

1 A bill to be entitled

2 An act relating to the Department of Transportation;  
3 creating s. 339.041, F.S.; providing legislative  
4 findings and intent; authorizing the department to  
5 seek certain investors for certain leases; prohibiting  
6 the department from pledging the credit, general  
7 revenues, or taxing power of the state or any  
8 political subdivision of the state; specifying the  
9 collection and deposit of lease payments by agreement  
10 with the department; amending s. 373.618, F.S.;  
11 revising provisions relating to public service warning  
12 signs; amending s. 479.01, F.S., relating to outdoor  
13 advertising signs; revising and deleting definitions;  
14 amending s. 479.02, F.S.; revising duties of the  
15 Department of Transportation relating to signs;  
16 deleting a requirement that the department adopt  
17 certain rules; creating s. 479.024, F.S.; limiting the  
18 placement of signs to commercial or industrial zones;  
19 defining the terms "parcel" and "utilities"; requiring  
20 a local government to use specified criteria to  
21 determine zoning for commercial or industrial parcels;  
22 providing that certain parcels are considered unzoned  
23 commercial or industrial areas; authorizing a permit  
24 for a sign in an unzoned commercial or industrial area  
25 in certain circumstances; prohibiting specified uses  
26 and activities from being independently recognized as

Page 1 of 61

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1161-01-c1

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

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

79 479.16, F.S.; exempting certain signs from ch. 479,  
80 F.S.; exempting from permitting certain signs placed  
81 by tourist-oriented businesses, certain farm signs  
82 placed during harvest seasons, certain acknowledgment  
83 signs on publicly funded school premises, and certain  
84 displays on specific sports facilities; prohibiting  
85 certain permit exemptions from being implemented or  
86 continued if the implementations or continuations will  
87 adversely impact the allocation of federal funds to  
88 the Department of Transportation; directing the  
89 department to notify a sign owner that the sign must  
90 be removed if federal funds are adversely impacted;  
91 authorizing the department to remove the sign and  
92 assess costs to the sign owner under certain  
93 circumstances; amending s. 479.24, F.S.; clarifying  
94 provisions relating to compensation paid for the  
95 department's acquisition of lawful signs; amending s.  
96 479.25, F.S.; revising provisions relating to local  
97 government action with respect to erection of noise-  
98 attenuation barriers that block views of lawfully  
99 erected signs; deleting provisions to conform to  
100 changes made by the act; amending s. 479.261, F.S.;  
101 expanding the logo program to the limited access  
102 highway system; conforming provisions related to a  
103 logo sign program on the limited access highway  
104 system; amending s. 479.262, F.S.; clarifying

105 provisions relating to the tourist-oriented  
 106 directional sign program; limiting the placement of  
 107 such signs to intersections on certain rural roads;  
 108 prohibiting such signs in urban areas or at  
 109 interchanges on freeways or expressways; amending s.  
 110 479.313, F.S.; requiring a permittee to pay the cost  
 111 of removing certain signs following the cancellation  
 112 of the permit for the sign; repealing s. 76 of chapter  
 113 2012-174, Laws of Florida, relating to authorizing the  
 114 department to seek Federal Highway Administration  
 115 approval of a tourist-oriented commerce sign pilot  
 116 program and directing the department to submit the  
 117 approved pilot program for legislative approval;  
 118 providing an effective date.

119  
 120 Be It Enacted by the Legislature of the State of Florida:

121  
 122 Section 1. Section 339.041, Florida Statutes, is created  
 123 to read:

124 339.041 Factoring of revenues from leases for wireless  
 125 communication facilities.—

126 (1) The Legislature finds that efforts to increase funding  
 127 for capital expenditures for the transportation system are  
 128 necessary for the protection of the public safety and general  
 129 welfare and for the preservation of transportation facilities in  
 130 this state. Therefore, it is the intent of the Legislature to:

131 (a) Create a mechanism for factoring future revenues  
132 received by the department from leases for wireless  
133 communication facilities on department property on a nonrecourse  
134 basis;

135 (b) Fund fixed capital expenditures for the statewide  
136 transportation system from proceeds generated through this  
137 mechanism; and

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

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

150 (3) The department may seek investors willing to enter  
151 into agreements to purchase the revenue stream from one or more  
152 existing department leases for wireless communication facilities  
153 on property owned or controlled by the department.

154 (4) The department may not pledge the credit, the general  
155 revenues, or the taxing power of the state or of any political  
156 subdivision of the state. The obligations of the department and

157 investors under the agreement do not constitute a general  
158 obligation of the state or a pledge of the full faith and credit  
159 or taxing power of the state. The agreement is payable from and  
160 secured solely by payments received from department leases for  
161 wireless communication facilities on property owned or  
162 controlled by the department, and neither the state nor any of  
163 its agencies has any liability beyond such payments.

164 (5) The department may make any covenant or representation  
165 necessary or desirable in connection with the agreement,  
166 including a commitment by the department to take whatever  
167 actions are necessary on behalf of investors to enforce the  
168 department's rights to payments on property leased for wireless  
169 communications facilities. However, the department may not  
170 guarantee that actual revenues received in a future year will be  
171 those anticipated in its leases for wireless communication  
172 facilities. The department may agree to use its best efforts to  
173 ensure that anticipated future-year revenues are protected. Any  
174 risk that actual revenues received from department leases for  
175 wireless communications facilities are lower than anticipated  
176 shall be borne exclusively by investors.

177 (6) Subject to annual appropriation, investors shall  
178 collect the lease payments on a schedule and in a manner  
179 established in the agreements entered into by the department and  
180 investors pursuant to this section. The agreements may provide  
181 for lease payments to be made directly to investors by lessees  
182 if the lease agreements entered into by the department and the

183 lessees pursuant to s. 365.172(12)(f) allow direct payment.

184 (7) Proceeds received by the department from leases for  
 185 wireless communication facilities shall be deposited in the  
 186 State Transportation Trust Fund created under s. 206.46 and used  
 187 for fixed capital expenditures for the statewide transportation  
 188 system.

189 Section 2. Section 373.618, Florida Statutes, is amended  
 190 to read:

191 373.618 Public service warnings, alerts, and  
 192 announcements.—The Legislature believes it is in the public  
 193 interest that all water management districts created pursuant to  
 194 s. 373.069 own, acquire, develop, construct, operate, and manage  
 195 public information systems. Public information systems may be  
 196 located on property owned by the water management district, upon  
 197 terms and conditions approved by the water management district,  
 198 and must display messages to the general public concerning water  
 199 management services, activities, events, and sponsors, as well  
 200 as other public service announcements, including watering  
 201 restrictions, severe weather reports, amber alerts, and other  
 202 essential information needed by the public. Local government  
 203 review or approval is not required for a public information  
 204 system owned or hereafter acquired, developed, or constructed by  
 205 the water management district on its own property. A public  
 206 information system is subject to ~~exempt from~~ the requirements of  
 207 the Highway Beautification Act of 1965 and all federal laws and  
 208 agreements, when applicable ~~chapter 479~~. Water management



209 district funds may not be used to pay the cost to acquire,  
 210 develop, construct, operate, or manage a public information  
 211 system. Any necessary funds for a public information system  
 212 shall be paid for and collected from private sponsors who may  
 213 display commercial messages.

214 Section 3. Section 479.01, Florida Statutes, is amended to  
 215 read:

216 479.01 Definitions.—As used in this chapter, the term:

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

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

228 (3) "Business of outdoor advertising" means the business  
 229 of ~~constructing, erecting, operating, using,~~ maintaining,  
 230 leasing, or selling outdoor advertising structures, outdoor  
 231 advertising signs, or outdoor advertisements.

232 ~~(4) "Commercial or industrial zone" means a parcel of land~~  
 233 ~~designated for commercial or industrial uses under both the~~  
 234 ~~future land use map of the comprehensive plan and the land use~~

235 ~~development regulations adopted pursuant to chapter 163. If a~~  
236 ~~parcel is located in an area designated for multiple uses on the~~  
237 ~~future land use map of a comprehensive plan and the zoning~~  
238 ~~category of the land development regulations does not clearly~~  
239 ~~designate that parcel for a specific use, the area will be~~  
240 ~~considered an unzoned commercial or industrial area if it meets~~  
241 ~~the criteria of subsection (26).~~

242 (4)~~(5)~~ "Commercial use" means activities associated with  
243 the sale, rental, or distribution of products or the performance  
244 of services. The term includes, but is not limited to ~~without~~  
245 ~~limitation~~, such uses or activities as retail sales; wholesale  
246 sales; rentals of equipment, goods, or products; offices;  
247 restaurants; food service vendors; sports arenas; theaters; and  
248 tourist attractions.

249 (5)~~(6)~~ "Controlled area" means 660 feet or less from the  
250 nearest edge of the right-of-way of any portion of the State  
251 Highway System, interstate, or federal-aid primary highway  
252 system and beyond 660 feet of the nearest edge of the right-of-  
253 way of any portion of the State Highway System, interstate  
254 highway system, or federal-aid primary system outside an urban  
255 area.

256 (6)~~(7)~~ "Department" means the Department of  
257 Transportation.

258 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,  
259 place, affix, attach, create, paint, draw, or in any other way  
260 bring into being or establish. The term; ~~but it~~ does not include

261 such ~~any of the foregoing~~ activities when performed as an  
262 incident to the change of advertising message or customary  
263 maintenance or repair of a sign.

264 (8)~~(9)~~ "Federal-aid primary highway system" means the  
265 federal-aid primary highway system in existence on June 1, 1991,  
266 and any highway that was not a part of such system as of that  
267 date but that is, or became after June 1, 1991, a part of the  
268 National Highway System, including portions that have been  
269 accepted as part of the National Highway System but are unbuilt  
270 or unopened ~~existing, unbuilt, or unopened system of highways or~~  
271 ~~portions thereof, which shall include the National Highway~~  
272 ~~System, designated as the federal-aid primary highway system by~~  
273 ~~the department.~~

274 (9)~~(10)~~ "Highway" means any road, street, or other way  
275 open or intended to be opened to the public for travel by motor  
276 vehicles.

277 (10)~~(11)~~ "Industrial use" means activities associated with  
278 the manufacture, assembly, processing, or storage of products or  
279 the performance of related services ~~relating thereto~~. The term  
280 includes, but is not limited to ~~without limitation~~, such uses or  
281 activities as automobile manufacturing or repair, boat  
282 manufacturing or repair, junk yards, meat packing facilities,  
283 citrus processing and packing facilities, produce processing and  
284 packing facilities, electrical generating plants, water  
285 treatment plants, sewage treatment plants, and solid waste  
286 disposal sites.

287        (11)~~(12)~~ "Interstate highway system" means the existing,  
288 unbuilt, or unopened system of highways or portions thereof  
289 designated as the national system of interstate and defense  
290 highways by the department.

291        (12)~~(13)~~ "Main-traveled way" means the traveled way of a  
292 highway on which through traffic is carried. In the case of a  
293 divided highway, the traveled way of each of the separate  
294 roadways for traffic in opposite directions is a main-traveled  
295 way. The term ~~It~~ does not include such facilities as frontage  
296 roads, turning roadways which specifically include on-ramps or  
297 off-ramps to the interstate highway system, or parking areas.

298        (13)~~(14)~~ "Maintain" means to allow to exist.

299        (14)~~(15)~~ "Motorist services directional signs" means signs  
300 providing directional information about goods and services in  
301 the interest of the traveling public where such signs were  
302 lawfully erected and in existence on or before May 6, 1976, and  
303 continue to provide directional information to goods and  
304 services in a defined area.

305        (15)~~(16)~~ "New highway" means the construction of any road,  
306 paved or unpaved, where no road previously existed or the act of  
307 paving any previously unpaved road.

308        (16)~~(17)~~ "Nonconforming sign" means a sign which was  
309 lawfully erected but which does not comply with the land use,  
310 setback, size, spacing, and lighting provisions of state or  
311 local law, rule, regulation, or ordinance passed at a later date  
312 or a sign which was lawfully erected but which later fails to

313 comply with state or local law, rule, regulation, or ordinance  
 314 due to changed conditions.

315 (17)~~(18)~~ "Premises" means all the land areas under  
 316 ownership or lease arrangement to the sign owner which are  
 317 contiguous to the business conducted on the land except for  
 318 instances where such land is a narrow strip contiguous to the  
 319 advertised activity or is connected by such narrow strip, the  
 320 only viable use of such land is to erect or maintain an  
 321 advertising sign. If ~~When~~ the sign owner is a municipality or  
 322 county, the term means ~~"premises" shall mean~~ all lands owned or  
 323 leased by the ~~such~~ municipality or county within its  
 324 jurisdictional boundaries ~~as set forth by law~~.

325 (18)~~(19)~~ "Remove" means to disassemble all sign materials  
 326 above ground level and ~~transport~~ such materials from the site,  
 327 ~~and dispose of sign materials by sale or destruction.~~

328 (19)~~(20)~~ "Sign" means any combination of structure and  
 329 message in the form of an outdoor sign, display, device, figure,  
 330 painting, drawing, message, placard, poster, billboard,  
 331 advertising structure, advertisement, logo, symbol, or other  
 332 form, whether placed individually or on a V-type, back-to-back,  
 333 side-to-side, stacked, or double-faced display or automatic  
 334 changeable facing, designed, intended, or used to advertise or  
 335 inform, any part of the advertising message or informative  
 336 contents of which is visible from any place on the main-traveled  
 337 way. The term does not include an official traffic control sign,  
 338 official marker, or specific information panel erected, caused

339 to be erected, or approved by the department.

340 (20)~~(21)~~ "Sign direction" means the ~~that~~ direction from  
 341 which the message or informative contents are most visible to  
 342 oncoming traffic on the main-traveled way.

343 (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,  
 344 including trim and background, which contains the message or  
 345 informative contents, including an automatic changeable face.

346 (22)~~(23)~~ "Sign facing" includes all sign faces and  
 347 automatic changeable faces displayed at the same location and  
 348 facing the same direction.

349 (23)~~(24)~~ "Sign structure" means all the interrelated parts  
 350 and material, such as beams, poles, and stringers, which are  
 351 constructed for the purpose of supporting or displaying a  
 352 message or informative contents.

353 (24)~~(25)~~ "State Highway System" has the same meaning as in  
 354 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~  
 355 ~~highways or portions thereof designated as the State Highway~~  
 356 ~~System by the department.~~

357 ~~(26) "Unzoned commercial or industrial area" means a~~  
 358 ~~parcel of land designated by the future land use map of the~~  
 359 ~~comprehensive plan for multiple uses that include commercial or~~  
 360 ~~industrial uses but are not specifically designated for~~  
 361 ~~commercial or industrial uses under the land development~~  
 362 ~~regulations, in which three or more separate and distinct~~  
 363 ~~conforming industrial or commercial activities are located.~~

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

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

368 ~~2. The commercial or industrial activities must be within~~  
 369 ~~660 feet from the nearest edge of the right-of-way; and~~

370 ~~3. The commercial industrial activities must be within~~  
 371 ~~1,600 feet of each other.~~

372  
 373 ~~Distances specified in this paragraph must be measured from the~~  
 374 ~~nearest outer edge of the primary building or primary building~~  
 375 ~~complex when the individual units of the complex are connected~~  
 376 ~~by covered walkways.~~

377 ~~(b) Certain activities, including, but not limited to, the~~  
 378 ~~following, may not be so recognized as commercial or industrial~~  
 379 ~~activities:~~

380 ~~1. Signs.~~

381 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~  
 382 ~~related activities, including, but not limited to, wayside fresh~~  
 383 ~~produce stands.~~

384 ~~3. Transient or temporary activities.~~

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

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

388 ~~6. Activities conducted in a building principally used as~~  
 389 ~~a residence.~~

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

391 ~~8. Communication towers.~~

392 (25)~~(27)~~ "Urban area" has the same meaning as ~~defined~~ in  
 393 s. 334.03~~(31)~~.

394 (26)~~(28)~~ "Visible commercial or industrial activity" means  
 395 a commercial or industrial activity that is capable of being  
 396 seen without visual aid by a person of normal visual acuity from  
 397 the main-traveled way and that is generally recognizable as  
 398 commercial or industrial.

399 (27)~~(29)~~ "Visible sign" means that the advertising message  
 400 or informative contents of a sign, whether or not legible, can  
 401 be ~~is capable of being~~ seen without visual aid by a person of  
 402 normal visual acuity.

403 (28)~~(30)~~ "Wall mural" means a sign that is a painting or  
 404 an artistic work composed of photographs or arrangements of  
 405 color and that displays a commercial or noncommercial message,  
 406 relies solely on the side of the building for rigid structural  
 407 support, and is painted on the building or depicted on vinyl,  
 408 fabric, or other similarly flexible material that is held in  
 409 place flush or flat against the surface of the building. The  
 410 term excludes a painting or work placed on a structure that is  
 411 erected for the sole or primary purpose of signage.

412 (29)~~(31)~~ "Zoning category" means the designation under the  
 413 land development regulations or other similar ordinance enacted  
 414 to regulate the use of land as provided in s. 163.3202(2)(b),  
 415 which designation sets forth the allowable uses, restrictions,  
 416 and limitations on use applicable to properties within the



417 category.

418 Section 4. Section 479.02, Florida Statutes, is amended to  
419 read:

420 479.02 Duties of the department. ~~It shall be the duty of~~  
421 The department shall ~~to~~:

422 (1) Administer and enforce ~~the provisions of this chapter,~~  
423 ~~and the 1972 agreement between the state and the United States~~  
424 ~~Department of Transportation relating to the size, lighting, and~~  
425 ~~spacing of signs in accordance with Title I of the Highway~~  
426 ~~Beautification Act of 1965 and Title 23 of the,~~ United States  
427 Code, and federal regulations, including, but not limited to,  
428 those pertaining to the maintenance, continuance, and removal of  
429 nonconforming signs ~~in effect as of the effective date of this~~  
430 ~~act.~~

431 (2) Regulate size, height, lighting, and spacing of signs  
432 permitted on commercial and industrial parcels and in unzoned  
433 commercial or industrial areas ~~in zoned and unzoned commercial~~  
434 ~~areas and zoned and unzoned industrial areas~~ on the interstate  
435 highway system and the federal-aid primary highway system.

436 (3) Determine ~~unzoned~~ commercial and industrial parcels  
437 and unzoned commercial or ~~areas and unzoned industrial areas~~ in  
438 the manner provided in s. 479.024.

439 (4) Implement a specific information panel program on the  
440 limited access interstate highway system to promote tourist-  
441 oriented businesses by providing directional information safely  
442 and aesthetically.

443 (5) Implement a rest area information panel or devices  
444 program at rest areas along the interstate highway system and  
445 the federal-aid primary highway system to promote tourist-  
446 oriented businesses.

447 (6) Test and, if economically feasible, implement  
448 alternative methods of providing information in the specific  
449 interest of the traveling public which allow the traveling  
450 public freedom of choice, conserve natural beauty, and present  
451 information safely and aesthetically.

452 (7) Adopt such rules as the department ~~it~~ deems necessary  
453 or proper for the administration of this chapter, including  
454 rules that ~~which~~ identify activities that may not be recognized  
455 as industrial or commercial activities for purposes of  
456 determination of a ~~an area as an unzoned~~ commercial or  
457 industrial parcel or an unzoned commercial or industrial area in  
458 the manner provided in s. 479.024.

459 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the  
460 location of all signs on the state highway system, interstate  
461 highway system, and federal-aid primary highway system to be  
462 used as systems. ~~Upon completion of the inventory, it shall~~  
463 ~~become~~ the database and permit information for all permitted  
464 ~~signs permitted at the time of completion, and the previous~~  
465 ~~records of the department shall be amended accordingly.~~ The  
466 inventory shall be updated at least ~~no less than~~ every 2 years.  
467 ~~The department shall adopt rules regarding what information is~~  
468 ~~to be collected and preserved to implement the purposes of this~~

469 ~~chapter.~~ The department may perform the inventory using  
470 department staff, or may contract with a private firm to perform  
471 the work, whichever is more cost efficient. The department shall  
472 maintain a database of sign inventory information such as sign  
473 location, size, height, and structure type, the permittee's  
474 ~~permitholder's~~ name, and any other information the department  
475 finds necessary to administer the program.

476 Section 5. Section 479.024, Florida Statutes, is created  
477 to read:

478 479.024 Commercial and industrial parcels.—Signs shall be  
479 permitted by the department only in commercial or industrial  
480 zones, as determined by the local government, in compliance with  
481 chapter 163, unless otherwise provided in this chapter.  
482 Commercial and industrial zones are those areas appropriate for  
483 commerce, industry, or trade, regardless of how those areas are  
484 labeled.

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

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

488 (b) "Utilities" includes all privately, publicly, or  
489 cooperatively owned lines, facilities, and systems for  
490 producing, transmitting, or distributing communications, power,  
491 electricity, light, heat, gas, oil, crude products, water,  
492 steam, waste, and stormwater not connected with the highway  
493 drainage, and other similar commodities.

494 (2) The determination as to zoning by the local government

495 for the parcel must meet all of the following criteria:

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

498 (b) The parcel can reasonably accommodate a commercial or  
499 industrial use under the future land use map of the  
500 comprehensive plan and land use development regulations, as  
501 follows:

502 1. Sufficient utilities are available to support  
503 commercial or industrial development; and

504 2. The size, configuration, and public access of the  
505 parcel are sufficient to accommodate a commercial or industrial  
506 use, given the requirements in the comprehensive plan and land  
507 development regulations for vehicular access, on-site  
508 circulation, building setbacks, buffering, parking, and other  
509 applicable standards or the parcel consists of railroad tracks  
510 or minor sidings abutting commercial or industrial property that  
511 meets the criteria of this subsection.

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

514 (3) If a local government has not designated zoning  
515 through land development regulations in compliance with chapter  
516 163 but has designated the parcel under the future land use map  
517 of the comprehensive plan for uses that include commercial or  
518 industrial uses, the parcel shall be considered an unzoned  
519 commercial or industrial area. For a permit to be issued for a  
520 sign in an unzoned commercial or industrial area, there must be

521 three or more distinct commercial or industrial activities  
 522 within 1,600 feet of each other, with at least one of the  
 523 commercial or industrial activities located on the same side of  
 524 the highway as, and within 800 feet of, the sign location.

525 Multiple commercial or industrial activities enclosed in one  
 526 building shall be considered one use if all activities have only  
 527 shared building entrances.

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

531 (a) Signs.

532 (b) Agricultural, forestry, ranching, grazing, farming,  
 533 and related activities, including, but not limited to, wayside  
 534 fresh produce stands.

535 (c) Transient or temporary activities.

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

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

541 (f) Activities conducted in a building principally used as  
 542 a residence.

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

546 (h) Communication towers.

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

551 (5) If the local government has indicated that the  
552 proposed sign location is on a parcel that is in a commercial or  
553 industrial zone but the department finds that it is not, the  
554 department shall notify the sign applicant in writing of its  
555 determination.

556 (6) An applicant whose application for a permit is denied  
557 may request, within 30 days after the receipt of the  
558 notification of intent to deny, an administrative hearing  
559 pursuant to chapter 120 for a determination of whether the  
560 parcel is located in a commercial or industrial zone. Upon  
561 receipt of such request, the department shall notify the local  
562 government that the applicant has requested an administrative  
563 hearing pursuant to chapter 120.

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

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

573 the local government by an equivalent amount.

574 Section 6. Section 479.03, Florida Statutes, is amended to  
575 read:

576 479.03 Jurisdiction of the Department of Transportation;  
577 entry upon privately owned lands.—The territory under the  
578 jurisdiction of the department for the purpose of this chapter  
579 includes ~~shall include~~ all the state. Employees, agents, or  
580 independent contractors working for the department, in the  
581 performance of their functions and duties under the provisions  
582 of this chapter, may enter into and upon any land upon which a  
583 sign is displayed, is proposed to be erected, or is being  
584 erected and make such inspections, surveys, and removals as may  
585 be relevant. Upon written notice to ~~After receiving consent by~~  
586 the landowner, operator, or person in charge of an intervening  
587 privately owned land that ~~or appropriate inspection warrant~~  
588 ~~issued by a judge of any county court or circuit court of this~~  
589 ~~state which has jurisdiction of the place or thing to be~~  
590 ~~removed, that~~ the removal of an illegal outdoor advertising sign  
591 is necessary and has been authorized by a final order or results  
592 from an uncontested notice to the sign owner, the department may  
593 ~~shall be authorized to~~ enter upon any intervening privately  
594 owned lands for the purposes of effectuating removal of illegal  
595 signs., ~~provided that~~ The department may enter intervening  
596 privately owned lands ~~shall~~ only ~~do so~~ in circumstances where it  
597 has determined that ~~no~~ other legal or economically feasible  
598 means of entry to the sign site are not reasonably available.

599 Except as otherwise provided by this chapter, the department is  
 600 ~~shall be~~ responsible for the repair or replacement in a like  
 601 manner for any physical damage or destruction of private  
 602 property, other than the sign, incidental to the department's  
 603 entry upon such intervening privately owned lands.

604 Section 7. Section 479.04, Florida Statutes, is amended to  
 605 read:

606 479.04 Business of outdoor advertising; license  
 607 requirement; renewal; fees.—

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

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

618 Section 8. Section 479.05, Florida Statutes, is amended to  
 619 read:

620 479.05 Denial, suspension, or revocation of license.—The  
 621 department may ~~has authority to~~ deny, suspend, or revoke a any  
 622 license requested or granted under this chapter in any case in  
 623 which it determines that the application for the license  
 624 contains ~~knowingly~~ false or misleading information of material



625 consequence, that the licensee has failed to pay fees or costs  
 626 owed to the department for outdoor advertising purposes, or that  
 627 the licensee has violated any of the provisions of this chapter,  
 628 unless such licensee, within 30 days after the receipt of notice  
 629 by the department, corrects such false or misleading  
 630 information, pays the outstanding amounts, or complies with ~~the~~  
 631 ~~provisions of~~ this chapter. Suspension of a license allows the  
 632 licensee to maintain existing sign permits, but the department  
 633 may not grant a transfer of an existing permit or issue an  
 634 additional permit to a licensee with a suspended license. A ~~Any~~  
 635 person aggrieved by an ~~any~~ action of the department which  
 636 denies, suspends, or revokes ~~in denying or revoking~~ a license  
 637 under this chapter may, within 30 days after ~~from~~ the receipt of  
 638 the notice, apply to the department for an administrative  
 639 hearing pursuant to chapter 120.

640 Section 9. Section 479.07, Florida Statutes, is amended to  
 641 read:

642 479.07 Sign permits.—

643 (1) Except as provided in ss. 479.105(1) ~~(e)~~ and 479.16, a  
 644 person may not erect, operate, use, or maintain, or cause to be  
 645 erected, operated, used, or maintained, any sign on the State  
 646 Highway System outside an urban area, ~~as defined in s.~~  
 647 ~~334.03(31),~~ or on any portion of the interstate or federal-aid  
 648 primary highway system without first obtaining a permit for the  
 649 sign from the department and paying the annual fee as provided  
 650 in this section. As used in this section, the term "on any

651 portion of the State Highway System, interstate highway system,  
652 or federal-aid primary system" means a sign located within the  
653 controlled area which is visible from any portion of the main-  
654 traveled way of such system.

655 (2) ~~A person may not apply for a permit unless he or she~~  
656 ~~has first obtained the~~ Written permission of the owner or other  
657 person in lawful possession or control of the site designated as  
658 the location of the sign is required for issuance of a ~~in the~~  
659 ~~application for the permit.~~

660 (3) (a) An application for a sign permit must be made on a  
661 form prescribed by the department, and a separate application  
662 must be submitted for each permit requested. A permit is  
663 required for each sign facing.

664 (b) As part of the application, the applicant or his or  
665 her authorized representative must certify ~~in a notarized signed~~  
666 ~~statement~~ that all information provided in the application is  
667 true and correct ~~and that, pursuant to subsection (2), he or she~~  
668 ~~has obtained the written permission of the owner or other person~~  
669 ~~in lawful possession of the site designated as the location of~~  
670 ~~the sign in the permit application.~~ Each Every permit  
671 application must be accompanied by the appropriate permit fee; a  
672 signed statement by the owner or other person in lawful control  
673 of the site on which the sign is located or will be erected,  
674 authorizing the placement of the sign on that site; ~~and, where~~  
675 ~~local governmental regulation of signs exists,~~ a statement from  
676 the appropriate local governmental official indicating that the

677 sign complies with all local government ~~governmental~~  
 678 requirements; and, if a local government permit is required for  
 679 a sign, a statement that the agency or unit of local government  
 680 will issue a permit to that applicant upon approval of the state  
 681 permit application by the department.

682 (c) The annual permit fee for each sign facing shall be  
 683 established by the department by rule in an amount sufficient to  
 684 offset the total cost to the department for the program, but may  
 685 ~~shall not be greater than exceed~~ \$100. The ~~A fee may not be~~  
 686 ~~prorated for a period less than the remainder of the permit year~~  
 687 ~~to accommodate short term publicity features; however, a first-~~  
 688 year fee may be prorated by payment of an amount equal to one-  
 689 fourth of the annual fee for each remaining whole quarter or  
 690 partial quarter of the permit year. Applications received after  
 691 the end of the third quarter of the permit year must include  
 692 fees for the last quarter of the current year and fees for the  
 693 succeeding year.

694 (4) An application for a permit shall be acted on by  
 695 granting, denying, or returning the incomplete application ~~the~~  
 696 ~~department~~ within 30 days after receipt of the application by  
 697 the department.

698 (5) (a) For each permit issued, the department shall  
 699 furnish to the applicant a serially numbered permanent metal  
 700 permit tag. The permittee is responsible for maintaining a valid  
 701 permit tag on each permitted sign facing at all times. The tag  
 702 shall be securely attached to the upper 50 percent of the sign

703 structure, and sign facing or, if there is no facing, on the  
704 ~~pole nearest the highway; and it shall be~~ attached in such a  
705 manner as to be plainly visible from the main-traveled way.  
706 ~~Effective July 1, 2012, the tag must be securely attached to the~~  
707 ~~upper 50 percent of the pole nearest the highway and must be~~  
708 ~~attached in such a manner as to be plainly visible from the~~  
709 ~~main-traveled way. The permit becomes void unless the permit tag~~  
710 must be is properly and permanently displayed at the permitted  
711 site within 30 days after the date of permit issuance. If the  
712 permittee fails to erect a completed sign on the permitted site  
713 within 270 days after the date on which the permit was issued,  
714 the permit will be void, and the department may not issue a new  
715 permit to that permittee for the same location for 270 days  
716 after the date on which the permit becomes ~~became~~ void.

717 (b) If a permit tag is lost, stolen, or destroyed, the  
718 permittee to whom the tag was issued must apply to the  
719 department for a replacement tag. The department shall adopt a  
720 rule establishing a service fee for replacement tags in an  
721 amount that will recover the actual cost of providing the  
722 replacement tag. Upon receipt of the application accompanied by  
723 the service fee, the department shall issue a replacement permit  
724 tag. ~~Alternatively, the permittee may provide its own~~  
725 ~~replacement tag pursuant to department specifications that the~~  
726 ~~department shall adopt by rule at the time it establishes the~~  
727 ~~service fee for replacement tags.~~

728 (6) A permit is valid only for the location specified in

729 the permit. Valid permits may be transferred from one sign owner  
730 to another upon written acknowledgment from the current  
731 permittee and submittal of a transfer fee of \$5 for each permit  
732 to be transferred. However, the maximum transfer fee for any  
733 multiple transfer between two outdoor advertisers in a single  
734 transaction is \$100.

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

738 (8) (a) In order to reduce peak workloads, the department  
739 may adopt rules providing for staggered expiration dates for  
740 licenses and permits. Unless otherwise provided for by rule, all  
741 licenses and permits expire annually on January 15. All license  
742 and permit renewal fees are required to be submitted to the  
743 department by no later than the expiration date. At least 105  
744 days before ~~prior to~~ the expiration date of licenses and  
745 permits, the department shall send to each permittee a notice of  
746 fees due for all licenses and permits that ~~which~~ were issued to  
747 him or her before ~~prior to~~ the date of the notice. Such notice  
748 must ~~shall~~ list the permits and the permit fees due for each  
749 sign facing. The permittee shall, no later than 45 days before  
750 ~~prior to~~ the expiration date, advise the department of any  
751 additions, deletions, or errors contained in the notice. Permit  
752 tags that ~~which~~ are not renewed shall be returned to the  
753 department for cancellation by the expiration date. Permits that  
754 ~~which~~ are not renewed or are canceled shall be certified in

755 writing at that time as canceled or not renewed by the  
756 permittee, and permit tags for such permits shall be returned to  
757 the department or shall be accounted for by the permittee in  
758 writing, which writing shall be submitted with the renewal fee  
759 payment or the cancellation certification. However, failure of a  
760 permittee to submit a permit cancellation does ~~shall~~ not affect  
761 the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a  
762 permit, the permittee shall provide written notice to all  
763 persons or entities having a right to advertise on the sign that  
764 the permittee intends to cancel the permit.

765 (b) If a permittee has not submitted his or her fee  
766 payment by the expiration date of the licenses or permits, the  
767 department shall send a notice of violation to the permittee  
768 within 45 days after the expiration date, requiring the payment  
769 of the permit fee within 30 days after the date of the notice  
770 and payment of a delinquency fee equal to 10 percent of the  
771 original amount due or, in the alternative to these payments,  
772 requiring the filing of a request for an administrative hearing  
773 to show cause why the ~~his or her~~ sign should not be subject to  
774 immediate removal due to expiration of his or her license or  
775 permit. If the permittee submits payment as required by the  
776 violation notice, the ~~his or her~~ license or permit shall ~~will~~ be  
777 automatically reinstated and such reinstatement is ~~will be~~  
778 retroactive to the original expiration date. If the permittee  
779 does not respond to the notice of violation within the 30-day  
780 period, the department shall, within 30 days, issue a final

781 notice of sign removal and may, following 90 days after the date  
782 of the department's final notice of sign removal, remove the  
783 sign without incurring any liability as a result of such  
784 removal. However, if at any time before removal of the sign, the  
785 permittee demonstrates that a good faith error on the part of  
786 the permittee resulted in cancellation or nonrenewal of the  
787 permit, the department may reinstate the permit if:

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

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

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

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

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

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

804 1. One thousand five hundred feet from any other permitted  
805 sign on the same side of the highway, if on an interstate  
806 highway.

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

809  
810 The minimum spacing provided in this paragraph does not preclude  
811 the permitting of V-type, back-to-back, side-to-side, stacked,  
812 or double-faced signs at the permitted sign site. If a sign is  
813 visible to more than one highway subject to the jurisdiction of  
814 the department and within the controlled area of the highways  
815 ~~from the controlled area of more than one highway subject to the~~  
816 ~~jurisdiction of the department~~, the sign must ~~shall~~ meet the  
817 permitting requirements of all highways, and, ~~if the sign meets~~  
818 ~~the applicable permitting requirements~~, be permitted to, the  
819 highway having the more stringent permitting requirements.

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

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

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

829           3. Exceeds 950 square feet of sign facing including all  
830 embellishments.

831           (c) Notwithstanding subparagraph (a)1., ~~there is~~  
832 ~~established a pilot program in Orange, Hillsborough, and Osceola~~



833 ~~Counties, and within the boundaries of the City of Miami, under~~  
834 ~~which~~ the distance between permitted signs on the same side of  
835 an interstate highway may be reduced to 1,000 feet if all other  
836 requirements of this chapter are met and if:

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

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

845 3. The local government notifies the department of its  
846 intention to allow such removal and replacement as agreed upon  
847 pursuant to subparagraph 2.

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

857  
858 ~~The department shall maintain statistics tracking the use of the~~

859 ~~provisions of this pilot program based on the notifications~~  
860 ~~received by the department from local governments under this~~  
861 ~~paragraph.~~

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

864 (10) Commercial or industrial zoning that ~~which~~ is not  
865 comprehensively enacted or that ~~which~~ is enacted primarily to  
866 permit signs may ~~shall~~ not be recognized as commercial or  
867 industrial zoning for purposes of this provision, and permits  
868 may ~~shall~~ not be issued for signs in such areas. The department  
869 shall adopt rules that ~~within 180 days after this act takes~~  
870 ~~effect which shall~~ provide criteria to determine whether such  
871 zoning is comprehensively enacted or enacted primarily to permit  
872 signs.

873 Section 10. Section 479.08, Florida Statutes, is amended  
874 to read:

875 479.08 Denial or revocation of permit.—The department may  
876 deny or revoke a ~~any~~ permit requested or granted under this  
877 chapter in any case in which it determines that the application  
878 for the permit contains ~~knowingly~~ false or misleading  
879 information of material consequence. The department may revoke a  
880 ~~any~~ permit granted under this chapter in any case in which the  
881 permittee has violated ~~any of the provisions of~~ this chapter,  
882 unless such permittee, within 30 days after the receipt of  
883 notice by the department, complies with ~~the provisions of~~ this  
884 chapter. For the purpose of this section, the notice of

885 violation issued by the department must describe in detail the  
 886 alleged violation. A ~~Any~~ person aggrieved by any action of the  
 887 department in denying or revoking a permit under this chapter  
 888 may, within 30 days after receipt of the notice, apply to the  
 889 department for an administrative hearing pursuant to chapter  
 890 120. If a timely request for hearing has been filed and the  
 891 department issues a final order revoking a permit, such  
 892 revocation shall be effective 30 days after the date of  
 893 rendition. Except for department action pursuant to s.  
 894 479.107(1), the filing of a timely and proper notice of appeal  
 895 shall operate to stay the revocation until the department's  
 896 action is upheld.

897 Section 11. Section 479.10, Florida Statutes, is amended  
 898 to read:

899 479.10 Sign removal following permit revocation or  
 900 cancellation.—A sign shall be removed by the permittee within 30  
 901 days after the date of revocation or cancellation of the permit  
 902 for the sign. If the permittee fails to remove the sign within  
 903 the 30-day period, the department shall remove the sign at the  
 904 permittee's expense with or without further notice and without  
 905 incurring any liability as a result of such removal.

906 Section 12. Section 479.105, Florida Statutes, is amended  
 907 to read:

908 479.105 Signs erected or maintained without required  
 909 permit; removal.—

910 (1) A ~~Any~~ sign that ~~which~~ is located adjacent to the

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

918 (a) Upon a determination by the department that a sign is  
919 in violation of s. 479.07(1), the department shall prominently  
920 post on the sign, or as close to the sign as possible for a  
921 location in which the sign is not easily accessible, ~~face~~ a  
922 notice stating that the sign is illegal and must be removed  
923 within 30 days after the date on which the notice was posted.  
924 ~~However, if the sign bears the name of the licensee or the name~~  
925 ~~and address of the nonlicensed sign owner,~~ The department shall,  
926 concurrently with and in addition to posting the notice on the  
927 sign, provide a written notice to the owner of the sign, the  
928 advertiser displayed on the sign, or the owner of the property,  
929 stating that the sign is illegal and must be permanently removed  
930 within the 30-day period specified on the posted notice. The  
931 written notice shall further state that ~~the sign owner has a~~  
932 ~~right to request~~ a hearing may be requested and that the, ~~which~~  
933 request must be filed with the department within 30 days after  
934 receipt ~~the date~~ of the written notice. However, the filing of a  
935 request for a hearing will not stay the removal of the sign.

936 (b) If, pursuant to the notice provided, the sign is not

937 removed by the ~~sign~~ owner of the sign, the advertiser displayed  
938 on the sign, or the owner of the property within the prescribed  
939 period, the department shall immediately remove the sign without  
940 further notice; and, for that purpose, the employees, agents, or  
941 independent contractors of the department may enter upon private  
942 property without incurring any liability for so entering.

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

946 1. If the sign meets the current requirements of this  
947 chapter for a sign permit, the sign owner may submit the  
948 required application package and receive a permit as a  
949 conforming sign, upon payment of all applicable fees.

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

960 a. The sign has been unpermitted, structurally unchanged,  
961 and continuously maintained at the same location for 7 years or  
962 more;

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

967 c. The department has not initiated a notice of violation  
 968 or taken other action to remove the sign during the initial 7-  
 969 year period in which the sign has been subject to the  
 970 jurisdiction of the department.

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

974 (e)-(e) For purposes of this subsection, a notice to the  
 975 sign owner, when required, constitutes sufficient notice. ~~and~~  
 976 Notice is not required to be provided to the lessee, advertiser,  
 977 or the owner of the real property on which the sign is located.

978 (f)-(d) If, after a hearing, it is determined that a sign  
 979 has been wrongfully or erroneously removed pursuant to this  
 980 subsection, the department, at the sign owner's discretion,  
 981 shall either pay just compensation to the owner of the sign or  
 982 reerect the sign in kind at the expense of the department.

983 ~~(e) However, if the sign owner demonstrates to the~~  
 984 ~~department that:~~

985 ~~1. The sign has been unpermitted, structurally unchanged,~~  
 986 ~~and continuously maintained at the same location for a period of~~  
 987 ~~7 years or more;~~

988 ~~2. At any time during the period in which the sign has~~

989 ~~been erected, the sign would have met the criteria established~~  
 990 ~~in this chapter for issuance of a permit;~~

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

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

996  
 997 ~~the sign may be considered a conforming or nonconforming sign~~  
 998 ~~and may be issued a permit by the department upon application in~~  
 999 ~~accordance with this chapter and payment of a penalty fee of~~  
 1000 ~~\$300 and all pertinent fees required by this chapter, including~~  
 1001 ~~annual permit renewal fees payable since the date of the~~  
 1002 ~~erection of the sign.~~

1003 (2) (a) If a sign is under construction and the department  
 1004 determines that a permit has not been issued for the sign as  
 1005 required under ~~the provisions of~~ this chapter, the department  
 1006 may ~~is authorized to~~ require that all work on the sign cease  
 1007 until the sign owner shows that the sign does not violate ~~the~~  
 1008 ~~provisions of~~ this chapter. The order to cease work shall be  
 1009 prominently posted on the sign structure, and ~~no~~ further notice  
 1010 is not required ~~to be given~~. The failure of a sign owner or her  
 1011 or his agents to immediately comply with the order subjects  
 1012 ~~shall subject~~ the sign to prompt removal by the department.

1013 (b) For the purposes of this subsection only, a sign is  
 1014 under construction when it is in any phase of initial

1015 construction before ~~prior to~~ the attachment and display of the  
 1016 advertising message in final position for viewing by the  
 1017 traveling public. A sign that is undergoing routine maintenance  
 1018 or change of the advertising message only is not considered to  
 1019 be under construction for the purposes of this subsection.

1020 (3) The cost of removing a sign, ~~whether~~ by the department  
 1021 or an independent contractor, shall be assessed against the  
 1022 owner of the sign by the department.

1023 Section 13. Subsections (5) and (7) of section 479.106,  
 1024 Florida Statutes, are amended to read:

1025 479.106 Vegetation management.—

1026 (5) The department may only grant a permit pursuant to s.  
 1027 479.07 for a new sign that ~~which~~ requires the removal, cutting,  
 1028 or trimming of existing trees or vegetation on public right-of-  
 1029 way for the sign face to be visible from the highway the sign  
 1030 will be permitted to when the sign owner has removed at least  
 1031 two nonconforming signs of approximate comparable size and  
 1032 surrendered the permits for the nonconforming signs to the  
 1033 department for cancellation. For signs originally permitted  
 1034 after July 1, 1996, the first application, or application for a  
 1035 change of view zone, no permit for the removal, cutting, or  
 1036 trimming of trees or vegetation along the highway the sign is  
 1037 permitted to shall require the removal of two nonconforming  
 1038 signs, in addition to mitigation or contribution to a plan of  
 1039 mitigation. The department may not grant a permit for the  
 1040 removal, cutting, or trimming of trees for a sign permitted



1041 after July 1, 1996, if the ~~shall be granted where such trees are~~  
 1042 or the vegetation is ~~are~~ part of a beautification project  
 1043 implemented before ~~prior to~~ the date of the original sign permit  
 1044 application and if, ~~when~~ the beautification project is  
 1045 specifically identified in the department's construction plans,  
 1046 permitted landscape projects, or agreements.

1047 (7) Any person engaging in removal, cutting, or trimming  
 1048 of trees or vegetation in violation of this section or  
 1049 benefiting from such actions shall be subject to an  
 1050 administrative penalty of up to \$1,000 per sign facing and  
 1051 required to mitigate for the unauthorized removal, cutting, or  
 1052 trimming in such manner and in such amount as may be required  
 1053 under the rules of the department.

1054 Section 14. Subsection (5) of section 479.107, Florida  
 1055 Statutes, is amended to read:

1056 479.107 Signs on highway rights-of-way; removal.—

1057 (5) The cost of removing a sign, ~~whether~~ by the department  
 1058 or an independent contractor, shall be assessed by the  
 1059 department against the owner of the sign. ~~Furthermore, the~~  
 1060 ~~department shall assess a fine of \$75 against the sign owner for~~  
 1061 ~~any sign which violates the requirements of this section.~~

1062 Section 15. Section 479.111, Florida Statutes, is amended  
 1063 to read:

1064 479.111 Specified signs allowed within controlled portions  
 1065 of the interstate and federal-aid primary highway system.—Only  
 1066 the following signs shall be allowed within controlled portions

1067 of the interstate highway system and the federal-aid primary  
 1068 highway system as set forth in s. 479.11(1) and (2):

1069 (1) Directional or other official signs and notices that  
 1070 ~~which~~ conform to 23 C.F.R. ss. 750.151-750.155.

1071 (2) Signs in commercial-zoned and industrial-zoned areas  
 1072 or commercial-unzoned and industrial-unzoned areas and within  
 1073 660 feet of the nearest edge of the right-of-way, subject to the  
 1074 requirements set forth in the 1972 agreement between the state  
 1075 and the United States Department of Transportation.

1076 (3) Signs for which permits are not required under s.  
 1077 479.16.

1078 Section 16. Section 479.15, Florida Statutes, is amended  
 1079 to read:

1080 479.15 Harmony of regulations.—

1081 (1) A ~~No~~ zoning board or commission or other public  
 1082 officer or agency may not ~~shall~~ issue a permit to erect a ~~any~~  
 1083 sign that ~~which~~ is prohibited under ~~the provisions of~~ this  
 1084 chapter or the rules of the department, and ~~nor shall~~ the  
 1085 department may not issue a permit for a ~~any~~ sign that ~~which~~ is  
 1086 prohibited by any other public board, officer, or agency in the  
 1087 lawful exercise of its powers.

1088 (2) A municipality, county, local zoning authority, or  
 1089 other local governmental entity may not remove, or cause to be  
 1090 removed, a ~~any~~ lawfully erected sign along any portion of the  
 1091 interstate or federal-aid primary highway system without first  
 1092 paying just compensation for such removal. A local governmental

1093 entity may not cause in any way the alteration of a ~~any~~ lawfully  
1094 erected sign located along any portion of the interstate or  
1095 federal-aid primary highway system without payment of just  
1096 compensation if such alteration constitutes a taking under state  
1097 law. The municipality, county, local zoning authority, or other  
1098 local governmental ~~government~~ entity that adopts requirements  
1099 for such alteration shall pay just compensation to the sign  
1100 owner if such alteration constitutes a taking under state law.  
1101 This subsection applies only to a lawfully erected sign the  
1102 subject matter of which relates to premises other than the  
1103 premises on which it is located or to merchandise, services,  
1104 activities, or entertainment not sold, produced, manufactured,  
1105 or furnished on the premises on which the sign is located. ~~As~~  
1106 ~~used in this subsection, the term "federal-aid primary highway~~  
1107 ~~system" means the federal-aid primary highway system in~~  
1108 ~~existence on June 1, 1991, and any highway that was not a part~~  
1109 ~~of such system as of that date but that is or becomes after June~~  
1110 ~~1, 1991, a part of the National Highway System. This subsection~~  
1111 may ~~shall~~ not be interpreted as explicit or implicit legislative  
1112 recognition that alterations do or do not constitute a taking  
1113 under state law.

1114 (3) It is the express intent of the Legislature to limit  
1115 the state right-of-way acquisition costs on state and federal  
1116 roads in eminent domain proceedings, ~~the provisions of~~ ss.  
1117 479.07 and 479.155 notwithstanding. Subject to approval by the  
1118 Federal Highway Administration, if ~~whenever~~ public acquisition

1119 of land upon which is situated a lawful permitted ~~nonconforming~~  
 1120 sign occurs, as provided in this chapter, the sign may, at the  
 1121 election of its owner and the department, be relocated or  
 1122 reconstructed adjacent to the new right-of-way and in close  
 1123 proximity to the current site if ~~along the roadway within 100~~  
 1124 ~~feet of the current location, provided the nonconforming sign is~~  
 1125 not relocated in an area inconsistent with s. 479.024. ~~on a~~  
 1126 ~~parcel zoned residential, and provided further that Such~~  
 1127 relocation is ~~shall be~~ subject to the applicable setback  
 1128 requirements in the 1972 agreement between the state and the  
 1129 United States Department of Transportation. The sign owner shall  
 1130 pay all costs associated with relocating or reconstructing a ~~any~~  
 1131 sign under this subsection, and ~~neither~~ the state or ~~nor~~ any  
 1132 local government may not ~~shall~~ reimburse the sign owner for such  
 1133 costs, unless part of such relocation costs is ~~are~~ required by  
 1134 federal law. If ~~no~~ adjacent property is not available for the  
 1135 relocation, the department is ~~shall be~~ responsible for paying  
 1136 the owner of the sign just compensation for its removal.

1137 (4) For a nonconforming sign, ~~Such relocation shall be~~  
 1138 ~~adjacent to the current site and~~ the face of the sign may ~~shall~~  
 1139 not be increased in size or height or structurally modified at  
 1140 the point of relocation in a manner inconsistent with the  
 1141 current building codes of the jurisdiction in which the sign is  
 1142 located.

1143 (5) If ~~In the event that~~ relocation can be accomplished  
 1144 but is inconsistent with the ordinances of the municipality or

1145 county within whose jurisdiction the sign is located, the  
 1146 ordinances of the local government shall prevail if, ~~provided~~  
 1147 ~~that~~ the local government assumes ~~shall assume~~ the  
 1148 responsibility to provide the owner of the sign just  
 1149 compensation for its removal, ~~but in no event shall~~  
 1150 Compensation paid by the local government may not be greater  
 1151 than ~~exceed~~ the compensation required under state or federal  
 1152 law. ~~Further, the provisions of~~ This section does ~~shall~~ not  
 1153 impair any agreement or future agreements between a municipality  
 1154 or county and the owner of a sign or signs within the  
 1155 jurisdiction of the municipality or county. ~~Nothing in this~~  
 1156 ~~section shall be deemed to cause a nonconforming sign to become~~  
 1157 ~~conforming solely as a result of the relocation allowed in this~~  
 1158 ~~section.~~

1159 (6) ~~The provisions of~~ Subsections (3), (4), and (5) do ~~of~~  
 1160 ~~this section shall~~ not apply within the jurisdiction of a ~~any~~  
 1161 municipality that ~~which~~ is engaged in ~~any~~ litigation concerning  
 1162 its sign ordinance on April 23, 1999, and the subsections do not  
 1163 ~~nor shall such provisions~~ apply to a ~~any~~ municipality whose  
 1164 boundaries are identical to the county within which the said  
 1165 municipality is located.

1166 (7) This section does not cause a neighboring sign that is  
 1167 already permitted and that is within the spacing requirements  
 1168 established in s. 479.07(9)(a) to become nonconforming.

1169 Section 17. Section 479.156, Florida Statutes, is amended  
 1170 to read:

1171           479.156 Wall murals.—Notwithstanding any other provision  
 1172 of this chapter, a municipality or county may permit and  
 1173 regulate wall murals within areas designated by such government.  
 1174 If a municipality or county permits wall murals, a wall mural  
 1175 that displays a commercial message and is within 660 feet of the  
 1176 nearest edge of the right-of-way within an area adjacent to the  
 1177 interstate highway system or the federal-aid primary highway  
 1178 system shall be located only in an area that is zoned for  
 1179 industrial or commercial use pursuant to s. 479.024. ~~and~~ The  
 1180 municipality or county shall establish and enforce regulations  
 1181 for such areas which ~~that~~, at a minimum, set forth criteria  
 1182 governing the size, lighting, and spacing of wall murals  
 1183 consistent with the intent of 23 U.S.C. s. 131 ~~the Highway~~  
 1184 ~~Beautification Act of 1965~~ and with customary use. If ~~Whenever~~ a  
 1185 municipality or county exercises such control and makes a  
 1186 determination of customary use pursuant to 23 U.S.C. s. 131(d),  
 1187 such determination shall be accepted in lieu of controls in the  
 1188 agreement between the state and the United States Department of  
 1189 Transportation, and the department shall notify the Federal  
 1190 Highway Administration pursuant to the agreement, 23 U.S.C. s.  
 1191 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is  
 1192 subject to municipal or county regulation and 23 U.S.C. s. 131  
 1193 ~~the Highway Beautification Act of 1965~~ must be approved by the  
 1194 Department of Transportation and the Federal Highway  
 1195 Administration when required by federal law and federal  
 1196 regulation under the agreement between the state and the United

1197 States Department of Transportation and federal regulations  
 1198 enforced by the Department of Transportation under s. 479.02(1).  
 1199 The existence of a wall mural as defined in s. 479.01~~(30)~~ must  
 1200 ~~shall~~ not be considered in determining whether a sign as defined  
 1201 in s. 479.01~~(20)~~, ~~either~~ existing or new, is in compliance with  
 1202 s. 479.07(9)(a).

1203 Section 18. Section 479.16, Florida Statutes, is amended  
 1204 to read:

1205 479.16 Signs for which permits are not required.—The  
 1206 following signs are exempt from the requirement that a permit  
 1207 for a sign be obtained under ~~the provisions of~~ this chapter but  
 1208 are required to comply with ~~the provisions of~~ s. 479.11(4)-(8),  
 1209 and the provisions of subsections (15)-(19) may not be  
 1210 implemented or continued if the Federal Government notifies the  
 1211 department that implementation or continuation will adversely  
 1212 affect the allocation of federal funds to the department:

1213 (1) Signs erected on the premises of an establishment,  
 1214 which ~~signs~~ consist primarily of the name of the establishment  
 1215 or ~~which~~ identify the principal or accessory merchandise,  
 1216 services, activities, or entertainment sold, produced,  
 1217 manufactured, or furnished on the premises of the establishment  
 1218 and which comply with the lighting restrictions imposed under  
 1219 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned  
 1220 by a municipality or a county located on the premises of such  
 1221 municipality or ~~such~~ county which display information regarding  
 1222 governmental ~~government~~ services, activities, events, or

1223 entertainment. For purposes of this section, the following types  
 1224 of messages are ~~shall~~ not be considered information regarding  
 1225 governmental ~~government~~ services, activities, events, or  
 1226 entertainment:

1227 (a) Messages that ~~which~~ specifically reference any  
 1228 commercial enterprise.

1229 (b) Messages that ~~which~~ reference a commercial sponsor of  
 1230 any event.

1231 (c) Personal messages.

1232 (d) Political campaign messages.

1233  
 1234 If a sign located on the premises of an establishment consists  
 1235 principally of brand name or trade name advertising and the  
 1236 merchandise or service is only incidental to the principal  
 1237 activity, or if the owner of the establishment receives rental  
 1238 income from the sign, ~~then~~ the sign is not exempt under this  
 1239 subsection.

1240 (2) Signs erected, used, or maintained on a farm by the  
 1241 owner or lessee of such farm and relating solely to farm  
 1242 produce, merchandise, service, or entertainment sold, produced,  
 1243 manufactured, or furnished on such farm.

1244 (3) Signs posted or displayed on real property by the  
 1245 owner or by the authority of the owner, stating that the real  
 1246 property is for sale or rent. However, if the sign contains any  
 1247 message not pertaining to the sale or rental of the ~~that~~ real  
 1248 property, ~~then~~ it is not exempt under this section.



1249 (4) Official notices or advertisements posted or displayed  
 1250 on private property by or under the direction of any public or  
 1251 court officer in the performance of her or his official or  
 1252 directed duties, or by trustees under deeds of trust or deeds of  
 1253 assignment or other similar instruments.

1254 (5) Danger or precautionary signs relating to the premises  
 1255 on which they are located; forest fire warning signs erected  
 1256 under the authority of the Florida Forest Service of the  
 1257 Department of Agriculture and Consumer Services; and signs,  
 1258 notices, or symbols erected by the United States Government  
 1259 under the direction of the United States Forest Forestry  
 1260 Service.

1261 (6) Notices of any railroad, bridge, ferry, or other  
 1262 transportation or transmission company necessary for the  
 1263 direction or safety of the public.

1264 (7) Signs, notices, or symbols for the information of  
 1265 aviators as to location, directions, and landings and conditions  
 1266 affecting safety in aviation erected or authorized by the  
 1267 department.

1268 (8) Signs or notices measuring up to 8 square feet in area  
 1269 which are erected or maintained upon property and which state  
 1270 ~~stating~~ only the name of the owner, lessee, or occupant of the  
 1271 premises ~~and not exceeding 8 square feet in area.~~

1272 (9) Historical markers erected by ~~duly constituted and~~  
 1273 authorized public authorities.

1274 (10) Official traffic control signs and markers erected,

1275 caused to be erected, or approved by the department.

1276 (11) Signs erected upon property warning the public  
1277 against hunting and fishing or trespassing ~~thereon~~.

1278 (12) Signs ~~not in excess~~ of up to 8 square feet which ~~that~~  
1279 are owned by and relate to the facilities and activities of  
1280 churches, civic organizations, fraternal organizations,  
1281 charitable organizations, or units or agencies of government.

1282 (13) ~~Except that~~ Signs placed on benches, transit  
1283 shelters, modular news racks, street light poles, public pay  
1284 telephones, and waste receptacles, within the right-of-way, as  
1285 provided for in s. 337.408 are exempt from ~~all provisions of~~  
1286 this chapter.

1287 (14) Signs relating exclusively to political campaigns.

1288 (15) Signs measuring up to ~~not in excess of~~ 16 square feet  
1289 placed at a road junction with the State Highway System denoting  
1290 only the distance or direction of a residence or farm operation,  
1291 or, outside an incorporated ~~in a rural~~ area where a hardship is  
1292 created because a small business is not visible from the road  
1293 junction with the State Highway System, one sign measuring up to  
1294 ~~not in excess of~~ 16 square feet, denoting only the name of the  
1295 business and the distance and direction to the business. ~~The~~  
1296 ~~small-business-sign provision of this subsection does not apply~~  
1297 ~~to charter counties and may not be implemented if the Federal~~  
1298 ~~Government notifies the department that implementation will~~  
1299 ~~adversely affect the allocation of federal funds to the~~  
1300 ~~department.~~

1301 (16) Signs placed by a local tourist-oriented business  
 1302 located within a rural area of critical economic concern as  
 1303 defined in s. 288.0656(2) which are:

1304 (a) Not more than 8 square feet in size or more than 4  
 1305 feet in height;

1306 (b) Located only in rural areas on a facility that does  
 1307 not meet the definition of a limited access facility, as defined  
 1308 in s. 334.03;

1309 (c) Located within 2 miles of the business location and at  
 1310 least 500 feet apart;

1311 (d) Located only in two directions leading to the  
 1312 business; and

1313 (e) Not located within the road right-of-way.

1314  
 1315 A business placing such signs must be at least 4 miles from any  
 1316 other business using this exemption and may not participate in  
 1317 any other directional signage program by the department.

1318 (17) Signs measuring up to 32 square feet denoting only  
 1319 the distance or direction of a farm operation which are erected  
 1320 at a road junction with the State Highway System, but only  
 1321 during the harvest season of the farm operation for up to 4  
 1322 months.

1323 (18) Acknowledgment signs erected upon publicly funded  
 1324 school premises which relate to a specific public school club,  
 1325 team, or event and which are placed at least 1,000 feet from any  
 1326 other acknowledgment sign on the same side of the roadway. The

1327 sponsor information on an acknowledgment sign may constitute no  
1328 more than 100 square feet of the sign. As used in this  
1329 subsection, the term "acknowledgment sign" means a sign that is  
1330 intended to inform the traveling public that a public school  
1331 club, team, or event has been sponsored by a person, firm, or  
1332 other entity.

1333 (19) Displays erected upon a sports facility, the content  
1334 of which is directly related to the facility's activities or to  
1335 the facility's products or services. Displays must be mounted  
1336 flush to the surface of the sports facility and must rely upon  
1337 the building facade for structural support. As used in this  
1338 subsection, the term "sports facility" means an athletic  
1339 complex, athletic arena, or athletic stadium, including  
1340 physically connected parking facilities, which is open to the  
1341 public and has a seating capacity of 15,000 or more permanently  
1342 installed seats.

1343  
1344 If the exemptions in subsections (15)-(19) are not implemented  
1345 or continued due to notification from the Federal Government  
1346 that the allocation of federal funds to the department will be  
1347 adversely impacted, the department shall provide notice to the  
1348 sign owner that the sign must be removed within 30 days after  
1349 receipt of the notice. If the sign is not removed within 30 days  
1350 after receipt of the notice by the sign owner, the department  
1351 may remove the sign, and the costs incurred in connection with  
1352 the sign removal shall be assessed against and collected from

1353 the sign owner.

1354 Section 19. Section 479.24, Florida Statutes, is amended  
 1355 to read:

1356 479.24 Compensation for ~~removal of~~ signs; eminent domain;  
 1357 exceptions.—

1358 (1) Just compensation shall be paid by the department  
 1359 upon the department's acquisition ~~removal~~ of a lawful conforming  
 1360 or nonconforming sign along any portion of the interstate or  
 1361 federal-aid primary highway system. This section does not apply  
 1362 to a sign that ~~which~~ is illegal at the time of its removal. A  
 1363 sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~  
 1364 illegal at such time as it fails to be permitted or maintained  
 1365 in accordance with all applicable laws, rules, ordinances, or  
 1366 regulations other than the provision that ~~which~~ makes it  
 1367 nonconforming. A legal nonconforming sign under state law or  
 1368 rule does ~~will~~ not lose its nonconforming status solely because  
 1369 it additionally becomes nonconforming under an ordinance or  
 1370 regulation of a local governmental entity passed at a later  
 1371 date. The department shall make every reasonable effort to  
 1372 negotiate the purchase of the signs to avoid litigation and  
 1373 congestion in the courts.

1374 (2) The department is not required to remove any sign  
 1375 under this section if the federal share of the just compensation  
 1376 to be paid upon removal of the sign is not available to make  
 1377 such payment, unless an appropriation by the Legislature for  
 1378 such purpose is made to the department.

1379 (3) (a) The department may ~~is authorized to~~ use the power  
 1380 of eminent domain when necessary to carry out ~~the provisions of~~  
 1381 this chapter.

1382 (b) If eminent domain procedures are instituted, just  
 1383 compensation shall be made pursuant to the state's eminent  
 1384 domain procedures, chapters 73 and 74.

1385 Section 20. Section 479.25, Florida Statutes, is amended  
 1386 to read:

1387 479.25 Erection of noise-attenuation barrier blocking view  
 1388 of sign; procedures; application.—

1389 (1) The owner of a lawfully erected sign that is governed  
 1390 by and conforms to state and federal requirements for land use,  
 1391 size, height, and spacing may increase the height above ground  
 1392 level of such sign at its permitted location if a noise-  
 1393 attenuation barrier is permitted by or erected by any  
 1394 governmental entity in such a way as to screen or block  
 1395 visibility of the sign. Any increase in height permitted under  
 1396 this section may only be the increase in height which is  
 1397 required to achieve the same degree of visibility from the  
 1398 right-of-way which the sign had before ~~prior to~~ the construction  
 1399 of the noise-attenuation barrier, notwithstanding the  
 1400 restrictions contained in s. 479.07(9) (b). A sign reconstructed  
 1401 under this section must ~~shall~~ comply with the building standards  
 1402 and wind load requirements provided ~~set forth~~ in the Florida  
 1403 Building Code. If construction of a proposed noise-attenuation  
 1404 barrier will screen a sign lawfully permitted under this

1405 chapter, the department shall provide notice to the local  
 1406 government or local jurisdiction within which the sign is  
 1407 located before construction ~~prior to erection of the noise-~~  
 1408 ~~attenuation barrier~~. Upon a determination that an increase in  
 1409 the height of a sign as permitted under this section will  
 1410 violate ~~a provision contained in~~ an ordinance or a land  
 1411 development regulation of the local government or local  
 1412 jurisdiction, the local government or local jurisdiction shall,  
 1413 before construction ~~so notify the department~~. When notice has  
 1414 ~~been received from the local government or local jurisdiction~~  
 1415 ~~prior to erection of the noise-attenuation barrier, the~~  
 1416 ~~department shall:~~

1417 (a) Provide a variance or waiver to the local ordinance or  
 1418 land development regulations to ~~Conduct a written survey of all~~  
 1419 ~~property owners identified as impacted by highway noise and who~~  
 1420 ~~may benefit from the proposed noise-attenuation barrier. The~~  
 1421 ~~written survey shall inform the property owners of the location,~~  
 1422 ~~date, and time of the public hearing described in paragraph (b)~~  
 1423 ~~and shall specifically advise the impacted property owners that:~~

1424 1. ~~Erection of the noise-attenuation barrier may block the~~  
 1425 ~~visibility of an existing outdoor advertising sign;~~

1426 2. ~~The local government or local jurisdiction may restrict~~  
 1427 ~~or prohibit increasing the height of the existing outdoor~~  
 1428 ~~advertising sign to make it visible over the barrier; and~~

1429 3. ~~If a majority of the impacted property owners vote for~~  
 1430 ~~construction of the noise-attenuation barrier, the local~~

1431 ~~government or local jurisdiction will be required to:~~  
 1432       ~~a.~~ allow an increase in the height of the sign ~~in~~  
 1433 ~~violation of a local ordinance or land development regulation;~~  
 1434       (b)~~b.~~ Allow the sign to be relocated or reconstructed at  
 1435 another location if the sign owner agrees; or  
 1436       (c)~~c.~~ Pay the fair market value of the sign and its  
 1437 associated interest in the real property.  
 1438       (2)~~(b)~~ The department shall hold a public hearing within  
 1439 the boundaries of the affected local governments or local  
 1440 jurisdictions to receive input on the proposed noise-attenuation  
 1441 barrier and its conflict with the local ordinance or land  
 1442 development regulation and to suggest or consider alternatives  
 1443 or modifications ~~to the proposed noise-attenuation barrier~~ to  
 1444 alleviate or minimize the conflict with the local ordinance or  
 1445 land development regulation or minimize any costs that may be  
 1446 associated with relocating, reconstructing, or paying for the  
 1447 affected sign. The public hearing may be held concurrently with  
 1448 other public hearings scheduled for the project. The department  
 1449 shall provide a written notification to the local government or  
 1450 local jurisdiction of the date and time of the public hearing  
 1451 and shall provide general notice of the public hearing in  
 1452 accordance with the notice provisions of s. 335.02(1). The  
 1453 notice may ~~shall~~ not be placed in that portion of a newspaper in  
 1454 which legal notices or classified advertisements appear. The  
 1455 notice must ~~shall~~ specifically state that:  
 1456       (a)~~1.~~ Erection of the proposed noise-attenuation barrier



1457 may block the visibility of an existing outdoor advertising  
1458 sign;

1459 ~~(b)2.~~ The local government or local jurisdiction may  
1460 restrict or prohibit increasing the height of the existing  
1461 outdoor advertising sign ~~to make it visible over the barrier;~~  
1462 and

1463 ~~(c)3.~~ Upon ~~If a majority of the impacted property owners~~  
1464 ~~vote for~~ construction of the noise-attenuation barrier, the  
1465 local government or local jurisdiction shall ~~will be required~~  
1466 ~~to:~~

1467 1.a. Allow an increase in the height of the sign through a  
1468 waiver or variance to ~~in violation of~~ a local ordinance or land  
1469 development regulation;

1470 2.b. Allow the sign to be relocated or reconstructed at  
1471 another location if the sign owner agrees; or

1472 3.c. Pay the fair market value of the sign and its  
1473 associated interest in the real property.

1474 ~~(3)(2)~~ The department may ~~shall~~ not permit erection of the  
1475 noise-attenuation barrier to the extent the barrier screens or  
1476 blocks visibility of the sign until after the public hearing is  
1477 held ~~and until such time as the survey has been conducted and a~~  
1478 ~~majority of the impacted property owners have indicated approval~~  
1479 ~~to erect the noise-attenuation barrier.~~ When the impacted  
1480 property owners approve of the noise-attenuation barrier  
1481 construction, the department shall notify the local governments  
1482 or local jurisdictions. ~~The local government or local~~

1483 ~~jurisdiction shall, notwithstanding the provisions of a~~  
 1484 ~~conflicting ordinance or land development regulation:~~  
 1485 ~~(a) Issue a permit by variance or otherwise for the~~  
 1486 ~~reconstruction of a sign under this section;~~  
 1487 ~~(b) Allow the relocation of a sign, or construction of~~  
 1488 ~~another sign, at an alternative location that is permissible~~  
 1489 ~~under the provisions of this chapter, if the sign owner agrees~~  
 1490 ~~to relocate the sign or construct another sign; or~~  
 1491 ~~(c) Refuse to issue the required permits for~~  
 1492 ~~reconstruction of a sign under this section and pay fair market~~  
 1493 ~~value of the sign and its associated interest in the real~~  
 1494 ~~property to the owner of the sign.~~  
 1495 ~~(4)~~(3) This section ~~shall~~ does not apply to ~~the provisions~~  
 1496 ~~of~~ any existing written agreement executed before July 1, 2006,  
 1497 between any local government and the owner of an outdoor  
 1498 advertising sign.  
 1499 Section 21. Subsection (1) of section 479.261, Florida  
 1500 Statutes, is amended to read:  
 1501 479.261 Logo sign program.—  
 1502 (1) The department shall establish a logo sign program  
 1503 for the rights-of-way of the limited access interstate highway  
 1504 system to provide information to motorists about available gas,  
 1505 food, lodging, camping, attractions, and other services, as  
 1506 approved by the Federal Highway Administration, at interchanges  
 1507 through the use of business logos and may include additional  
 1508 interchanges under the program.

1509 (a) As used in this chapter, the term "attraction" means  
 1510 an establishment, site, facility, or landmark that is open a  
 1511 minimum of 5 days a week for 52 weeks a year; that has as its  
 1512 principal focus family-oriented entertainment, cultural,  
 1513 educational, recreational, scientific, or historical activities;  
 1514 and that is publicly recognized as a bona fide tourist  
 1515 attraction.

1516 (b) The department shall incorporate the use of RV-  
 1517 friendly markers on specific information logo signs for  
 1518 establishments that cater to the needs of persons driving  
 1519 recreational vehicles. Establishments that qualify for  
 1520 participation in the specific information logo program and that  
 1521 also qualify as "RV-friendly" may request the RV-friendly marker  
 1522 on their specific information logo sign. An RV-friendly marker  
 1523 must consist of a design approved by the Federal Highway  
 1524 Administration. The department shall adopt rules ~~in accordance~~  
 1525 ~~with chapter 120~~ to administer this paragraph. Such rules must  
 1526 establish minimum requirements for parking spaces, entrances and  
 1527 exits, and overhead clearance which must be met by, ~~including~~  
 1528 ~~rules setting forth the minimum requirements that establishments~~  
 1529 ~~that wish must meet in order to qualify as RV-friendly. These~~  
 1530 ~~requirements shall include large parking spaces, entrances, and~~  
 1531 ~~exits that can easily accommodate recreational vehicles and~~  
 1532 ~~facilities having appropriate overhead clearances, if~~  
 1533 ~~applicable.~~

1534 Section 22. Subsection (1) of section 479.262, Florida

1535 Statutes, is amended to read:

1536 479.262 Tourist-oriented directional sign program.—

1537 (1) A tourist-oriented directional sign program to provide  
 1538 directions to rural tourist-oriented businesses, services, and  
 1539 activities may be established at intersections on rural and  
 1540 conventional state, county, or municipal roads only ~~in rural~~  
 1541 ~~counties identified by criteria and population in s. 288.0656~~  
 1542 when approved and permitted by county or local governmental  
 1543 ~~government~~ entities within their respective jurisdictional areas  
 1544 ~~at intersections on rural and conventional state, county, or~~  
 1545 ~~municipal roads~~. A county or local government ~~that~~ which issues  
 1546 permits for a tourist-oriented directional sign program ~~is~~ shall  
 1547 ~~be~~ responsible for sign construction, maintenance, and program  
 1548 operation in compliance with subsection (3) for roads on the  
 1549 state highway system and may establish permit fees sufficient to  
 1550 offset associated costs. A tourist-oriented directional sign may  
 1551 not be used on roads in urban areas or at interchanges on  
 1552 freeways or expressways.

1553 Section 23. Section 479.313, Florida Statutes, is amended  
 1554 to read:

1555 479.313 Permit revocation and cancellation; cost of  
 1556 removal.—All costs incurred by the department in connection with  
 1557 the removal of a sign located within a controlled area adjacent  
 1558 to the State Highway System, interstate highway system, or  
 1559 federal-aid primary highway system following the revocation or  
 1560 cancellation of the permit for such sign shall be assessed

CS/HB 1161

2014

1561 | against and collected from the permittee.

1562 |       Section 24. Section 76 of chapter 2012-174, Laws of  
1563 | Florida, is repealed.

1564 |       Section 25. This act shall take effect July 1, 2014.