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LEGISLATIVE ACTION

Senate

.

House

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05/01/2014 10:16 AM

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Senator Brandes moved the following:

Senate Amendment (with title amendment)

Between lines 728 and 729

insert:

Section 11. Paragraph (m) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor



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12 General of:

13 ~~(m) The transportation corporations under contract with the~~
14 ~~Department of Transportation that are acting on behalf of the~~
15 ~~state to secure and obtain rights-of-way for urgently needed~~
16 ~~transportation systems and to assist in the planning and design~~
17 ~~of such systems pursuant to ss. 339.401-339.421.~~

18 Section 12. Paragraph (b) of subsection (2) and subsection
19 (3) of section 20.23, Florida Statutes, are amended to read:

20 20.23 Department of Transportation.—There is created a
21 Department of Transportation which shall be a decentralized
22 agency.

23 (2)

24 (b) The commission shall ~~have the primary functions to:~~

25 1. Recommend major transportation policies for the
26 Governor's approval, and assure that approved policies and any
27 revisions thereto are properly executed.

28 2. Periodically review the status of the state
29 transportation system including highway, transit, rail, seaport,
30 intermodal development, and aviation components of the system
31 and recommend improvements ~~therein~~ to the Governor and the
32 Legislature.

33 3. Perform an in-depth evaluation of the annual department
34 budget request, the Florida Transportation Plan, and the
35 tentative work program for compliance with all applicable laws
36 and established departmental policies. Except as specifically
37 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
38 not consider individual construction projects, but shall
39 consider methods of accomplishing the goals of the department in
40 the most effective, efficient, and businesslike manner.



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41 4. Monitor the financial status of the department on a
42 regular basis to assure that the department is managing revenue
43 and bond proceeds responsibly and in accordance with law and
44 established policy.

45 5. Monitor on at least a quarterly basis, the efficiency,
46 productivity, and management of the department, ~~using~~
47 performance and production standards developed by the commission
48 pursuant to s. 334.045.

49 6. Perform an in-depth evaluation of the factors causing
50 disruption of project schedules in the adopted work program and
51 recommend to the Governor ~~Legislature~~ and the Legislature
52 ~~Governor~~ methods to eliminate or reduce the disruptive effects
53 of these factors.

54 7. Recommend to the Governor and the Legislature
55 improvements to the department's organization in order to
56 streamline and optimize the efficiency of the department. In
57 reviewing the department's organization, the commission shall
58 determine if the current district organizational structure is
59 responsive to this state's ~~Florida's~~ changing economic and
60 demographic development patterns. The initial report by the
61 commission must be delivered to the Governor and the Legislature
62 by December 15, 2000, and each year thereafter, as appropriate.
63 The commission may retain ~~such~~ experts as ~~are reasonably~~
64 necessary to carry out ~~effectuate~~ this subparagraph, and the
65 department shall pay the expenses of the ~~such~~ experts.

66 8. Monitor the efficiency, productivity, and management of
67 the authorities created under chapters 348 and 349, including
68 any authority formed using ~~the provisions of~~ part I of chapter
69 348; the Mid-Bay Bridge Authority re-created pursuant to chapter



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70 2000-411, Laws of Florida; and any authority formed under
71 chapter 343 ~~which is not monitored under subsection (3)~~. The
72 commission shall also conduct periodic reviews of each
73 authority's operations and budget, acquisition of property,
74 management of revenue and bond proceeds, and compliance with
75 applicable laws and generally accepted accounting principles.

76 ~~(3) There is created the Florida Statewide Passenger Rail~~
77 ~~Commission.~~

78 ~~(a)1. The commission shall consist of nine voting members~~
79 ~~appointed as follows:~~

80 ~~a. Three members shall be appointed by the Governor, one of~~
81 ~~whom must have a background in the area of environmental~~
82 ~~concerns, one of whom must have a legislative background, and~~
83 ~~one of whom must have a general business background.~~

84 ~~b. Three members shall be appointed by the President of the~~
85 ~~Senate, one of whom must have a background in civil engineering,~~
86 ~~one of whom must have a background in transportation~~
87 ~~construction, and one of whom must have a general business~~
88 ~~background.~~

89 ~~c. Three members shall be appointed by the Speaker of the~~
90 ~~House of Representatives, one of whom must have a legal~~
91 ~~background, one of whom must have a background in financial~~
92 ~~matters, and one of whom must have a general business~~
93 ~~background.~~

94 ~~2. The initial term of each member appointed by the~~
95 ~~Governor shall be for 4 years. The initial term of each member~~
96 ~~appointed by the President of the Senate shall be for 3 years.~~
97 ~~The initial term of each member appointed by the Speaker of the~~
98 ~~House of Representatives shall be for 2 years. Succeeding terms~~



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99 ~~for all members shall be for 4 years.~~

100 ~~3. A vacancy occurring during a term shall be filled by the~~
101 ~~respective appointing authority in the same manner as the~~
102 ~~original appointment and only for the balance of the unexpired~~
103 ~~term. An appointment to fill a vacancy shall be made within 60~~
104 ~~days after the occurrence of the vacancy.~~

105 ~~4. The commission shall elect one of its members as chair~~
106 ~~of the commission. The chair shall hold office at the will of~~
107 ~~the commission. Five members of the commission shall constitute~~
108 ~~a quorum, and the vote of five members shall be necessary for~~
109 ~~any action taken by the commission. The commission may meet upon~~
110 ~~the constitution of a quorum. A vacancy in the commission does~~
111 ~~not impair the right of a quorum to exercise all rights and~~
112 ~~perform all duties of the commission.~~

113 ~~5. The members of the commission are not entitled to~~
114 ~~compensation but are entitled to reimbursement for travel and~~
115 ~~other necessary expenses as provided in s. 112.061.~~

116 ~~(b) The commission shall have the primary functions of:~~

117 ~~1. Monitoring the efficiency, productivity, and management~~
118 ~~of all publicly funded passenger rail systems in the state,~~
119 ~~including, but not limited to, any authority created under~~
120 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
121 ~~receives public funds for the provision of passenger rail~~
122 ~~service. The commission shall advise each monitored authority of~~
123 ~~its findings and recommendations. The commission shall also~~
124 ~~conduct periodic reviews of each monitored authority's passenger~~
125 ~~rail and associated transit operations and budget, acquisition~~
126 ~~of property, management of revenue and bond proceeds, and~~
127 ~~compliance with applicable laws and generally accepted~~



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128 ~~accounting principles. The commission may seek the assistance of~~
129 ~~the Auditor General in conducting such reviews and shall report~~
130 ~~the findings of such reviews to the Legislature. This paragraph~~
131 ~~does not preclude the Florida Transportation Commission from~~
132 ~~conducting its performance and work program monitoring~~
133 ~~responsibilities.~~

134 ~~2. Advising the department on policies and strategies used~~
135 ~~in planning, designing, building, operating, financing, and~~
136 ~~maintaining a coordinated statewide system of passenger rail~~
137 ~~services.~~

138 ~~3. Evaluating passenger rail policies and providing advice~~
139 ~~and recommendations to the Legislature on passenger rail~~
140 ~~operations in the state.~~

141 ~~(c) The commission or a member of the commission may not~~
142 ~~enter into the day-to-day operation of the department or a~~
143 ~~monitored authority and is specifically prohibited from taking~~
144 ~~part in:~~

145 ~~1. The awarding of contracts.~~

146 ~~2. The selection of a consultant or contractor or the~~
147 ~~prequalification of any individual consultant or contractor.~~
148 ~~However, the commission may recommend to the secretary standards~~
149 ~~and policies governing the procedure for selection and~~
150 ~~prequalification of consultants and contractors.~~

151 ~~3. The selection of a route for a specific project.~~

152 ~~4. The specific location of a transportation facility.~~

153 ~~5. The acquisition of rights-of-way.~~

154 ~~6. The employment, promotion, demotion, suspension,~~
155 ~~transfer, or discharge of any department personnel.~~

156 ~~7. The granting, denial, suspension, or revocation of any~~



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157 ~~license or permit issued by the department.~~

158 ~~(d) The commission is assigned to the Office of the~~
159 ~~Secretary of the Department of Transportation for administrative~~
160 ~~and fiscal accountability purposes, but it shall otherwise~~
161 ~~function independently of the control and direction of the~~
162 ~~department except that reasonable expenses of the commission~~
163 ~~shall be subject to approval by the Secretary of Transportation.~~
164 ~~The department shall provide administrative support and service~~
165 ~~to the commission.~~

166 Section 13. Paragraphs (j), (m), and (q) of subsection (2)
167 of section 110.205, Florida Statutes, are amended to read:

168 110.205 Career service; exemptions.—

169 (2) EXEMPT POSITIONS.—The exempt positions that are not
170 covered by this part include the following:

171 (j) The appointed secretaries and the State Surgeon
172 General, assistant secretaries, deputy secretaries, and deputy
173 assistant secretaries of all departments; the executive
174 directors, assistant executive directors, deputy executive
175 directors, and deputy assistant executive directors of all
176 departments; the directors of all divisions and those positions
177 determined by the department to have managerial responsibilities
178 comparable to such positions, which positions include, but are
179 not limited to, program directors, assistant program directors,
180 district administrators, deputy district administrators, the
181 Director of Central Operations Services of the Department of
182 Children and Families ~~Family Services~~, the State Transportation
183 Development Administrator, the State Public Transportation and
184 Modal Administrator, district secretaries, district directors of
185 transportation development, transportation operations,



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186 transportation support, and the managers of the offices of the
187 Department of Transportation specified in s. 20.23(3)(b) ~~s.~~
188 ~~20.23(4)(b)~~, ~~of the Department of Transportation~~. Unless
189 otherwise fixed by law, the department shall set the salary and
190 benefits of these positions ~~in accordance with the rules of the~~
191 ~~Senior Management Service~~; and the positions of county health
192 department directors and county health department administrators
193 of the Department of Health in accordance with the rules of the
194 Senior Management Service.

195 (m) All assistant division director, deputy division
196 director, and bureau chief positions in any department, and
197 those positions determined by the department to have managerial
198 responsibilities comparable to such positions, which include,
199 but are not limited to:

200 1. Positions in the Department of Health and the Department
201 of Children and Families ~~which Family Services~~ that are assigned
202 primary duties of serving as the superintendent or assistant
203 superintendent of an institution.

204 2. Positions in the Department of Corrections which ~~that~~
205 are assigned primary duties of serving as the warden, assistant
206 warden, colonel, or major of an institution or that are assigned
207 primary duties of serving as the circuit administrator or deputy
208 circuit administrator.

209 3. Positions in the Department of Transportation which ~~that~~
210 are assigned primary duties of serving as regional toll managers
211 and managers of offices, as specified ~~defined~~ in s. 20.23(3)(b)
212 and (4)(c) ~~s. 20.23(4)(b) and (5)(c)~~.

213 4. Positions in the Department of Environmental Protection
214 which ~~that~~ are assigned the duty of an Environmental



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215 Administrator or program administrator.

216 5. Positions in the Department of Health which ~~that~~ are
217 assigned the duties of Environmental Administrator, Assistant
218 County Health Department Director, and County Health Department
219 Financial Administrator.

220 6. Positions in the Department of Highway Safety and Motor
221 Vehicles which ~~that~~ are assigned primary duties of serving as
222 captains in the Florida Highway Patrol.

223
224 Unless otherwise fixed by law, the department shall set the
225 salary and benefits of the positions listed in this paragraph in
226 accordance with the rules established for the Selected Exempt
227 Service.

228 (q) The staff directors, assistant staff directors,
229 district program managers, district program coordinators,
230 district subdistrict administrators, district administrative
231 services directors, district attorneys, and the Deputy Director
232 of Central Operations Services of the Department of Children and
233 Families ~~Family Services~~. Unless otherwise fixed by law, the
234 department shall establish the salary pay band and benefits for
235 these positions in accordance with the rules of the Selected
236 Exempt Service.

237 Section 14. Section 335.06, Florida Statutes, is amended to
238 read:

239 335.06 Access roads to the state park system.—Any road that
240 ~~which~~ provides access to property within the state park system
241 shall be maintained by the department if the road is a part of
242 the State Highway System; however, if such road is part of a
243 county road system or city street system, the department may



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244 improve and maintain it. If the department does not maintain a
245 county or city road that provides access to the state park
246 system, the road ~~or~~ shall be maintained by the appropriate
247 county or municipality ~~if the road is a part of the county road~~
248 ~~system or the city street system.~~

249 Section 15. Subsection (3) of section 335.065, Florida
250 Statutes, is amended to read:

251 335.065 Bicycle and pedestrian ways along state roads and
252 transportation facilities.—

253 (3) The department, in cooperation with the Department of
254 Environmental Protection, shall establish a statewide integrated
255 system of bicycle and pedestrian ways in such a manner as to
256 take full advantage of any such ways which are maintained by any
257 governmental entity. The department may enter into a concession
258 agreement with a not-for-profit entity or private sector
259 business or entity for commercial sponsorship displays on
260 multiuse trails and related facilities and use any concession
261 agreement revenues for the maintenance of the multiuse trails
262 and related facilities. Commercial sponsorship displays are
263 subject to the requirements of the Highway Beautification Act of
264 1965 and all federal laws and agreements, when applicable. For
265 the purposes of this section, bicycle facilities may be
266 established as part of or separate from the actual roadway and
267 may utilize existing road rights-of-way or other rights-of-way
268 or easements acquired for public use.

269 Section 16. Subsection (13) of section 337.11, Florida
270 Statutes, is amended to read:

271 337.11 Contracting authority of department; bids; emergency
272 repairs, supplemental agreements, and change orders; combined



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273 design and construction contracts; progress payments; records;
274 requirements of vehicle registration.-

275 (13) Each contract let by the department for the
276 performance of road or bridge construction or maintenance work
277 shall require ~~contain a provision requiring the contractor to~~
278 ~~provide proof to the department, in the form of a notarized~~
279 ~~affidavit from the contractor, that~~ all motor vehicles that the
280 contractor ~~he or she~~ operates or causes to be operated in this
281 state to be ~~are~~ registered in compliance with chapter 320.

282 Section 17. Subsection (7) of section 337.14, Florida
283 Statutes, is amended to read:

284 337.14 Application for qualification; certificate of
285 qualification; restrictions; request for hearing.-

286 (7) A ~~No~~ "contractor" as defined in s. 337.165(1)(d) or his
287 or her "affiliate" as defined in s. 337.165(1)(a) qualified with
288 the department under this section may not also qualify under s.
289 287.055 or s. 337.105 to provide testing services, construction,
290 engineering, and inspection services to the department. This
291 limitation does ~~shall~~ not apply to any design-build
292 prequalification under s. 337.11(7) and does not apply when the
293 department otherwise determines by written order entered at
294 least 30 days before advertisement that the limitation is not in
295 the best interest of the public with respect to a particular
296 contract for testing services, construction, engineering, and
297 inspection services. This subsection does not authorize a
298 contractor to provide testing services, or provide construction,
299 engineering, and inspection services, to the department in
300 connection with a construction contract under which the
301 contractor is performing any work.



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302 Section 18. Subsection (2) of section 337.168, Florida
303 Statutes, is amended to read:

304 337.168 Confidentiality of official estimates, identities
305 of potential bidders, and bid analysis and monitoring system.—

306 (2) A document that reveals ~~revealing~~ the identity of a
307 person who has ~~persons who have~~ requested or obtained a bid
308 package, plan ~~packages, plans,~~ or specifications pertaining to
309 any project to be let by the department is confidential and
310 exempt from the provisions of s. 119.07(1) for the period that
311 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for
312 obtaining bid packages, plans, or specifications and ends with
313 the letting of the bid. A document that reveals the identity of
314 a person who has requested or obtained a bid package, plan, or
315 specifications pertaining to any project to be let by the
316 department before the 2 working days before the deadline for
317 obtaining bid packages, plans, or specifications remains a
318 public record subject to s. 119.07(1).

319 Section 19. Section 337.25, Florida Statutes, is amended to
320 read:

321 337.25 Acquisition, lease, and disposal of real and
322 personal property.—

323 (1) (a) The department may purchase, lease, exchange, or
324 otherwise acquire any land, property interests, ~~or~~ buildings, or
325 other improvements, including personal property within such
326 buildings or on such lands, necessary to secure or use ~~utilize~~
327 transportation rights-of-way for existing, proposed, or
328 anticipated transportation facilities on the State Highway
329 System, on the State Park Road System, in a rail corridor, or in
330 a transportation corridor designated by the department. Such



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331 property shall be held in the name of the state.

332 (b) The department may accept donations of any land, ~~or~~
333 buildings, or other improvements, including personal property
334 within such buildings or on such lands with or without such
335 conditions, reservations, or reverter provisions as are
336 acceptable to the department. Such donations may be used as
337 transportation rights-of-way or to secure or use ~~utilize~~
338 transportation rights-of-way for existing, proposed, or
339 anticipated transportation facilities on the State Highway
340 System, on the State Park Road System, or in a transportation
341 corridor designated by the department.

342 (c) If ~~When~~ lands, buildings, or other improvements are
343 needed for transportation purposes, but are held by a federal,
344 state, or local governmental entity and used ~~utilized~~ for public
345 purposes other than transportation, the department may
346 compensate the entity for such properties by providing
347 functionally equivalent replacement facilities. The provision
348 ~~providing~~ of replacement facilities under this subsection may
349 only be undertaken with the agreement of the governmental entity
350 affected.

351 (d) The department may contract pursuant to s. 287.055 for
352 auction services used in the conveyance of real or personal
353 property or the conveyance of leasehold interests under
354 subsections (4) and (5). The contract may allow for the
355 contractor to retain a portion of the proceeds as compensation
356 for the contractor's services.

357 (2) A complete inventory shall be made of all real or
358 personal property immediately upon possession or acquisition.
359 Such inventory must ~~shall~~ include ~~an itemized listing of all~~



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360 ~~appliances, fixtures, and other severable items;~~ a statement of
361 the location or site of each piece of realty, structure, or
362 severable item; ~~and the serial number assigned to each.~~ Copies
363 of each inventory shall be filed in the district office in which
364 the property is located. Such inventory shall be carried forward
365 to show the final disposition of each item of property, both
366 real and personal.

367 (3) The inventory of real property that ~~which~~ was acquired
368 by the state after December 31, 1988, that ~~which~~ has been owned
369 by the state for 10 or more years, and that ~~which~~ is not within
370 a transportation corridor or within the right-of-way of a
371 transportation facility shall be evaluated to determine the
372 necessity for retaining the property. If the property is not
373 needed for the construction, operation, and maintenance of a
374 transportation facility, ~~or is not located within a~~
375 transportation corridor, the department may dispose of the
376 property pursuant to subsection (4).

377 (4) The department may convey ~~sell~~, in the name of the
378 state, any land, building, or other property, real or personal,
379 which was acquired under ~~the provisions of~~ subsection (1) and
380 which the department has determined is not needed for the
381 construction, operation, and maintenance of a transportation
382 facility. ~~With the exception of any parcel governed by paragraph~~
383 ~~(e), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
384 ~~(i), the department shall afford first right of refusal to the~~
385 ~~local government in the jurisdiction of which the parcel is~~
386 ~~situated.~~ When such a determination has been made, property may
387 be disposed of through negotiations, sealed competitive bids,
388 auctions, or any other means the department deems to be in its



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389 best interest, with due advertisement for property valued by the
390 department at greater than \$10,000. A sale may not occur at a
391 price less than the department's current estimate of value,
392 except as provided in paragraphs (a)-(d). The department may
393 afford a right of first refusal to the local government or other
394 political subdivision in the jurisdiction in which the parcel is
395 situated, except in a conveyance transacted under paragraph (a),
396 paragraph (c), or paragraph (e). ~~in the following manner:~~

397 (a) If the ~~value of the~~ property has been donated to the
398 state for transportation purposes and a transportation facility
399 has not been constructed for at least 5 years, plans have not
400 been prepared for the construction of such facility, and the
401 property is not located in a transportation corridor, the
402 governmental entity may authorize reconveyance of the donated
403 property for no consideration to the original donor or the
404 donor's heirs, successors, assigns, or representatives ~~is~~
405 ~~\$10,000 or less as determined by department estimate, the~~
406 ~~department may negotiate the sale.~~

407 (b) If the ~~value of the~~ property is to be used for a public
408 purpose, the property may be conveyed without consideration to a
409 governmental entity ~~exceeds \$10,000 as determined by department~~
410 ~~estimate, such property may be sold to the highest bidder~~
411 ~~through receipt of sealed competitive bids, after due~~
412 ~~advertisement, or by public auction held at the site of the~~
413 ~~improvement which is being sold.~~

414 (c) If the property was originally acquired specifically to
415 provide replacement housing for persons displaced by
416 transportation projects, the department may negotiate for the
417 sale of such property as replacement housing. As compensation,



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418 the state shall receive at least its investment in such property
419 or the department's current estimate of value, whichever is
420 lower. It is expressly intended that this benefit be extended
421 only to persons actually displaced by the project. Dispositions
422 to any other person must be for at least the department's
423 current estimate of value, ~~in the discretion of the department,~~
424 ~~public sale would be inequitable, properties may be sold by~~
425 ~~negotiation to the owner holding title to the property abutting~~
426 ~~the property to be sold, provided such sale is at a negotiated~~
427 ~~price not less than fair market value as determined by an~~
428 ~~independent appraisal, the cost of which shall be paid by the~~
429 ~~owner of the abutting land. If negotiations do not result in the~~
430 ~~sale of the property to the owner of the abutting land and the~~
431 ~~property is sold to someone else, the cost of the independent~~
432 ~~appraisal shall be borne by the purchaser; and the owner of the~~
433 ~~abutting land shall have the cost of the appraisal refunded to~~
434 ~~him or her. If, however, no purchase takes place, the owner of~~
435 ~~the abutting land shall forfeit the sum paid by him or her for~~
436 ~~the independent appraisal. If, due to action of the department,~~
437 ~~the property is removed from eligibility for sale, the cost of~~
438 ~~any appraisal prepared shall be refunded to the owner of the~~
439 ~~abutting land.~~

440 (d) If the department determines that the property requires
441 significant costs to be incurred or that continued ownership of
442 the property exposes the department to significant liability
443 risks, the department may use the projected maintenance costs
444 over the next 10 years to offset the property's value in
445 establishing a value for disposal of the property, even if that
446 value is zero ~~property acquired for use as a borrow pit is no~~



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447 ~~longer needed, the department may sell such property to the~~
448 ~~owner of the parcel of abutting land from which the borrow pit~~
449 ~~was originally acquired, provided the sale is at a negotiated~~
450 ~~price not less than fair market value as determined by an~~
451 ~~independent appraisal, the cost of which shall be paid by the~~
452 ~~owner of such abutting land.~~

453 (e) If, at the discretion of the department, a sale to a
454 person other than an abutting property owner would be
455 inequitable, the property may be sold to the abutting owner for
456 the department's current estimate of value ~~the department begins~~
457 ~~the process for disposing of the property on its own initiative,~~
458 ~~either by negotiation under the provisions of paragraph (a),~~
459 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
460 ~~sealed competitive bids or public auction under the provisions~~
461 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
462 ~~may determine the fair market value of the property by an~~
463 ~~appraisal.~~

464 ~~(f) Any property which was acquired by a county or by the~~
465 ~~department using constitutional gas tax funds for the purpose of~~
466 ~~a right of way or borrow pit for a road on the State Highway~~
467 ~~System, State Park Road System, or county road system and which~~
468 ~~is no longer used or needed by the department may be conveyed~~
469 ~~without consideration to that county. The county may then sell~~
470 ~~such surplus property upon receipt of competitive bids in the~~
471 ~~same manner prescribed in this section.~~

472 ~~(g) If a property has been donated to the state for~~
473 ~~transportation purposes and the facility has not been~~
474 ~~constructed for a period of at least 5 years and no plans have~~
475 ~~been prepared for the construction of such facility and the~~



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476 ~~property is not located in a transportation corridor, the~~
477 ~~governmental entity may authorize reconveyance of the donated~~
478 ~~property for no consideration to the original donor or the~~
479 ~~donor's heirs, successors, assigns, or representatives.~~

480 ~~(h) If property is to be used for a public purpose, the~~
481 ~~property may be conveyed without consideration to a governmental~~
482 ~~entity.~~

483 ~~(i) If property was originally acquired specifically to~~
484 ~~provide replacement housing for persons displaced by~~
485 ~~transportation projects, the department may negotiate for the~~
486 ~~sale of such property as replacement housing. As compensation,~~
487 ~~the state shall receive no less than its investment in such~~
488 ~~properties or fair market value, whichever is lower. It is~~
489 ~~expressly intended that this benefit be extended only to those~~
490 ~~persons actually displaced by such project. Dispositions to any~~
491 ~~other persons must be for fair market value.~~

492 ~~(j) If the department determines that the property will~~
493 ~~require significant costs to be incurred or that continued~~
494 ~~ownership of the property exposes the department to significant~~
495 ~~liability risks, the department may use the projected~~
496 ~~maintenance costs over the next 5 years to offset the market~~
497 ~~value in establishing a value for disposal of the property, even~~
498 ~~if that value is zero.~~

499 (5) The department may convey a leasehold interest for
500 commercial or other purposes, in the name of the state, to any
501 land, building, or other property, real or personal, which was
502 acquired under the provisions of subsection (1). However, a
503 lease may not be entered into at a price less than the
504 department's current estimate of value. The department's



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505 estimate of value shall be prepared in accordance with
506 department procedures, guidelines, and rules for valuation of
507 real property, the cost of which shall be paid by the party
508 seeking the lease of the property.

509 (a) A lease may be through negotiations, sealed competitive
510 bids, auctions, or any other means the department deems to be in
511 its best interest ~~The department may negotiate such a lease at~~
512 ~~the prevailing market value with the owner from whom the~~
513 ~~property was acquired; with the holders of leasehold estates~~
514 ~~existing at the time of the department's acquisition; or, if~~
515 ~~public bidding would be inequitable, with the owner holding~~
516 ~~title to privately owned abutting property, if reasonable notice~~
517 ~~is provided to all other owners of abutting property.~~ The
518 department may allow an outdoor advertising sign to remain on
519 the property acquired, or be relocated on department property,
520 and such sign is ~~shall not be considered~~ a nonconforming sign
521 pursuant to chapter 479.

522 (b) If, at the discretion of the department, a lease to a
523 person other than an abutting property owner or tenant with a
524 leasehold interest in the abutting property would be
525 inequitable, the property may be leased to the abutting owner or
526 tenant for at least the department's current estimate of value
527 ~~All other leases shall be by competitive bid.~~

528 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~or~~
529 ~~paragraph (b) shall~~ be for a period of more than 5 years;
530 however, the department may renegotiate or extend such a lease
531 for an additional ~~term of~~ 5 years as the department deems
532 appropriate ~~without rebidding.~~

533 (d) Each lease shall provide that, unless otherwise



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534 directed by the lessor, any improvements made to the property
535 during ~~the term of~~ the lease shall be removed at the lessee's
536 expense.

537 (e) If property is to be used for a public purpose,
538 ~~including a fair, art show, or other educational, cultural, or~~
539 ~~fundraising activity,~~ the property may be leased without
540 consideration to a governmental entity ~~or school board~~. A lease
541 for a public purpose is exempt from the term limits in paragraph
542 (c).

543 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
544 entered into pursuant to s. 260.0161(3), except as provided in
545 such a lease.

546 (g) A ~~No~~ lease executed under this subsection may not be
547 used ~~utilized~~ by the lessee to establish the ~~4 years'~~ standing
548 required under ~~by~~ s. 73.071(3)(b) if the business had not been
549 established for the specified number of 4 years on the date
550 title passed to the department.

551 (h) The department may enter into a long-term lease without
552 compensation with a public port listed in s. 403.021(9)(b) for
553 rail corridors used for the operation of a short-line railroad
554 to the port.

555 (6) ~~Nothing in~~ This chapter does not prevent ~~prevents~~ the
556 joint use of right-of-way for alternative modes of
557 transportation if, ~~provided that~~ the joint use does not impair
558 the integrity and safety of the transportation facility.

559 (7) The department shall prepare the estimate of value
560 provided under subsection (4) in accordance with department
561 procedures, guidelines, and rules for valuation of real
562 property. If the value of the property is greater than \$50,000,



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563 as determined by the department estimate, the sale must be at a
564 negotiated price of at least the estimate of value as determined
565 by an appraisal prepared in accordance with department
566 procedures, guidelines, and rules for valuation of real
567 property, the cost of which shall be paid by the party seeking
568 the purchase of the property. If the estimated value is \$50,000
569 or less, the department may use a department staff appraiser or
570 obtain an independent appraisal ~~required by paragraphs (4) (c)~~
571 and (d) shall be prepared in accordance with department
572 guidelines and rules by an independent appraiser who has been
573 certified by the department. If federal funds were used in the
574 acquisition of the property, the appraisal shall also be subject
575 to the approval of the Federal Highway Administration.

576 (8) As used in this section, the term A "due advertisement"
577 means ~~under this section is~~ an advertisement in a newspaper of
578 general circulation in the area of the improvements of at least
579 ~~not less than~~ 14 calendar days before ~~prior to~~ the date of the
580 receipt of bids or the date on which a public auction is to be
581 held.

582 (9) The department, with the approval of the Chief
583 Financial Officer, may ~~is authorized to~~ disburse state funds for
584 real estate closings in a manner consistent with good business
585 practices and in a manner minimizing costs and risks to the
586 state.

587 (10) The department may ~~is authorized to~~ purchase title
588 insurance if ~~in those instances where it determines is~~
589 ~~determined~~ that such insurance is necessary to protect the
590 public's investment in property being acquired for
591 transportation purposes. The department shall adopt procedures



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592 to be followed in making the determination to purchase title
593 insurance for a particular parcel or group of parcels which, at
594 a minimum, shall specify ~~set forth~~ criteria that ~~which~~ the
595 parcels must meet.

596 (11) This section does not modify the requirements of s.
597 73.013.

598 Section 20. Subsection (2) of section 337.251, Florida
599 Statutes, is amended, present subsections (3) through (10) of
600 that section are redesignated as subsections (4) through (11),
601 respectively, and a new subsection (3) is added to that section,
602 to read:

603 337.251 Lease of property for joint public-private
604 development and areas above or below department property.-

605 (2) The department may request proposals for the lease of
606 such property or, if the department receives a proposal for ~~to~~
607 negotiate a lease of a particular department property which it
608 desires to consider, the department ~~it~~ shall publish a notice in
609 a newspaper of general circulation at least once a week for 2
610 weeks, ~~stating that it has received the proposal and will~~
611 ~~accept, for 60 days after the date of publication, other~~
612 proposals for lease of such property for 120 days after the date
613 of publication use of the space. A copy of the notice must be
614 mailed to each local government in the affected area. The
615 department shall establish by rule an application fee for the
616 submission of proposals pursuant to this section. The fee must
617 be sufficient to pay the anticipated costs of evaluating the
618 proposals. The department may engage the services of private
619 consultants to assist in the evaluations. Before approval, the
620 department shall determine that the proposed lease:



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621 (a) Is in the public's best interest;
622 (b) Does not require that state funds be used; and
623 (c) Has adequate safeguards in place to ensure that
624 additional costs are not borne and service disruptions are not
625 experienced by the traveling public and residents of the state
626 in the event of default by the private lessee or upon
627 termination or expiration of the lease.

628 (3) The department shall provide an independent analysis of
629 a proposed lease which demonstrates the cost-effectiveness and
630 overall public benefit at the following times:

631 (a) Before moving forward with the procurement; and
632 (b) Before awarding the contract if the procurement moves
633 forward.

634 Section 21. Section 339.041, Florida Statutes, is created
635 to read:

636 339.041 Factoring of revenues from leases for wireless
637 communication facilities.-

638 (1) The Legislature finds that efforts to increase funding
639 for capital expenditures for the transportation system are
640 necessary for the protection of the public safety and general
641 welfare and for the preservation of transportation facilities in
642 this state. It is, therefore, the intent of the Legislature:

643 (a) To create a mechanism for factoring future revenues
644 received by the department from leases for wireless
645 communication facilities on department property on a nonrecourse
646 basis;

647 (b) To fund fixed capital expenditures for the statewide
648 transportation system from proceeds generated through this
649 mechanism; and



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

653 (2) For the purposes of factoring revenues under this
654 section, department property includes real property located
655 within the department's limited access rights-of-way, property
656 located outside the current operating right-of-way limits which
657 is not needed to support current transportation facilities,
658 other property owned by the Board of Trustees of the Internal
659 Improvement Trust Fund and leased by the department, space on
660 department telecommunications facilities, and space on
661 department structures.

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

669 (4) The department may not pledge the credit, the general
670 revenues, or the taxing power of the state or of any political
671 subdivision of the state. The obligations of the department and
672 investors under the agreement do not constitute a general
673 obligation of the state or a pledge of the full faith and credit
674 or taxing power of the state. The agreement is payable from and
675 secured solely by payments received from department leases for
676 wireless communication facilities on property owned or
677 controlled by the department, and neither the state nor any of
678 its agencies has any liability beyond such payments.



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679 (5) The department may make any covenant or representation
680 necessary or desirable in connection with the agreement,
681 including a commitment by the department to take whatever
682 actions are necessary on behalf of investors to enforce the
683 department's rights to payments on property leased for wireless
684 communications facilities. However, the department may not
685 guarantee that revenues actually received in a future year will
686 be those anticipated in its leases for wireless communication
687 facilities. The department may agree to use its best efforts to
688 ensure that anticipated future-year revenues are protected. Any
689 risk that actual revenues received from department leases for
690 wireless communications facilities will be lower than
691 anticipated shall be borne exclusively by investors.

692 (6) Subject to annual appropriation, the investors shall
693 collect the lease payments on a schedule and in a manner
694 established in the agreements entered into pursuant to this
695 section between the department and the investors. The agreements
696 may provide for lease payments to be made directly to investors
697 by lessees if the lease agreements entered into by the
698 department and the lessees pursuant to s. 365.172(12)(f) allow
699 direct payment.

700 (7) Proceeds received by the department from leases for
701 wireless communication facilities shall be deposited in the
702 State Transportation Trust Fund created under s. 206.46 and used
703 for fixed capital expenditures for the statewide transportation
704 system.

705 Section 22. Paragraphs (a) and (b) of subsection (3),
706 paragraph (a) of subsection (4), and paragraph (c) of subsection
707 (11) of section 339.175, Florida Statutes, are amended to read:



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708 339.175 Metropolitan planning organization.-
709 (3) VOTING MEMBERSHIP.-
710 (a) The voting membership of an M.P.O. shall consist of at
711 least not fewer than 5 but not ~~or~~ more than 25 ~~19~~ apportioned
712 members, with the exact number to be determined on an equitable
713 geographic-population ratio basis ~~by the Governor,~~ based on an
714 agreement among the affected units of general-purpose local
715 government and the Governor, as required by federal ~~rules and~~
716 regulations. ~~The Governor,~~ In accordance with 23 U.S.C. s. 134,
717 the Governor may also allow ~~provide for~~ M.P.O. members who
718 represent municipalities to alternate with representatives from
719 other municipalities within the metropolitan planning area which
720 ~~that~~ do not have members on the M.P.O. With the exception of
721 instances in which all of the county commissioners in a single-
722 county M.P.O. are members of the M.P.O. governing board, county
723 commissioners ~~commission members~~ shall compose at least not less
724 than one-third of the M.P.O. governing board membership. A
725 multicounty M.P.O. may satisfy this requirement by any
726 combination of county commissioners from each of the counties
727 constituting, ~~except for an M.P.O. with more than 15 members~~
728 located in a county with a 5 member county commission or an
729 M.P.O. with 19 members located in a county with no more than 6
730 county commissioners, in which case county commission members
731 may compose less than one-third percent of the M.P.O.
732 membership, but all county commissioners must be members. All
733 Voting members shall be elected officials of general-purpose
734 local governments, one of whom may represent a group of general-
735 purpose local governments through an entity created by an M.P.O.
736 for that purpose. ~~except that~~ An M.P.O. may include, as part of



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737 its apportioned voting members, a member of a statutorily
738 authorized planning board, an official of an agency that
739 operates or administers a major mode of transportation, or an
740 official of Space Florida. As used in this section, the term
741 "elected officials of a general-purpose local government"
742 excludes ~~shall exclude~~ constitutional officers, including
743 sheriffs, tax collectors, supervisors of elections, property
744 appraisers, clerks of the court, and similar types of officials.
745 County commissioners shall compose not less than 20 percent of
746 the M.P.O. membership if an official of an agency that operates
747 or administers a major mode of transportation has been appointed
748 to an M.P.O.

749 (b) In metropolitan areas in which authorities or other
750 agencies have been or may be created by law to perform
751 transportation functions and are or will be performing
752 transportation functions that are not under the jurisdiction of
753 a general-purpose local government represented on the M.P.O.,
754 such authorities or other agencies may ~~they shall~~ be provided
755 voting membership on the M.P.O. In all other M.P.O.s in which
756 ~~M.P.O.'s where~~ transportation authorities or agencies are to be
757 represented by elected officials from general-purpose local
758 governments, the M.P.O. shall establish a process by which the
759 collective interests of such authorities or other agencies are
760 expressed and conveyed.

761 (4) APPORTIONMENT.—

762 (a) Each M.P.O. shall review the composition of its
763 membership in conjunction with the decennial census, as prepared
764 by the United States Department of Commerce, Bureau of the
765 Census, and with the agreement of the Governor and the affected



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766 general-purpose local government units that constitute the
767 existing M.P.O., reapportion the membership as necessary to
768 comply with subsection (3) ~~The Governor shall, with the~~
769 ~~agreement of the affected units of general-purpose local~~
770 ~~government as required by federal rules and regulations,~~
771 ~~apportion the membership on the applicable M.P.O. among the~~
772 ~~various governmental entities within the area.~~ At the request of
773 a majority of the affected units of general-purpose local
774 government comprising an M.P.O., the Governor and a majority of
775 units of general-purpose local government serving on an M.P.O.
776 shall cooperatively agree upon and prescribe who may serve as an
777 alternate member and a method for appointing alternate members,
778 who may vote at any M.P.O. meeting that he or she ~~an alternate~~
779 ~~member~~ attends in place of a regular member. The method must
780 ~~shall~~ be set forth as a part of the interlocal agreement
781 describing the M.P.O. ~~M.P.O.'s~~ membership or in the ~~M.P.O.'s~~
782 operating procedures and bylaws of the M.P.O. The governmental
783 entity so designated shall appoint the appropriate number of
784 members to the M.P.O. from eligible officials. Representatives
785 of the department shall serve as nonvoting advisers to the
786 M.P.O. governing board. Additional nonvoting advisers may be
787 appointed by the M.P.O. as deemed necessary; however, to the
788 maximum extent feasible, each M.P.O. shall seek to appoint
789 nonvoting representatives of various multimodal forms of
790 transportation not otherwise represented by voting members of
791 the M.P.O. An M.P.O. shall appoint nonvoting advisers
792 representing major military installations located within the
793 jurisdictional boundaries of the M.P.O. upon the request of the
794 aforesaid major military installations and subject to the



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795 agreement of the M.P.O. All nonvoting advisers may attend and
796 participate fully in governing board meetings but may not vote
797 or be members of the governing board. ~~The Governor shall review~~
798 ~~the composition of the M.P.O. membership in conjunction with the~~
799 ~~decennial census as prepared by the United States Department of~~
800 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
801 ~~to comply with subsection (3).~~

802 (11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

803 (c) The powers and duties of the Metropolitan Planning
804 Organization Advisory Council are to:

805 1. Enter into contracts with individuals, private
806 corporations, and public agencies.

807 2. Acquire, own, operate, maintain, sell, or lease personal
808 property essential for the conduct of business.

809 3. Accept funds, grants, assistance, gifts, or bequests
810 from private, local, state, or federal sources.

811 4. Establish bylaws by action of its governing board
812 providing procedural rules to guide its proceedings and
813 consideration of matters before the council, or, alternatively,
814 ~~and~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to
815 implement provisions of law conferring powers or duties upon it.

816 5. Assist M.P.O.s ~~M.P.O.'s~~ in carrying out the urbanized
817 area transportation planning process by serving as the principal
818 forum for collective policy discussion pursuant to law.

819 6. Serve as a clearinghouse for review and comment by
820 M.P.O.s ~~M.P.O.'s~~ on the Florida Transportation Plan and on other
821 issues required to comply with federal or state law in carrying
822 out the urbanized area transportation and systematic planning
823 processes instituted pursuant to s. 339.155.



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824 7. Employ an executive director and such other staff as
825 necessary to perform adequately the functions of the council,
826 within budgetary limitations. The executive director and staff
827 are exempt from part II of chapter 110 and serve at the
828 direction and control of the council. The council is assigned to
829 the Office of the Secretary of the Department of Transportation
830 for fiscal and accountability purposes, but it shall otherwise
831 function independently of the control and direction of the
832 department.

833 8. Adopt an agency strategic plan that prioritizes steps
834 ~~provides the priority directions~~ the agency will take to carry
835 out its mission within the context of the state comprehensive
836 plan and any other statutory mandates and directives ~~directions~~
837 ~~given to the agency.~~

838 Section 23. Paragraph (a) of subsection (1) and subsections
839 (4) and (5) of section 339.2821, Florida Statutes, are amended
840 to read:

841 339.2821 Economic development transportation projects.—

842 (1) (a) The department, in consultation with the Department
843 of Economic Opportunity and Enterprise Florida, Inc., may make
844 and approve expenditures and contract with the appropriate
845 governmental body for the direct costs of transportation
846 projects. The Department of Economic Opportunity and the
847 Department of Environmental Protection may formally review and
848 comment on recommended transportation projects, although the
849 department has final approval authority for any project
850 authorized under this section.

851 (4) A contract between the department and a governmental
852 body for a transportation project must:



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853 (a) Specify that the transportation project is for the
854 construction of a new or expanding business and specify the
855 number of full-time permanent jobs that will result from the
856 project.

857 (b) Identify the governmental body and require that the
858 governmental body award the construction of the particular
859 transportation project to the lowest and best bidder in
860 accordance with applicable state and federal statutes or rules
861 unless the transportation project can be constructed using
862 existing local governmental employees within the contract period
863 specified by the department.

864 (c) Require that the governmental body provide the
865 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
866 progress report must contain:

867 1. A narrative description of the work completed and
868 whether the work is proceeding according to the transportation
869 project schedule;

870 2. A description of each change order executed by the
871 governmental body;

872 3. A budget summary detailing planned expenditures compared
873 to actual expenditures; and

874 4. The identity of each small or minority business used as
875 a contractor or subcontractor.

876 (d) Require that the governmental body make and maintain
877 records in accordance with accepted governmental accounting
878 principles and practices for each progress payment made for work
879 performed in connection with the transportation project, each
880 change order executed by the governmental body, and each payment
881 made pursuant to a change order. The records are subject to



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882 financial audit as required by law.

883 (e) Require that the governmental body, upon completion and
884 acceptance of the transportation project, certify to the
885 department that the transportation project has been completed in
886 compliance with the terms and conditions of the contract between
887 the department and the governmental body and meets the minimum
888 construction standards established in accordance with s.
889 336.045.

890 (f) Specify that ~~the department transfer funds~~ will not be
891 transferred to the governmental body unless construction has
892 begun on the facility of the ~~not more often than quarterly, upon~~
893 ~~receipt of a request for funds from the governmental body and~~
894 ~~consistent with the needs of the transportation project. The~~
895 ~~governmental body shall expend funds received from the~~
896 ~~department in a timely manner. The department may not transfer~~
897 ~~funds unless construction has begun on the facility of a~~
898 business on whose behalf the award was made. The grant award
899 shall be terminated if construction of the transportation
900 project does not begin within 4 years after the date of the
901 initial grant award ~~A contract totaling less than \$200,000 is~~
902 ~~exempt from the transfer requirement.~~

903 (g) Require that funds be used only on a transportation
904 project that has been properly reviewed and approved in
905 accordance with the criteria provided ~~set forth~~ in this section.

906 (h) Require that the governing board of the governmental
907 body adopt a resolution accepting future maintenance and other
908 attendant costs occurring after completion of the transportation
909 project if the transportation project is constructed on a county
910 or municipal system.



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911 (5) For purposes of this section, Space Florida may serve
912 as the governmental body or as the contracting agency for a
913 ~~transportation~~ project within a spaceport territory as defined
914 by s. 331.304.

915 Section 24. Sections 339.401 and 339.421, Florida Statutes,
916 are repealed.

917 Section 25. Section 373.618, Florida Statutes, is amended
918 to read:

919 373.618 Public service warnings, alerts, and
920 announcements.—The Legislature believes it is in the public
921 interest that all water management districts created pursuant to
922 s. 373.069 own, acquire, develop, construct, operate, and manage
923 public information systems. Public information systems may be
924 located on property owned by the water management district, upon
925 terms and conditions approved by the water management district,
926 and must display messages to the general public concerning water
927 management services, activities, events, and sponsors, as well
928 as other public service announcements, including watering
929 restrictions, severe weather reports, amber alerts, and other
930 essential information needed by the public. Local government
931 review or approval is not required for a public information
932 system owned or hereafter acquired, developed, or constructed by
933 the water management district on its own property. A public
934 information system is subject to ~~exempt from~~ the requirements of
935 the Highway Beautification Act of 1965 and all federal laws and
936 agreements when applicable ~~chapter 479~~. Water management
937 district funds may not be used to pay the cost to acquire,
938 develop, construct, operate, or manage a public information
939 system. Any necessary funds for a public information system



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940 shall be paid for and collected from private sponsors who may
941 display commercial messages.

942 Section 26. Section 479.01, Florida Statutes, is amended to
943 read:

944 479.01 Definitions.—As used in this chapter, the term:

945 (1) "Allowable uses" means the intended uses identified in
946 a local government's land development regulations which ~~those~~
947 uses that are authorized within a zoning category as a use by
948 right, without the requirement to obtain a variance or waiver.
949 The term includes conditional uses and those allowed by special
950 exception if such uses are a present and actual use, but does
951 not include uses that are accessory, ancillary, incidental to
952 the allowable uses, or allowed only on a temporary basis.

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

956 (3) "Business of outdoor advertising" means the business of
957 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,
958 or selling outdoor advertising structures, outdoor advertising
959 signs, or outdoor advertisements.

960 ~~(4) "Commercial or industrial zone" means a parcel of land~~
961 ~~designated for commercial or industrial uses under both the~~
962 ~~future land use map of the comprehensive plan and the land use~~
963 ~~development regulations adopted pursuant to chapter 163. If a~~
964 ~~parcel is located in an area designated for multiple uses on the~~
965 ~~future land use map of a comprehensive plan and the zoning~~
966 ~~category of the land development regulations does not clearly~~
967 ~~designate that parcel for a specific use, the area will be~~
968 ~~considered an unzoned commercial or industrial area if it meets~~



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969 ~~the criteria of subsection (26).~~

970 (4)~~(5)~~ "Commercial use" means activities associated with
971 the sale, rental, or distribution of products or the performance
972 of services. The term includes, but is not limited to ~~without~~
973 ~~limitation~~, such uses or activities as retail sales; wholesale
974 sales; rentals of equipment, goods, or products; offices;
975 restaurants; food service vendors; sports arenas; theaters; and
976 tourist attractions.

977 (5)~~(6)~~ "Controlled area" means 660 feet or less from the
978 nearest edge of the right-of-way of any portion of the State
979 Highway System, interstate, or federal-aid primary highway
980 system and beyond 660 feet of the nearest edge of the right-of-
981 way of any portion of the State Highway System, interstate
982 highway system, or federal-aid primary system outside an urban
983 area.

984 (6)~~(7)~~ "Department" means the Department of Transportation.

985 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,
986 place, affix, attach, create, paint, draw, or in any other way
987 bring into being or establish. The term, ~~but it~~ does not include
988 such any of the foregoing activities when performed as incidents
989 ~~an incident~~ to the change of advertising message or customary
990 maintenance or repair of a sign.

991 (8)~~(9)~~ "Federal-aid primary highway system" means the
992 federal-aid primary highway system in existence on June 1, 1991,
993 and any highway that was not a part of such system as of that
994 date but that is, or became after June 1, 1991, a part of the
995 National Highway System, including portions that have been
996 accepted as part of the National Highway System but are unbuilt
997 or unopened existing, unbuilt, or unopened system of highways or



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998 ~~portions thereof, which shall include the National Highway~~
999 ~~System, designated as the federal aid primary highway system by~~
1000 ~~the department.~~

1001 (9)~~(10)~~ "Highway" means any road, street, or other way open
1002 or intended to be opened to the public for travel by motor
1003 vehicles.

1004 (10)~~(11)~~ "Industrial use" means activities associated with
1005 the manufacture, assembly, processing, or storage of products or
1006 the performance of related services ~~relating thereto~~. The term
1007 includes, but is not limited to ~~without limitation~~, such uses or
1008 activities as automobile manufacturing or repair, boat
1009 manufacturing or repair, junk yards, meat packing facilities,
1010 citrus processing and packing facilities, produce processing and
1011 packing facilities, electrical generating plants, water
1012 treatment plants, sewage treatment plants, and solid waste
1013 disposal sites.

1014 (11)~~(12)~~ "Interstate highway system" means the existing,
1015 unbuilt, or unopened system of highways or portions thereof
1016 designated as the national system of interstate and defense
1017 highways by the department.

1018 (12)~~(13)~~ "Main-traveled way" means the traveled way of a
1019 highway on which through traffic is carried. In the case of a
1020 divided highway, the traveled way of each of the separate
1021 roadways for traffic in opposite directions is a main-traveled
1022 way. The term ~~It~~ does not include such facilities as frontage
1023 roads, turning roadways which specifically include on-ramps or
1024 off-ramps to the interstate highway system, or parking areas.

1025 (13)~~(14)~~ "Maintain" means to allow to exist.

1026 (14)~~(15)~~ "Motorist services directional signs" means signs



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1027 providing directional information about goods and services in
1028 the interest of the traveling public where such signs were
1029 lawfully erected and in existence on or before May 6, 1976, and
1030 continue to provide directional information to goods and
1031 services in a defined area.

1032 (15)~~(16)~~ "New highway" means the construction of any road,
1033 paved or unpaved, where no road previously existed or the act of
1034 paving any previously unpaved road.

1035 (16)~~(17)~~ "Nonconforming sign" means a sign which was
1036 lawfully erected but which does not comply with the land use,
1037 setback, size, spacing, and lighting provisions of state or
1038 local law, rule, regulation, or ordinance passed at a later date
1039 or a sign which was lawfully erected but which later fails to
1040 comply with state or local law, rule, regulation, or ordinance
1041 due to changed conditions.

1042 (17)~~(18)~~ "Premises" means all the land areas under
1043 ownership or lease arrangement to the sign owner which are
1044 contiguous to the business conducted on the land except for
1045 instances where such land is a narrow strip contiguous to the
1046 advertised activity or is connected by such narrow strip, the
1047 only viable use of such land is to erect or maintain an
1048 advertising sign. If ~~When~~ the sign owner is a municipality or
1049 county, the term means ~~"premises" shall mean~~ all lands owned or
1050 leased by the ~~such~~ municipality or county within its
1051 jurisdictional boundaries ~~as set forth by law~~.

1052 (18)~~(19)~~ "Remove" means to disassemble all sign materials
1053 above ground level and, transport such materials from the site,
1054 ~~and dispose of sign materials by sale or destruction.~~

1055 (19)~~(20)~~ "Sign" means any combination of structure and



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1056 message in the form of an outdoor sign, display, device, figure,
1057 painting, drawing, message, placard, poster, billboard,
1058 advertising structure, advertisement, logo, symbol, or other
1059 form, whether placed individually or on a V-type, back-to-back,
1060 side-to-side, stacked, or double-faced display or automatic
1061 changeable facing, designed, intended, or used to advertise or
1062 inform, any part of the advertising message or informative
1063 contents of which is visible from any place on the main-traveled
1064 way. The term does not include an official traffic control sign,
1065 official marker, or specific information panel erected, caused
1066 to be erected, or approved by the department.

1067 (20)~~(21)~~ "Sign direction" means the ~~that~~ direction from
1068 which the message or informative contents are most visible to
1069 oncoming traffic on the main-traveled way.

1070 (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,
1071 including trim and background, which contains the message or
1072 informative contents, including an automatic changeable face.

1073 (22)~~(23)~~ "Sign facing" includes all sign faces and
1074 automatic changeable faces displayed at the same location and
1075 facing the same direction.

1076 (23)~~(24)~~ "Sign structure" means all the interrelated parts
1077 and material, such as beams, poles, and stringers, which are
1078 constructed for the purpose of supporting or displaying a
1079 message or informative contents.

1080 (24)~~(25)~~ "State Highway System" has the same meaning as in
1081 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~
1082 ~~highways or portions thereof designated as the State Highway~~
1083 ~~System by the department.~~

1084 ~~(26) "Unzoned commercial or industrial area" means a parcel~~



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1085 ~~of land designated by the future land use map of the~~
1086 ~~comprehensive plan for multiple uses that include commercial or~~
1087 ~~industrial uses but are not specifically designated for~~
1088 ~~commercial or industrial uses under the land development~~
1089 ~~regulations, in which three or more separate and distinct~~
1090 ~~conforming industrial or commercial activities are located.~~

1091 ~~(a) These activities must satisfy the following criteria:~~

1092 ~~1. At least one of the commercial or industrial activities~~
1093 ~~must be located on the same side of the highway and within 800~~
1094 ~~feet of the sign location;~~

1095 ~~2. The commercial or industrial activities must be within~~
1096 ~~660 feet from the nearest edge of the right-of-way; and~~

1097 ~~3. The commercial industrial activities must be within~~
1098 ~~1,600 feet of each other.~~

1099
1100 ~~Distances specified in this paragraph must be measured from the~~
1101 ~~nearest outer edge of the primary building or primary building~~
1102 ~~complex when the individual units of the complex are connected~~
1103 ~~by covered walkways.~~

1104 ~~(b) Certain activities, including, but not limited to, the~~
1105 ~~following, may not be so recognized as commercial or industrial~~
1106 ~~activities:~~

1107 ~~1. Signs.~~

1108 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~
1109 ~~related activities, including, but not limited to, wayside fresh~~
1110 ~~produce stands.~~

1111 ~~3. Transient or temporary activities.~~

1112 ~~4. Activities not visible from the main-traveled way.~~

1113 ~~5. Activities conducted more than 660 feet from the nearest~~



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1114 ~~edge of the right of way.~~

1115 ~~6. Activities conducted in a building principally used as a~~
1116 ~~residence.~~

1117 ~~7. Railroad tracks and minor sidings.~~

1118 ~~8. Communication towers.~~

1119 ~~(25)-(27)~~ "Urban area" has the same meaning as ~~defined~~ in s.
1120 334.03~~(31)~~.

1121 ~~(26)-(28)~~ "Visible commercial or industrial activity" means
1122 a commercial or industrial activity that is capable of being
1123 seen without visual aid by a person of normal visual acuity from
1124 the main-traveled way and that is generally recognizable as
1125 commercial or industrial.

1126 ~~(27)-(29)~~ "Visible sign" means that the advertising message
1127 or informative contents of a sign, whether or not legible, can
1128 be ~~is capable of being~~ seen without visual aid by a person of
1129 normal visual acuity.

1130 ~~(28)-(30)~~ "Wall mural" means a sign that is a painting or an
1131 artistic work composed of photographs or arrangements of color
1132 and that displays a commercial or noncommercial message, relies
1133 solely on the side of the building for rigid structural support,
1134 and is painted on the building or depicted on vinyl, fabric, or
1135 other similarly flexible material that is held in place flush or
1136 flat against the surface of the building. The term excludes a
1137 painting or work placed on a structure that is erected for the
1138 sole or primary purpose of signage.

1139 ~~(29)-(31)~~ "Zoning category" means the designation under the
1140 land development regulations or other similar ordinance enacted
1141 to regulate the use of land as provided in s. 163.3202(2)(b),
1142 which designation sets forth the allowable uses, restrictions,



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1143 and limitations on use applicable to properties within the
1144 category.

1145 Section 27. Section 479.02, Florida Statutes, is amended to
1146 read:

1147 479.02 Duties of the department. ~~It shall be the duty of~~
1148 The department shall ~~to~~:

1149 (1) Administer and enforce ~~the provisions of~~ this chapter,
1150 ~~and~~ the 1972 agreement between the state and the United States
1151 Department of Transportation ~~relating to the size, lighting, and~~
1152 ~~spacing of signs in accordance with Title I of the Highway~~
1153 ~~Beautification Act of 1965 and Title 23 of the,~~ United States
1154 Code, and federal regulations, including, but not limited to,
1155 those pertaining to the maintenance, continuance, and removal of
1156 nonconforming signs in effect as of the effective date of this
1157 act.

1158 (2) Regulate size, height, lighting, and spacing of signs
1159 permitted on commercial and industrial parcels and in unzoned
1160 commercial or industrial areas ~~in zoned and unzoned commercial~~
1161 ~~areas and zoned and unzoned industrial areas~~ on the interstate
1162 highway system and the federal-aid primary highway system.

1163 (3) Determine ~~unzoned~~ commercial and industrial parcels and
1164 unzoned commercial or ~~areas and unzoned~~ industrial areas in the
1165 manner provided in s. 479.024.

1166 (4) Implement a specific information panel program on the
1167 limited access interstate highway system to promote tourist-
1168 oriented businesses by providing directional information safely
1169 and aesthetically.

1170 (5) Implement a rest area information panel or devices
1171 program at rest areas along the interstate highway system and



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1172 the federal-aid primary highway system to promote tourist-
1173 oriented businesses.

1174 (6) Test and, if economically feasible, implement
1175 alternative methods of providing information in the specific
1176 interest of the traveling public which allow the traveling
1177 public freedom of choice, conserve natural beauty, and present
1178 information safely and aesthetically.

1179 (7) Adopt such rules as the department ~~it~~ deems necessary
1180 or proper for the administration of this chapter, including
1181 rules that ~~which~~ identify activities that may not be recognized
1182 as industrial or commercial activities for purposes of
1183 determination of a an area as an unzoned commercial or
1184 industrial parcel or an unzoned commercial or industrial area in
1185 the manner provided in s. 479.024.

1186 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
1187 location of all signs on the State Highway System, interstate
1188 highway system, and federal-aid primary highway system to be
1189 used as systems. ~~Upon completion of the inventory, it shall~~
1190 ~~become~~ the database and permit information for all permitted
1191 ~~signs permitted at the time of completion, and the previous~~
1192 ~~records of the department shall be amended accordingly.~~ The
1193 inventory shall be updated at least no less than every 2 years.
1194 ~~The department shall adopt rules regarding what information is~~
1195 ~~to be collected and preserved to implement the purposes of this~~
1196 ~~chapter.~~ The department may perform the inventory using
1197 department staff, or may contract with a private firm to perform
1198 the work, whichever is more cost efficient. The department shall
1199 maintain a database of sign inventory information such as sign
1200 location, size, height, and structure type, the permittee's



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1201 ~~permitholder's~~ name, and any other information the department
1202 finds necessary to administer the program.

1203 Section 28. Section 479.024, Florida Statutes, is created
1204 to read:

1205 479.024 Commercial and industrial parcels.—Signs shall be
1206 permitted by the department only in commercial or industrial
1207 zones, as determined by the local government, in compliance with
1208 chapter 163, unless otherwise provided in this chapter.

1209 Commercial and industrial zones are those areas appropriate for
1210 commerce, industry, or trade, regardless of how those areas are
1211 labeled.

1212 (1) As used in this section, the term:

1213 (a) "Parcel" means the property where the sign is located
1214 or is proposed to be located.

1215 (b) "Utilities" includes all privately, publicly, or
1216 cooperatively owned lines, facilities, and systems for
1217 producing, transmitting, or distributing communications, power,
1218 electricity, light, heat, gas, oil, crude products, water,
1219 steam, waste, and stormwater not connected with the highway
1220 drainage, and other similar commodities.

1221 (2) The determination as to zoning by the local government
1222 for the parcel must meet all of the following criteria:

1223 (a) The parcel is comprehensively zoned and includes
1224 commercial or industrial uses as allowable uses.

1225 (b) The parcel can reasonably accommodate a commercial or
1226 industrial use under the future land use map of the
1227 comprehensive plan and land use development regulations, as
1228 follows:

1229 1. Sufficient utilities are available to support commercial



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1230 or industrial development; and

1231 2. The size, configuration, and public access of the parcel
1232 are sufficient to accommodate a commercial or industrial use,
1233 given the requirements in the comprehensive plan and land
1234 development regulations for vehicular access, on-site
1235 circulation, building setbacks, buffering, parking, and other
1236 applicable standards, or the parcel consists of railroad tracks
1237 or minor sidings abutting commercial or industrial property that
1238 meets the criteria of this subsection.

1239 (c) The parcel is not being used exclusively for
1240 noncommercial or nonindustrial uses.

1241 (3) If a local government has not designated zoning through
1242 land development regulations in compliance with chapter 163 but
1243 has designated the parcel under the future land use map of the
1244 comprehensive plan for uses that include commercial or
1245 industrial uses, the parcel shall be considered an unzoned
1246 commercial or industrial area. For a permit to be issued for a
1247 sign in an unzoned commercial or industrial area, there must be
1248 three or more distinct commercial or industrial activities
1249 within 1,600 feet of each other, with at least one of the
1250 commercial or industrial activities located on the same side of
1251 the highway as, and within 800 feet of, the sign location.
1252 Multiple commercial or industrial activities enclosed in one
1253 building shall be considered one use if all activities have only
1254 shared building entrances.

1255 (4) For purposes of this section, certain uses and
1256 activities may not be independently recognized as commercial or
1257 industrial, including, but not limited to:

1258 (a) Signs.



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1259 (b) Agricultural, forestry, ranching, grazing, and farming,
1260 and related activities, including, but not limited to, wayside
1261 fresh produce stands.

1262 (c) Transient or temporary activities.

1263 (d) Activities not visible from the main-traveled way,
1264 unless a department transportation facility is the only cause
1265 for the activity not being visible.

1266 (e) Activities conducted more than 660 feet from the
1267 nearest edge of the right-of-way.

1268 (f) Activities conducted in a building principally used as
1269 a residence.

1270 (g) Railroad tracks and minor sidings, unless the tracks
1271 and sidings are abutted by a commercial or industrial property
1272 that meets the criteria in subsection (2).

1273 (h) Communication towers.

1274 (i) Public parks, public recreation services, and
1275 governmental uses and activities that take place in a structure
1276 that serves as the permanent public meeting place for local,
1277 state, or federal boards, commissions, or courts.

1278 (5) If the local government has indicated that the proposed
1279 sign location is on a parcel that is in a commercial or
1280 industrial zone but the department finds that it is not, the
1281 department shall notify the sign applicant in writing of its
1282 determination.

1283 (6) An applicant whose application for a permit is denied
1284 may request, within 30 days after the receipt of the
1285 notification of intent to deny, an administrative hearing
1286 pursuant to chapter 120 for a determination of whether the
1287 parcel is located in a commercial or industrial zone. Upon



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1288 receipt of such request, the department shall notify the local
1289 government that the applicant has requested an administrative
1290 hearing pursuant to chapter 120.

1291 (7) If the department determines in a final order that the
1292 parcel does not meet the permitting conditions in this section
1293 and a sign exists on the parcel, the applicant shall remove the
1294 sign within 30 days after the date of the order. The applicant
1295 is responsible for all sign removal costs.

1296 (8) If the Federal Highway Administration reduces funds
1297 that would otherwise be apportioned to the department due to a
1298 local government's failure to comply with this section, the
1299 department shall reduce transportation funding apportioned to
1300 the local government by an equivalent amount.

1301 Section 29. Section 479.03, Florida Statutes, is amended to
1302 read:

1303 479.03 Jurisdiction of the Department of Transportation;
1304 entry upon privately owned lands.—The territory under the
1305 jurisdiction of the department for the purpose of this chapter
1306 includes ~~shall include~~ all the state. Employees, agents, or
1307 independent contractors working for the department, in the
1308 performance of their functions and duties under the provisions
1309 of this chapter, may enter into and upon any land upon which a
1310 sign is displayed, is proposed to be erected, or is being
1311 erected and make such inspections, surveys, and removals as may
1312 be relevant. Upon written notice to ~~After receiving consent by~~
1313 the landowner, operator, or person in charge of an intervening
1314 privately owned land that ~~or appropriate inspection warrant~~
1315 issued by a judge of any county court or circuit court of this
1316 state which has jurisdiction of the place or thing to be



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1317 ~~removed,~~ that the removal of an illegal outdoor advertising sign
1318 is necessary and has been authorized by a final order or results
1319 from an uncontested notice to the sign owner, the department may
1320 ~~shall be authorized to~~ enter upon any intervening privately
1321 owned lands for the purposes of effectuating removal of illegal
1322 signs., ~~provided that~~ The department may enter intervening
1323 privately owned lands shall only ~~do so~~ in circumstances where it
1324 has determined that ~~no~~ other legal or economically feasible
1325 means of entry to the sign site are not reasonably available.
1326 Except as otherwise provided by this chapter, the department is
1327 ~~shall be~~ responsible for the repair or replacement in a like
1328 manner for any physical damage or destruction of private
1329 property, other than the sign, incidental to the department's
1330 entry upon such intervening privately owned lands.

1331 Section 30. Section 479.04, Florida Statutes, is amended to
1332 read:

1333 479.04 Business of outdoor advertising; license
1334 requirement; renewal; fees.-

1335 (1) A ~~No~~ person may not shall engage in the business of
1336 outdoor advertising in this state without first obtaining a
1337 license ~~therefor~~ from the department. Such license shall be
1338 renewed annually. The fee for such license, and for each annual
1339 renewal, is \$300. License renewal fees are ~~shall be~~ payable as
1340 provided for in s. 479.07.

1341 (2) A ~~No~~ person is not shall be required to obtain the
1342 license provided for in this section solely to erect or
1343 construct outdoor advertising signs or structures ~~as an~~
1344 ~~incidental part of a building construction contract.~~

1345 Section 31. Section 479.05, Florida Statutes, is amended to



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1346 read:

1347 479.05 Denial, suspension, or revocation of license.—The
1348 department may ~~has authority to deny, suspend, or revoke a~~ any
1349 license requested or granted under this chapter in any case in
1350 which it determines that the application for the license
1351 contains ~~knowingly~~ false or misleading information of material
1352 consequence, that the licensee has failed to pay fees or costs
1353 owed to the department for outdoor advertising purposes, or that
1354 the licensee has violated any of the provisions of this chapter,
1355 unless such licensee, within 30 days after the receipt of notice
1356 by the department, corrects such false or misleading
1357 information, pays the outstanding amounts, or complies with ~~the~~
1358 provisions of this chapter. Suspension of a license allows the
1359 licensee to maintain existing sign permits, but the department
1360 may not grant a transfer of an existing permit or issue an
1361 additional permit to a licensee with a suspended license. A ~~Any~~
1362 person aggrieved by an ~~any~~ action of the department which
1363 denies, suspends, or revokes ~~in denying or revoking~~ a license
1364 under this chapter may, within 30 days ~~after~~ ~~from~~ the receipt of
1365 the notice, apply to the department for an administrative
1366 hearing pursuant to chapter 120.

1367 Section 32. Section 479.07, Florida Statutes, is amended to
1368 read:

1369 479.07 Sign permits.—

1370 (1) Except as provided in ss. 479.105(1)(~~e~~) and 479.16, a
1371 person may not erect, operate, use, or maintain, or cause to be
1372 erected, operated, used, or maintained, any sign on the State
1373 Highway System outside an urban area, ~~as defined in s.~~
1374 ~~334.03(31),~~ or on any portion of the interstate or federal-aid



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1375 primary highway system without first obtaining a permit for the
1376 sign from the department and paying the annual fee as provided
1377 in this section. As used in this section, the term "on any
1378 portion of the State Highway System, interstate highway system,
1379 or federal-aid primary system" means a sign located within the
1380 controlled area which is visible from any portion of the main-
1381 traveled way of such system.

1382 (2) ~~A person may not apply for a permit unless he or she~~
1383 ~~has first obtained the~~ Written permission of the owner or other
1384 person in lawful possession or control of the site designated as
1385 the location of the sign is required for issuance of a ~~in the~~
1386 ~~application for the permit.~~

1387 (3) (a) An application for a sign permit must be made on a
1388 form prescribed by the department, and a separate application
1389 must be submitted for each permit requested. A permit is
1390 required for each sign facing.

1391 (b) As part of the application, the applicant or his or her
1392 authorized representative must certify ~~in a notarized signed~~
1393 ~~statement~~ that all information provided in the application is
1394 true and correct ~~and that, pursuant to subsection (2), he or she~~
1395 ~~has obtained the written permission of the owner or other person~~
1396 ~~in lawful possession of the site designated as the location of~~
1397 ~~the sign in the permit application.~~ Each ~~Every~~ permit
1398 application must be accompanied by the appropriate permit fee; a
1399 signed statement by the owner or other person in lawful control
1400 of the site on which the sign is located or will be erected,
1401 authorizing the placement of the sign on that site; ~~and, where~~
1402 ~~local governmental regulation of signs exists,~~ a statement from
1403 the appropriate local governmental official indicating that the



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1404 sign complies with all local government ~~governmental~~
1405 requirements; and, if a local government permit is required for
1406 a sign, a statement that the agency or unit of local government
1407 will issue a permit to that applicant upon approval of the state
1408 permit application by the department.

1409 (c) The annual permit fee for each sign facing shall be
1410 established by the department by rule in an amount sufficient to
1411 offset the total cost to the department for the program, but may
1412 ~~shall not be greater than exceed~~ \$100. The ~~A fee may not be~~
1413 ~~prorated for a period less than the remainder of the permit year~~
1414 ~~to accommodate short term publicity features; however, a first-~~
1415 year fee may be prorated by payment of an amount equal to one-
1416 fourth of the annual fee for each remaining whole quarter or
1417 partial quarter of the permit year. Applications received after
1418 the end of the third quarter of the permit year must include
1419 fees for the last quarter of the current year and fees for the
1420 succeeding year.

1421 (4) An application for a permit shall be acted on by
1422 granting, denying, or returning the incomplete application ~~the~~
1423 ~~department~~ within 30 days after receipt of the application by
1424 the department.

1425 (5) (a) For each permit issued, the department shall furnish
1426 to the applicant a serially numbered permanent metal permit tag.
1427 The permittee is responsible for maintaining a valid permit tag
1428 on each permitted sign facing at all times. The tag shall be
1429 securely attached to the upper 50 percent of the sign structure,
1430 ~~and sign facing or, if there is no facing, on the pole nearest~~
1431 ~~the highway; and it shall be attached in such a manner as to be~~
1432 plainly visible from the main-traveled way. ~~Effective July 1,~~



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1433 ~~2012, the tag must be securely attached to the upper 50 percent~~
1434 ~~of the pole nearest the highway and must be attached in such a~~
1435 ~~manner as to be plainly visible from the main traveled way. The~~
1436 ~~permit becomes void unless the permit tag must be is properly~~
1437 ~~and permanently displayed at the permitted site within 30 days~~
1438 ~~after the date of permit issuance. If the permittee fails to~~
1439 ~~erect a completed sign on the permitted site within 270 days~~
1440 ~~after the date on which the permit was issued, the permit will~~
1441 ~~be void, and the department may not issue a new permit to that~~
1442 ~~permittee for the same location for 270 days after the date on~~
1443 ~~which the permit becomes ~~became~~ void.~~

1444 (b) If a permit tag is lost, stolen, or destroyed, the
1445 permittee to whom the tag was issued must apply to the
1446 department for a replacement tag. The department shall adopt a
1447 rule establishing a service fee for replacement tags in an
1448 amount that will recover the actual cost of providing the
1449 replacement tag. Upon receipt of the application accompanied by
1450 the service fee, the department shall issue a replacement permit
1451 tag. ~~Alternatively, the permittee may provide its own~~
1452 ~~replacement tag pursuant to department specifications that the~~
1453 ~~department shall adopt by rule at the time it establishes the~~
1454 ~~service fee for replacement tags.~~

1455 (6) A permit is valid only for the location specified in
1456 the permit. Valid permits may be transferred from one sign owner
1457 to another upon written acknowledgment from the current
1458 permittee and submittal of a transfer fee of \$5 for each permit
1459 to be transferred. However, the maximum transfer fee for any
1460 multiple transfer between two outdoor advertisers in a single
1461 transaction is \$1,000 ~~\$100~~.



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1462 (7) A permittee shall at all times maintain the permission
1463 of the owner or other person in lawful control of the sign site
1464 in order to have and maintain a sign at such site.

1465 (8) (a) In order to reduce peak workloads, the department
1466 may adopt rules providing for staggered expiration dates for
1467 licenses and permits. Unless otherwise provided for by rule, all
1468 licenses and permits expire annually on January 15. All license
1469 and permit renewal fees are required to be submitted to the
1470 department by no later than the expiration date. At least 105
1471 days before ~~prior to~~ the expiration date of licenses and
1472 permits, the department shall send to each permittee a notice of
1473 fees due for all licenses and permits that ~~which~~ were issued to
1474 him or her before ~~prior to~~ the date of the notice. Such notice
1475 must ~~shall~~ list the permits and the permit fees due for each
1476 sign facing. The permittee shall, no later than 45 days before
1477 ~~prior to~~ the expiration date, advise the department of any
1478 additions, deletions, or errors contained in the notice. Permit
1479 tags that ~~which~~ are not renewed shall be returned to the
1480 department for cancellation by the expiration date. Permits that
1481 ~~which~~ are not renewed or are canceled shall be certified in
1482 writing at that time as canceled or not renewed by the
1483 permittee, and permit tags for such permits shall be returned to
1484 the department or shall be accounted for by the permittee in
1485 writing, which writing shall be submitted with the renewal fee
1486 payment or the cancellation certification. However, failure of a
1487 permittee to submit a permit cancellation does ~~shall~~ not affect
1488 the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a
1489 permit, the permittee shall provide written notice to all
1490 persons or entities having a right to advertise on the sign that



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1491 the permittee intends to cancel the permit.

1492 (b) If a permittee has not submitted his or her fee payment
1493 by the expiration date of the licenses or permits, the
1494 department shall send a notice of violation to the permittee
1495 within 45 days after the expiration date, requiring the payment
1496 of the permit fee within 30 days after the date of the notice
1497 and payment of a delinquency fee equal to 10 percent of the
1498 original amount due or, in the alternative to these payments,
1499 requiring the filing of a request for an administrative hearing
1500 to show cause why the ~~his or her~~ sign should not be subject to
1501 immediate removal due to expiration of his or her license or
1502 permit. If the permittee submits payment as required by the
1503 violation notice, the ~~his or her~~ license or permit shall ~~will~~ be
1504 automatically reinstated and such reinstatement is ~~will be~~
1505 retroactive to the original expiration date. If the permittee
1506 does not respond to the notice of violation within the 30-day
1507 period, the department shall, within 30 days, issue a final
1508 notice of sign removal and may, following 90 days after the date
1509 of the department's final notice of sign removal, remove the
1510 sign without incurring any liability as a result of such
1511 removal. However, if at any time before removal of the sign, the
1512 permittee demonstrates that a good faith error on the part of
1513 the permittee resulted in cancellation or nonrenewal of the
1514 permit, the department may reinstate the permit if:

1515 1. The permit reinstatement fee of ~~up to~~ \$300 ~~based on the~~
1516 ~~size of the sign~~ is paid;

1517 2. All other permit renewal and delinquent permit fees due
1518 as of the reinstatement date are paid; and

1519 3. The permittee reimburses the department for all actual



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1520 costs resulting from the permit cancellation or nonrenewal.

1521 (c) Conflicting applications filed by other persons for the
1522 same or competing sites covered by a permit subject to paragraph
1523 (b) may not be approved until after the sign subject to the
1524 expired permit has been removed.

1525 (d) The cost for removing a sign, ~~whether~~ by the department
1526 or an independent contractor, shall be assessed by the
1527 department against the permittee.

1528 (9) (a) A permit may ~~shall~~ not be granted for any sign for
1529 which a permit had not been granted by the effective date of
1530 this act unless such sign is located at least:

1531 1. One thousand five hundred feet from any other permitted
1532 sign on the same side of the highway, if on an interstate
1533 highway.

1534 2. One thousand feet from any other permitted sign on the
1535 same side of the highway, if on a federal-aid primary highway.

1536

1537 The minimum spacing provided in this paragraph does not preclude
1538 the permitting of V-type, back-to-back, side-to-side, stacked,
1539 or double-faced signs at the permitted sign site. If a sign is
1540 visible to more than one highway subject to the jurisdiction of
1541 the department and within the controlled area of the highways
1542 ~~from the controlled area of more than one highway subject to the~~
1543 ~~jurisdiction of the department~~, the sign must ~~shall~~ meet the
1544 permitting requirements of all highways, and, ~~if the sign meets~~
1545 ~~the applicable permitting requirements~~, be permitted to, the
1546 highway having the more stringent permitting requirements.

1547 (b) A permit may ~~shall~~ not be granted for a sign pursuant
1548 to this chapter to locate such sign on any portion of the



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1549 interstate or federal-aid primary highway system, which sign:
1550 1. Exceeds 50 feet in sign structure height above the crown
1551 of the main-traveled way to which the sign is permitted, if
1552 outside an incorporated area;
1553 2. Exceeds 65 feet in sign structure height above the crown
1554 of the main-traveled way to which the sign is permitted, if
1555 inside an incorporated area; or
1556 3. Exceeds 950 square feet of sign facing including all
1557 embellishments.
1558 (c) Notwithstanding subparagraph (a)1., ~~there is~~
1559 ~~established a pilot program in Orange, Hillsborough, and Osceola~~
1560 ~~Counties, and within the boundaries of the City of Miami, under~~
1561 ~~which~~ the distance between permitted signs on the same side of
1562 an interstate highway may be reduced to 1,000 feet if all other
1563 requirements of this chapter are met and if:
1564 1. The local government has adopted a plan, program,
1565 resolution, ordinance, or other policy encouraging the voluntary
1566 removal of signs in a downtown, historic, redevelopment, infill,
1567 or other designated area which also provides for a new or
1568 replacement sign to be erected on an interstate highway within
1569 that jurisdiction if a sign in the designated area is removed;
1570 2. The sign owner and the local government mutually agree
1571 to the terms of the removal and replacement; and
1572 3. The local government notifies the department of its
1573 intention to allow such removal and replacement as agreed upon
1574 pursuant to subparagraph 2.
1575 4. ~~The new or replacement sign to be erected on an~~
1576 ~~interstate highway within that jurisdiction is to be located on~~
1577 ~~a parcel of land specifically designated for commercial or~~



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1578 ~~industrial use under both the future land use map of the~~
1579 ~~comprehensive plan and the land use development regulations~~
1580 ~~adopted pursuant to chapter 163, and such parcel shall not be~~
1581 ~~subject to an evaluation in accordance with the criteria set~~
1582 ~~forth in s. 479.01(26) to determine if the parcel can be~~
1583 ~~considered an unzoned commercial or industrial area.~~

1584
1585 ~~The department shall maintain statistics tracking the use of the~~
1586 ~~provisions of this pilot program based on the notifications~~
1587 ~~received by the department from local governments under this~~
1588 ~~paragraph.~~

1589 (d) This subsection does not cause a sign that was
1590 conforming on October 1, 1984, to become nonconforming.

1591 (10) Commercial or industrial zoning that ~~which~~ is not
1592 comprehensively enacted or that ~~which~~ is enacted primarily to
1593 permit signs may ~~shall~~ not be recognized as commercial or
1594 industrial zoning for purposes of this provision, and permits
1595 may ~~shall~~ not be issued for signs in such areas. The department
1596 shall adopt rules that ~~within 180 days after this act takes~~
1597 ~~effect which shall~~ provide criteria to determine whether such
1598 zoning is comprehensively enacted or enacted primarily to permit
1599 signs.

1600 Section 33. Section 479.08, Florida Statutes, is amended to
1601 read:

1602 479.08 Denial or revocation of permit.—The department may
1603 deny or revoke a ~~any~~ permit requested or granted under this
1604 chapter in any case in which it determines that the application
1605 for the permit contains ~~knowingly~~ false or misleading
1606 information of material consequence. The department may revoke a



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1607 ~~any~~ permit granted under this chapter in any case in which the
1608 permittee has violated ~~any of the provisions of~~ this chapter,
1609 unless such permittee, within 30 days after the receipt of
1610 notice by the department, complies with ~~the provisions of~~ this
1611 chapter. For the purpose of this section, the notice of
1612 violation issued by the department must describe in detail the
1613 alleged violation. A ~~Any~~ person aggrieved by any action of the
1614 department in denying or revoking a permit under this chapter
1615 may, within 30 days after receipt of the notice, apply to the
1616 department for an administrative hearing pursuant to chapter
1617 120. If a timely request for hearing has been filed and the
1618 department issues a final order revoking a permit, such
1619 revocation shall be effective 30 days after the date of
1620 rendition. Except for department action pursuant to s.
1621 479.107(1), the filing of a timely and proper notice of appeal
1622 shall operate to stay the revocation until the department's
1623 action is upheld.

1624 Section 34. Section 479.10, Florida Statutes, is amended to
1625 read:

1626 479.10 Sign removal following permit revocation or
1627 cancellation.—A sign shall be removed by the permittee within 30
1628 days after the date of revocation or cancellation of the permit
1629 for the sign. If the permittee fails to remove the sign within
1630 the 30-day period, the department shall remove the sign at the
1631 permittee's expense with or without further notice and without
1632 incurring any liability as a result of such removal.

1633 Section 35. Section 479.105, Florida Statutes, is amended
1634 to read:

1635 479.105 Signs erected or maintained without required



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1636 permit; removal.-

1637 (1) ~~A~~ Any sign that ~~which~~ is located adjacent to the right-
1638 of-way of any highway on the State Highway System outside an
1639 incorporated area or adjacent to the right-of-way on any portion
1640 of the interstate or federal-aid primary highway system, which
1641 sign was erected, operated, or maintained without the permit
1642 required by s. 479.07(1) having been issued by the department,
1643 is declared to be a public nuisance and a private nuisance and
1644 shall be removed as provided in this section.

1645 (a) Upon a determination by the department that a sign is
1646 in violation of s. 479.07(1), the department shall prominently
1647 post on the sign, or as close to the sign as possible for a
1648 location in which the sign is not easily accessible, ~~face~~ a
1649 notice stating that the sign is illegal and must be removed
1650 within 30 days after the date on which the notice was posted.
1651 ~~However, if the sign bears the name of the licensee or the name~~
1652 ~~and address of the nonlicensed sign owner,~~ The department shall,
1653 concurrently with and in addition to posting the notice on the
1654 sign, provide a written notice to the owner of the sign, the
1655 advertiser displayed on the sign, or the owner of the property,
1656 stating that the sign is illegal and must be permanently removed
1657 within the 30-day period specified on the posted notice. The
1658 written notice shall further state that ~~the sign owner has a~~
1659 ~~right to request~~ a hearing may be requested and that the, ~~which~~
1660 request must be filed with the department within 30 days after
1661 receipt ~~the date~~ of the written notice. However, the filing of a
1662 request for a hearing will not stay the removal of the sign.

1663 (b) If, pursuant to the notice provided, the sign is not
1664 removed by the ~~sign~~ owner of the sign, the advertiser displayed



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1665 on the sign, or the owner of the property within the prescribed
1666 period, the department shall immediately remove the sign without
1667 further notice; and, for that purpose, the employees, agents, or
1668 independent contractors of the department may enter upon private
1669 property without incurring any liability for so entering.

1670 (c) However, the department may issue a permit for a sign,
1671 as a conforming or nonconforming sign, if the sign owner
1672 demonstrates to the department one of the following:

1673 1. If the sign meets the current requirements of this
1674 chapter for a sign permit, the sign owner may submit the
1675 required application package and receive a permit as a
1676 conforming sign, upon payment of all applicable fees.

1677 2. If the sign does not meet the current requirements of
1678 this chapter for a sign permit and has never been exempt from
1679 the requirement that a permit be obtained, the sign owner may
1680 receive a permit as a nonconforming sign if the department
1681 determines that the sign is not located on state right-of-way
1682 and is not a safety hazard and if the sign owner pays a penalty
1683 fee of \$300 and all pertinent fees required by this chapter,
1684 including annual permit renewal fees payable since the date of
1685 the erection of the sign, and attaches to the permit application
1686 package documentation that demonstrates that:

1687 a. The sign has been unpermitted, structurally unchanged,
1688 and continuously maintained at the same location for 7 years or
1689 more;

1690 b. During the initial 7 years in which the sign has been
1691 subject to the jurisdiction of the department, the sign would
1692 have met the criteria established in this chapter which were in
1693 effect at that time for issuance of a permit; and



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1694 c. The department has not initiated a notice of violation
1695 or taken other action to remove the sign during the initial 7-
1696 year period in which the sign has been subject to the
1697 jurisdiction of the department.

1698 (d) This subsection does not cause a neighboring sign that
1699 is permitted and that is within the spacing requirements under
1700 s. 479.07(9) (a) to become nonconforming.

1701 (e) ~~(e)~~ For purposes of this subsection, a notice to the
1702 sign owner, when required, constitutes sufficient notice. ~~;~~ and
1703 Notice is not required to be provided to the lessee, advertiser,
1704 or the owner of the real property on which the sign is located.

1705 (f) ~~(d)~~ If, after a hearing, it is determined that a sign
1706 has been wrongfully or erroneously removed pursuant to this
1707 subsection, the department, at the sign owner's discretion,
1708 shall either pay just compensation to the owner of the sign or
1709 reerect the sign in kind at the expense of the department.

1710 ~~(e) However, if the sign owner demonstrates to the~~
1711 ~~department that:~~

1712 ~~1. The sign has been unpermitted, structurally unchanged,~~
1713 ~~and continuously maintained at the same location for a period of~~
1714 ~~7 years or more;~~

1715 ~~2. At any time during the period in which the sign has been~~
1716 ~~erected, the sign would have met the criteria established in~~
1717 ~~this chapter for issuance of a permit;~~

1718 ~~3. The department has not initiated a notice of violation~~
1719 ~~or taken other action to remove the sign during the initial 7-~~
1720 ~~year period described in subparagraph 1.; and~~

1721 ~~4. The department determines that the sign is not located~~
1722 ~~on state right-of-way and is not a safety hazard;~~



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1723
1724 ~~the sign may be considered a conforming or nonconforming sign~~
1725 ~~and may be issued a permit by the department upon application in~~
1726 ~~accordance with this chapter and payment of a penalty fee of~~
1727 ~~\$300 and all pertinent fees required by this chapter, including~~
1728 ~~annual permit renewal fees payable since the date of the~~
1729 ~~erection of the sign.~~

1730 (2) (a) If a sign is under construction and the department
1731 determines that a permit has not been issued for the sign as
1732 required under ~~the provisions of~~ this chapter, the department
1733 may ~~is authorized to~~ require that all work on the sign cease
1734 until the sign owner shows that the sign does not violate ~~the~~
1735 ~~provisions of~~ this chapter. The order to cease work shall be
1736 prominently posted on the sign structure, and ~~no~~ further notice
1737 is not required ~~to be given~~. The failure of a sign owner or her
1738 or his agents to immediately comply with the order subjects
1739 ~~shall subject~~ the sign to prompt removal by the department.

1740 (b) For the purposes of this subsection only, a sign is
1741 under construction when it is in any phase of initial
1742 construction before ~~prior to~~ the attachment and display of the
1743 advertising message in final position for viewing by the
1744 traveling public. A sign that is undergoing routine maintenance
1745 or change of the advertising message only is not considered to
1746 be under construction for the purposes of this subsection.

1747 (3) The cost of removing a sign, ~~whether~~ by the department
1748 or an independent contractor, shall be assessed against the
1749 owner of the sign by the department.

1750 Section 36. Subsections (5) and (7) of section 479.106,
1751 Florida Statutes, are amended to read:



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1752 479.106 Vegetation management.-

1753 (5) The department may only grant a permit pursuant to s.
1754 479.07 for a new sign that ~~which~~ requires the removal, cutting,
1755 or trimming of existing trees or vegetation on public right-of-
1756 way for the sign face to be visible from the highway the sign
1757 will be permitted to when the sign owner has removed at least
1758 two nonconforming signs of approximate comparable size and
1759 surrendered the permits for the nonconforming signs to the
1760 department for cancellation. For signs originally permitted
1761 after July 1, 1996, the first application, or application for a
1762 change of view zone, no permit for the removal, cutting, or
1763 trimming of trees or vegetation along the highway the sign is
1764 permitted to shall require the removal of two nonconforming
1765 signs, in addition to mitigation or contribution to a plan of
1766 mitigation. The department may not grant a permit for the
1767 removal, cutting, or trimming of trees for a sign permitted
1768 after July 1, 1996, if the shall be granted where such trees are
1769 or the vegetation is ~~are~~ part of a beautification project
1770 implemented before ~~prior to~~ the date of the original sign permit
1771 application and if, ~~when~~ the beautification project is
1772 specifically identified in the department's construction plans,
1773 permitted landscape projects, or agreements.

1774 (7) Any person engaging in removal, cutting, or trimming of
1775 trees or vegetation in violation of this section or benefiting
1776 from such actions shall be subject to an administrative penalty
1777 of up to \$1,000 per sign facing and required to mitigate for the
1778 unauthorized removal, cutting, or trimming in such manner and in
1779 such amount as may be required under the rules of the
1780 department.



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1781 Section 37. Subsection (5) of section 479.107, Florida
1782 Statutes, is amended to read:

1783 479.107 Signs on highway rights-of-way; removal.—

1784 (5) The cost of removing a sign, ~~whether~~ by the department
1785 or an independent contractor, shall be assessed by the
1786 department against the owner of the sign. ~~Furthermore, the~~
1787 ~~department shall assess a fine of \$75 against the sign owner for~~
1788 ~~any sign which violates the requirements of this section.~~

1789 Section 38. Section 479.111, Florida Statutes, is amended
1790 to read:

1791 479.111 Specified signs allowed within controlled portions
1792 of the interstate and federal-aid primary highway system.—Only
1793 the following signs shall be allowed within controlled portions
1794 of the interstate highway system and the federal-aid primary
1795 highway system as set forth in s. 479.11(1) and (2):

1796 (1) Directional or other official signs and notices that
1797 ~~which~~ conform to 23 C.F.R. ss. 750.151-750.155.

1798 (2) Signs in commercial-zoned and industrial-zoned areas or
1799 commercial-unzoned and industrial-unzoned areas and within 660
1800 feet of the nearest edge of the right-of-way, subject to the
1801 requirements set forth in the 1972 agreement between the state
1802 and the United States Department of Transportation.

1803 (3) Signs for which permits are not required under s.
1804 479.16.

1805 Section 39. Section 479.15, Florida Statutes, is amended to
1806 read:

1807 479.15 Harmony of regulations.—

1808 (1) A ~~No~~ zoning board or commission or other public officer
1809 or agency may not ~~shall~~ issue a permit to erect a ~~any~~ sign that



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1810 ~~which~~ is prohibited under ~~the provisions of~~ this chapter or the
1811 rules of the department, ~~and nor shall~~ the department may not
1812 issue a permit for a any sign that ~~which~~ is prohibited by any
1813 other public board, officer, or agency in the lawful exercise of
1814 its powers.

1815 (2) A municipality, county, local zoning authority, or
1816 other local governmental entity may not remove, or cause to be
1817 removed, a any lawfully erected sign along any portion of the
1818 interstate or federal-aid primary highway system without first
1819 paying just compensation for such removal. A local governmental
1820 entity may not cause in any way the alteration of a any lawfully
1821 erected sign located along any portion of the interstate or
1822 federal-aid primary highway system without payment of just
1823 compensation if such alteration constitutes a taking under state
1824 law. The municipality, county, local zoning authority, or other
1825 local governmental ~~government~~ entity that adopts requirements
1826 for such alteration shall pay just compensation to the sign
1827 owner if such alteration constitutes a taking under state law.
1828 This subsection applies only to a lawfully erected sign the
1829 subject matter of which relates to premises other than the
1830 premises on which it is located or to merchandise, services,
1831 activities, or entertainment not sold, produced, manufactured,
1832 or furnished on the premises on which the sign is located. ~~As~~
1833 ~~used in this subsection, the term "federal-aid primary highway~~
1834 ~~system" means the federal-aid primary highway system in~~
1835 ~~existence on June 1, 1991, and any highway that was not a part~~
1836 ~~of such system as of that date but that is or becomes after June~~
1837 ~~1, 1991, a part of the National Highway System.~~ This subsection
1838 may shall not be interpreted as explicit or implicit legislative



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1839 recognition that alterations do or do not constitute a taking
1840 under state law.

1841 (3) It is the express intent of the Legislature to limit
1842 the state right-of-way acquisition costs on state and federal
1843 roads in eminent domain proceedings, ~~the provisions of ss.~~
1844 479.07 and 479.155 notwithstanding. Subject to approval by the
1845 Federal Highway Administration, if ~~whenever~~ public acquisition
1846 of land upon which is situated a lawful permitted ~~nonconforming~~
1847 sign occurs, as provided in this chapter, the sign may, at the
1848 election of its owner and the department, be relocated or
1849 reconstructed adjacent to the new right-of-way and in close
1850 proximity to the current site if along the roadway within 100
1851 feet of the current location, provided the nonconforming sign is
1852 not relocated in an area inconsistent with s. 479.024. on a
1853 parcel zoned residential, and provided further that Such
1854 relocation is shall be subject to the applicable setback
1855 requirements in the 1972 agreement between the state and the
1856 United States Department of Transportation. The sign owner shall
1857 pay all costs associated with relocating or reconstructing a any
1858 sign under this subsection, and ~~neither~~ the state or ~~nor~~ any
1859 local government may not shall reimburse the sign owner for such
1860 costs, unless part of such relocation costs is are required by
1861 federal law. If ~~no~~ adjacent property is not available for the
1862 relocation, the department is shall be responsible for paying
1863 the owner of the sign just compensation for its removal.

1864 (4) For a nonconforming sign, Such relocation shall be
1865 adjacent to the current site and the face of the sign may shall
1866 not be increased in size or height or structurally modified at
1867 the point of relocation in a manner inconsistent with the



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1868 current building codes of the jurisdiction in which the sign is
1869 located.

1870 (5) ~~If In the event that~~ relocation can be accomplished but
1871 is inconsistent with the ordinances of the municipality or
1872 county within whose jurisdiction the sign is located, the
1873 ordinances of the local government shall prevail ~~if, provided~~
1874 ~~that~~ the local government assumes ~~shall assume~~ the
1875 responsibility to provide the owner of the sign just
1876 compensation for its removal, ~~but in no event shall~~
1877 Compensation paid by the local government may not be greater
1878 than exceed the compensation required under state or federal
1879 law. ~~Further, the provisions of~~ This section does ~~shall~~ not
1880 impair any agreement or future agreements between a municipality
1881 or county and the owner of a sign or signs within the
1882 jurisdiction of the municipality or county. ~~Nothing in this~~
1883 ~~section shall be deemed to cause a nonconforming sign to become~~
1884 ~~conforming solely as a result of the relocation allowed in this~~
1885 ~~section.~~

1886 (6) ~~The provisions of~~ Subsections (3), (4), and (5) do ~~of~~
1887 ~~this section shall~~ not apply within the jurisdiction of a any
1888 municipality that ~~which~~ is engaged in any litigation concerning
1889 its sign ordinance on April 23, 1999, and the subsections do not
1890 ~~nor shall such provisions~~ apply to a any municipality whose
1891 boundaries are identical to the county within which the said
1892 municipality is located.

1893 (7) This section does not cause a neighboring sign that is
1894 already permitted and that is within the spacing requirements
1895 established in s. 479.07(9)(a) to become nonconforming.

1896 Section 40. Section 479.156, Florida Statutes, is amended



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1897 to read:

1898 479.156 Wall murals.—Notwithstanding any other provision of
1899 this chapter, a municipality or county may permit and regulate
1900 wall murals within areas designated by such government. If a
1901 municipality or county permits wall murals, a wall mural that
1902 displays a commercial message and is within 660 feet of the
1903 nearest edge of the right-of-way within an area adjacent to the
1904 interstate highway system or the federal-aid primary highway
1905 system shall be located only in an area that is zoned for
1906 industrial or commercial use pursuant to s. 479.024. ~~and~~ The
1907 municipality or county shall establish and enforce regulations
1908 for such areas which that, at a minimum, set forth criteria
1909 governing the size, lighting, and spacing of wall murals
1910 consistent with the intent of 23 U.S.C. s. 131 ~~the Highway~~
1911 ~~Beautification Act of 1965~~ and with customary use. If ~~Whenever~~ a
1912 municipality or county exercises such control and makes a
1913 determination of customary use pursuant to 23 U.S.C. s. 131(d),
1914 such determination shall be accepted in lieu of controls in the
1915 agreement between the state and the United States Department of
1916 Transportation, and the department shall notify the Federal
1917 Highway Administration pursuant to the agreement, 23 U.S.C. s.
1918 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is
1919 subject to municipal or county regulation and 23 U.S.C. s. 131
1920 ~~the Highway Beautification Act of 1965~~ must be approved by the
1921 Department of Transportation and the Federal Highway
1922 Administration when required by federal law and federal
1923 regulation under the agreement between the state and the United
1924 States Department of Transportation and federal regulations
1925 enforced by the Department of Transportation under s. 479.02(1).



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1926 The existence of a wall mural as defined in s. 479.01 must ~~s.~~
1927 ~~479.01(30)~~ shall not be considered in determining whether a sign
1928 as defined in s. 479.01(20), ~~either~~ existing or new, is in
1929 compliance with s. 479.07(9)(a).

1930 Section 41. Section 479.16, Florida Statutes, is amended to
1931 read:

1932 479.16 Signs for which permits are not required.—The
1933 following signs are exempt from the requirement that a permit
1934 for a sign be obtained under ~~the provisions of~~ this chapter but
1935 are required to comply with ~~the provisions of~~ s. 479.11(4)-(8),
1936 and the provisions of subsections (15)-(19) may not be
1937 implemented or continued if the Federal Government notifies the
1938 department that implementation or continuation will adversely
1939 affect the allocation of federal funds to the department:

1940 (1) Signs erected on the premises of an establishment,
1941 which ~~signs~~ consist primarily of the name of the establishment
1942 or ~~which~~ identify the principal or accessory merchandise,
1943 services, activities, or entertainment sold, produced,
1944 manufactured, or furnished on the premises of the establishment
1945 and which comply with the lighting restrictions imposed under
1946 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned
1947 by a municipality or a county located on the premises of such
1948 municipality or ~~such~~ county which display information regarding
1949 governmental government services, activities, events, or
1950 entertainment. For purposes of this section, the following types
1951 of messages are ~~shall not be~~ considered information regarding
1952 governmental government services, activities, events, or
1953 entertainment:

1954 (a) Messages that ~~which~~ specifically reference any



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1955 commercial enterprise.

1956 (b) Messages that ~~which~~ reference a commercial sponsor of
1957 any event.

1958 (c) Personal messages.

1959 (d) Political campaign messages.

1960

1961 If a sign located on the premises of an establishment consists
1962 principally of brand name or trade name advertising and the
1963 merchandise or service is only incidental to the principal
1964 activity, or if the owner of the establishment receives rental
1965 income from the sign, ~~then~~ the sign is not exempt under this
1966 subsection.

1967 (2) Signs erected, used, or maintained on a farm by the
1968 owner or lessee of such farm and relating solely to farm
1969 produce, merchandise, service, or entertainment sold, produced,
1970 manufactured, or furnished on such farm.

1971 (3) Signs posted or displayed on real property by the owner
1972 or by the authority of the owner, stating that the real property
1973 is for sale or rent. However, if the sign contains any message
1974 not pertaining to the sale or rental of the ~~that~~ real property,
1975 ~~then~~ it is not exempt under this section.

1976 (4) Official notices or advertisements posted or displayed
1977 on private property by or under the direction of any public or
1978 court officer in the performance of her or his official or
1979 directed duties, or by trustees under deeds of trust or deeds of
1980 assignment or other similar instruments.

1981 (5) Danger or precautionary signs relating to the premises
1982 on which they are located; forest fire warning signs erected
1983 under the authority of the Florida Forest Service of the



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1984 Department of Agriculture and Consumer Services; and signs,
1985 notices, or symbols erected by the United States Government
1986 under the direction of the United States Forest Forestry
1987 Service.

1988 (6) Notices of any railroad, bridge, ferry, or other
1989 transportation or transmission company necessary for the
1990 direction or safety of the public.

1991 (7) Signs, notices, or symbols for the information of
1992 aviators as to location, directions, and landings and conditions
1993 affecting safety in aviation erected or authorized by the
1994 department.

1995 (8) Signs or notices measuring up to 8 square feet which
1996 are erected or maintained upon property and which state stating
1997 only the name of the owner, lessee, or occupant of the premises
1998 and not exceeding 8 square feet in area.

1999 (9) Historical markers erected by ~~duly constituted and~~
2000 authorized public authorities.

2001 (10) Official traffic control signs and markers erected,
2002 caused to be erected, or approved by the department.

2003 (11) Signs erected upon property warning the public against
2004 hunting and fishing or trespassing ~~thereon~~.

2005 (12) Signs ~~not in excess~~ of up to 8 square feet which that
2006 are owned by and relate to the facilities and activities of
2007 churches, civic organizations, fraternal organizations,
2008 charitable organizations, or units or agencies of government.

2009 (13) ~~Except that~~ Signs placed on benches, transit shelters,
2010 modular news racks, streetlight poles, public pay telephones,
2011 and waste receptacles, within the right-of-way, as provided for
2012 in s. 337.408 are exempt from ~~all provisions of~~ this chapter.



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2013 (14) Signs relating exclusively to political campaigns.
2014 (15) Signs measuring up to ~~not in excess of~~ 16 square feet
2015 placed at a road junction with the State Highway System denoting
2016 only the distance or direction of a residence or farm operation,
2017 or, outside an incorporated ~~in a rural~~ area where a hardship is
2018 created because a small business is not visible from the road
2019 junction with the State Highway System, one sign measuring up to
2020 ~~not in excess of~~ 16 square feet, denoting only the name of the
2021 business and the distance and direction to the business. ~~The~~
2022 ~~small business sign provision of this subsection does not apply~~
2023 ~~to charter counties and may not be implemented if the Federal~~
2024 ~~Government notifies the department that implementation will~~
2025 ~~adversely affect the allocation of federal funds to the~~
2026 ~~department.~~
2027 (16) Signs placed by a local tourist-oriented business
2028 located within a rural area of critical economic concern as
2029 defined in s. 288.0656(2) which are:
2030 (a) Not more than 8 square feet in size or more than 4 feet
2031 in height;
2032 (b) Located only in rural areas on a facility that does not
2033 meet the definition of a limited access facility, as defined in
2034 s. 334.03;
2035 (c) Located within 2 miles of the business location and at
2036 least 500 feet apart;
2037 (d) Located only in two directions leading to the business;
2038 and
2039 (e) Not located within the road right-of-way.
2040
2041 A business placing such signs must be at least 4 miles from any



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2042 other business using this exemption and may not participate in
2043 any other directional signage program by the department.

2044 (17) Signs measuring up to 32 square feet denoting only the
2045 distance or direction of a farm operation which are erected at a
2046 road junction with the State Highway System, but only during the
2047 harvest season of the farm operation for up to 4 months.

2048 (18) Acknowledgment signs erected upon publicly funded
2049 school premises which relate to a specific public school club,
2050 team, or event and which are placed at least 1,000 feet from any
2051 other acknowledgment sign on the same side of the roadway. The
2052 sponsor information on an acknowledgment sign may constitute no
2053 more than 100 square feet of the sign. As used in this
2054 subsection, the term "acknowledgment sign" means a sign that is
2055 intended to inform the traveling public that a public school
2056 club, team, or event has been sponsored by a person, firm, or
2057 other entity.

2058 (19) Displays erected upon a sports facility, the content
2059 of which is directly related to the facility's activities or to
2060 the facility's products or services. Displays must be mounted
2061 flush to the surface of the sports facility and must rely upon
2062 the building facade for structural support. As used in this
2063 subsection, the term "sports facility" means an athletic
2064 complex, athletic arena, or athletic stadium, including
2065 physically connected parking facilities, which is open to the
2066 public and has a seating capacity of 15,000 or more permanently
2067 installed seats.

2068
2069 If the exemptions in subsections (15)-(19) are not implemented
2070 or continued due to notification from the Federal Government



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2071 that the allocation of federal funds to the department will be
2072 adversely impacted, the department shall provide notice to the
2073 sign owner that the sign must be removed within 30 days after
2074 receipt of the notice. If the sign is not removed within 30 days
2075 after receipt of the notice by the sign owner, the department
2076 may remove the sign, and the costs incurred in connection with
2077 the sign removal shall be assessed against and collected from
2078 the sign owner.

2079 Section 42. Section 479.24, Florida Statutes, is amended to
2080 read:

2081 479.24 Compensation for ~~removal~~ of signs; eminent domain;
2082 exceptions.-

2083 (1) Just compensation shall be paid by the department upon
2084 the department's acquisition ~~removal~~ of a lawful conforming or
2085 nonconforming sign along any portion of the interstate or
2086 federal-aid primary highway system. This section does not apply
2087 to a sign that ~~which~~ is illegal at the time of its removal. A
2088 sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~
2089 illegal at such time as it fails to be permitted or maintained
2090 in accordance with all applicable laws, rules, ordinances, or
2091 regulations other than the provision that ~~which~~ makes it
2092 nonconforming. A legal nonconforming sign under state law or
2093 rule does ~~will~~ not lose its nonconforming status solely because
2094 it additionally becomes nonconforming under an ordinance or
2095 regulation of a local governmental entity passed at a later
2096 date. The department shall make every reasonable effort to
2097 negotiate the purchase of the signs to avoid litigation and
2098 congestion in the courts.

2099 (2) The department is not required to remove any sign under



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2100 this section if the federal share of the just compensation to be
2101 paid upon removal of the sign is not available to make such
2102 payment, unless an appropriation by the Legislature for such
2103 purpose is made to the department.

2104 (3) (a) The department may ~~is authorized to~~ use the power of
2105 eminent domain when necessary to carry out ~~the provisions of~~
2106 this chapter.

2107 (b) If eminent domain procedures are instituted, just
2108 compensation shall be made pursuant to the state's eminent
2109 domain procedures, chapters 73 and 74.

2110 Section 43. Section 479.25, Florida Statutes, is amended to
2111 read:

2112 479.25 Erection of noise-attenuation barrier blocking view
2113 of sign; procedures; application.-

2114 (1) The owner of a lawfully erected sign that is governed
2115 by and conforms to state and federal requirements for land use,
2116 size, height, and spacing may increase the height above ground
2117 level of such sign at its permitted location if a noise-
2118 attenuation barrier is permitted by or erected by any
2119 governmental entity in such a way as to screen or block
2120 visibility of the sign. Any increase in height permitted under
2121 this section may only be the increase in height which is
2122 required to achieve the same degree of visibility from the
2123 right-of-way which the sign had before ~~prior to~~ the construction
2124 of the noise-attenuation barrier, notwithstanding the
2125 restrictions contained in s. 479.07(9)(b). A sign reconstructed
2126 under this section must ~~shall~~ comply with the building standards
2127 and wind load requirements provided ~~set forth~~ in the Florida
2128 Building Code. If construction of a proposed noise-attenuation



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2129 barrier will screen a sign lawfully permitted under this
2130 chapter, the department shall provide notice to the local
2131 government or local jurisdiction within which the sign is
2132 located before construction ~~prior to erection of the noise-~~
2133 ~~attenuation barrier~~. Upon a determination that an increase in
2134 the height of a sign as permitted under this section will
2135 violate ~~a provision contained in~~ an ordinance or a land
2136 development regulation of the local government or local
2137 jurisdiction, the local government or local jurisdiction shall,
2138 before construction ~~so notify the department~~. ~~When notice has~~
2139 ~~been received from the local government or local jurisdiction~~
2140 ~~prior to erection of the noise-attenuation barrier, the~~
2141 ~~department shall:~~

2142 (a) Provide a variance or waiver to the local ordinance or
2143 land development regulations to ~~Conduct a written survey of all~~
2144 ~~property owners identified as impacted by highway noise and who~~
2145 ~~may benefit from the proposed noise-attenuation barrier. The~~
2146 ~~written survey shall inform the property owners of the location,~~
2147 ~~date, and time of the public hearing described in paragraph (b)~~
2148 ~~and shall specifically advise the impacted property owners that:~~

2149 1. ~~Erection of the noise-attenuation barrier may block the~~
2150 ~~visibility of an existing outdoor advertising sign;~~

2151 2. ~~The local government or local jurisdiction may restrict~~
2152 ~~or prohibit increasing the height of the existing outdoor~~
2153 ~~advertising sign to make it visible over the barrier; and~~

2154 3. ~~If a majority of the impacted property owners vote for~~
2155 ~~construction of the noise-attenuation barrier, the local~~
2156 ~~government or local jurisdiction will be required to:~~

2157 a. ~~allow an increase in the height of the sign in violation~~



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2158 ~~of a local ordinance or land development regulation;~~
2159 (b)1. Allow the sign to be relocated or reconstructed at
2160 another location if the sign owner agrees; or
2161 (c)1. Pay the fair market value of the sign and its
2162 associated interest in the real property.
2163 (2)1. The department shall hold a public hearing within
2164 the boundaries of the affected local governments or local
2165 jurisdictions to receive input on the proposed noise-attenuation
2166 barrier and its conflict with the local ordinance or land
2167 development regulation and to suggest or consider alternatives
2168 or modifications ~~to the proposed noise-attenuation barrier~~ to
2169 alleviate or minimize the conflict with the local ordinance or
2170 land development regulation or minimize any costs that may be
2171 associated with relocating, reconstructing, or paying for the
2172 affected sign. The public hearing may be held concurrently with
2173 other public hearings scheduled for the project. The department
2174 shall provide a written notification to the local government or
2175 local jurisdiction of the date and time of the public hearing
2176 and shall provide general notice of the public hearing in
2177 accordance with the notice provisions of s. 335.02(1). The
2178 notice may ~~shall~~ not be placed in that portion of a newspaper in
2179 which legal notices or classified advertisements appear. The
2180 notice must ~~shall~~ specifically state that:
2181 (a)1. Erection of the proposed noise-attenuation barrier
2182 may block the visibility of an existing outdoor advertising
2183 sign;
2184 (b)2. The local government or local jurisdiction may
2185 restrict or prohibit increasing the height of the existing
2186 outdoor advertising sign ~~to make it visible over the barrier;~~



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2187 and

2188 ~~(c)3. Upon If a majority of the impacted property owners~~
2189 ~~vote for~~ construction of the noise-attenuation barrier, the
2190 local government or local jurisdiction shall ~~will be required~~
2191 ~~to:~~

2192 ~~1.a.~~ Allow an increase in the height of the sign through a
2193 waiver or variance to in violation of a local ordinance or land
2194 development regulation;

2195 ~~2.b.~~ Allow the sign to be relocated or reconstructed at
2196 another location if the sign owner agrees; or

2197 ~~3.e.~~ Pay the fair market value of the sign and its
2198 associated interest in the real property.

2199 ~~(3)(2)~~ The department may ~~shall~~ not permit erection of the
2200 noise-attenuation barrier to the extent the barrier screens or
2201 blocks visibility of the sign until after the public hearing is
2202 held ~~and until such time as the survey has been conducted and a~~
2203 ~~majority of the impacted property owners have indicated approval~~
2204 ~~to erect the noise-attenuation barrier. When the impacted~~
2205 ~~property owners approve of the noise-attenuation barrier~~
2206 ~~construction, the department shall notify the local governments~~
2207 ~~or local jurisdictions. The local government or local~~
2208 ~~jurisdiction shall, notwithstanding the provisions of a~~
2209 ~~conflicting ordinance or land development regulation:~~

2210 ~~(a) Issue a permit by variance or otherwise for the~~
2211 ~~reconstruction of a sign under this section;~~

2212 ~~(b) Allow the relocation of a sign, or construction of~~
2213 ~~another sign, at an alternative location that is permissible~~
2214 ~~under the provisions of this chapter, if the sign owner agrees~~
2215 ~~to relocate the sign or construct another sign; or~~



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2216 ~~(c) Refuse to issue the required permits for reconstruction~~
2217 ~~of a sign under this section and pay fair market value of the~~
2218 ~~sign and its associated interest in the real property to the~~
2219 ~~owner of the sign.~~

2220 (4) ~~(3)~~ This section does ~~shall~~ not apply to ~~the provisions~~
2221 ~~of~~ any existing written agreement executed before July 1, 2006,
2222 between any local government and the owner of an outdoor
2223 advertising sign.

2224 Section 44. Subsection (1) of section 479.261, Florida
2225 Statutes, is amended to read:

2226 479.261 Logo sign program.—

2227 (1) The department shall establish a logo sign program for
2228 the rights-of-way of the limited access ~~interstate~~ highway
2229 system to provide information to motorists about available gas,
2230 food, lodging, camping, attractions, and other services, as
2231 approved by the Federal Highway Administration, at interchanges
2232 through the use of business logos and may include additional
2233 interchanges under the program.

2234 (a) As used in this chapter, the term "attraction" means an
2235 establishment, site, facility, or landmark that is open a
2236 minimum of 5 days a week for 52 weeks a year; that has as its
2237 principal focus family-oriented entertainment, cultural,
2238 educational, recreational, scientific, or historical activities;
2239 and that is publicly recognized as a bona fide tourist
2240 attraction.

2241 (b) The department shall incorporate the use of RV-friendly
2242 markers on specific information logo signs for establishments
2243 that cater to the needs of persons driving recreational
2244 vehicles. Establishments that qualify for participation in the



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2245 specific information logo program and that also qualify as "RV-
2246 friendly" may request the RV-friendly marker on their specific
2247 information logo sign. An RV-friendly marker must consist of a
2248 design approved by the Federal Highway Administration. The
2249 department shall adopt rules ~~in accordance with chapter 120~~ to
2250 administer this paragraph. Such rules must establish minimum
2251 requirements for parking spaces, entrances and exits, and
2252 overhead clearance which must be met by, ~~including rules setting~~
2253 ~~forth the minimum requirements that~~ establishments that wish
2254 ~~must meet in order to~~ qualify as RV-friendly. ~~These requirements~~
2255 ~~shall include large parking spaces, entrances, and exits that~~
2256 ~~can easily accommodate recreational vehicles and facilities~~
2257 ~~having appropriate overhead clearances, if applicable.~~

2258 Section 45. Subsection (1) of section 479.262, Florida
2259 Statutes, is amended to read:

2260 479.262 Tourist-oriented directional sign program.—

2261 (1) A tourist-oriented directional sign program to provide
2262 directions to rural tourist-oriented businesses, services, and
2263 activities may be established at intersections on rural and
2264 conventional state, county, or municipal roads only ~~in rural~~
2265 ~~counties identified by criteria and population in s. 288.0656~~
2266 when approved and permitted by county or local governmental
2267 ~~government~~ entities within their respective jurisdictional areas
2268 ~~at intersections on rural and conventional state, county, or~~
2269 ~~municipal roads.~~ A county or local government that ~~which~~ issues
2270 permits for a tourist-oriented directional sign program is ~~shall~~
2271 ~~be~~ responsible for sign construction, maintenance, and program
2272 operation in compliance with subsection (3) for roads on the
2273 state highway system and may establish permit fees sufficient to



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2274 offset associated costs. A tourist-oriented directional sign may
2275 not be used on roads in urban areas or at interchanges on
2276 freeways or expressways.

2277 Section 46. Section 479.313, Florida Statutes, is amended
2278 to read:

2279 479.313 Permit revocation and cancellation; cost of
2280 removal.—All costs incurred by the department in connection with
2281 the removal of a sign located within a controlled area adjacent
2282 to the State Highway System, interstate highway system, or
2283 federal-aid primary highway system following the revocation or
2284 cancellation of the permit for such sign shall be assessed
2285 against and collected from the permittee.

2286 Section 47. Section 76 of chapter 2012-174, Laws of
2287 Florida, is repealed.

2288 Section 48. There is established a pilot program for the
2289 School District of Palm Beach County to recognize its business
2290 partners. The school district may recognize its business
2291 partners by publicly displaying the names of the business
2292 partners on school district property in the unincorporated areas
2293 of the county. Recognitions of project graduation and athletic
2294 sponsorships are examples of appropriate recognitions. The
2295 school district shall make every effort to display the names of
2296 its business partners in a manner that is consistent with the
2297 county standards for uniformity in size, color, and placement of
2298 the signs. If the provisions of this section are inconsistent
2299 with county ordinances or regulations relating to signs in the
2300 unincorporated areas of the county or inconsistent with chapter
2301 125, Florida Statutes, or chapter 166, Florida Statutes, the
2302 provisions of this section shall prevail. If the Federal Highway



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2303 Administration determines that the Department of Transportation
2304 is not providing effective control of outdoor advertising as a
2305 result of a business partner recognition by the school district
2306 under this program, the department shall notify the school
2307 district by certified mail of any nonconforming recognition, and
2308 the school district shall remove the recognition specified in
2309 the notice within 30 days after receiving the notification. The
2310 pilot program expires June 30, 2015.

2311 Section 49. (1) The Florida Transportation Commission shall
2312 conduct a study of the potential for the state to obtain revenue
2313 from any parking meters or other parking time-limit devices that
2314 regulate designated parking spaces located within or along the
2315 right-of-way limits of a state road. The commission may retain
2316 such experts as are reasonably necessary to complete the study,
2317 and the department shall pay the expenses of such experts. On or
2318 before August 31, 2014, each municipality and county that
2319 receives revenue from any parking meters or other parking time-
2320 limit devices that regulate designated parking spaces located
2321 within or along the right-of-way limits of a state road shall
2322 provide the commission a written inventory of the location of
2323 each such meter or device and the total revenue collected from
2324 such locations during the last 3 fiscal years. Each municipality
2325 and county shall at the same time inform the commission of any
2326 pledge or commitment by the municipality or county of such
2327 revenues to the payment of debt service on any bonds or other
2328 debt issued by the municipality or county. The commission shall
2329 consider the information provided by the municipalities and
2330 counties, together with such other matters as it deems
2331 appropriate, and shall develop policy recommendations regarding



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2332 the manner and extent that revenues generated by regulating
2333 parking within the right-of-way limits of a state road may be
2334 allocated between the department and municipalities and
2335 counties. The commission shall develop specific recommendations
2336 concerning the allocation of revenues generated by meters or
2337 devices regulating such parking that were installed before July
2338 1, 2014, and the allocation of revenues that may be generated by
2339 meters or devices installed thereafter. The commission shall
2340 complete the study and provide a written report of its findings
2341 and conclusions to the Governor, the President of the Senate,
2342 the Speaker of the House of Representatives, and the chairs of
2343 each of the appropriations committees of the Legislature by
2344 October 31, 2014.

2345 (2) If, by August 31, 2014, a municipality or county does
2346 not provide the information requested by the commission, the
2347 department is authorized to remove the parking meters or parking
2348 time-limit devices that regulate designated parking spaces
2349 located within or along the right-of-way limits of a state road,
2350 and all costs incurred in connection with the removal shall be
2351 assessed against and collected from the municipality or county.

2352 (3) The Legislature finds that preservation of the status
2353 quo pending the commission's study and the Legislature's review
2354 of the commission's report is appropriate and desirable. From
2355 July 1, 2014, through July 1, 2015, no county or municipality
2356 shall install any parking meters or other parking time-limit
2357 devices that regulate designated parking spaces located within
2358 or along the right-of-way limits of a state road. This
2359 subsection does not prohibit the replacement of meters or
2360 similar devices installed before July 1, 2014, with new devices



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2361 that regulate the same designated parking spaces.

2362 (4) This section shall take effect upon this act becoming a
2363 law.

2364 Section 50. Section 2 of chapter 85-364, Laws of Florida,
2365 as amended by section 2 of chapter 95-382, Laws of Florida, is
2366 amended to read:

2367 Section 2. All tolls collected shall ~~first~~ be used first
2368 for the payment of annual operating and maintenance costs and
2369 second to discharge the current bond indebtedness related to the
2370 Pinellas Bayway. Thereafter, tolls collected shall be used to
2371 establish a reserve construction account to be used, together
2372 with interest earned thereon, by the department ~~for the~~
2373 ~~construction of Blind Pass Road, State Road 699 improvements,~~
2374 ~~and for Phase II of the Pinellas Bayway improvements. A portion~~
2375 ~~of the tolls collected shall first be used specifically for the~~
2376 ~~construction of the Blind Pass Road improvements, which~~
2377 ~~improvements consist of widening to four lanes the Blind Pass~~
2378 ~~Road, State Road 699, from 75th Avenue north to the approach of~~
2379 ~~the Blind Pass Bridge, including necessary right-of-way~~
2380 ~~acquisition along said portion of Blind Pass Road, and~~
2381 ~~intersection improvements at 75th Avenue and Blind Pass Road in~~
2382 ~~Pinellas County. Said improvements shall be included in the~~
2383 ~~department's current 5-year work program. Upon completion of the~~
2384 ~~Blind Pass Road improvements, the tolls collected shall be used,~~
2385 ~~together with interest earned thereon, by the department for~~
2386 Phase II of the Pinellas Bayway improvements consists, ~~which~~
2387 ~~improvements consist of widening to four lanes the Pinellas~~
2388 Bayway from State Road 679 west to Gulf Boulevard, including
2389 necessary approaches, bridges, and avenues of access. Upon



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2390 completion of the Phase II improvements, the department shall
2391 continue to collect tolls on the Pinellas Bayway for purposes of
2392 reimbursing the department for all accrued maintenance costs for
2393 the Pinellas Bayway.

2394

2395 ===== T I T L E A M E N D M E N T =====

2396 And the title is amended as follows:

2397 Delete line 63

2398 and insert:

2399 F.S., relating to outdoor advertising; amending s.
2400 11.45, F.S., deleting a provision authorizing the
2401 Auditor General to conduct audits of transportation
2402 corporations authorized under the Florida
2403 Transportation Corporation Act; amending s. 20.23,
2404 F.S.; requiring the Florida Transportation Commission
2405 to monitor the Mid-Bay Bridge Authority; repealing the
2406 Florida Statewide Passenger Rail Commission; amending
2407 s. 110.205, F.S.; conforming cross-references;
2408 amending s. 335.06, F.S.; authorizing the Department
2409 of Transportation to improve and maintain roads that
2410 provide access to property within the state park
2411 system if they are part of a county road system or
2412 city street system; requiring that the appropriate
2413 county or municipality maintain such a road if the
2414 department does not maintain it; amending s. 335.065,
2415 F.S.; authorizing the department to enter into certain
2416 concession agreements; providing for use of agreement
2417 revenues; providing that the agreements are subject to
2418 applicable federal laws; amending s. 337.11, F.S.;



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2419 removing the requirement that a contractor provide a
2420 notarized affidavit as proof of motor vehicle
2421 registration; amending s. 337.14, F.S.; providing an
2422 exception to a provision that prohibits certain
2423 contractors and affiliates from qualifying to provide
2424 certain services to the department; amending s.
2425 337.168, F.S.; providing that a document that reveals
2426 the identity of a person who has requested or received
2427 certain information before a certain time is a public
2428 record; amending s. 337.25, F.S.; authorizing the
2429 department to use auction services in the conveyance
2430 of certain property or leasehold interests; revising
2431 certain inventory requirements; revising provisions
2432 relating to, and providing criteria for, the
2433 disposition of certain excess property by the
2434 department; providing criteria for the disposition of
2435 donated property, property used for a public purpose,
2436 or property acquired to provide replacement housing
2437 for certain displaced persons; providing value offsets
2438 for property that requires significant maintenance
2439 costs or exposes the department to significant
2440 liability; providing procedures for the sale of
2441 property to abutting property owners; deleting
2442 provisions to conform to changes made by the act;
2443 providing monetary restrictions and criteria for the
2444 conveyance of certain leasehold interests; providing
2445 exceptions to restrictions for leases entered into for
2446 a public purpose; providing criteria for the
2447 preparation of estimates of value prepared by the



2448 department; providing that the requirements of s.
2449 73.013, F.S., relating to eminent domain, are not
2450 modified; amending s. 337.251, F.S.; revising criteria
2451 for leasing certain department property; increasing
2452 the time for the department to accept proposals for
2453 lease after a notice is published; directing the
2454 department to establish an application fee by rule;
2455 providing criteria for the fee; providing criteria for
2456 a proposed lease; requiring the department to provide
2457 an independent analysis of a proposed lease; creating
2458 s. 339.041, F.S.; providing legislative intent;
2459 describing the types of department property eligible
2460 for factoring future revenues received by the
2461 department from leases for communication facilities on
2462 department property; authorizing the department to
2463 enter into agreements with investors to purchase the
2464 revenue streams from department leases of wireless
2465 communication facilities on such property pursuant to
2466 an invitation to negotiate; prohibiting the department
2467 from pledging state credit; allowing the department to
2468 make certain covenants; providing for the
2469 appropriation and payment of moneys received from such
2470 agreements to investors; requiring the proceeds from
2471 such leases to be used for capital expenditures;
2472 amending s. 339.175, F.S.; increasing the maximum
2473 number of apportioned members that may compose the
2474 voting membership of a metropolitan planning
2475 organization (M.P.O.); providing that the governing
2476 board of a multicounty M.P.O. may be made up of any



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2477 combination of county commissioners from the counties
2478 constituting the M.P.O; providing that a voting member
2479 of an M.P.O may represent a group of general-purpose
2480 local governments through an entity created by the
2481 M.P.O.; requiring each M.P.O. to review and
2482 reapportion its membership as necessary in conjunction
2483 with the decennial census, the agreement of the
2484 affected units of the M.P.O., and the agreement of the
2485 Governor; removing provisions requiring the Governor
2486 to apportion, review, and reapportion the composition
2487 of an M.P.O. membership; revising a provision
2488 regarding the duties of the Metropolitan Planning
2489 Organization Advisory Council to establish bylaws;
2490 amending s. 339.2821, F.S.; authorizing Enterprise
2491 Florida, Inc., to be a consultant to the Department of
2492 Transportation for consideration of expenditures
2493 associated with and contracts for transportation
2494 projects; revising the requirements for economic
2495 development transportation project contracts between
2496 the Department of Transportation and a governmental
2497 entity; repealing s. 339.401, F.S., relating to the
2498 short title; repealing s. 339.421, F.S., relating to
2499 the issuance of debt by a transportation corporation;
2500 amending s. 373.618, F.S.; providing that a public
2501 information system is subject to the requirements of
2502 the Highway Beautification Act of 1965 and all federal
2503 laws and agreements when applicable; deleting an
2504 exemption; amending s. 479.01, F.S., relating to
2505 outdoor advertising signs; revising and deleting



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2506 definitions; amending s. 479.02, F.S.; revising duties
2507 of the Department of Transportation relating to signs;
2508 deleting a requirement that the department adopt
2509 certain rules; creating s. 479.024, F.S.; limiting the
2510 placement of signs to commercial or industrial zones;
2511 defining the terms "parcel" and "utilities"; requiring
2512 a local government to use specified criteria to
2513 determine zoning for commercial or industrial parcels;
2514 providing that certain parcels are considered unzoned
2515 commercial or industrial areas; authorizing a permit
2516 for a sign in an unzoned commercial or industrial area
2517 in certain circumstances; prohibiting specified uses
2518 and activities from being independently recognized as
2519 commercial or industrial; requiring the department to
2520 notify an applicant of the department's determination
2521 to deny a sign permit; providing an appeal process for
2522 an applicant whose permit is denied; requiring an
2523 applicant whose application is denied to remove an
2524 existing sign pertaining to the application; providing
2525 that the applicant is responsible for all sign removal
2526 costs in certain circumstances; requiring the
2527 department to reduce certain transportation funding in
2528 certain circumstances; amending s. 479.03, F.S.;
2529 revising the conditions under which the department may
2530 enter intervening privately owned lands to remove an
2531 illegal sign; amending s. 479.04, F.S.; providing that
2532 an outdoor advertising license is not required solely
2533 to erect or construct outdoor signs or structures;
2534 amending s. 479.05, F.S.; authorizing the department



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2535 to suspend a license for certain offenses and
2536 specifying activities that the licensee may engage in
2537 during the suspension; prohibiting the department from
2538 granting a transfer of an existing permit or issuing
2539 an additional permit during the suspension; amending
2540 s. 479.07, F.S.; revising requirements for obtaining
2541 sign permits; conforming and clarifying provisions;
2542 revising permit tag placement requirements for signs;
2543 deleting a provision that allows a permittee to
2544 provide its own replacement tag; increasing the permit
2545 transfer fee for any multiple transfers between two
2546 outdoor advertisers in a single transaction; revising
2547 the permit reinstatement fee; revising requirements
2548 for permitting certain signs visible to more than one
2549 highway; deleting provisions limiting a pilot program
2550 to specified locations; deleting redundant provisions
2551 relating to certain new or replacement signs; deleting
2552 provisions requiring maintenance of statistics on the
2553 pilot program; amending s. 479.08, F.S.; revising
2554 provisions relating to the denial or revocation of a
2555 permit because of false or misleading information in
2556 the permit application; amending s. 479.10, F.S.;
2557 authorizing the cancellation of a permit; amending s.
2558 479.105, F.S.; revising notice requirements to owners
2559 and advertisers relating to signs erected or
2560 maintained without a permit; revising procedures for
2561 the department to issue a permit as a conforming or
2562 nonconforming sign to the owner of an unpermitted
2563 sign; revising penalties; amending s. 479.106, F.S.;



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2564 revising provisions relating to the removal, cutting,
2565 or trimming of trees or vegetation to increase sign
2566 face visibility; providing that a specified penalty is
2567 applied per sign facing; amending s. 479.107, F.S.;
2568 deleting a fine for specified violations; amending s.
2569 479.111, F.S.; clarifying a reference to a certain
2570 agreement; amending s. 479.15, F.S.; deleting a
2571 definition; revising provisions relating to relocation
2572 of certain signs on property subject to public
2573 acquisition; amending s. 479.156, F.S.; clarifying
2574 provisions relating to the regulation of wall murals;
2575 amending s. 479.16, F.S.; revising the exemptions of
2576 certain signs from the permit requirement under ch.
2577 479, F.S.; exempting from permitting certain signs
2578 placed by tourist-oriented businesses, certain farm
2579 signs placed during harvest seasons, certain
2580 acknowledgment signs on publicly funded school
2581 premises, and certain displays on specific sports
2582 facilities; prohibiting certain permit exemptions from
2583 being implemented or continued if the implementations
2584 or continuations will adversely impact the allocation
2585 of federal funds to the Department of Transportation;
2586 directing the department to notify a sign owner that
2587 the sign must be removed if federal funds are
2588 adversely impacted; authorizing the department to
2589 remove the sign and assess costs against the sign
2590 owner under certain circumstances; amending s. 479.24,
2591 F.S.; clarifying provisions relating to compensation
2592 paid for the department's acquisition of lawful signs;



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2593 amending s. 479.25, F.S.; revising provisions relating
2594 to local government action with respect to erection of
2595 noise-attenuation barriers that block views of
2596 lawfully erected signs; deleting provisions to conform
2597 to changes made by the act; amending s. 479.261, F.S.;
2598 expanding the logo sign program to the limited access
2599 highway system; conforming provisions related to a
2600 logo sign program on the limited access highway
2601 system; amending s. 479.262, F.S.; clarifying
2602 provisions relating to the tourist-oriented
2603 directional sign program; limiting the placement of
2604 such signs to intersections on certain roads;
2605 prohibiting such signs in urban areas or at
2606 interchanges on freeways or expressways; amending s.
2607 479.313, F.S.; requiring a permittee to pay the cost
2608 of removing certain signs following the cancellation
2609 of the permit for the sign; repealing s. 76 of chapter
2610 2012-174, Laws of Florida, relating to authorizing the
2611 department to seek Federal Highway Administration
2612 approval of a tourist-oriented commerce sign pilot
2613 program and directing the department to submit the
2614 approved pilot program for legislative approval;
2615 establishing a pilot program for the School District
2616 of Palm Beach County to recognize its business
2617 partners; providing for expiration of the program;
2618 requiring the Florida Transportation Commission to
2619 study the potential for state revenue from parking
2620 meters and other parking time-limit devices;
2621 authorizing to commission to retain experts; requiring



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2622 the department to pay for the experts; requiring
2623 certain information from municipalities and counties;
2624 requiring certain information to be considered in the
2625 study; requiring a written report; providing for the
2626 removal of parking meters and parking time-limit
2627 devices under certain circumstance; providing for
2628 municipalities and counties to pay the cost of
2629 removal; providing for a moratorium on new parking
2630 meters of other parking time-limit devices on the
2631 state right-of-way; providing an exception; amending
2632 chapter 85-364, Laws of Florida, as amended; providing
2633 that maintenance costs are eligible for payment from
2634 certain toll revenues as specified; removing
2635 references to certain completed projects; providing an