner, operator, or person in charge of an intervening
612 privately owned land that ~~or appropriate inspection warrant~~
613 ~~issued by a judge of any county court or circuit court of this~~
614 ~~state which has jurisdiction of the place or thing to be~~
615 ~~removed,~~ that the removal of an illegal outdoor advertising sign
616 is necessary and has been authorized by a final order or results
617 from an uncontested notice to the sign owner, the department may
618 ~~shall be authorized to~~ enter upon any intervening privately
619 owned lands for the purposes of effectuating removal of illegal
620 signs. ~~, provided that~~ The department may enter intervening
621 privately owned lands ~~shall~~ only ~~do so~~ in circumstances where it
622 has determined that ~~no~~ other legal or economically feasible
623 means of entry to the sign site are not reasonably available.
624 Except as otherwise provided by this chapter, the department is
625 ~~shall be~~ responsible for the repair or replacement in a like
626 manner for any physical damage or destruction of private
627 property, other than the sign, incidental to the department's
628 entry upon such intervening privately owned lands.

629 Section 8. Section 479.04, Florida Statutes, is amended to
630 read:

631 479.04 Business of outdoor advertising; license
632 requirement; renewal; fees.—

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

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

643 Section 9. Section 479.05, Florida Statutes, is amended to
644 read:

645 479.05 Denial, suspension, or revocation of license.—The
646 department may ~~has authority to deny, suspend,~~ or revoke a any
647 license requested or granted under this chapter in any case in
648 which it determines that the application for the license
649 contains ~~knowingly~~ false or misleading information of material
650 consequence, that the licensee has failed to pay fees or costs
651 owed to the department for outdoor advertising purposes, or that
652 the licensee has violated any of the provisions of this chapter,
653 unless such licensee, within 30 days after the receipt of notice
654 by the department, corrects such false or misleading
655 information, pays the outstanding amounts, or complies with ~~the~~
656 ~~provisions of~~ this chapter. Suspension of a license allows the
657 licensee to maintain existing sign permits, but the department
658 may not grant a transfer of an existing permit or issue an
659 additional permit to a licensee with a suspended license. A Any
660 person aggrieved by an any action of the department which
661 denies, suspends, or revokes ~~in denying or revoking~~ a license
662 under this chapter may, within 30 days after ~~from~~ the receipt of
663 the notice, apply to the department for an administrative
664 hearing pursuant to chapter 120.

665 Section 10. Section 479.07, Florida Statutes, is amended to
666 read:

667 479.07 Sign permits.—

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668 (1) Except as provided in ss. 479.105(1)~~(e)~~ and 479.16, a
669 person may not erect, operate, use, or maintain, or cause to be
670 erected, operated, used, or maintained, any sign on the State
671 Highway System outside an urban area,~~as defined in s.~~
672 ~~334.03(31),~~ or on any portion of the interstate or federal-aid
673 primary highway system without first obtaining a permit for the
674 sign from the department and paying the annual fee as provided
675 in this section. As used in this section, the term "on any
676 portion of the State Highway System, interstate highway system,
677 or federal-aid primary system" means a sign located within the
678 controlled area which is visible from any portion of the main-
679 traveled way of such system.

680 (2) ~~A person may not apply for a permit unless he or she~~
681 ~~has first obtained the~~ Written permission of the owner or other
682 person in lawful possession or control of the site designated as
683 the location of the sign is required for issuance of a ~~in the~~
684 ~~application for the~~ permit.

685 (3) (a) An application for a sign permit must be made on a
686 form prescribed by the department, and a separate application
687 must be submitted for each permit requested. A permit is
688 required for each sign facing.

689 (b) As part of the application, the applicant or his or her
690 authorized representative must certify ~~in a notarized signed~~
691 ~~statement~~ that all information provided in the application is
692 true and correct ~~and that, pursuant to subsection (2), he or she~~
693 ~~has obtained the written permission of the owner or other person~~
694 ~~in lawful possession of the site designated as the location of~~
695 ~~the sign in the permit application.~~ Each ~~Every~~ permit
696 application must be accompanied by the appropriate permit fee; a

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697 signed statement by the owner or other person in lawful control
698 of the site on which the sign is located or will be erected,
699 authorizing the placement of the sign on that site; ~~and, where~~
700 ~~local governmental regulation of signs exists,~~ a statement from
701 the appropriate local governmental official indicating that the
702 sign complies with all local government ~~governmental~~
703 requirements; and, if a local government permit is required for
704 a sign, a statement that the agency or unit of local government
705 will issue a permit to that applicant upon approval of the state
706 permit application by the department.

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

719 (4) An application for a permit shall be acted on by
720 granting, denying, or returning the incomplete application ~~the~~
721 ~~department~~ within 30 days after receipt of the application by
722 the department.

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

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726 on each permitted sign facing at all times. The tag shall be
727 securely attached to the upper 50 percent of the sign structure,
728 ~~and sign facing or, if there is no facing, on the pole nearest~~
729 ~~the highway;~~ and it shall be attached in such a manner as to be
730 plainly visible from the main-traveled way. ~~Effective July 1,~~
731 ~~2012, the tag must be securely attached to the upper 50 percent~~
732 ~~of the pole nearest the highway and must be attached in such a~~
733 ~~manner as to be plainly visible from the main-traveled way. The~~
734 ~~permit becomes void unless the permit tag must be is properly~~
735 and permanently displayed at the permitted site within 30 days
736 after the date of permit issuance. If the permittee fails to
737 erect a completed sign on the permitted site within 270 days
738 after the date on which the permit was issued, the permit will
739 be void, and the department may not issue a new permit to that
740 permittee for the same location for 270 days after the date on
741 which the permit becomes ~~became~~ void.

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

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

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

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

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

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784 payment or the cancellation certification. However, failure of a
785 permittee to submit a permit cancellation does ~~shall~~ not affect
786 the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a
787 permit, the permittee shall provide written notice to all
788 persons or entities having a right to advertise on the sign that
789 the permittee intends to cancel the permit.

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

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

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

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

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

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

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

829 1. One thousand five hundred feet from any other permitted
830 sign on the same side of the highway, if on an interstate
831 highway.

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

834

835 The minimum spacing provided in this paragraph does not preclude
836 the permitting of V-type, back-to-back, side-to-side, stacked,
837 or double-faced signs at the permitted sign site. If a sign is
838 visible to more than one highway subject to the jurisdiction of
839 the department and within the controlled area of the highways
840 ~~from the controlled area of more than one highway subject to the~~
841 ~~jurisdiction of the department~~, the sign must ~~shall~~ meet the

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842 permitting requirements of all highways, and, ~~if the sign meets~~
843 ~~the applicable permitting requirements~~, be permitted to, the
844 highway having the more stringent permitting requirements.

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

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

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

854 3. Exceeds 950 square feet of sign facing including all
855 embellishments.

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

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

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

870 3. The local government notifies the department of its

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871 intention to allow such removal and replacement as agreed upon
872 pursuant to subparagraph 2.

873 ~~4. The new or replacement sign to be erected on an~~
874 ~~interstate highway within that jurisdiction is to be located on~~
875 ~~a parcel of land specifically designated for commercial or~~
876 ~~industrial use under both the future land use map of the~~
877 ~~comprehensive plan and the land use development regulations~~
878 ~~adopted pursuant to chapter 163, and such parcel shall not be~~
879 ~~subject to an evaluation in accordance with the criteria set~~
880 ~~forth in s. 479.01(26) to determine if the parcel can be~~
881 ~~considered an unzoned commercial or industrial area.~~

882

883 ~~The department shall maintain statistics tracking the use of the~~
884 ~~provisions of this pilot program based on the notifications~~
885 ~~received by the department from local governments under this~~
886 ~~paragraph.~~

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

889 (10) Commercial or industrial zoning that ~~which~~ is not
890 comprehensively enacted or that ~~which~~ is enacted primarily to
891 permit signs may ~~shall~~ not be recognized as commercial or
892 industrial zoning for purposes of this provision, and permits
893 may ~~shall~~ not be issued for signs in such areas. The department
894 shall adopt rules that ~~within 180 days after this act takes~~
895 ~~effect which shall~~ provide criteria to determine whether such
896 zoning is comprehensively enacted or enacted primarily to permit
897 signs.

898 Section 11. Section 479.08, Florida Statutes, is amended to
899 read:

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900 479.08 Denial or revocation of permit.—The department may
901 deny or revoke a ~~any~~ permit requested or granted under this
902 chapter in any case in which it determines that the application
903 for the permit contains ~~knowingly~~ false or misleading
904 information of material consequence. The department may revoke a
905 ~~any~~ permit granted under this chapter in any case in which the
906 permittee has violated ~~any of the provisions of~~ this chapter,
907 unless such permittee, within 30 days after the receipt of
908 notice by the department, complies with ~~the provisions of~~ this
909 chapter. For the purpose of this section, the notice of
910 violation issued by the department must describe in detail the
911 alleged violation. A ~~Any~~ person aggrieved by any action of the
912 department in denying or revoking a permit under this chapter
913 may, within 30 days after receipt of the notice, apply to the
914 department for an administrative hearing pursuant to chapter
915 120. If a timely request for hearing has been filed and the
916 department issues a final order revoking a permit, such
917 revocation shall be effective 30 days after the date of
918 rendition. Except for department action pursuant to s.
919 479.107(1), the filing of a timely and proper notice of appeal
920 shall operate to stay the revocation until the department's
921 action is upheld.

922 Section 12. Section 479.10, Florida Statutes, is amended to
923 read:

924 479.10 Sign removal following permit revocation or
925 cancellation.—A sign shall be removed by the permittee within 30
926 days after the date of revocation or cancellation of the permit
927 for the sign. If the permittee fails to remove the sign within
928 the 30-day period, the department shall remove the sign at the

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

931 Section 13. Section 479.105, Florida Statutes, is amended
932 to read:

933 479.105 Signs erected or maintained without required
934 permit; removal.—

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

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

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958 request must be filed with the department within 30 days after
959 receipt ~~the date~~ of the written notice. However, the filing of a
960 request for a hearing will not stay the removal of the sign.

961 (b) If, pursuant to the notice provided, the sign is not
962 removed by the ~~sign~~ owner of the sign, the advertiser displayed
963 on the sign, or the owner of the property within the prescribed
964 period, the department shall immediately remove the sign without
965 further notice; and, for that purpose, the employees, agents, or
966 independent contractors of the department may enter upon private
967 property without incurring any liability for so entering.

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

971 1. If the sign meets the current requirements of this
972 chapter for a sign permit, the sign owner may submit the
973 required application package and receive a permit as a
974 conforming sign, upon payment of all applicable fees.

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

985 a. The sign has been unpermitted, structurally unchanged,
986 and continuously maintained at the same location for 7 years or

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987 more;

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

992 c. The department has not initiated a notice of violation
993 or taken other action to remove the sign during the initial 7-
994 year period in which the sign has been subject to the
995 jurisdiction of the department.

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

999 (e)~~(e)~~ For purposes of this subsection, a notice to the
1000 sign owner, when required, constitutes sufficient notice.~~;~~ and
1001 Notice is not required to be provided to the lessee, advertiser,
1002 or the owner of the real property on which the sign is located.

1003 (f)~~(d)~~ If, after a hearing, it is determined that a sign
1004 has been wrongfully or erroneously removed pursuant to this
1005 subsection, the department, at the sign owner's discretion,
1006 shall either pay just compensation to the owner of the sign or
1007 rerect the sign in kind at the expense of the department.

1008 ~~(e) However, if the sign owner demonstrates to the~~
1009 ~~department that:~~

1010 ~~1. The sign has been unpermitted, structurally unchanged,~~
1011 ~~and continuously maintained at the same location for a period of~~
1012 ~~7 years or more;~~

1013 ~~2. At any time during the period in which the sign has been~~
1014 ~~erected, the sign would have met the criteria established in~~
1015 ~~this chapter for issuance of a permit;~~

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1016 ~~3. The department has not initiated a notice of violation~~
1017 ~~or taken other action to remove the sign during the initial 7-~~
1018 ~~year period described in subparagraph 1.; and~~

1019 ~~4. The department determines that the sign is not located~~
1020 ~~on state right of way and is not a safety hazard,~~

1021
1022 ~~the sign may be considered a conforming or nonconforming sign~~
1023 ~~and may be issued a permit by the department upon application in~~
1024 ~~accordance with this chapter and payment of a penalty fee of~~
1025 ~~\$300 and all pertinent fees required by this chapter, including~~
1026 ~~annual permit renewal fees payable since the date of the~~
1027 ~~erection of the sign.~~

1028 (2) (a) If a sign is under construction and the department
1029 determines that a permit has not been issued for the sign as
1030 required under ~~the provisions of~~ this chapter, the department
1031 may ~~is authorized to~~ require that all work on the sign cease
1032 until the sign owner shows that the sign does not violate ~~the~~
1033 ~~provisions of~~ this chapter. The order to cease work shall be
1034 prominently posted on the sign structure, and ~~no~~ further notice
1035 is not required ~~to be given~~. The failure of a sign owner or her
1036 or his agents to immediately comply with the order subjects
1037 ~~shall subject~~ the sign to prompt removal by the department.

1038 (b) For the purposes of this subsection only, a sign is
1039 under construction when it is in any phase of initial
1040 construction before ~~prior to~~ the attachment and display of the
1041 advertising message in final position for viewing by the
1042 traveling public. A sign that is undergoing routine maintenance
1043 or change of the advertising message only is not considered to
1044 be under construction for the purposes of this subsection.

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1045 (3) The cost of removing a sign, ~~whether~~ by the department
1046 or an independent contractor, shall be assessed against the
1047 owner of the sign by the department.

1048 Section 14. Subsections (5) and (7) of section 479.106,
1049 Florida Statutes, are amended to read:

1050 479.106 Vegetation management.—

1051 (5) The department may only grant a permit pursuant to s.
1052 479.07 for a new sign that ~~which~~ requires the removal, cutting,
1053 or trimming of existing trees or vegetation on public right-of-
1054 way for the sign face to be visible from the highway the sign
1055 will be permitted to when the sign owner has removed at least
1056 two nonconforming signs of approximate comparable size and
1057 surrendered the permits for the nonconforming signs to the
1058 department for cancellation. For signs originally permitted
1059 after July 1, 1996, the first application, or application for a
1060 change of view zone, no permit for the removal, cutting, or
1061 trimming of trees or vegetation along the highway the sign is
1062 permitted to shall require the removal of two nonconforming
1063 signs, in addition to mitigation or contribution to a plan of
1064 mitigation. The department may not grant a permit for the
1065 removal, cutting, or trimming of trees for a sign permitted
1066 after July 1, 1996, if the shall be granted where such trees are
1067 or the vegetation is ~~are~~ part of a beautification project
1068 implemented before ~~prior to~~ the date of the original sign permit
1069 application and if, when the beautification project is
1070 specifically identified in the department's construction plans,
1071 permitted landscape projects, or agreements.

1072 (7) Any person engaging in removal, cutting, or trimming of
1073 trees or vegetation in violation of this section or benefiting

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1074 from such actions shall be subject to an administrative penalty
1075 of up to \$1,000 per sign facing and required to mitigate for the
1076 unauthorized removal, cutting, or trimming in such manner and in
1077 such amount as may be required under the rules of the
1078 department.

1079 Section 15. Subsection (5) of section 479.107, Florida
1080 Statutes, is amended to read:

1081 479.107 Signs on highway rights-of-way; removal.-

1082 (5) The cost of removing a sign, ~~whether~~ by the department
1083 or an independent contractor, shall be assessed by the
1084 department against the owner of the sign. ~~Furthermore, the~~
1085 ~~department shall assess a fine of \$75 against the sign owner for~~
1086 ~~any sign which violates the requirements of this section.~~

1087 Section 16. Section 479.111, Florida Statutes, is amended
1088 to read:

1089 479.111 Specified signs allowed within controlled portions
1090 of the interstate and federal-aid primary highway system.-Only
1091 the following signs shall be allowed within controlled portions
1092 of the interstate highway system and the federal-aid primary
1093 highway system as set forth in s. 479.11(1) and (2):

1094 (1) Directional or other official signs and notices that
1095 ~~which~~ conform to 23 C.F.R. ss. 750.151-750.155.

1096 (2) Signs in commercial-zoned and industrial-zoned areas or
1097 commercial-unzoned and industrial-unzoned areas and within 660
1098 feet of the nearest edge of the right-of-way, subject to the
1099 requirements set forth in the 1972 agreement between the state
1100 and the United States Department of Transportation.

1101 (3) Signs for which permits are not required under s.
1102 479.16.

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1103 Section 17. Section 479.15, Florida Statutes, is amended to
1104 read:

1105 479.15 Harmony of regulations.—

1106 (1) A ~~No~~ zoning board or commission or other public officer
1107 or agency may not ~~shall~~ issue a permit to erect a any sign that
1108 ~~which~~ is prohibited under ~~the provisions of~~ this chapter or the
1109 rules of the department, and ~~nor shall~~ the department may not
1110 issue a permit for a any sign that ~~which~~ is prohibited by any
1111 other public board, officer, or agency in the lawful exercise of
1112 its powers.

1113 (2) A municipality, county, local zoning authority, or
1114 other local governmental entity may not remove, or cause to be
1115 removed, a any lawfully erected sign along any portion of the
1116 interstate or federal-aid primary highway system without first
1117 paying just compensation for such removal. A local governmental
1118 entity may not cause in any way the alteration of a any lawfully
1119 erected sign located along any portion of the interstate or
1120 federal-aid primary highway system without payment of just
1121 compensation if such alteration constitutes a taking under state
1122 law. The municipality, county, local zoning authority, or other
1123 local governmental ~~government~~ entity that adopts requirements
1124 for such alteration shall pay just compensation to the sign
1125 owner if such alteration constitutes a taking under state law.
1126 This subsection applies only to a lawfully erected sign the
1127 subject matter of which relates to premises other than the
1128 premises on which it is located or to merchandise, services,
1129 activities, or entertainment not sold, produced, manufactured,
1130 or furnished on the premises on which the sign is located. ~~As~~
1131 ~~used in this subsection, the term "federal-aid primary highway~~

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1132 ~~system" means the federal aid primary highway system in~~
1133 ~~existence on June 1, 1991, and any highway that was not a part~~
1134 ~~of such system as of that date but that is or becomes after June~~
1135 ~~1, 1991, a part of the National Highway System. This subsection~~
1136 ~~may shall~~ not be interpreted as explicit or implicit legislative
1137 recognition that alterations do or do not constitute a taking
1138 under state law.

1139 (3) It is the express intent of the Legislature to limit
1140 the state right-of-way acquisition costs on state and federal
1141 roads in eminent domain proceedings, ~~the provisions of ss.~~
1142 479.07 and 479.155 notwithstanding. Subject to approval by the
1143 Federal Highway Administration, if ~~whenever~~ public acquisition
1144 of land upon which is situated a lawful permitted nonconforming
1145 sign occurs, as provided in this chapter, the sign may, at the
1146 election of its owner and the department, be relocated or
1147 reconstructed adjacent to the new right-of-way and in close
1148 proximity to the current site if along the roadway within 100
1149 ~~feet of the current location, provided the nonconforming sign is~~
1150 ~~not relocated in an area inconsistent with s. 479.024. on a~~
1151 ~~parcel zoned residential, and provided further that Such~~
1152 relocation is ~~shall be~~ subject to the ~~applicable~~ setback
1153 requirements in the 1972 agreement between the state and the
1154 United States Department of Transportation. The sign owner shall
1155 pay all costs associated with relocating or reconstructing a any
1156 sign under this subsection, and ~~neither~~ the state or ~~nor~~ any
1157 local government may not ~~shall~~ reimburse the sign owner for such
1158 costs, unless part of such relocation costs is ~~are~~ required by
1159 federal law. If ~~no~~ adjacent property is not available for the
1160 relocation, the department is ~~shall be~~ responsible for paying

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1161 the owner of the sign just compensation for its removal.

1162 (4) For a nonconforming sign, ~~Such relocation shall be~~
1163 ~~adjacent to the current site and~~ the face of the sign may ~~shall~~
1164 not be increased in size or height or structurally modified at
1165 the point of relocation in a manner inconsistent with the
1166 current building codes of the jurisdiction in which the sign is
1167 located.

1168 (5) ~~If In the event that~~ relocation can be accomplished but
1169 is inconsistent with the ordinances of the municipality or
1170 county within whose jurisdiction the sign is located, the
1171 ordinances of the local government shall prevail if, ~~provided~~
1172 ~~that~~ the local government assumes ~~shall assume~~ the
1173 responsibility to provide the owner of the sign just
1174 compensation for its removal, ~~but in no event shall~~
1175 Compensation paid by the local government may not be greater
1176 than ~~exceed~~ the compensation required under state or federal
1177 law. ~~Further, the provisions of~~ This section does ~~shall~~ not
1178 impair any agreement or future agreements between a municipality
1179 or county and the owner of a sign or signs within the
1180 jurisdiction of the municipality or county. ~~Nothing in this~~
1181 ~~section shall be deemed to cause a nonconforming sign to become~~
1182 ~~conforming solely as a result of the relocation allowed in this~~
1183 ~~section.~~

1184 (6) ~~The provisions of~~ Subsections (3), (4), and (5) do ~~of~~
1185 ~~this section shall~~ not apply within the jurisdiction of a ~~any~~
1186 municipality that ~~which~~ is engaged in any litigation concerning
1187 its sign ordinance on April 23, 1999, and the subsections do not
1188 ~~nor shall such provisions~~ apply to a ~~any~~ municipality whose
1189 boundaries are identical to the county within which the ~~said~~

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1190 municipality is located.

1191 (7) This section does not cause a neighboring sign that is
1192 already permitted and that is within the spacing requirements
1193 established in s. 479.07(9)(a) to become nonconforming.

1194 Section 18. Section 479.156, Florida Statutes, is amended
1195 to read:

1196 479.156 Wall murals.—Notwithstanding any other provision of
1197 this chapter, a municipality or county may permit and regulate
1198 wall murals within areas designated by such government. If a
1199 municipality or county permits wall murals, a wall mural that
1200 displays a commercial message and is within 660 feet of the
1201 nearest edge of the right-of-way within an area adjacent to the
1202 interstate highway system or the federal-aid primary highway
1203 system shall be located only in an area that is zoned for
1204 industrial or commercial use pursuant to s. 479.024. ~~and~~ The
1205 municipality or county shall establish and enforce regulations
1206 for such areas which ~~that~~, at a minimum, set forth criteria
1207 governing the size, lighting, and spacing of wall murals
1208 consistent with the intent of 23 U.S.C. s. 131 ~~the Highway~~
1209 ~~Beautification Act of 1965~~ and with customary use. If ~~Whenever~~ a
1210 municipality or county exercises such control and makes a
1211 determination of customary use pursuant to 23 U.S.C. s. 131(d),
1212 such determination shall be accepted in lieu of controls in the
1213 agreement between the state and the United States Department of
1214 Transportation, and the department shall notify the Federal
1215 Highway Administration pursuant to the agreement, 23 U.S.C. s.
1216 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is
1217 subject to municipal or county regulation and 23 U.S.C. s. 131
1218 ~~the Highway Beautification Act of 1965~~ must be approved by the

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1219 Department of Transportation and the Federal Highway
1220 Administration when required by federal law and federal
1221 regulation under the agreement between the state and the United
1222 States Department of Transportation and federal regulations
1223 enforced by the Department of Transportation under s. 479.02(1).
1224 The existence of a wall mural as defined in s. 479.01 must ~~s.~~
1225 ~~479.01(30)~~ shall not be considered in determining whether a sign
1226 as defined in s. 479.01~~(20)~~, ~~either~~ existing or new, is in
1227 compliance with s. 479.07(9)(a).

1228 Section 19. Section 479.16, Florida Statutes, is amended to
1229 read:

1230 479.16 Signs for which permits are not required.—The
1231 following signs are exempt from the requirement that a permit
1232 for a sign be obtained under ~~the provisions of~~ this chapter but
1233 are required to comply with ~~the provisions of~~ s. 479.11(4)-(8),
1234 and the provisions of subsections (15)-(19) may not be
1235 implemented or continued if the Federal Government notifies the
1236 department that implementation or continuation will adversely
1237 affect the allocation of federal funds to the department:

1238 (1) Signs erected on the premises of an establishment,
1239 which ~~signs~~ consist primarily of the name of the establishment
1240 or ~~which~~ identify the principal or accessory merchandise,
1241 services, activities, or entertainment sold, produced,
1242 manufactured, or furnished on the premises of the establishment
1243 and which comply with the lighting restrictions imposed under
1244 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned
1245 by a municipality or a county located on the premises of such
1246 municipality or ~~such~~ county which display information regarding
1247 governmental ~~government~~ services, activities, events, or

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1248 entertainment. For purposes of this section, the following types
1249 of messages are ~~shall~~ not be considered information regarding
1250 governmental ~~government~~ services, activities, events, or
1251 entertainment:

1252 (a) Messages that ~~which~~ specifically reference any
1253 commercial enterprise.

1254 (b) Messages that ~~which~~ reference a commercial sponsor of
1255 any event.

1256 (c) Personal messages.

1257 (d) Political campaign messages.

1258

1259 If a sign located on the premises of an establishment consists
1260 principally of brand name or trade name advertising and the
1261 merchandise or service is only incidental to the principal
1262 activity, or if the owner of the establishment receives rental
1263 income from the sign, ~~then~~ the sign is not exempt under this
1264 subsection.

1265 (2) Signs erected, used, or maintained on a farm by the
1266 owner or lessee of such farm and relating solely to farm
1267 produce, merchandise, service, or entertainment sold, produced,
1268 manufactured, or furnished on such farm.

1269 (3) Signs posted or displayed on real property by the owner
1270 or by the authority of the owner, stating that the real property
1271 is for sale or rent. However, if the sign contains any message
1272 not pertaining to the sale or rental of the ~~that~~ real property,
1273 ~~then~~ it is not exempt under this section.

1274 (4) Official notices or advertisements posted or displayed
1275 on private property by or under the direction of any public or
1276 court officer in the performance of her or his official or

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1277 directed duties, or by trustees under deeds of trust or deeds of
1278 assignment or other similar instruments.

1279 (5) Danger or precautionary signs relating to the premises
1280 on which they are located; forest fire warning signs erected
1281 under the authority of the Florida Forest Service of the
1282 Department of Agriculture and Consumer Services; and signs,
1283 notices, or symbols erected by the United States Government
1284 under the direction of the United States Forest ~~Forestry~~
1285 Service.

1286 (6) Notices of any railroad, bridge, ferry, or other
1287 transportation or transmission company necessary for the
1288 direction or safety of the public.

1289 (7) Signs, notices, or symbols for the information of
1290 aviators as to location, directions, and landings and conditions
1291 affecting safety in aviation erected or authorized by the
1292 department.

1293 (8) Signs or notices measuring up to 8 square feet which
1294 are erected or maintained upon property and which state ~~stating~~
1295 only the name of the owner, lessee, or occupant of the premises
1296 ~~and not exceeding 8 square feet in area.~~

1297 (9) Historical markers erected by ~~duly constituted and~~
1298 authorized public authorities.

1299 (10) Official traffic control signs and markers erected,
1300 caused to be erected, or approved by the department.

1301 (11) Signs erected upon property warning the public against
1302 hunting and fishing or trespassing ~~thereon~~.

1303 (12) Signs ~~not in excess~~ of up to 8 square feet ~~which that~~
1304 are owned by and relate to the facilities and activities of
1305 churches, civic organizations, fraternal organizations,

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1306 charitable organizations, or units or agencies of government.

1307 (13) ~~Except that~~ Signs placed on benches, transit shelters,
1308 modular news racks, streetlight poles, public pay telephones,
1309 and waste receptacles, within the right-of-way, as provided for
1310 in s. 337.408 are exempt from ~~all provisions of~~ this chapter.

1311 (14) Signs relating exclusively to political campaigns.

1312 (15) Signs measuring up to ~~not in excess of~~ 16 square feet
1313 placed at a road junction with the State Highway System denoting
1314 only the distance or direction of a residence or farm operation,
1315 or, outside an incorporated in a rural area where a hardship is
1316 created because a small business is not visible from the road
1317 junction with the State Highway System, one sign measuring up to
1318 ~~not in excess of~~ 16 square feet, denoting only the name of the
1319 business and the distance and direction to the business. ~~The~~
1320 ~~small business sign provision of this subsection does not apply~~
1321 ~~to charter counties and may not be implemented if the Federal~~
1322 ~~Government notifies the department that implementation will~~
1323 ~~adversely affect the allocation of federal funds to the~~
1324 ~~department.~~

1325 (16) Signs placed by a local tourist-oriented business
1326 located within a rural area of critical economic concern as
1327 defined in s. 288.0656(2) which are:

1328 (a) Not more than 8 square feet in size or more than 4 feet
1329 in height;

1330 (b) Located only in rural areas on a facility that does not
1331 meet the definition of a limited access facility, as defined in
1332 s. 334.03;

1333 (c) Located within 2 miles of the business location and at
1334 least 500 feet apart;

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1335 (d) Located only in two directions leading to the business;
1336 and

1337 (e) Not located within the road right-of-way.
1338

1339 A business placing such signs must be at least 4 miles from any
1340 other business using this exemption and may not participate in
1341 any other directional signage program by the department.

1342 (17) Signs measuring up to 32 square feet denoting only the
1343 distance or direction of a farm operation which are erected at a
1344 road junction with the State Highway System, but only during the
1345 harvest season of the farm operation for up to 4 months.

1346 (18) Acknowledgment signs erected upon publicly funded
1347 school premises which relate to a specific public school club,
1348 team, or event and which are placed at least 1,000 feet from any
1349 other acknowledgment sign on the same side of the roadway. The
1350 sponsor information on an acknowledgment sign may constitute no
1351 more than 100 square feet of the sign. As used in this
1352 subsection, the term "acknowledgment sign" means a sign that is
1353 intended to inform the traveling public that a public school
1354 club, team, or event has been sponsored by a person, firm, or
1355 other entity.

1356 (19) Displays erected upon a sports facility, the content
1357 of which is directly related to the facility's activities or to
1358 the facility's products or services. Displays must be mounted
1359 flush to the surface of the sports facility and must rely upon
1360 the building facade for structural support. As used in this
1361 subsection, the term "sports facility" means an athletic
1362 complex, athletic arena, or athletic stadium, including
1363 physically connected parking facilities, which is open to the

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1364 public and has a seating capacity of 15,000 or more permanently
1365 installed seats.

1366
1367 If the exemptions in subsections (15)-(19) are not implemented
1368 or continued due to notification from the Federal Government
1369 that the allocation of federal funds to the department will be
1370 adversely impacted, the department shall provide notice to the
1371 sign owner that the sign must be removed within 30 days after
1372 receipt of the notice. If the sign is not removed within 30 days
1373 after receipt of the notice by the sign owner, the department
1374 may remove the sign, and the costs incurred in connection with
1375 the sign removal shall be assessed against and collected from
1376 the sign owner.

1377 Section 20. Section 479.24, Florida Statutes, is amended to
1378 read:

1379 479.24 Compensation for ~~removal of~~ signs; eminent domain;
1380 exceptions.-

1381 (1) Just compensation shall be paid by the department upon
1382 the department's acquisition ~~removal~~ of a lawful conforming or
1383 nonconforming sign along any portion of the interstate or
1384 federal-aid primary highway system. This section does not apply
1385 to a sign that ~~which~~ is illegal at the time of its removal. A
1386 sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~
1387 illegal at such time as it fails to be permitted or maintained
1388 in accordance with all applicable laws, rules, ordinances, or
1389 regulations other than the provision that ~~which~~ makes it
1390 nonconforming. A legal nonconforming sign under state law or
1391 rule does ~~will~~ not lose its nonconforming status solely because
1392 it additionally becomes nonconforming under an ordinance or

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1393 regulation of a local governmental entity passed at a later
1394 date. The department shall make every reasonable effort to
1395 negotiate the purchase of the signs to avoid litigation and
1396 congestion in the courts.

1397 (2) The department is not required to remove any sign under
1398 this section if the federal share of the just compensation to be
1399 paid upon removal of the sign is not available to make such
1400 payment, unless an appropriation by the Legislature for such
1401 purpose is made to the department.

1402 (3) (a) The department may ~~is authorized to~~ use the power of
1403 eminent domain when necessary to carry out ~~the provisions of~~
1404 this chapter.

1405 (b) If eminent domain procedures are instituted, just
1406 compensation shall be made pursuant to the state's eminent
1407 domain procedures, chapters 73 and 74.

1408 Section 21. Section 479.25, Florida Statutes, is amended to
1409 read:

1410 479.25 Erection of noise-attenuation barrier blocking view
1411 of sign; procedures; application.-

1412 (1) The owner of a lawfully erected sign that is governed
1413 by and conforms to state and federal requirements for land use,
1414 size, height, and spacing may increase the height above ground
1415 level of such sign at its permitted location if a noise-
1416 attenuation barrier is permitted by or erected by any
1417 governmental entity in such a way as to screen or block
1418 visibility of the sign. Any increase in height permitted under
1419 this section may only be the increase in height which is
1420 required to achieve the same degree of visibility from the
1421 right-of-way which the sign had before ~~prior to~~ the construction

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1422 of the noise-attenuation barrier, notwithstanding the
1423 restrictions contained in s. 479.07(9)(b). A sign reconstructed
1424 under this section must ~~shall~~ comply with the building standards
1425 and wind load requirements provided ~~set forth~~ in the Florida
1426 Building Code. If construction of a proposed noise-attenuation
1427 barrier will screen a sign lawfully permitted under this
1428 chapter, the department shall provide notice to the local
1429 government or local jurisdiction within which the sign is
1430 located before construction ~~prior to erection of the noise-~~
1431 ~~attenuation barrier~~. Upon a determination that an increase in
1432 the height of a sign as permitted under this section will
1433 violate ~~a provision contained in~~ an ordinance or a land
1434 development regulation of the local government or local
1435 jurisdiction, the local government or local jurisdiction shall,
1436 before construction ~~so notify the department~~. ~~When notice has~~
1437 ~~been received from the local government or local jurisdiction~~
1438 ~~prior to erection of the noise-attenuation barrier, the~~
1439 ~~department shall:~~

1440 (a) Provide a variance or waiver to the local ordinance or
1441 land development regulations to ~~Conduct a written survey of all~~
1442 ~~property owners identified as impacted by highway noise and who~~
1443 ~~may benefit from the proposed noise-attenuation barrier. The~~
1444 ~~written survey shall inform the property owners of the location,~~
1445 ~~date, and time of the public hearing described in paragraph (b)~~
1446 ~~and shall specifically advise the impacted property owners that:~~

1447 ~~1. Erection of the noise-attenuation barrier may block the~~
1448 ~~visibility of an existing outdoor advertising sign;~~

1449 ~~2. The local government or local jurisdiction may restrict~~
1450 ~~or prohibit increasing the height of the existing outdoor~~

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1451 ~~advertising sign to make it visible over the barrier; and~~

1452 ~~3. If a majority of the impacted property owners vote for~~
1453 ~~construction of the noise-attenuation barrier, the local~~
1454 ~~government or local jurisdiction will be required to:~~

1455 ~~a. allow an increase in the height of the sign in violation~~
1456 ~~of a local ordinance or land development regulation;~~

1457 ~~(b)~~ b. Allow the sign to be relocated or reconstructed at
1458 another location if the sign owner agrees; or

1459 ~~(c)~~ e. Pay the fair market value of the sign and its
1460 associated interest in the real property.

1461 ~~(2)~~ (b) The department shall hold a public hearing within
1462 the boundaries of the affected local governments or local
1463 jurisdictions to receive input on the proposed noise-attenuation
1464 barrier and its conflict with the local ordinance or land
1465 development regulation and to suggest or consider alternatives
1466 or modifications ~~to the proposed noise-attenuation barrier~~ to
1467 alleviate or minimize the conflict with the local ordinance or
1468 land development regulation or minimize any costs that may be
1469 associated with relocating, reconstructing, or paying for the
1470 affected sign. The public hearing may be held concurrently with
1471 other public hearings scheduled for the project. The department
1472 shall provide a written notification to the local government or
1473 local jurisdiction of the date and time of the public hearing
1474 and shall provide general notice of the public hearing in
1475 accordance with the notice provisions of s. 335.02(1). The
1476 notice ~~may~~ shall not be placed in that portion of a newspaper in
1477 which legal notices or classified advertisements appear. The
1478 notice ~~must~~ shall specifically state that:

1479 (a) ~~1.~~ 1. Erection of the proposed noise-attenuation barrier

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1480 may block the visibility of an existing outdoor advertising
1481 sign;

1482 ~~(b)2.~~ The local government or local jurisdiction may
1483 restrict or prohibit increasing the height of the existing
1484 outdoor advertising sign ~~to make it visible over the barrier;~~
1485 and

1486 ~~(c)3.~~ Upon ~~If a majority of the impacted property owners~~
1487 ~~vote for~~ construction of the noise-attenuation barrier, the
1488 local government or local jurisdiction shall ~~will be required~~
1489 ~~to~~:

1490 1.a. Allow an increase in the height of the sign through a
1491 waiver or variance to ~~in violation of~~ a local ordinance or land
1492 development regulation;

1493 2.b. Allow the sign to be relocated or reconstructed at
1494 another location if the sign owner agrees; or

1495 3.e. Pay the fair market value of the sign and its
1496 associated interest in the real property.

1497 ~~(3)-(2)~~ The department may ~~shall~~ not permit erection of the
1498 noise-attenuation barrier to the extent the barrier screens or
1499 blocks visibility of the sign until after the public hearing is
1500 held ~~and until such time as the survey has been conducted and a~~
1501 ~~majority of the impacted property owners have indicated approval~~
1502 ~~to erect the noise-attenuation barrier. When the impacted~~
1503 ~~property owners approve of the noise-attenuation barrier~~
1504 ~~construction, the department shall notify the local governments~~
1505 ~~or local jurisdictions. The local government or local~~
1506 ~~jurisdiction shall, notwithstanding the provisions of a~~
1507 ~~conflicting ordinance or land development regulation:~~

1508 ~~(a) Issue a permit by variance or otherwise for the~~

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1509 ~~reconstruction of a sign under this section;~~

1510 ~~(b) Allow the relocation of a sign, or construction of~~
1511 ~~another sign, at an alternative location that is permissible~~
1512 ~~under the provisions of this chapter, if the sign owner agrees~~
1513 ~~to relocate the sign or construct another sign; or~~

1514 ~~(c) Refuse to issue the required permits for reconstruction~~
1515 ~~of a sign under this section and pay fair market value of the~~
1516 ~~sign and its associated interest in the real property to the~~
1517 ~~owner of the sign.~~

1518 ~~(4)-(3)~~ This section does ~~shall~~ not apply to ~~the provisions~~
1519 ~~of~~ any existing written agreement executed before July 1, 2006,
1520 between any local government and the owner of an outdoor
1521 advertising sign.

1522 Section 22. Subsection (1) of section 479.261, Florida
1523 Statutes, is amended to read:

1524 479.261 Logo sign program.—

1525 (1) The department shall establish a logo sign program for
1526 the rights-of-way of the limited access ~~interstate~~ highway
1527 system to provide information to motorists about available gas,
1528 food, lodging, camping, attractions, and other services, as
1529 approved by the Federal Highway Administration, at interchanges
1530 through the use of business logos and may include additional
1531 interchanges under the program.

1532 (a) As used in this chapter, the term "attraction" means an
1533 establishment, site, facility, or landmark that is open a
1534 minimum of 5 days a week for 52 weeks a year; that has as its
1535 principal focus family-oriented entertainment, cultural,
1536 educational, recreational, scientific, or historical activities;
1537 and that is publicly recognized as a bona fide tourist

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1538 attraction.

1539 (b) The department shall incorporate the use of RV-friendly
1540 markers on specific information logo signs for establishments
1541 that cater to the needs of persons driving recreational
1542 vehicles. Establishments that qualify for participation in the
1543 specific information logo program and that also qualify as "RV-
1544 friendly" may request the RV-friendly marker on their specific
1545 information logo sign. An RV-friendly marker must consist of a
1546 design approved by the Federal Highway Administration. The
1547 department shall adopt rules ~~in accordance with chapter 120~~ to
1548 administer this paragraph. Such rules must establish minimum
1549 requirements for parking spaces, entrances and exits, and
1550 overhead clearance which must be met by, ~~including rules setting~~
1551 ~~forth the minimum requirements that establishments that wish~~
1552 ~~must meet in order to qualify as RV-friendly. These requirements~~
1553 ~~shall include large parking spaces, entrances, and exits that~~
1554 ~~can easily accommodate recreational vehicles and facilities~~
1555 ~~having appropriate overhead clearances, if applicable.~~

1556 Section 23. Subsection (1) of section 479.262, Florida
1557 Statutes, is amended to read:

1558 479.262 Tourist-oriented directional sign program.—

1559 (1) A tourist-oriented directional sign program to provide
1560 directions to rural tourist-oriented businesses, services, and
1561 activities may be established at intersections on rural and
1562 conventional state, county, or municipal roads only ~~in rural~~
1563 ~~counties identified by criteria and population in s. 288.0656~~
1564 when approved and permitted by county or local governmental
1565 ~~government~~ entities within their respective jurisdictional areas
1566 ~~at intersections on rural and conventional state, county, or~~

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1567 ~~municipal roads~~. A county or local government that ~~which~~ issues
1568 permits for a tourist-oriented directional sign program is ~~shall~~
1569 ~~be~~ responsible for sign construction, maintenance, and program
1570 operation in compliance with subsection (3) for roads on the
1571 state highway system and may establish permit fees sufficient to
1572 offset associated costs. A tourist-oriented directional sign may
1573 not be used on roads in urban areas or at interchanges on
1574 freeways or expressways.

1575 Section 24. Section 479.313, Florida Statutes, is amended
1576 to read:

1577 479.313 Permit revocation and cancellation; cost of
1578 removal.—All costs incurred by the department in connection with
1579 the removal of a sign located within a controlled area adjacent
1580 to the State Highway System, interstate highway system, or
1581 federal-aid primary highway system following the revocation or
1582 cancellation of the permit for such sign shall be assessed
1583 against and collected from the permittee.

1584 Section 25. Section 76 of chapter 2012-174, Laws of
1585 Florida, is repealed.

1586 Section 26. There is established a pilot program for the
1587 School District of Palm Beach County to recognize its business
1588 partners. The school district may recognize its business
1589 partners by publicly displaying the names of the business
1590 partners on school district property in the unincorporated areas
1591 of the county. Recognitions of project graduation and athletic
1592 sponsorships are examples of appropriate recognitions. The
1593 school district shall make every effort to display the names of
1594 its business partners in a manner that is consistent with the
1595 county standards for uniformity in size, color, and placement of

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1596 the signs. If the provisions of this section are inconsistent
1597 with county ordinances or regulations relating to signs in the
1598 unincorporated areas of the county or inconsistent with chapter
1599 125, Florida Statutes, or chapter 166, Florida Statutes, the
1600 provisions of this section shall prevail. If the Federal Highway
1601 Administration determines that the Department of Transportation
1602 is not providing effective control of outdoor advertising as a
1603 result of a business partner recognition by the school district
1604 under this program, the department shall notify the school
1605 district by certified mail of any nonconforming recognition, and
1606 the school district shall remove the recognition specified in
1607 the notice within 30 days after receiving the notification. The
1608 pilot program expires June 30, 2015.

1609 Section 27. This act shall take effect July 1, 2014.