

By Senator Grimsley

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

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30 providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

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

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

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

50 (a) If the relocation of utility facilities, as referred to  
51 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
52 84-627 ~~627 of the 84th Congress~~, is necessitated by the  
53 construction of a project on the federal-aid interstate system,  
54 including extensions thereof within urban areas, and the cost of  
55 the project is eligible and approved for reimbursement by the  
56 Federal Government to the extent of 90 percent or more under the  
57 Federal Aid Highway Act, or any amendment thereof, then in that  
58 event the utility owning or operating such facilities shall

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59 perform any necessary work upon notice from the department, and  
60 the state shall pay the entire expense properly attributable to  
61 such work after deducting therefrom any increase in the value of  
62 a new facility and any salvage value derived from an old  
63 facility.

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

76 (c) When an agreement between the department and utility is  
77 executed for utility work to be accomplished in advance of a  
78 contract for construction of a transportation facility, the  
79 department may participate in the cost of clearing and grubbing  
80 necessary to perform such work.

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

87 (e) If, under an agreement between a utility and the

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

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

103 (g) An authority may bear the costs of utility work  
104 required to eliminate an unreasonable interference when the  
105 utility is not able to establish that it has a compensable  
106 property right in the particular property where the utility is  
107 located if:

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

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

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

116 (h) If a municipally owned utility or county-owned utility

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

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

126 479.16 Signs for which permits are not required.—Signs  
127 placed on benches, transit shelters, modular news racks, street  
128 light poles, public pay telephones, and waste receptacles within  
129 the right-of-way, as provided under s. 337.408, are exempt from  
130 this chapter. The following signs are exempt from the  
131 requirement that a permit ~~for a sign~~ be obtained under the  
132 ~~provisions of~~ this chapter but must ~~are required to~~ comply with  
133 ~~the provisions of~~ s. 479.11(4)-(8):

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

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146 activities, events, or entertainment:

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

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

151 (c) Personal messages.

152 (d) Political campaign messages.

153

154 If a sign located on the premises of an establishment consists  
155 principally of brand name or trade name advertising and the  
156 merchandise or service is only incidental to the principal  
157 activity, or if the owner of the establishment receives rental  
158 income from the sign, ~~then~~ the sign is not exempt under this  
159 subsection.

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

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

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

174 (5) Danger or precautionary signs relating to the premises

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

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

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

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

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

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

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

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

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

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

205 ~~(14)(15)~~ Signs measuring up to ~~not in excess of~~ 16 square  
206 feet placed at a road junction with the State Highway System  
207 denoting only the distance or direction of a residence or farm  
208 operation, or, outside an incorporated ~~in a rural~~ area where a  
209 hardship is created because a small business is not visible from  
210 the road junction with the State Highway System, one sign  
211 measuring up to ~~not in excess of~~ 16 square feet, denoting only  
212 the name of the business and the distance and direction to the  
213 business. ~~The small-business-sign provision of this subsection~~  
214 ~~does not apply to charter counties and may not be implemented if~~  
215 ~~the Federal Government notifies the department that~~  
216 ~~implementation will adversely affect the allocation of federal~~  
217 ~~funds to the department.~~

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

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

223 (b) Located only in rural areas, along non-limited access  
224 facilities, as defined by department rule;

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

227 (d) Located only in two directions leading to the business;  
228 and

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

230

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



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233 any other directional signage program by the department.

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

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

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

259  
260 The exemptions in subsections (14)-(18) may not be implemented  
261 or continued if the Federal Government notifies the department

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

273 Section 3. Section 479.262, Florida Statutes, is amended to  
274 read:

275 479.262 Tourist-oriented directional sign program.—

276 (1) A tourist-oriented directional sign program to provide  
277 directions to rural tourist-oriented businesses, services, and  
278 activities may be established for intersections on rural and  
279 conventional state, county, or municipal roads only in rural  
280 counties identified by criteria and population in s. 288.0656  
281 when approved and permitted by county or local government  
282 entities within their respective jurisdictional areas at  
283 intersections on rural and conventional state, county, or  
284 municipal roads. A county or local government that ~~which~~ issues  
285 permits for a tourist-oriented directional sign program is ~~shall~~  
286 be responsible for sign construction, maintenance, and program  
287 operation in compliance with subsection (3) for roads on the  
288 state highway system and may establish permit fees sufficient to  
289 offset associated costs. A tourist-oriented directional sign may  
290 not be used on roads in urban areas or at interchanges on

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291 freeways or expressways.

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

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

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