

1 A bill to be entitled

2 An act relating to transportation; amending s.
3 337.403, F.S.; providing an exception for payment of
4 certain utility work necessitated by a project on the
5 State Highway System for municipally owned utilities
6 or county-owned utilities located in rural areas of
7 critical economic concern and authorizing the
8 Department of Transportation to pay for such costs
9 under certain circumstances; amending s. 479.16, F.S.;
10 exempting certain signs from the provisions of ch.
11 479, F.S.; exempting from permitting certain signs
12 placed by tourist-oriented businesses, certain farm
13 signs placed during harvest seasons, certain
14 acknowledgement signs on publicly funded school
15 premises, and certain displays on specific sports
16 facilities; providing that certain provisions relating
17 to the regulation of signs may not be implemented or
18 continued if such actions will adversely impact the
19 allocation of federal funds to the Department of
20 Transportation; directing the department to notify a
21 sign owner that the sign must be removed if federal
22 funds are adversely impacted; authorizing the
23 department to remove the sign and assess costs to the
24 sign owner under certain circumstances; amending s.
25 479.262, F.S.; clarifying provisions relating to the
26 tourist-oriented directional sign program; limiting

HB 345

2014

27 the placement of such signs to intersections on
28 certain rural roads; prohibiting such signs in urban
29 areas or at interchanges on freeways or expressways;
30 providing an effective date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

34 Section 1. Subsection (1) of section 337.403, Florida
35 Statutes, is amended to read:

36 337.403 Interference caused by relocation of utility;
37 expenses.—

38 (1) If a utility that is placed upon, under, over, or
39 along any public road or publicly owned rail corridor is found
40 by the authority to be unreasonably interfering in any way with
41 the convenient, safe, or continuous use, or the maintenance,
42 improvement, extension, or expansion, of such public road or
43 publicly owned rail corridor, the utility owner shall, upon 30
44 days' written notice to the utility or its agent by the
45 authority, initiate the work necessary to alleviate the
46 interference at its own expense except as provided in paragraphs
47 (a)-(h) ~~(a)-(g)~~. The work must be completed within such
48 reasonable time as stated in the notice or such time as agreed
49 to by the authority and the utility owner.

50 (a) If the relocation of utility facilities, as referred
51 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
52 84-627 ~~627 of the 84th Congress~~, is necessitated by the

53 construction of a project on the federal-aid interstate system,
54 including extensions thereof within urban areas, and the cost of
55 the project is eligible and approved for reimbursement by the
56 Federal Government to the extent of 90 percent or more under the
57 Federal Aid Highway Act, or any amendment thereof, then in that
58 event the utility owning or operating such facilities shall
59 perform any necessary work upon notice from the department, and
60 the state shall pay the entire expense properly attributable to
61 such work after deducting therefrom any increase in the value of
62 a new facility and any salvage value derived from an old
63 facility.

64 (b) When a joint agreement between the department and the
65 utility is executed for utility work to be accomplished as part
66 of a contract for construction of a transportation facility, the
67 department may participate in those utility work costs that
68 exceed the department's official estimate of the cost of the
69 work by more than 10 percent. The amount of such participation
70 is ~~shall be~~ limited to the difference between the official
71 estimate of all the work in the joint agreement plus 10 percent
72 and the amount awarded for this work in the construction
73 contract for such work. The department may not participate in
74 any utility work costs that occur as a result of changes or
75 additions during the course of the contract.

76 (c) When an agreement between the department and utility
77 is executed for utility work to be accomplished in advance of a
78 contract for construction of a transportation facility, the

79 department may participate in the cost of clearing and grubbing
80 necessary to perform such work.

81 (d) If the utility facility was initially installed to
82 exclusively serve the authority or its tenants, or both, the
83 authority shall bear the costs of the utility work. However, the
84 authority is not responsible for the cost of utility work
85 related to any subsequent additions to that facility for the
86 purpose of serving others.

87 (e) If, under an agreement between a utility and the
88 authority entered into after July 1, 2009, the utility conveys,
89 subordinates, or relinquishes a compensable property right to
90 the authority for the purpose of accommodating the acquisition
91 or use of the right-of-way by the authority, without the
92 agreement expressly addressing future responsibility for the
93 cost of necessary utility work, the authority shall bear the
94 cost of removal or relocation. This paragraph does not impair or
95 restrict, and may not be used to interpret, the terms of any
96 such agreement entered into before July 1, 2009.

97 (f) If the utility is an electric facility being relocated
98 underground in order to enhance vehicular, bicycle, and
99 pedestrian safety and in which ownership of the electric
100 facility to be placed underground has been transferred from a
101 private to a public utility within the past 5 years, the
102 department shall incur all costs of the necessary utility work.

103 (g) An authority may bear the costs of utility work
104 required to eliminate an unreasonable interference when the

105 utility is not able to establish that it has a compensable
 106 property right in the particular property where the utility is
 107 located if:

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

110 2. The utility demonstrates that it has a compensable
 111 property right in all adjacent properties along the alignment of
 112 the utility; and

113 3. The information available to the authority does not
 114 establish the relative priorities of the authority's and the
 115 utility's interests in the particular property.

116 (h) If a municipally owned utility or county-owned utility
 117 is located in a rural area of critical economic concern, as
 118 defined in s. 288.0656(2), and the department determines that
 119 the utility is unable, and will not be able within the next 10
 120 years, to pay for the cost of utility work necessitated by a
 121 department project on the State Highway System, the department
 122 may pay, in whole or in part, the cost of such utility work
 123 performed by the department or its contractor.

124 Section 2. Section 479.16, Florida Statutes, is amended to
 125 read:

126 479.16 Signs for which permits are not required.—Signs
 127 placed on benches, transit shelters, modular news racks, street
 128 light poles, public pay telephones, and waste receptacles within
 129 the right-of-way, as provided under s. 337.408, are exempt from
 130 this chapter. The following signs are exempt from the

131 requirement that a permit ~~for a sign~~ be obtained under the
 132 ~~provisions of~~ this chapter but must ~~are required to~~ comply with
 133 ~~the provisions of~~ s. 479.11(4)-(8):

134 (1) Signs erected on the premises of an establishment,
 135 which ~~signs~~ consist primarily of the name of the establishment
 136 or ~~which~~ identify the principal or accessory merchandise,
 137 services, activities, or entertainment sold, produced,
 138 manufactured, or furnished on the premises of the establishment
 139 and which comply with the lighting restrictions imposed under
 140 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned
 141 by a municipality or a county located on the premises of such
 142 municipality or ~~such~~ county which display information regarding
 143 government services, activities, events, or entertainment. For
 144 purposes of this section, the following types of messages shall
 145 not be considered information regarding government services,
 146 activities, events, or entertainment:

147 (a) Messages that ~~which~~ specifically reference any
 148 commercial enterprise.

149 (b) Messages that ~~which~~ reference a commercial sponsor of
 150 any event.

151 (c) Personal messages.

152 (d) Political campaign messages.

153

154 If a sign located on the premises of an establishment consists
 155 principally of brand name or trade name advertising and the
 156 merchandise or service is only incidental to the principal

157 activity, or if the owner of the establishment receives rental
158 income from the sign, ~~then~~ the sign is not exempt under this
159 subsection.

160 (2) Signs erected, used, or maintained on a farm by the
161 owner or lessee of such farm and relating solely to farm
162 produce, merchandise, service, or entertainment sold, produced,
163 manufactured, or furnished on such farm.

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

169 (4) Official notices or advertisements posted or displayed
170 on private property by or under the direction of any public or
171 court officer in the performance of her or his official or
172 directed duties, or by trustees under deeds of trust or deeds of
173 assignment or other similar instruments.

174 (5) Danger or precautionary signs relating to the premises
175 on which they are located; forest fire warning signs erected
176 under the authority of the Florida Forest Service of the
177 Department of Agriculture and Consumer Services; and signs,
178 notices, or symbols erected by the United States Government
179 under the direction of the United States Forestry Service.

180 (6) Notices of any railroad, bridge, ferry, or other
181 transportation or transmission company necessary for the
182 direction or safety of the public.

183 (7) Signs, notices, or symbols for the information of
 184 aviators as to location, directions, and landings and conditions
 185 affecting safety in aviation erected or authorized by the
 186 department.

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

191 (9) Historical markers erected by ~~duly constituted and~~
 192 authorized public authorities.

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

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

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

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

204 ~~(13)-(14)~~ (13) Signs relating exclusively to political
 205 campaigns.

206 ~~(14)-(15)~~ (14) Signs measuring up to ~~not in excess of~~ 16 square
 207 feet placed at a road junction with the State Highway System
 208 denoting only the distance or direction of a residence or farm

209 operation, or, outside an incorporated ~~in a rural~~ area where a
210 hardship is created because a small business is not visible from
211 the road junction with the State Highway System, one sign
212 measuring up to ~~not in excess of~~ 16 square feet, denoting only
213 the name of the business and the distance and direction to the
214 business. ~~The small-business-sign provision of this subsection~~
215 ~~does not apply to charter counties and may not be implemented if~~
216 ~~the Federal Government notifies the department that~~
217 ~~implementation will adversely affect the allocation of federal~~
218 ~~funds to the department.~~

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

222 (a) Not more than 8 square feet in size or more than 4
223 feet in height;

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

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

229 (d) Located only in two directions leading to the
230 business; and

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

232
233 A business placing such signs must be at least 4 miles from any
234 other business using this exemption and may not participate in

235 any other directional signage program by the department.

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

241 (17) Acknowledgement signs erected upon publicly funded
242 school premises which relate to a specific public school club,
243 team, or event which are placed at least 1,000 feet from any
244 other acknowledgement sign on the same side of the roadway. The
245 sponsor information on an acknowledgement sign may constitute no
246 more than 100 square feet of the sign. For purposes of this
247 subsection, the term "acknowledgement sign" means a sign that is
248 intended to inform the traveling public that a public school
249 club, team, or event has been sponsored by a person, firm, or
250 other entity.

251 (18) Displays erected upon a sports facility the content
252 of which is directly related to the facility's activities or
253 where products or services offered on the sports facility
254 property are present. Displays must be mounted flush to the
255 surface of the sports facility and must rely upon the building
256 facade for structural support. For purposes of this subsection,
257 the term "sports facility" means an athletic complex, athletic
258 arena, or athletic stadium, including physically connected
259 parking facilities, which is open to the public and has a
260 permanent installed seating capacity of 15,000 people or more.

261
 262 The exemptions in subsections (14)-(18) may not be implemented
 263 or continued if the Federal Government notifies the department
 264 that implementation or continuation will adversely impact the
 265 allocation of federal funds to the department. If the exemptions
 266 in subsections (14)-(18) are not implemented or continued due to
 267 notification from the Federal Government that the allocation of
 268 federal funds to the department will be adversely impacted, the
 269 department shall provide notice to the sign owner that the sign
 270 must be removed within 30 days. If the sign is not removed
 271 within 30 days after receipt of the notice by the sign owner,
 272 the department may remove the sign, and the costs incurred in
 273 connection with the sign removal shall be assessed against and
 274 collected from the sign owner.

275 Section 3. Section 479.262, Florida Statutes, is amended
 276 to read:

277 479.262 Tourist-oriented directional sign program.—

278 (1) A tourist-oriented directional sign program to provide
 279 directions to rural tourist-oriented businesses, services, and
 280 activities may be established for intersections on rural and
 281 conventional state, county, or municipal roads only ~~in rural~~
 282 ~~counties identified by criteria and population in s. 288.0656~~
 283 when approved and permitted by county or local government
 284 entities within their respective jurisdictional areas ~~at~~
 285 ~~intersections on rural and conventional state, county, or~~
 286 ~~municipal roads~~. A county or local government that ~~which~~ issues

287 | permits for a tourist-oriented directional sign program is ~~shall~~
288 | ~~be~~ responsible for sign construction, maintenance, and program
289 | operation in compliance with subsection (3) for roads on the
290 | state highway system and may establish permit fees sufficient to
291 | offset associated costs. A tourist-oriented directional sign may
292 | not be used on roads in urban areas or at interchanges on
293 | freeways or expressways.

294 | (2) This section does not create a proprietary or
295 | compensable interest in any tourist-oriented directional sign
296 | site or location for any permittee on any rural and conventional
297 | state, county, or municipal road ~~roads~~. The department or the
298 | permitting entity may terminate permits or change locations of
299 | tourist-oriented directional sign sites as determined necessary
300 | for construction or improvement of transportation facilities or
301 | for improved traffic control or safety.

302 | (3) Tourist-oriented directional signs installed on the
303 | state highway system must ~~shall~~ comply with the requirements of
304 | the federal Manual on Uniform Traffic Control Devices and rules
305 | established by the department. The department may adopt rules to
306 | establish requirements for participant qualification,
307 | construction standards, location of sign sites, and other
308 | criteria necessary to implement this program.

309 | Section 4. This act shall take effect July 1, 2014.