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1 A bill to be entitled
2 An act relating to transportation; amending s. 125.42,
3 F.S.; requiring utility and television lines to be
4 removed from county roads and highways at no cost to
5 the county if the county finds the lines to be
6 unreasonably interfering with the widening, repair, or
7 reconstruction of any such road; providing certain
8 exceptions; amending s. 316.2397, F.S.; expanding the
9 types of vehicles that may show or display an amber
10 light; amending s. 335.06, F.S.; authorizing the
11 Department of Transportation to improve and maintain
12 roads that provide access to property within the state
13 park system if they are part of a county road system
14 or city street system; requiring that the appropriate
15 county or municipality maintain such a road if the
16 department does not maintain it; amending s. 335.065,
17 F.S.; authorizing the department to use appropriated
18 funds for the establishment of a statewide system of
19 interconnected multiuse trails; prioritizing projects
20 for funding; requiring funded projects to be included
21 in the department's work program; providing that the
22 department is not responsible for or obligated to
23 provide funds for the operation and maintenance of any
24 such project; amending s. 337.403, F.S.; providing an
25 exception for payment of certain utility work
26 necessitated by a project on the State Highway System
27 for municipally owned utilities or county-owned
28 utilities located in rural areas of critical economic
29 concern; authorizing the Department of Transportation

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30 to pay for such costs under certain circumstances;
31 revising certain exceptions; providing an exception
32 for certain rail service projects; creating s.
33 339.041, F.S.; providing legislative intent;
34 describing the types of department property eligible
35 for factoring future revenues received by the
36 department from leases for communication facilities on
37 department property; authorizing the department to
38 enter into agreements with investors to purchase the
39 revenue streams from department leases of wireless
40 communication facilities on such property pursuant to
41 an invitation to negotiate; prohibiting the department
42 from pledging state credit; allowing the department to
43 make certain covenants; providing for the
44 appropriation and payment of moneys received from such
45 agreements to investors; requiring the proceeds from
46 such leases to be used for capital expenditures;
47 amending s. 339.2818, F.S.; subject to the
48 appropriation of specified additional funding,
49 authorizing a municipality within a rural area of
50 critical economic concern or a rural area of critical
51 economic concern community to compete for certain
52 funding; providing criteria; amending s. 479.16, F.S.;
53 exempting certain signs from the provisions of ch.
54 479, F.S.; exempting from permitting certain signs
55 placed by tourist-oriented businesses, certain farm
56 signs placed during harvest seasons, certain
57 acknowledgment signs on publicly funded school
58 premises, and certain displays on specific sports

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59 facilities; providing that certain provisions relating
60 to the regulation of signs may not be implemented or
61 continued if such actions will adversely impact the
62 allocation of federal funds to the Department of
63 Transportation; directing the department to notify a
64 sign owner that the sign must be removed within a
65 certain timeframe if federal funds are adversely
66 impacted; authorizing the department to remove the
67 sign and assess costs against the sign owner under
68 certain circumstances; amending s. 479.262, F.S.;
69 clarifying provisions relating to the tourist-oriented
70 directional sign program; limiting the placement of
71 such signs to intersections on certain rural roads;
72 prohibiting such signs in urban areas or at
73 interchanges on freeways or expressways; providing an
74 effective date.

75
76 Be It Enacted by the Legislature of the State of Florida:

77
78 Section 1. Subsection (5) of section 125.42, Florida
79 Statutes, is amended to read:

80 125.42 Water, sewage, gas, power, telephone, other utility,
81 and television lines along county roads and highways.—

82 (5) In the event of widening, repair, or reconstruction of
83 any such road, the licensee shall move or remove such water,
84 sewage, gas, power, telephone, and other utility lines and
85 television lines at no cost to the county should they be found
86 by the county to be unreasonably interfering, except as provided
87 in s. 337.403(1)(d)-(i) ~~s. 337.403(1)(e)~~.

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88 Section 2. Subsection (4) of section 316.2397, Florida
89 Statutes, is amended to read:

90 316.2397 Certain lights prohibited; exceptions.—

91 (4) Road or street maintenance equipment, road or street
92 maintenance vehicles, road service vehicles, refuse collection
93 vehicles, petroleum tankers, and mail carrier vehicles may show
94 or display amber lights when in operation or a hazard exists. A
95 commercial motor vehicle or trailer designed to transport
96 unprocessed logs or pulpwood may show or display an amber light
97 affixed to the rearmost point of the vehicle or trailer.

98 Section 3. Section 335.06, Florida Statutes, is amended to
99 read:

100 335.06 Access roads to the state park system.—Any road that
101 ~~which~~ provides access to property within the state park system
102 shall be maintained by the department if the road is a part of
103 the State Highway System; however, if such road is part of a
104 county road system or city street system, the department may
105 improve and maintain it. If the department does not maintain a
106 county or city road that provides access to the state park
107 system, the road ~~or~~ shall be maintained by the appropriate
108 county or municipality ~~if the road is a part of the county road~~
109 ~~system or the city street system.~~

110 Section 4. Subsections (4) and (5) are added to section
111 335.065, Florida Statutes, to read:

112 335.065 Bicycle and pedestrian ways along state roads and
113 transportation facilities.—

114 (4) The department may use appropriated funds to support
115 the establishment of a statewide system of interconnected
116 multiuse trails and to pay the cost of planning, land

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117 acquisition, design, and construction of such trails and related
118 facilities. The department shall give funding priority to
119 projects that:

120 (a) Are identified by the Florida Greenways and Trails
121 Council as a priority within the Florida Greenways and Trails
122 System under chapter 260.

123 (b) Support the transportation needs of bicyclists and
124 pedestrians.

125 (c) Have national, statewide, or regional importance.

126 (d) Facilitate an interconnected system of trails by
127 completing gaps between existing trails.

128 (5) A project funded under subsection (4) shall:

129 (a) Be included in the department's work program developed
130 in accordance with s. 339.135.

131 (b) Be operated and maintained by an entity other than the
132 department upon completion of construction. The department is
133 not obligated to provide funds for the operation and maintenance
134 of the project.

135 Section 5. Subsection (1) of section 337.403, Florida
136 Statutes, is amended to read:

137 337.403 Interference caused by ~~relocation of~~ utility;
138 expenses.—

139 (1) If a utility that is placed upon, under, over, or along
140 any public road or publicly owned rail corridor is found by the
141 authority to be unreasonably interfering in any way with the
142 convenient, safe, or continuous use, or the maintenance,
143 improvement, extension, or expansion, of such public road or
144 publicly owned rail corridor, the utility owner shall, upon 30
145 days' written notice to the utility or its agent by the

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146 authority, initiate the work necessary to alleviate the
147 interference at its own expense except as provided in paragraphs
148 (a)-(i) ~~(a)-(g)~~. The work must be completed within such
149 reasonable time as stated in the notice or such time as agreed
150 to by the authority and the utility owner.

151 (a) If the relocation of utility facilities, as referred to
152 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
153 84-627 ~~627 of the 84th Congress~~, is necessitated by the
154 construction of a project on the federal-aid interstate system,
155 including extensions thereof within urban areas, and the cost of
156 the project is eligible and approved for reimbursement by the
157 Federal Government to the extent of 90 percent or more under the
158 Federal Aid Highway Act, or any amendment thereof, then in that
159 event the utility owning or operating such facilities shall
160 perform any necessary work upon notice from the department, and
161 the state shall pay the entire expense properly attributable to
162 such work after deducting therefrom any increase in the value of
163 a new facility and any salvage value derived from an old
164 facility.

165 (b) When a joint agreement between the department and the
166 utility is executed for utility work to be accomplished as part
167 of a contract for construction of a transportation facility, the
168 department may participate in those utility work costs that
169 exceed the department's official estimate of the cost of the
170 work by more than 10 percent. The amount of such participation
171 is ~~shall be~~ limited to the difference between the official
172 estimate of all the work in the joint agreement plus 10 percent
173 and the amount awarded for this work in the construction
174 contract for such work. The department may not participate in

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175 any utility work costs that occur as a result of changes or
176 additions during the course of the contract.

177 (c) When an agreement between the department and utility is
178 executed for utility work to be accomplished in advance of a
179 contract for construction of a transportation facility, the
180 department may participate in the cost of clearing and grubbing
181 necessary to perform such work.

182 (d) If the utility facility was initially installed to
183 exclusively serve the authority or its tenants, or both, the
184 authority shall bear the costs of the utility work. However, the
185 authority is not responsible for the cost of utility work
186 related to any subsequent additions to that facility for the
187 purpose of serving others. For a county or municipality, if such
188 utility facility was installed in the right-of-way as a means to
189 serve a county or municipal facility on a parcel of property
190 adjacent to the right-of-way and if the intended use of the
191 county or municipal facility is for a use other than
192 transportation purposes, the obligation of the county or
193 municipality to bear the costs of the utility work shall extend
194 only to utility work on the parcel of property on which the
195 facility of the county or municipality originally served by the
196 utility facility is located.

197 (e) If, under an agreement between a utility and the
198 authority entered into after July 1, 2009, the utility conveys,
199 subordinates, or relinquishes a compensable property right to
200 the authority for the purpose of accommodating the acquisition
201 or use of the right-of-way by the authority, without the
202 agreement expressly addressing future responsibility for the
203 cost of necessary utility work, the authority shall bear the

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204 cost of removal or relocation. This paragraph does not impair or
205 restrict, and may not be used to interpret, the terms of any
206 such agreement entered into before July 1, 2009.

207 (f) If the utility is an electric facility being relocated
208 underground in order to enhance vehicular, bicycle, and
209 pedestrian safety and in which ownership of the electric
210 facility to be placed underground has been transferred from a
211 private to a public utility within the past 5 years, the
212 department shall incur all costs of the necessary utility work.

213 (g) An authority may bear the costs of utility work
214 required to eliminate an unreasonable interference when the
215 utility is not able to establish that it has a compensable
216 property right in the particular property where the utility is
217 located if:

218 1. The utility was physically located on the particular
219 property before the authority acquired rights in the property;

220 2. The utility demonstrates that it has a compensable
221 property right in ~~all~~ adjacent properties along the alignment of
222 the utility or, after due diligence, certifies that the utility
223 does not have evidence to prove or disprove that it has a
224 compensable property right in the particular property where the
225 utility is located; and

226 3. The information available to the authority does not
227 establish the relative priorities of the authority's and the
228 utility's interests in the particular property.

229 (h) If a municipally owned utility or county-owned utility
230 is located in a rural area of critical economic concern, as
231 defined in s. 288.0656(2), and the department determines that
232 the utility is unable, and will not be able within the next 10

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233 years, to pay for the cost of utility work necessitated by a
234 department project on the State Highway System, the department
235 may pay, in whole or in part, the cost of such utility work
236 performed by the department or its contractor.

237 (i) If the relocation of utility facilities is necessitated
238 by the construction of a commuter rail service project or an
239 intercity passenger rail service project and the cost of the
240 project is eligible and approved for reimbursement by the
241 Federal Government, then in that event the utility owning or
242 operating such facilities located by permit on a department-
243 owned rail corridor shall perform any necessary utility
244 relocation work upon notice from the department, and the
245 department shall pay the expense properly attributable to such
246 utility relocation work in the same proportion as federal funds
247 are expended on the commuter rail service project or an
248 intercity passenger rail service project after deducting
249 therefrom any increase in the value of a new facility and any
250 salvage value derived from an old facility. In no event shall
251 the state be required to use state dollars for such utility
252 relocation work. This paragraph does not apply to any phase of
253 the Central Florida Commuter Rail project, known as SunRail.

254 Section 6. Section 339.041, Florida Statutes, is created to
255 read:

256 339.041 Factoring of revenues from leases for wireless
257 communication facilities.—

258 (1) The Legislature finds that efforts to increase funding
259 for capital expenditures for the transportation system are
260 necessary for the protection of the public safety and general
261 welfare and for the preservation of transportation facilities in

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262 this state. It is, therefore, the intent of the Legislature:

263 (a) To create a mechanism for factoring future revenues
264 received by the department from leases for wireless
265 communication facilities on department property on a nonrecourse
266 basis;

267 (b) To fund fixed capital expenditures for the statewide
268 transportation system from proceeds generated through this
269 mechanism; and

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

273 (2) For the purposes of factoring revenues under this
274 section, department property includes real property located
275 within the department's limited access rights-of-way, property
276 located outside the current operating right-of-way limits which
277 is not needed to support current transportation facilities,
278 other property owned by the Board of Trustees of the Internal
279 Improvement Trust Fund and leased by the department, space on
280 department telecommunications facilities, and space on
281 department structures.

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

289 (4) The department may not pledge the credit, the general
290 revenues, or the taxing power of the state or of any political

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291 subdivision of the state. The obligations of the department and
292 investors under the agreement do not constitute a general
293 obligation of the state or a pledge of the full faith and credit
294 or taxing power of the state. The agreement is payable from and
295 secured solely by payments received from department leases for
296 wireless communication facilities on property owned or
297 controlled by the department, and neither the state nor any of
298 its agencies has any liability beyond such payments.

299 (5) The department may make any covenant or representation
300 necessary or desirable in connection with the agreement,
301 including a commitment by the department to take whatever
302 actions are necessary on behalf of investors to enforce the
303 department's rights to payments on property leased for wireless
304 communications facilities. However, the department may not
305 guarantee that revenues actually received in a future year will
306 be those anticipated in its leases for wireless communication
307 facilities. The department may agree to use its best efforts to
308 ensure that anticipated future-year revenues are protected. Any
309 risk that actual revenues received from department leases for
310 wireless communications facilities will be lower than
311 anticipated shall be borne exclusively by investors.

312 (6) Subject to annual appropriation, the investors shall
313 collect the lease payments on a schedule and in a manner
314 established in the agreements entered into pursuant to this
315 section between the department and the investors. The agreements
316 may provide for lease payments to be made directly to investors
317 by lessees if the lease agreements entered into by the
318 department and the lessees pursuant to s. 365.172(12)(f) allow
319 direct payment.

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320 (7) Proceeds received by the department from leases for
321 wireless communication facilities shall be deposited in the
322 State Transportation Trust Fund created under s. 206.46 and used
323 for fixed capital expenditures for the statewide transportation
324 system.

325 Section 7. Subsection (7) is added to section 339.2818,
326 Florida Statutes, to read:

327 339.2818 Small County Outreach Program.—

328 (7) Subject to a specific appropriation in addition to
329 funds annually appropriated for projects under this section, a
330 municipality within a rural area of critical economic concern or
331 a rural area of critical economic concern community designated
332 under s. 288.0656(7) (a) may compete for the additional project
333 funding using the criteria listed in subsection (4) at up to 100
334 percent of project costs, excluding capacity improvement
335 projects.

336 Section 8. Section 479.16, Florida Statutes, is amended to
337 read:

338 479.16 Signs for which permits are not required.—Signs
339 placed on benches, transit shelters, modular news racks, street
340 light poles, public pay telephones, and waste disposal
341 receptacles within the right-of-way, as provided under s.
342 337.408, are exempt from this chapter. The following signs are
343 exempt from the requirement that a permit ~~for a sign~~ be obtained
344 under ~~the provisions of~~ this chapter but must ~~are required to~~
345 ~~comply with the provisions of~~ s. 479.11(4)-(8):

346 (1) Signs erected on the premises of an establishment,
347 which ~~signs~~ consist primarily of the name of the establishment
348 or ~~which~~ identify the principal or accessory merchandise,

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349 services, activities, or entertainment sold, produced,
350 manufactured, or furnished on the premises of the establishment
351 and which comply with the lighting restrictions imposed under
352 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned
353 by a municipality or a county located on the premises of such
354 municipality or ~~such~~ county which display information regarding
355 government services, activities, events, or entertainment. For
356 purposes of this section, the following types of messages shall
357 not be considered information regarding government services,
358 activities, events, or entertainment:

359 (a) Messages that ~~which~~ specifically reference any
360 commercial enterprise.

361 (b) Messages that ~~which~~ reference a commercial sponsor of
362 any event.

363 (c) Personal messages.

364 (d) Political campaign messages.

365

366 If a sign located on the premises of an establishment consists
367 principally of brand name or trade name advertising and the
368 merchandise or service is only incidental to the principal
369 activity, or if the owner of the establishment receives rental
370 income from the sign, ~~then~~ the sign is not exempt under this
371 subsection.

372 (2) Signs erected, used, or maintained on a farm by the
373 owner or lessee of such farm and relating solely to farm
374 produce, merchandise, service, or entertainment sold, produced,
375 manufactured, or furnished on such farm.

376 (3) Signs posted or displayed on real property by the owner
377 or by the authority of the owner, stating that the real property

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378 is for sale or rent. However, if the sign contains any message
379 not pertaining to the sale or rental of the ~~that~~ real property,
380 ~~then~~ it is not exempt under this section.

381 (4) Official notices or advertisements posted or displayed
382 on private property by or under the direction of any public or
383 court officer in the performance of her or his official or
384 directed duties, or by trustees under deeds of trust or deeds of
385 assignment or other similar instruments.

386 (5) Danger or precautionary signs relating to the premises
387 on which they are located; forest fire warning signs erected
388 under the authority of the Florida Forest Service of the
389 Department of Agriculture and Consumer Services; and signs,
390 notices, or symbols erected by the United States Government
391 under the direction of the United States Forestry Service.

392 (6) Notices of any railroad, bridge, ferry, or other
393 transportation or transmission company necessary for the
394 direction or safety of the public.

395 (7) Signs, notices, or symbols for the information of
396 aviators as to location, directions, and landings and conditions
397 affecting safety in aviation erected or authorized by the
398 department.

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

403 (9) Historical markers erected by ~~duly constituted and~~
404 authorized public authorities.

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

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

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

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

416 ~~(13)-(14)~~ Signs relating exclusively to political campaigns.

417 ~~(14)-(15)~~ Signs measuring up to ~~not in excess of~~ 16 square
418 feet placed at a road junction with the State Highway System
419 denoting only the distance or direction of a residence or farm
420 operation, or, outside an incorporated ~~in a rural~~ area where a
421 hardship is created because a small business is not visible from
422 the road junction with the State Highway System, one sign
423 measuring up to ~~not in excess of~~ 16 square feet, denoting only
424 the name of the business and the distance and direction to the
425 business. ~~The small-business-sign provision of this subsection~~
426 ~~does not apply to charter counties and may not be implemented if~~
427 ~~the Federal Government notifies the department that~~
428 ~~implementation will adversely affect the allocation of federal~~
429 ~~funds to the department.~~

430 (15) Signs placed by a local tourist-oriented business
431 located within a rural area of critical economic concern as
432 defined in s. 288.0656(2) which are:

433 (a) Not more than 8 square feet in size or not more than 4
434 feet in height;

435 (b) Located only in rural areas on a facility that does not

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436 meet the definition of a limited access facility as defined by
437 department rule;

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

440 (d) Located only in two directions leading to the business;
441 and

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

443

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

447 (16) Signs measuring up to 32 square feet denoting only the
448 distance or direction of a farm operation which are erected at a
449 road junction with the State Highway System, but only during the
450 harvest season of the farm operation for a period not to exceed
451 4 months.

452 (17) Acknowledgment signs erected upon publicly funded
453 school premises which relate to a specific public school club,
454 team, or event which are placed at least 1,000 feet from any
455 other acknowledgment signs on the same side of the roadway. The
456 sponsor information on an acknowledgment sign may constitute no
457 more than 100 square feet of the sign. For purposes of this
458 subsection, the term "acknowledgment sign" means a sign that is
459 intended to inform the traveling public that a public school
460 club, team, or event has been sponsored by a person, firm, or
461 other entity.

462 (18) Displays erected upon a sports facility the content of
463 which is directly related to the facility's activities or where
464 products or services offered on the sports facility property are

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465 present. Displays must be mounted flush to the surface of the
466 sports facility and must rely upon the building facade for
467 structural support. For purposes of this subsection, the term
468 "sports facility" means an athletic complex, athletic arena, or
469 athletic stadium, including physically connected parking
470 facilities, which is open to the public and has a permanently
471 installed seating capacity of 15,000 people or more.

472
473 The exemptions in subsections (14)-(18) may not be implemented
474 or continued if the Federal Government notifies the department
475 that implementation or continuation will adversely impact the
476 allocation of federal funds to the department. If the exemptions
477 in subsections (14)-(18) are not implemented or continued due to
478 notification from the Federal Government that the allocation of
479 federal funds to the department will be adversely impacted, the
480 department shall provide notice to the sign owner that the sign
481 must be removed within 30 days. If the sign is not removed
482 within 30 days after receipt of the notice by the sign owner,
483 the department may remove the sign, and the costs incurred in
484 connection with the sign removal shall be assessed against and
485 collected from the sign owner.

486 Section 9. Section 479.262, Florida Statutes, is amended to
487 read:

488 479.262 Tourist-oriented directional sign program.—

489 (1) A tourist-oriented directional sign program to provide
490 directions to rural tourist-oriented businesses, services, and
491 activities may be established for intersections on rural and
492 conventional state, county, or municipal roads only ~~in rural~~
493 ~~counties identified by criteria and population in s. 288.0656~~

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494 when approved and permitted by county or local government
495 entities within their respective jurisdictional areas ~~at~~
496 ~~intersections on rural and conventional state, county, or~~
497 ~~municipal roads~~. A county or local government that ~~which~~ issues
498 permits for a tourist-oriented directional sign program is ~~shall~~
499 ~~be~~ responsible for sign construction, maintenance, and program
500 operation in compliance with subsection (3) for roads on the
501 state highway system and may establish permit fees sufficient to
502 offset associated costs. A tourist-oriented directional sign may
503 not be used on roads in urban areas or at interchanges on
504 freeways or expressways.

505 (2) This section does not create a proprietary or
506 compensable interest in any tourist-oriented directional sign
507 site or location for any permittee on any rural and conventional
508 state, county, or municipal road ~~roads~~. The department or the
509 permitting entity may terminate permits or change locations of
510 tourist-oriented directional sign sites as determined necessary
511 for construction or improvement of transportation facilities or
512 for improved traffic control or safety.

513 (3) Tourist-oriented directional signs installed on the
514 state highway system must ~~shall~~ comply with the requirements of
515 the federal Manual on Uniform Traffic Control Devices and rules
516 established by the department. The department may adopt rules to
517 establish requirements for participant qualification,
518 construction standards, location of sign sites, and other
519 criteria necessary to implement this program.

520 Section 10. This act shall take effect July 1, 2014.