

By the Committee on Transportation; and Senator Grimsley

596-00650-14

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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:

33
34 Section 1. Subsection (1) of section 337.403, Florida
35 Statutes, is amended to read:

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

38 (1) If a utility that is placed upon, under, over, or 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 on a facility that does not
224 meet the definition of a limited access facility as defined by
225 department rule;

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

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

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

231
232 A business placing such signs must be at least 4 miles from any

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

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

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

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

260
261 The exemptions in subsections (14)-(18) may not be implemented

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

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

276 479.262 Tourist-oriented directional sign program.—

277 (1) A tourist-oriented directional sign program to provide
278 directions to rural tourist-oriented businesses, services, and
279 activities may be established for intersections on rural and
280 conventional state, county, or municipal roads only ~~in rural~~
281 ~~counties identified by criteria and population in s. 288.0656~~
282 when approved and permitted by county or local government
283 entities within their respective jurisdictional areas ~~at~~
284 ~~intersections on rural and conventional state, county, or~~
285 ~~municipal roads~~. A county or local government that ~~which~~ issues
286 permits for a tourist-oriented directional sign program is ~~shall~~
287 ~~be~~ responsible for sign construction, maintenance, and program
288 operation in compliance with subsection (3) for roads on the
289 state highway system and may establish permit fees sufficient to
290 offset associated costs. A tourist-oriented directional sign may

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291 not be used on roads in urban areas or at interchanges on
292 freeways or expressways.

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

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

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