

By the Committees on Appropriations; and Transportation; and
Senator Grimsley

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1 A bill to be entitled
2 An act relating to transportation; amending s.
3 316.2397, F.S.; expanding the types of vehicles that
4 may show or display an amber light; amending s.
5 337.403, F.S.; providing an exception for payment of
6 certain utility work necessitated by a project on the
7 State Highway System for municipally owned utilities
8 or county-owned utilities located in rural areas of
9 critical economic concern and authorizing the
10 Department of Transportation to pay for such costs
11 under certain circumstances; creating s. 339.041,
12 F.S.; providing legislative intent; describing the
13 types of department property eligible for factoring
14 future revenues received by the department from leases
15 for communication facilities on department property;
16 authorizing the department to enter into agreements
17 with investors to purchase the revenue streams from
18 department leases of wireless communication facilities
19 on such property pursuant to an invitation to
20 negotiate; prohibiting the department from pledging
21 state credit; allowing the department to make certain
22 covenants; providing for the appropriation and payment
23 of moneys received from such agreements to investors;
24 requiring the proceeds from such leases to be used for
25 capital expenditures; amending s. 339.2818, F.S.;
26 subject to the appropriation of specified additional
27 funding, authorizing a municipality within a rural
28 area of critical economic concern or a rural area of
29 critical economic concern community to compete for

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30 certain funding; providing criteria; amending s.
31 479.16, F.S.; exempting certain signs from the
32 provisions of ch. 479, F.S.; exempting from permitting
33 certain signs placed by tourist-oriented businesses,
34 certain farm signs placed during harvest seasons,
35 certain acknowledgement signs on publicly funded
36 school premises, and certain displays on specific
37 sports facilities; providing that certain provisions
38 relating to the regulation of signs may not be
39 implemented or continued if such actions will
40 adversely impact the allocation of federal funds to
41 the Department of Transportation; directing the
42 department to notify a sign owner that the sign must
43 be removed if federal funds are adversely impacted;
44 authorizing the department to remove the sign and
45 assess costs to the sign owner under certain
46 circumstances; amending s. 479.262, F.S.; clarifying
47 provisions relating to the tourist-oriented
48 directional sign program; limiting the placement of
49 such signs to intersections on certain rural roads;
50 prohibiting such signs in urban areas or at
51 interchanges on freeways or expressways; providing an
52 effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Subsection (4) of section 316.2397, Florida
57 Statutes, is amended to read:

58 316.2397 Certain lights prohibited; exceptions.-

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59 (4) Road or street maintenance equipment, road or street
60 maintenance vehicles, road service vehicles, refuse collection
61 vehicles, petroleum tankers, and mail carrier vehicles may show
62 or display amber lights when in operation or a hazard exists. A
63 commercial motor vehicle or trailer designed to transport
64 unprocessed logs or pulpwood may show or display an amber light
65 affixed to the rearmost point of the vehicle or trailer.

66 Section 2. Subsection (1) of section 337.403, Florida
67 Statutes, is amended to read:

68 337.403 Interference caused by relocation of utility;
69 expenses.—

70 (1) If a utility that is placed upon, under, over, or along
71 any public road or publicly owned rail corridor is found by the
72 authority to be unreasonably interfering in any way with the
73 convenient, safe, or continuous use, or the maintenance,
74 improvement, extension, or expansion, of such public road or
75 publicly owned rail corridor, the utility owner shall, upon 30
76 days' written notice to the utility or its agent by the
77 authority, initiate the work necessary to alleviate the
78 interference at its own expense except as provided in paragraphs
79 (a)-(h) ~~(a)-(g)~~. The work must be completed within such
80 reasonable time as stated in the notice or such time as agreed
81 to by the authority and the utility owner.

82 (a) If the relocation of utility facilities, as referred to
83 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
84 84-627 ~~627 of the 84th Congress~~, is necessitated by the
85 construction of a project on the federal-aid interstate system,
86 including extensions thereof within urban areas, and the cost of
87 the project is eligible and approved for reimbursement by the

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88 Federal Government to the extent of 90 percent or more under the
89 Federal Aid Highway Act, or any amendment thereof, then in that
90 event the utility owning or operating such facilities shall
91 perform any necessary work upon notice from the department, and
92 the state shall pay the entire expense properly attributable to
93 such work after deducting therefrom any increase in the value of
94 a new facility and any salvage value derived from an old
95 facility.

96 (b) When a joint agreement between the department and the
97 utility is executed for utility work to be accomplished as part
98 of a contract for construction of a transportation facility, the
99 department may participate in those utility work costs that
100 exceed the department's official estimate of the cost of the
101 work by more than 10 percent. The amount of such participation
102 is shall be limited to the difference between the official
103 estimate of all the work in the joint agreement plus 10 percent
104 and the amount awarded for this work in the construction
105 contract for such work. The department may not participate in
106 any utility work costs that occur as a result of changes or
107 additions during the course of the contract.

108 (c) When an agreement between the department and utility is
109 executed for utility work to be accomplished in advance of a
110 contract for construction of a transportation facility, the
111 department may participate in the cost of clearing and grubbing
112 necessary to perform such work.

113 (d) If the utility facility was initially installed to
114 exclusively serve the authority or its tenants, or both, the
115 authority shall bear the costs of the utility work. However, the
116 authority is not responsible for the cost of utility work

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117 related to any subsequent additions to that facility for the
118 purpose of serving others.

119 (e) If, under an agreement between a utility and the
120 authority entered into after July 1, 2009, the utility conveys,
121 subordinates, or relinquishes a compensable property right to
122 the authority for the purpose of accommodating the acquisition
123 or use of the right-of-way by the authority, without the
124 agreement expressly addressing future responsibility for the
125 cost of necessary utility work, the authority shall bear the
126 cost of removal or relocation. This paragraph does not impair or
127 restrict, and may not be used to interpret, the terms of any
128 such agreement entered into before July 1, 2009.

129 (f) If the utility is an electric facility being relocated
130 underground in order to enhance vehicular, bicycle, and
131 pedestrian safety and in which ownership of the electric
132 facility to be placed underground has been transferred from a
133 private to a public utility within the past 5 years, the
134 department shall incur all costs of the necessary utility work.

135 (g) An authority may bear the costs of utility work
136 required to eliminate an unreasonable interference when the
137 utility is not able to establish that it has a compensable
138 property right in the particular property where the utility is
139 located if:

- 140 1. The utility was physically located on the particular
141 property before the authority acquired rights in the property;
- 142 2. The utility demonstrates that it has a compensable
143 property right in all adjacent properties along the alignment of
144 the utility; and
- 145 3. The information available to the authority does not

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146 establish the relative priorities of the authority's and the
147 utility's interests in the particular property.

148 (h) If a municipally owned utility or county-owned utility
149 is located in a rural area of critical economic concern, as
150 defined in s. 288.0656(2), and the department determines that
151 the utility is unable, and will not be able within the next 10
152 years, to pay for the cost of utility work necessitated by a
153 department project on the State Highway System, the department
154 may pay, in whole or in part, the cost of such utility work
155 performed by the department or its contractor.

156 Section 3. Section 339.041, Florida Statutes, is created to
157 read:

158 339.041 Factoring of revenues from leases for wireless
159 communication facilities.-

160 (1) The Legislature finds that efforts to increase funding
161 for capital expenditures for the transportation system are
162 necessary for the protection of the public safety and general
163 welfare and for the preservation of transportation facilities in
164 this state. It is, therefore, the intent of the Legislature:

165 (a) To create a mechanism for factoring future revenues
166 received by the department from leases for wireless
167 communication facilities on department property on a nonrecourse
168 basis;

169 (b) To fund fixed capital expenditures for the statewide
170 transportation system from proceeds generated through this
171 mechanism; and

172 (c) To maximize revenues from factoring by ensuring that
173 such revenues are exempt from income taxation under federal law
174 in order to increase funds available for capital expenditures.

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175 (2) For the purposes of factoring revenues under this
176 section, department property includes real property located
177 within the department's limited access rights-of-way, property
178 located outside the current operating right-of-way limits which
179 is not needed to support current transportation facilities,
180 other property owned by the Board of Trustees of the Internal
181 Improvement Trust Fund and leased by the department, space on
182 department telecommunications facilities, and space on
183 department structures.

184 (3) The department may solicit investors willing to enter
185 into agreements to purchase the revenue stream from one or more
186 existing department leases for wireless communication facilities
187 on property owned or controlled by the department through the
188 issuance of an invitation to negotiate. Such agreements shall be
189 structured as tax-exempt financings for federal income tax
190 purposes in order to result in the largest possible payout.

191 (4) The department may not pledge the credit, the general
192 revenues, or the taxing power of the state or of any political
193 subdivision of the state. The obligations of the department and
194 investors under the agreement do not constitute a general
195 obligation of the state or a pledge of the full faith and credit
196 or taxing power of the state. The agreement is payable from and
197 secured solely by payments received from department leases for
198 wireless communication facilities on property owned or
199 controlled by the department, and neither the state nor any of
200 its agencies has any liability beyond such payments.

201 (5) The department may make any covenant or representation
202 necessary or desirable in connection with the agreement,
203 including a commitment by the department to take whatever

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204 actions are necessary on behalf of investors to enforce the
205 department's rights to payments on property leased for wireless
206 communications facilities. However, the department may not
207 guarantee that revenues actually received in a future year will
208 be those anticipated in its leases for wireless communication
209 facilities. The department may agree to use its best efforts to
210 ensure that anticipated future-year revenues are protected. Any
211 risk that actual revenues received from department leases for
212 wireless communications facilities will be lower than
213 anticipated shall be borne exclusively by investors.

214 (6) Subject to annual appropriation, the investors shall
215 collect the lease payments on a schedule and in a manner
216 established in the agreements entered into pursuant to this
217 section between the department and the investors. The agreements
218 may provide for lease payments to be made directly to investors
219 by lessees if the lease agreements entered into by the
220 department and the lessees pursuant to s. 365.172(12)(f) allow
221 direct payment.

222 (7) Proceeds received by the department from leases for
223 wireless communication facilities shall be deposited in the
224 State Transportation Trust Fund created under s. 206.46 and used
225 for fixed capital expenditures for the statewide transportation
226 system.

227 Section 4. Subsection (7) is added to section 339.2818,
228 Florida Statutes, to read:

229 339.2818 Small County Outreach Program.—

230 (7) Subject to a specific appropriation in addition to
231 funds annually appropriated for projects under this section, a
232 municipality within a rural area of critical economic concern or

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233 a rural area of critical economic concern community designated
234 under s. 288.0656(7) (a) may compete for the additional project
235 funding using the criteria listed in subsection (4) at up to 100
236 percent of project costs, excluding capacity improvement
237 projects.

238 Section 5. Section 479.16, Florida Statutes, is amended to
239 read:

240 479.16 Signs for which permits are not required. Signs
241 placed on benches, transit shelters, modular news racks, street
242 light poles, public pay telephones, and waste receptacles within
243 the right-of-way, as provided under s. 337.408, are exempt from
244 this chapter. The following signs are exempt from the
245 requirement that a permit ~~for a sign~~ be obtained under ~~the~~
246 ~~provisions of this chapter but~~ must ~~are required to~~ comply with
247 ~~the provisions of~~ s. 479.11(4)-(8):

248 (1) Signs erected on the premises of an establishment, ~~7~~
249 ~~which signs~~ consist primarily of the name of the establishment
250 ~~or which~~ identify the principal or accessory merchandise,
251 services, activities, or entertainment sold, produced,
252 manufactured, or furnished on the premises of the establishment
253 and which comply with the lighting restrictions imposed under
254 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned
255 by a municipality or ~~a~~ county located on the premises of such
256 municipality or ~~such~~ county which display information regarding
257 government services, activities, events, or entertainment. For
258 purposes of this section, the following types of messages shall
259 not be considered information regarding government services,
260 activities, events, or entertainment:

261 (a) Messages that ~~which~~ specifically reference any

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262 commercial enterprise.

263 (b) Messages that ~~which~~ reference a commercial sponsor of
264 any event.

265 (c) Personal messages.

266 (d) Political campaign messages.

267

268 If a sign located on the premises of an establishment consists
269 principally of brand name or trade name advertising and the
270 merchandise or service is only incidental to the principal
271 activity, or if the owner of the establishment receives rental
272 income from the sign, ~~then~~ the sign is not exempt under this
273 subsection.

274 (2) Signs erected, used, or maintained on a farm by the
275 owner or lessee of such farm and relating solely to farm
276 produce, merchandise, service, or entertainment sold, produced,
277 manufactured, or furnished on such farm.

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

283 (4) Official notices or advertisements posted or displayed
284 on private property by or under the direction of any public or
285 court officer in the performance of her or his official or
286 directed duties, or by trustees under deeds of trust or deeds of
287 assignment or other similar instruments.

288 (5) Danger or precautionary signs relating to the premises
289 on which they are located; forest fire warning signs erected
290 under the authority of the Florida Forest Service of the

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291 Department of Agriculture and Consumer Services; and signs,
 292 notices, or symbols erected by the United States Government
 293 under the direction of the United States Forestry Service.

294 (6) Notices of any railroad, bridge, ferry, or other
 295 transportation or transmission company necessary for the
 296 direction or safety of the public.

297 (7) Signs, notices, or symbols for the information of
 298 aviators as to location, directions, and landings and conditions
 299 affecting safety in aviation erected or authorized by the
 300 department.

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

305 (9) Historical markers erected by ~~duly constituted and~~
 306 authorized public authorities.

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

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

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

315 ~~(13) Except that signs placed on benches, transit shelters,~~
 316 ~~and waste receptacles as provided for in s. 337.408 are exempt~~
 317 ~~from all provisions of this chapter.~~

318 (13) ~~(14)~~ Signs relating exclusively to political campaigns.

319 (14) ~~(15)~~ Signs measuring up to ~~not in excess of~~ 16 square

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320 feet placed at a road junction with the State Highway System
321 denoting only the distance or direction of a residence or farm
322 operation, or, outside an incorporated in a rural area where a
323 hardship is created because a small business is not visible from
324 the road junction with the State Highway System, one sign
325 measuring up to ~~not in excess of~~ 16 square feet, denoting only
326 the name of the business and the distance and direction to the
327 business. ~~The small business sign provision of this subsection~~
328 ~~does not apply to charter counties and may not be implemented if~~
329 ~~the Federal Government notifies the department that~~
330 ~~implementation will adversely affect the allocation of federal~~
331 ~~funds to the department.~~

332 (15) Signs placed by a local tourist-oriented business
333 located within a rural area of critical economic concern as
334 defined under s. 288.0656(2) which are:

335 (a) Not more than 8 square feet in size or more than 4 feet
336 in height;

337 (b) Located only in rural areas on a facility that does not
338 meet the definition of a limited access facility as defined by
339 department rule;

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

342 (d) Located only in two directions leading to the business;
343 and

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

345
346 A business placing such signs must be at least 4 miles from any
347 other business using this exemption and may not participate in
348 any other directional signage program by the department.

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349 (16) Signs measuring up to 32 square feet denoting only the
350 distance or direction of a farm operation which are erected at a
351 road junction with the State Highway System, but only during the
352 harvest season of the farm operation for a period not to exceed
353 4 months.

354 (17) Acknowledgement signs erected upon publicly funded
355 school premises which relate to a specific public school club,
356 team, or event which are placed at least 1,000 feet from any
357 other acknowledgement sign on the same side of the roadway. The
358 sponsor information on an acknowledgement sign may constitute no
359 more than 100 square feet of the sign. For purposes of this
360 subsection, the term "acknowledgement sign" means a sign that is
361 intended to inform the traveling public that a public school
362 club, team, or event has been sponsored by a person, firm, or
363 other entity.

364 (18) Displays erected upon a sports facility the content of
365 which is directly related to the facility's activities or where
366 products or services offered on the sports facility property are
367 present. Displays must be mounted flush to the surface of the
368 sports facility and must rely upon the building facade for
369 structural support. For purposes of this subsection, the term
370 "sports facility" means an athletic complex, athletic arena, or
371 athletic stadium, including physically connected parking
372 facilities, which is open to the public and has a permanent
373 installed seating capacity of 15,000 people or more.

374
375 The exemptions in subsections (14)-(18) may not be implemented
376 or continued if the Federal Government notifies the department
377 that implementation or continuation will adversely impact the

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378 allocation of federal funds to the department. If the exemptions
379 in subsections (14)-(18) are not implemented or continued due to
380 notification from the Federal Government that the allocation of
381 federal funds to the department will be adversely impacted, the
382 department shall provide notice to the sign owner that the sign
383 must be removed within 30 days. If the sign is not removed
384 within 30 days after receipt of the notice by the sign owner,
385 the department may remove the sign, and the costs incurred in
386 connection with the sign removal shall be assessed against and
387 collected from the sign owner.

388 Section 6. Section 479.262, Florida Statutes, is amended to
389 read:

390 479.262 Tourist-oriented directional sign program.—

391 (1) A tourist-oriented directional sign program to provide
392 directions to rural tourist-oriented businesses, services, and
393 activities may be established for intersections on rural and
394 conventional state, county, or municipal roads only ~~in rural~~
395 ~~counties identified by criteria and population in s. 288.0656~~
396 when approved and permitted by county or local government
397 entities within their respective jurisdictional areas ~~at~~
398 ~~intersections on rural and conventional state, county, or~~
399 ~~municipal roads~~. A county or local government ~~that~~ which issues
400 permits for a tourist-oriented directional sign program ~~is~~ shall
401 ~~be~~ responsible for sign construction, maintenance, and program
402 operation in compliance with subsection (3) for roads on the
403 state highway system and may establish permit fees sufficient to
404 offset associated costs. A tourist-oriented directional sign may
405 not be used on roads in urban areas or at interchanges on
406 freeways or expressways.

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407 (2) This section does not create a proprietary or
408 compensable interest in any tourist-oriented directional sign
409 site or location for any permittee on any rural and conventional
410 state, county, or municipal road ~~roads~~. The department or the
411 permitting entity may terminate permits or change locations of
412 tourist-oriented directional sign sites as determined necessary
413 for construction or improvement of transportation facilities or
414 for improved traffic control or safety.

415 (3) Tourist-oriented directional signs installed on the
416 state highway system must ~~shall~~ comply with the requirements of
417 the federal Manual on Uniform Traffic Control Devices and rules
418 established by the department. The department may adopt rules to
419 establish requirements for participant qualification,
420 construction standards, location of sign sites, and other
421 criteria necessary to implement this program.

422 Section 7. This act shall take effect July 1, 2014.