

By Senator Latvala

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1                                   A bill to be entitled  
2           An act relating to transportation; amending provisions  
3           of ch. 479 F.S., relating to outdoor advertising  
4           signs; amending s. 479.01, F.S.; revising and deleting  
5           definitions; amending s. 479.02, F.S.; revising powers  
6           of the Department of Transportation relating to  
7           nonconforming signs; deleting a requirement that the  
8           department adopt certain rules; creating s. 479.024,  
9           F.S.; limiting the placement of signs in commercial or  
10          industrial zones; defining the terms "parcel" and  
11          "utilities"; providing mandatory criteria for local  
12          governments to use in determining zoning for  
13          commercial or industrial parcels; providing that  
14          certain parcels are considered unzoned commercial or  
15          industrial areas; providing that specified uses may  
16          not be independently recognized as commercial or  
17          industrial areas; providing an appeal process for an  
18          applicant whose permit is denied; requiring an  
19          applicant whose application is denied to remove an  
20          existing sign pertaining to the application; requiring  
21          the department to reduce certain transportation  
22          funding in certain circumstances; amending s. 479.03,  
23          F.S.; providing for notice to owners of intervening  
24          privately owned lands before entering upon such lands  
25          to remove an illegal sign; amending s. 479.04, F.S.;  
26          providing that an outdoor advertising license is not  
27          required solely to erect outdoor signs or structures;  
28          amending s. 479.05, F.S.; authorizing the department  
29          to suspend a license for certain offenses and

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30 specifying activities that the licensee may engage in  
31 during the suspension; amending s. 479.07, F.S.;  
32 revising requirements for obtaining sign permits;  
33 conforming and clarifying provisions; increasing the  
34 allowable permit fee and requiring an application fee;  
35 revising sign placement requirements for signs on  
36 certain highways; deleting provisions that establish a  
37 pilot program relating to placement and removing a  
38 permit reinstatement fee; amending s. 479.08, F.S.;  
39 clarifying provisions relating to the denial or  
40 revocation of a permit because of false or misleading  
41 information in the permit application; amending s.  
42 479.10, F.S.; providing for cancellation of a permit;  
43 amending s. 479.105, F.S.; revising notice  
44 requirements to owners and advertisers relating to  
45 signs erected or maintained without a permit; revising  
46 procedures providing for the department to issue a  
47 permit as a conforming or nonconforming sign to the  
48 owner of an unpermitted sign; amending s. 479.106,  
49 F.S.; deleting limits on application fees for permits  
50 to remove vegetation on public rights-of-way;  
51 increasing an administrative penalty for illegally  
52 removing certain vegetation; amending s. 479.107,  
53 F.S.; deleting fines for certain signs on highway  
54 rights-of-way; amending s. 479.111, F.S.; clarifying  
55 provisions relating to signs allowed on certain  
56 highways; amending s. 479.15, F.S.; deleting a  
57 definition; clarifying and conforming provisions  
58 related to permitted signs on property that is the

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59 subject of public acquisition; amending s. 479.156,  
60 F.S.; clarifying provisions related to the regulation  
61 of wall murals; amending s. 479.16, F.S.; providing  
62 that certain provisions relating to the regulation of  
63 signs may not be implemented or continued if such  
64 actions will adversely affect the allocation of  
65 federal funds to the department; exempting from permit  
66 requirements certain signs placed by tourist-oriented  
67 businesses, certain farm signs during harvest season,  
68 acknowledgement signs on publicly funded school  
69 premises, certain displays on specific sports  
70 facilities, and certain signs at welcome centers;  
71 amending s. 479.24, F.S.; clarifying provisions  
72 relating to compensation paid for the department's  
73 acquisition of lawful signs; amending s. 479.25, F.S.;  
74 requiring a local government to grant a variance or  
75 waiver to a local ordinance or regulation to allow the  
76 owner of a lawfully permitted sign to increase the  
77 height of the sign if a noise-attenuation barrier is  
78 permitted by or erected by a governmental entity in a  
79 way that interferes with the visibility of the sign;  
80 deleting provisions to conform; amending s. 479.261,  
81 F.S.; conforming provisions related to a logo sign  
82 program on limited access highways; amending s.  
83 479.313, F.S.; requiring a permittee to pay the cost  
84 of removing certain signs following the cancellation  
85 of the permit for the sign; providing an effective  
86 date.

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

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90 Section 1. Section 479.01, Florida Statutes, is amended to  
91 read:

92 479.01 Definitions.—As used in this chapter, the term:

93 (1) "Allowable uses" means those uses that are authorized  
94 within a zoning category without the requirement to obtain a  
95 variance or waiver. The term includes conditional uses and those  
96 allowed by special exception, but does not include uses that are  
97 accessory, incidental to the allowable uses, or allowed only on  
98 a temporary basis.

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

102 (3) "Business of outdoor advertising" means the business of  
103 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,  
104 or selling outdoor advertising structures, outdoor advertising  
105 signs, or outdoor advertisements.

106 ~~(4) "Commercial or industrial zone" means a parcel of land~~  
107 ~~designated for commercial or industrial uses under both the~~  
108 ~~future land use map of the comprehensive plan and the land use~~  
109 ~~development regulations adopted pursuant to chapter 163. If a~~  
110 ~~parcel is located in an area designated for multiple uses on the~~  
111 ~~future land use map of a comprehensive plan and the zoning~~  
112 ~~category of the land development regulations does not clearly~~  
113 ~~designate that parcel for a specific use, the area will be~~  
114 ~~considered an unzoned commercial or industrial area if it meets~~  
115 ~~the criteria of subsection (26).~~

116 (4) ~~(5)~~ "Commercial use" means activities associated with

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117 the sale, rental, or distribution of products or the performance  
118 of services. The term includes, without limitation, such uses or  
119 activities as retail sales; wholesale sales; rentals of  
120 equipment, goods, or products; offices; restaurants; food  
121 service vendors; sports arenas; theaters; and tourist  
122 attractions.

123 (5)~~(6)~~ "Controlled area" means 660 feet or less from the  
124 nearest edge of the right-of-way of any portion of the State  
125 Highway System, interstate, or federal-aid primary system and  
126 beyond 660 feet of the nearest edge of the right-of-way of any  
127 portion of the State Highway System, interstate, or federal-aid  
128 primary system outside an urban area.

129 (6)~~(7)~~ "Department" means the Department of Transportation.

130 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,  
131 place, affix, attach, create, paint, draw, or in any other way  
132 bring into being or establish; but it does not include any of  
133 the foregoing activities when performed as an incident to the  
134 change of advertising message or customary maintenance or repair  
135 of a sign.

136 (8)~~(9)~~ "Federal-aid primary highway system" means the  
137 federal-aid primary highway system in existence on June 1, 1991,  
138 and any highway that was not a part of such system as of that  
139 date, but that is, or became after June 1, 1991, a part of the  
140 National Highway System, including portions that have been  
141 accepted as part of the National Highway System but are unbuilt  
142 or unopened ~~existing, unbuilt, or unopened system of highways or~~  
143 ~~portions thereof, which shall include the National Highway~~  
144 ~~System, designated as the federal-aid primary highway system by~~  
145 ~~the department.~~

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146        (9)~~(10)~~ "Highway" means any road, street, or other way open  
147 or intended to be opened to the public for travel by motor  
148 vehicles.

149        (10)~~(11)~~ "Industrial use" means activities associated with  
150 the manufacture, assembly, processing, or storage of products or  
151 the performance of services relating thereto. The term includes,  
152 without limitation, such uses or activities as automobile  
153 manufacturing or repair, boat manufacturing or repair, junk  
154 yards, meat packing facilities, citrus processing and packing  
155 facilities, produce processing and packing facilities,  
156 electrical generating plants, water treatment plants, sewage  
157 treatment plants, and solid waste disposal sites.

158        (11)~~(12)~~ "Interstate highway system" means the existing,  
159 unbuilt, or unopened system of highways or portions thereof  
160 designated as the national system of interstate and defense  
161 highways by the department.

162        (12)~~(13)~~ "Main-traveled way" means the traveled way of a  
163 highway on which through traffic is carried. In the case of a  
164 divided highway, the traveled way of each of the separate  
165 roadways for traffic in opposite directions is a main-traveled  
166 way. It does not include such facilities as frontage roads,  
167 turning roadways which specifically include on-ramps or off-  
168 ramps to the interstate highway system, or parking areas.

169        (13)~~(14)~~ "Maintain" means to allow to exist.

170        (14)~~(15)~~ "Motorist services directional signs" means signs  
171 providing directional information about goods and services in  
172 the interest of the traveling public where such signs were  
173 lawfully erected and in existence on or before May 6, 1976, and  
174 continue to provide directional information to goods and

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175 services in a defined area.

176 ~~(16) "New highway" means the construction of any road,~~  
177 ~~paved or unpaved, where no road previously existed or the act of~~  
178 ~~paving any previously unpaved road.~~

179 (15)~~(17)~~ "Nonconforming sign" means a sign which was  
180 lawfully erected but which does not comply with the land use,  
181 setback, size, spacing, and lighting provisions of state or  
182 local law, rule, regulation, or ordinance passed at a later date  
183 or a sign which was lawfully erected but which later fails to  
184 comply with state or local law, rule, regulation, or ordinance  
185 due to changed conditions.

186 (16)~~(18)~~ "Premises" means all the land areas under  
187 ownership or lease arrangement to the sign owner which are  
188 contiguous to the business conducted on the land except for  
189 instances where such land is a narrow strip contiguous to the  
190 advertised activity or is connected by such narrow strip, the  
191 only viable use of such land is to erect or maintain an  
192 advertising sign. When the sign owner is a municipality or  
193 county, "premises" shall mean all lands owned or leased by such  
194 municipality or county within its jurisdictional boundaries as  
195 set forth by law.

196 (17)~~(19)~~ "Remove" means to disassemble all sign materials  
197 above ground level and, transport them from the site, ~~and~~  
198 ~~dispose of sign materials by sale or destruction.~~

199 (18)~~(20)~~ "Sign" means any combination of structure and  
200 message in the form of an outdoor sign, display, device, figure,  
201 painting, drawing, message, placard, poster, billboard,  
202 advertising structure, advertisement, logo, symbol, or other  
203 form, whether placed individually or on a V-type, back-to-back,

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204 side-to-side, stacked, or double-faced display or automatic  
205 changeable facing, designed, intended, or used to advertise or  
206 inform, any part of the advertising message or informative  
207 contents of which is visible from any place on the main-traveled  
208 way. The term does not include an official traffic control sign,  
209 official marker, or specific information panel erected, caused  
210 to be erected, or approved by the department.

211 (19)~~(21)~~ "Sign direction" means that direction from which  
212 the message or informative contents are most visible to oncoming  
213 traffic on the main-traveled way.

214 (20)~~(22)~~ "Sign face" means the part of the sign, including  
215 trim and background, which contains the message or informative  
216 contents, including an automatic changeable face.

217 (21)~~(23)~~ "Sign facing" includes all sign faces and  
218 automatic changeable faces displayed at the same location and  
219 facing the same direction.

220 (22)~~(24)~~ "Sign structure" means all the interrelated parts  
221 and material, such as beams, poles, and stringers, which are  
222 constructed for the purpose of supporting or displaying a  
223 message or informative contents.

224 (23)~~(25)~~ "State Highway System" has the same meaning as in  
225 s. 334.03 means the existing, unbuilt, or unopened system of  
226 highways or portions thereof designated as the State Highway  
227 System by the department.

228 ~~(26) "Unzoned commercial or industrial area" means a parcel~~  
229 ~~of land designated by the future land use map of the~~  
230 ~~comprehensive plan for multiple uses that include commercial or~~  
231 ~~industrial uses but are not specifically designated for~~  
232 ~~commercial or industrial uses under the land development~~



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233 ~~regulations, in which three or more separate and distinct~~  
234 ~~conforming industrial or commercial activities are located.~~

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

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

239 ~~2. The commercial or industrial activities must be within~~  
240 ~~660 feet from the nearest edge of the right-of-way; and~~

241 ~~3. The commercial industrial activities must be within~~  
242 ~~1,600 feet of each other.~~

243  
244 ~~Distances specified in this paragraph must be measured from the~~  
245 ~~nearest outer edge of the primary building or primary building~~  
246 ~~complex when the individual units of the complex are connected~~  
247 ~~by covered walkways.~~

248 ~~(b) Certain activities, including, but not limited to, the~~  
249 ~~following, may not be so recognized as commercial or industrial~~  
250 ~~activities:~~

251 ~~1. Signs.~~

252 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~  
253 ~~related activities, including, but not limited to, wayside fresh~~  
254 ~~produce stands.~~

255 ~~3. Transient or temporary activities.~~

256 ~~4. Activities not visible from the main traveled way.~~

257 ~~5. Activities conducted more than 660 feet from the nearest~~  
258 ~~edge of the right-of-way.~~

259 ~~6. Activities conducted in a building principally used as a~~  
260 ~~residence.~~

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

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262 ~~8. Communication towers.~~

263 (24)~~(27)~~ "Urban area" has the same meaning as ~~defined~~ in s.  
264 334.03(31).

265 (25)~~(28)~~ "Visible commercial or industrial activity" means  
266 a commercial or industrial activity that is capable of being  
267 seen without visual aid by a person of normal visual acuity from  
268 the main-traveled way and that is generally recognizable as  
269 commercial or industrial.

270 (26)~~(29)~~ "Visible sign" means that the advertising message  
271 or informative contents of a sign, whether or not legible, is  
272 capable of being seen without visual aid by a person of normal  
273 visual acuity.

274 (27)~~(30)~~ "Wall mural" means a sign that is a painting or an  
275 artistic work composed of photographs or arrangements of color  
276 and that displays a commercial or noncommercial message, relies  
277 solely on the side of the building for rigid structural support,  
278 and is painted on the building or depicted on vinyl, fabric, or  
279 other similarly flexible material that is held in place flush or  
280 flat against the surface of the building. The term excludes a  
281 painting or work placed on a structure that is erected for the  
282 sole or primary purpose of signage.

283 (28)~~(31)~~ "Zoning category" means the designation under the  
284 land development regulations or other similar ordinance enacted  
285 to regulate the use of land as provided in s. 163.3202(2)(b),  
286 which designation sets forth the allowable uses, restrictions,  
287 and limitations on use applicable to properties within the  
288 category.

289 Section 2. Section 479.02, Florida Statutes, is amended to  
290 read:

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291 479.02 Duties of the department. ~~It shall be the duty of~~  
292 The department shall ~~to~~:

293 (1) Administer and enforce the provisions of this chapter,  
294 ~~and the 1972~~ agreement between the state and the United States  
295 Department of Transportation, ~~relating to the size, lighting,~~  
296 ~~and spacing of signs in accordance with Title I of the Highway~~  
297 ~~Beautification Act of 1965 and Title 23, United States Code, and~~  
298 federal regulations, including, but not limited to, those  
299 pertaining to the maintenance, continuance, and removal of  
300 nonconforming signs in effect as of the effective date of this  
301 act.

302 (2) Regulate size, height, lighting, and spacing of signs  
303 permitted on commercial and industrial parcels and in unzoned  
304 commercial or industrial areas ~~in zoned and unzoned commercial~~  
305 ~~areas and zoned and unzoned industrial areas~~ on the interstate  
306 highway system and the federal-aid primary highway system.

307 (3) Determine ~~unzoned~~ commercial and industrial parcels and  
308 unzoned commercial or areas and unzoned industrial areas in the  
309 manner provided in s. 479.024.

310 (4) Implement a specific information panel program on the  
311 limited access ~~interstate~~ highway system to promote tourist-  
312 oriented businesses by providing directional information safely  
313 and aesthetically.

314 (5) Implement a rest area information panel or devices  
315 program at rest areas along the interstate highway system and  
316 the federal-aid primary highway system to promote tourist-  
317 oriented businesses.

318 (6) Test and, if economically feasible, implement  
319 alternative methods of providing information in the specific

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320 interest of the traveling public which allow the traveling  
321 public freedom of choice, conserve natural beauty, and present  
322 information safely and aesthetically.

323 (7) Adopt such rules as it deems necessary or proper for  
324 the administration of this chapter, including rules that ~~which~~  
325 identify activities that may not be recognized as industrial or  
326 commercial activities for purposes of determination of a an area  
327 ~~as an unzoned~~ commercial or industrial parcel or an unzoned  
328 commercial or industrial area in the manner provided in s.  
329 479.024.

330 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the  
331 location of all signs on the state, interstate and federal-aid  
332 primary highway systems to be used as. ~~Upon completion of the~~  
333 ~~inventory, it shall become~~ the database and permit information  
334 for all permitted signs ~~permitted at the time of completion, and~~  
335 ~~the previous records of the department shall be amended~~  
336 accordingly. The inventory shall be updated no less than every 2  
337 years. ~~The department shall adopt rules regarding what~~  
338 ~~information is to be collected and preserved to implement the~~  
339 ~~purposes of this chapter.~~ The department may perform the  
340 inventory using department staff, or may contract with a private  
341 firm to perform the work, whichever is more cost efficient. The  
342 department shall maintain a database of sign inventory  
343 information such as sign location, size, height, and structure  
344 type, the permitholder's name, and any other information the  
345 department finds necessary to administer the program.

346 Section 3. Section 479.024, Florida Statutes, is created to  
347 read:

348 479.024 Commercial and industrial parcels.-Signs shall only

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349 be permitted by the department in commercial or industrial  
350 zones, as determined by the local government, in compliance with  
351 chapter 163, unless otherwise provided in this chapter.

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

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

355 (b) "Utilities" includes all privately, publicly, or  
356 cooperatively owned lines, facilities, and systems for  
357 producing, transmitting, or distributing communications, power,  
358 electricity, light, heat, gas, oil, crude products, water,  
359 steam, waste, and stormwater not connected with the highway  
360 drainage, and other similar commodities.

361 (2) The determination as to zoning by the local government  
362 for the parcel must meet the following criteria:

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

365 (b) The parcel can reasonably accommodate a commercial or  
366 industrial use under the future land use map of the  
367 comprehensive plan and land use development regulations, as  
368 follows:

369 1. Sufficient utilities are available to support commercial  
370 or industrial development.

371 2. The size, configuration, and public access of the parcel  
372 are sufficient to accommodate a commercial or industrial use,  
373 given requirements in the comprehensive plan and land  
374 development regulations for vehicular access, on-site  
375 circulation, building setbacks, buffering, parking, and other  
376 applicable standards or the parcel consists of railroad tracks  
377 or minor sidings abutting commercial or industrial property that

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378 meets the criteria of this subsection.

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

381 (3) If a local government has not designated zoning through  
382 land development regulations in compliance with chapter 163, but  
383 has designated the parcel under the future land use map of the  
384 comprehensive plan for uses that include commercial or  
385 industrial uses, the parcel shall be considered an unzoned  
386 commercial or industrial area. For a permit to be issued for a  
387 sign in an unzoned commercial or industrial area, there must be  
388 three or more distinct commercial or industrial activities  
389 within 1,600 feet of each other, with at least one of the  
390 commercial or industrial activities located on the same side of  
391 the highway as the sign location, and within 800 feet of the  
392 sign location. Multiple commercial or industrial activities  
393 enclosed in one building when all uses have only shared building  
394 entrances shall be considered one use.

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

398 (a) Signs.

399 (b) Agricultural, forestry, ranching, grazing, farming, and  
400 related activities, including, but not limited to, wayside fresh  
401 produce stands.

402 (c) Transient or temporary activities.

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

406 (e) Activities conducted more than 660 feet from the

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407 nearest edge of the right-of-way.

408 (f) Activities conducted in a building principally used as  
409 a residence.

410 (g) Railroad tracks and minor sidings, unless such use is  
411 immediately abutted by commercial or industrial property that  
412 meets the criteria in subsection (2).

413 (h) Communication towers.

414 (i) Governmental uses, unless those governmental uses would  
415 be industrial in nature if privately owned and operated. Such  
416 industrial uses must be the present and actual use, not merely  
417 be among the allowed uses.

418 (5) If the local government has indicated that the proposed  
419 sign location is on a parcel that is in a commercial or  
420 industrial zone, but the department finds that it is not, the  
421 department shall notify the sign applicant in writing of its  
422 determination.

423 (6) An applicant whose application for a permit is denied  
424 may, within 30 days after the receipt of the notification of  
425 intent to deny, request an administrative hearing pursuant to  
426 chapter 120 for a determination of whether the parcel is located  
427 in a commercial or industrial zone. Upon receipt of such  
428 request, the department shall notify the local government that  
429 the applicant has requested an administrative hearing pursuant  
430 to chapter 120.

431 (7) If the department in a final order determines that the  
432 parcel does not meet the permitting conditions in this section  
433 and a sign structure exists on the parcel, the applicant shall  
434 remove the sign within 30 days after the date of the order and  
435 is responsible for all sign removal costs.

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436 (8) If the Federal Highway Administration reduces funds  
437 that would otherwise be apportioned to the department due to a  
438 local government's failure to be compliant with this section,  
439 the department shall reduce apportioned transportation funding  
440 to the local government by an equivalent amount.

441 Section 4. Section 479.03, Florida Statutes, is amended to  
442 read:

443 479.03 Jurisdiction of the Department of Transportation;  
444 entry upon privately owned lands.—The territory under the  
445 jurisdiction of the department for the purpose of this chapter  
446 shall include all the state. Employees, agents, or independent  
447 contractors working for the department, in the performance of  
448 their functions and duties under the provisions of this chapter,  
449 may enter into and upon any land upon which a sign is displayed,  
450 is proposed to be erected, or is being erected and make such  
451 inspections, surveys, and removals as may be relevant. Upon  
452 written notice to ~~After receiving consent by~~ the landowner,  
453 operator, or person in charge of an intervening privately owned  
454 land that ~~or appropriate inspection warrant issued by a judge of~~  
455 ~~any county court or circuit court of this state which has~~  
456 ~~jurisdiction of the place or thing to be removed,~~ that the  
457 removal of an illegal outdoor advertising sign is necessary and  
458 has been authorized by a final order or results from an  
459 uncontested notice to the sign owner, the department may ~~shall~~  
460 ~~be authorized to~~ enter upon any intervening privately owned  
461 lands for the purposes of effectuating removal of illegal signs,  
462 provided that the department shall only do so in circumstances  
463 where it has determined that no other legal or economically  
464 feasible means of entry to the sign site are reasonably



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465 available. Except as otherwise provided by this chapter, the  
466 department shall be responsible for the repair or replacement in  
467 a like manner for any physical damage or destruction of private  
468 property, other than the sign, incidental to the department's  
469 entry upon such intervening privately owned lands.

470 Section 5. Section 479.04, Florida Statutes, is amended to  
471 read:

472 479.04 Business of outdoor advertising; license  
473 requirement; renewal; fees.—

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

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

484 Section 6. Section 479.05, Florida Statutes, is amended to  
485 read:

486 479.05 Denial, suspension, or revocation of license.—The  
487 department may ~~has authority to~~ deny, suspend, or revoke any  
488 license requested or granted under this chapter in any case in  
489 which it determines that the application for the license  
490 contains ~~knowingly~~ false or misleading information of material  
491 consequence, that the licensee has failed to pay fees or costs  
492 owed to the department for outdoor advertising purposes, or that  
493 the licensee has violated any of the provisions of this chapter,

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494 unless such licensee, within 30 days after the receipt of notice  
495 by the department, corrects such false or misleading  
496 information, pays the outstanding amounts, or complies with the  
497 provisions of this chapter. Suspension of a license allows the  
498 licensee to maintain existing sign permits, but the department  
499 may not grant a transfer of an existing permit or issue an  
500 additional permit to a licensee with a suspended license. Any  
501 person aggrieved by an ~~any~~ action of the department which  
502 denies, suspends, or revokes ~~in denying or revoking~~ a license  
503 under this chapter may, within 30 days after ~~from~~ the receipt of  
504 the notice, apply to the department for an administrative  
505 hearing pursuant to chapter 120.

506 Section 7. Section 479.07, Florida Statutes, is amended to  
507 read:

508 479.07 Sign permits.—

509 (1) Except as provided in ss. 479.105(1) ~~479.105(1)(e)~~ and  
510 479.16, a person may not erect, operate, use, or maintain, or  
511 cause to be erected, operated, used, or maintained, any sign on  
512 the State Highway System outside an urban area, ~~as defined in s.~~  
513 ~~334.03(31),~~ or on any portion of the interstate or federal-aid  
514 primary highway system without first obtaining a permit for the  
515 sign from the department and paying the annual fee as provided  
516 in this section. As used in this section, the term "on any  
517 portion of the State Highway System, interstate, or federal-aid  
518 primary system" means a sign located within the controlled area  
519 which is visible from any portion of the main-traveled way of  
520 such system.

521 (2) ~~A person may not apply for a permit unless he or she~~  
522 ~~has first obtained the~~ Written permission of the owner or other

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523 person in lawful possession or control of the site designated as  
 524 the location of the sign is required for issuance of a ~~in the~~  
 525 ~~application for the permit.~~

526 (3) (a) An application for a sign permit must be made on a  
 527 form prescribed by the department, and a separate application  
 528 must be submitted for each permit requested. A permit is  
 529 required for each sign facing.

530 (b) As part of the application, the applicant or his or her  
 531 authorized representative must certify ~~in a notarized signed~~  
 532 ~~statement~~ that all information provided in the application is  
 533 true and correct ~~and that, pursuant to subsection (2), he or she~~  
 534 ~~has obtained the written permission of the owner or other person~~  
 535 ~~in lawful possession of the site designated as the location of~~  
 536 ~~the sign in the permit application.~~ Every permit application  
 537 must be accompanied by the appropriate permit fee, + a signed  
 538 statement by the owner or other person in lawful control of the  
 539 site on which the sign is located or will be erected,  
 540 authorizing the placement of the sign on that site, + and, ~~where~~  
 541 ~~local governmental regulation of signs exists,~~ a statement from  
 542 the appropriate local governmental official indicating that the  
 543 sign complies with all local government ~~governmental~~  
 544 requirements and, if a local government permit is required for a  
 545 sign, that the agency or unit of local government will issue a  
 546 permit to that applicant upon approval of the state permit  
 547 application by the department.

548 (c) The annual permit fee for each sign facing shall be  
 549 established by the department by rule in an amount sufficient to  
 550 offset the total cost to the department for the program, but  
 551 shall not exceed \$200 ~~\$100~~. The A fee may not be prorated for a

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552 ~~period less than the remainder of the permit year to accommodate~~  
553 ~~short term publicity features; however, a first-year fee may be~~  
554 prorated by payment of an amount equal to one-fourth of the  
555 annual fee for each remaining whole quarter or partial quarter  
556 of the permit year. Applications received after the end of the  
557 third quarter of the permit year must include fees for the last  
558 quarter of the current year and fees for the succeeding year. A  
559 nonrefundable application fee of \$25 must accompany each permit  
560 application.

561 (4) An application for a permit shall be acted on by  
562 granting, denying, or returning the incomplete application ~~the~~  
563 ~~department~~ within 30 days after receipt of the application by  
564 the department.

565 (5) (a) For each permit issued, the department shall furnish  
566 to the applicant a serially numbered permanent metal permit tag.  
567 The permittee is responsible for maintaining a valid permit tag  
568 on each permitted sign facing at all times. The tag shall be  
569 securely attached to the upper 50 percent of the sign structure  
570 ~~sign facing or, if there is no facing, on the pole nearest the~~  
571 ~~highway;~~ and it shall be attached in such a manner as to be  
572 plainly visible from the main-traveled way. ~~Effective July 1,~~  
573 ~~2012, the tag must be securely attached to the upper 50 percent~~  
574 ~~of the pole nearest the highway and must be attached in such a~~  
575 ~~manner as to be plainly visible from the main-traveled way.~~ The  
576 permit ~~becomes void unless the permit tag~~ must be ~~is~~ properly  
577 and permanently displayed at the permitted site within 30 days  
578 after the date of permit issuance. If the permittee fails to  
579 erect a completed sign on the permitted site within 270 days  
580 after the date on which the permit was issued, the permit will

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581 be void, and the department may not issue a new permit to that  
582 permittee for the same location for 270 days after the date on  
583 which the permit became void.

584 (b) If a permit tag is lost, stolen, or destroyed, the  
585 permittee to whom the tag was issued must apply to the  
586 department for a replacement tag. The department shall adopt a  
587 rule establishing a service fee for replacement tags in an  
588 amount that will recover the actual cost of providing the  
589 replacement tag. Upon receipt of the application accompanied by  
590 the service fee, the department shall issue a replacement permit  
591 tag. ~~Alternatively, the permittee may provide its own~~  
592 ~~replacement tag pursuant to department specifications that the~~  
593 ~~department shall adopt by rule at the time it establishes the~~  
594 ~~service fee for replacement tags.~~

595 (6) A permit is valid only for the location specified in  
596 the permit. Valid permits may be transferred from one sign owner  
597 to another upon written acknowledgment from the current  
598 permittee and submittal of a transfer fee of \$5 for each permit  
599 to be transferred. However, the maximum transfer fee for any  
600 multiple transfer between two outdoor advertisers in a single  
601 transaction is \$1,000 ~~\$100~~.

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

605 (8) (a) In order to reduce peak workloads, the department  
606 may adopt rules providing for staggered expiration dates for  
607 licenses and permits. Unless otherwise provided for by rule, all  
608 licenses and permits expire annually on January 15. All license  
609 and permit renewal fees are required to be submitted to the

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610 department by no later than the expiration date. At least 105  
611 days before ~~prior to~~ the expiration date of licenses and  
612 permits, the department shall send to each permittee a notice of  
613 fees due for all licenses and permits that ~~which~~ were issued to  
614 him or her before ~~prior to~~ the date of the notice. Such notice  
615 shall list the permits and the permit fees due for each sign  
616 facing. The permittee shall, no later than 45 days before ~~prior~~  
617 ~~to~~ the expiration date, advise the department of any additions,  
618 deletions, or errors contained in the notice. Permit tags which  
619 are not renewed shall be returned to the department for  
620 cancellation by the expiration date. Permits which are not  
621 renewed or are canceled shall be certified in writing at that  
622 time as canceled or not renewed by the permittee, and permit  
623 tags for such permits shall be returned to the department or  
624 shall be accounted for by the permittee in writing, which  
625 writing shall be submitted with the renewal fee payment or the  
626 cancellation certification. However, failure of a permittee to  
627 submit a permit cancellation does ~~shall~~ not affect the  
628 nonrenewal of a permit. Before ~~Prior to~~ cancellation of a  
629 permit, the permittee shall provide written notice to all  
630 persons or entities having a right to advertise on the sign that  
631 the permittee intends to cancel the permit.

632 (b) If a permittee has not submitted his or her fee payment  
633 by the expiration date of the licenses or permits, the  
634 department shall send a notice of violation to the permittee  
635 within 45 days after the expiration date, requiring the payment  
636 of the permit fee within 30 days after the date of the notice  
637 and payment of a delinquency fee equal to 10 percent of the  
638 original amount due or, in the alternative to these payments,

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639 requiring the filing of a request for an administrative hearing  
640 to show cause why the ~~his or her~~ sign should not be subject to  
641 immediate removal due to expiration of his or her license or  
642 permit. If the permittee submits payment as required by the  
643 violation notice, the ~~his or her~~ license or permit will be  
644 automatically reinstated and such reinstatement will be  
645 retroactive to the original expiration date. If the permittee  
646 does not respond to the notice of violation within the 30-day  
647 period, the department shall, within 30 days, issue a final  
648 notice of sign removal and may, following 90 days after the date  
649 of the department's final notice of sign removal, remove the  
650 sign without incurring any liability as a result of such  
651 removal. However, if at any time before removal of the sign, the  
652 permittee demonstrates that a good faith error on the part of  
653 the permittee resulted in cancellation or nonrenewal of the  
654 permit, the department may reinstate the permit if:

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

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

659 3. The permittee reimburses the department for all actual  
660 costs resulting from the permit cancellation or nonrenewal.

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

665 (d) The cost for removing a sign, whether by the department  
666 or an independent contractor, shall be assessed by the  
667 department against the permittee.

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

671 1. One thousand five hundred feet from any other permitted  
672 sign on the same side of the highway, if on an interstate  
673 highway.

674 2. One thousand feet from any other permitted sign on the  
675 same side of the highway, if on a federal-aid primary highway.  
676

677 The minimum spacing provided in this paragraph does not preclude  
678 the permitting of V-type, back-to-back, side-to-side, stacked,  
679 or double-faced signs at the permitted sign site. If a sign is  
680 visible to more than one highway subject to the jurisdiction of  
681 the department and within the controlled area of the highways  
682 ~~from the controlled area of more than one highway subject to the~~  
683 ~~jurisdiction of the department~~, the sign must ~~shall~~ meet the  
684 permitting requirements of all highways, and, ~~if the sign meets~~  
685 ~~the applicable permitting requirements~~, be permitted to, the  
686 highway having the more stringent permitting requirements.

687 (b) A permit may ~~shall~~ not be granted for a sign pursuant  
688 to this chapter to locate such sign on any portion of the  
689 interstate or federal-aid primary highway system, which sign:

690 1. Exceeds 50 feet in sign structure height above the crown  
691 of the main-traveled way to which the sign is permitted, if  
692 outside an incorporated area;

693 2. Exceeds 65 feet in sign structure height above the crown  
694 of the main-traveled way to which the sign is permitted, if  
695 inside an incorporated area; or

696 3. Exceeds 950 square feet of sign facing including all



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697 embellishments.

698 (c) Notwithstanding subparagraph (a)1., ~~there is~~  
699 ~~established a pilot program in Orange, Hillsborough, and Osceola~~  
700 ~~Counties, and within the boundaries of the City of Miami, under~~  
701 ~~which~~ the distance between permitted signs on the same side of  
702 an interstate highway may be reduced to 1,000 feet if all other  
703 requirements of this chapter are met and if:

704 1. The local government has adopted a plan, program,  
705 resolution, ordinance, or other policy encouraging the voluntary  
706 removal of signs in a downtown, historic, redevelopment, infill,  
707 or other designated area which also provides for a new or  
708 replacement sign to be erected on an interstate highway within  
709 that jurisdiction if a sign in the designated area is removed;

710 2. The sign owner and the local government mutually agree  
711 to the terms of the removal and replacement; and

712 3. The local government notifies the department of its  
713 intention to allow such removal and replacement as agreed upon  
714 pursuant to subparagraph 2.

715 ~~4. The new or replacement sign to be erected on an~~  
716 ~~interstate highway within that jurisdiction is to be located on~~  
717 ~~a parcel of land specifically designated for commercial or~~  
718 ~~industrial use under both the future land use map of the~~  
719 ~~comprehensive plan and the land use development regulations~~  
720 ~~adopted pursuant to chapter 163, and such parcel shall not be~~  
721 ~~subject to an evaluation in accordance with the criteria set~~  
722 ~~forth in s. 479.01(26) to determine if the parcel can be~~  
723 ~~considered an unzoned commercial or industrial area.~~

724

725 ~~The department shall maintain statistics tracking the use of the~~

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726 ~~provisions of this pilot program based on the notifications~~  
727 ~~received by the department from local governments under this~~  
728 ~~paragraph.~~

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

731 (10) Commercial or industrial zoning that ~~which~~ is not  
732 comprehensively enacted or that ~~which~~ is enacted primarily to  
733 permit signs may ~~shall~~ not be recognized as commercial or  
734 industrial zoning for purposes of this provision, and permits  
735 may ~~shall~~ not be issued for signs in such areas. The department  
736 shall adopt rules ~~within 180 days after this act takes effect~~  
737 that ~~which~~ shall provide criteria to determine whether such  
738 zoning is comprehensively enacted or enacted primarily to permit  
739 signs.

740 Section 8. Section 479.08, Florida Statutes, is amended to  
741 read:

742 479.08 Denial or revocation of permit.—The department may  
743 deny or revoke any permit requested or granted under this  
744 chapter in any case in which it determines that the application  
745 for the permit contains ~~knowingly~~ false or misleading  
746 information of material consequence. The department may revoke  
747 any permit granted under this chapter in any case in which the  
748 permittee has violated any of the provisions of this chapter,  
749 unless such permittee, within 30 days after the receipt of  
750 notice by the department, complies with the provisions of this  
751 chapter. For the purpose of this section, the notice of  
752 violation issued by the department must describe in detail the  
753 alleged violation. Any person aggrieved by any action of the  
754 department in denying or revoking a permit under this chapter

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755 may, within 30 days after receipt of the notice, apply to the  
756 department for an administrative hearing pursuant to chapter  
757 120. If a timely request for hearing has been filed and the  
758 department issues a final order revoking a permit, such  
759 revocation shall be effective 30 days after the date of  
760 rendition. Except for department action pursuant to s.  
761 479.107(1), the filing of a timely and proper notice of appeal  
762 shall operate to stay the revocation until the department's  
763 action is upheld.

764 Section 9. Section 479.10, Florida Statutes, is amended to  
765 read:

766 479.10 Sign removal following permit revocation or  
767 cancellation.—A sign shall be removed by the permittee within 30  
768 days after the date of revocation or cancellation of the permit  
769 for the sign. If the permittee fails to remove the sign within  
770 the 30-day period, the department shall remove the sign at the  
771 permittee's expense with or without further notice and without  
772 incurring any liability as a result of such removal.

773 Section 10. Section 479.105, Florida Statutes, is amended  
774 to read:

775 479.105 Signs erected or maintained without required  
776 permit; removal.—

777 (1) Any sign which is located adjacent to the right-of-way  
778 of any highway on the State Highway System outside an  
779 incorporated area or adjacent to the right-of-way on any portion  
780 of the interstate or federal-aid primary highway system, which  
781 sign was erected, operated, or maintained without the permit  
782 required by s. 479.07(1) having been issued by the department,  
783 is declared to be a public nuisance and a private nuisance and

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784 shall be removed as provided in this section.

785 (a) Upon a determination by the department that a sign is  
786 in violation of s. 479.07(1), the department shall prominently  
787 post on the sign, or as close to the sign as possible for those  
788 locations where the sign is not easily accessible, ~~face~~ a notice  
789 stating that the sign is illegal and must be removed within 30  
790 days after the date on which the notice was posted. ~~However, if~~  
791 ~~the sign bears the name of the licensee or the name and address~~  
792 ~~of the nonlicensed sign owner,~~ The department shall,  
793 concurrently with and in addition to posting the notice on the  
794 sign, provide a written notice to the owner of the sign, the  
795 advertiser displayed on the sign, or the owner of the property,  
796 stating that the sign is illegal and must be permanently removed  
797 within the 30-day period specified on the posted notice. The  
798 written notice shall further state that a hearing may be  
799 requested, ~~the sign owner has a right to request a hearing,~~  
800 which request must be filed with the department within 30 days  
801 after receipt ~~the date~~ of the written notice. However, the  
802 filing of a request for a hearing will not stay the removal of  
803 the sign.

804 (b) If, pursuant to the notice provided, the sign is not  
805 removed by the ~~sign~~ owner of the sign, the advertiser displayed  
806 on the sign, or the owner of the property within the prescribed  
807 period, the department shall immediately remove the sign without  
808 further notice; and, for that purpose, the employees, agents, or  
809 independent contractors of the department may enter upon private  
810 property without incurring any liability for so entering.

811 (c) However, the department may issue a permit for a sign,  
812 as a conforming or nonconforming sign, if the sign owner

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813 demonstrates to the department one of the following:

814 1. If the sign meets the current requirements of this  
815 chapter for a sign permit, the sign owner may submit the  
816 required application package and receive a permit as a  
817 conforming sign, upon payment of all applicable fees.

818 2. If the sign does not meet the current requirements of  
819 this chapter for a sign permit, the sign owner may receive a  
820 permit as a nonconforming sign if the department determines that  
821 the sign is not located on state right-of-way and is not a  
822 safety hazard and if the sign owner pays a penalty fee of \$300  
823 and all pertinent fees required by this chapter, including  
824 annual permit renewal fees payable since the date of the  
825 erection of the sign, and attaches to the permit application  
826 package documentation that demonstrates that:

827 a. The sign has been unpermitted, structurally unchanged,  
828 and continuously maintained at the same location for a period of  
829 7 years or more;

830 b. During the entire period in which the sign has been  
831 erected, a permit was required but was not obtained;

832 c. During the initial 7 years in which the sign has been  
833 erected, the sign would have met the criteria established in  
834 this chapter at that time for issuance of a permit; and

835 d. The department has not initiated a notice of violation  
836 or taken other action to remove the sign during the initial 7-  
837 year period.

838 (d) This subsection does not cause a neighboring sign that  
839 is permitted and that is within the spacing requirements in s.  
840 479.07(9) (a) to become nonconforming.

841 (e) ~~(e)~~ For purposes of this subsection, a notice to the

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842 sign owner, when required, constitutes sufficient notice; and  
843 notice is not required to be provided to the lessee, advertiser,  
844 or the owner of the real property on which the sign is located.

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

850 ~~(e) However, if the sign owner demonstrates to the~~  
851 ~~department that:~~

852 ~~1. The sign has been unpermitted, structurally unchanged,~~  
853 ~~and continuously maintained at the same location for a period of~~  
854 ~~7 years or more;~~

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

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

861 ~~4. The department determines that the sign is not located~~  
862 ~~on state right of way and is not a safety hazard,~~

863  
864 ~~the sign may be considered a conforming or nonconforming sign~~  
865 ~~and may be issued a permit by the department upon application in~~  
866 ~~accordance with this chapter and payment of a penalty fee of~~  
867 ~~\$300 and all pertinent fees required by this chapter, including~~  
868 ~~annual permit renewal fees payable since the date of the~~  
869 ~~erection of the sign.~~

870 (2) (a) If a sign is under construction and the department

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871 determines that a permit has not been issued for the sign as  
872 required under the provisions of this chapter, the department is  
873 authorized to require that all work on the sign cease until the  
874 sign owner shows that the sign does not violate the provisions  
875 of this chapter. The order to cease work shall be prominently  
876 posted on the sign structure, and no further notice is required  
877 to be given. The failure of a sign owner or her or his agents to  
878 immediately comply with the order shall subject the sign to  
879 prompt removal by the department.

880 (b) For the purposes of this subsection only, a sign is  
881 under construction when it is in any phase of initial  
882 construction prior to the attachment and display of the  
883 advertising message in final position for viewing by the  
884 traveling public. A sign that is undergoing routine maintenance  
885 or change of the advertising message only is not considered to  
886 be under construction for the purposes of this subsection.

887 (3) The cost of removing a sign, whether by the department  
888 or an independent contractor, shall be assessed against the  
889 owner of the sign by the department.

890 Section 11. Subsections (4), (5), and (7) of section  
891 479.106, Florida Statutes, are amended to read:

892 479.106 Vegetation management.—

893 (4) The department may establish an application fee by rule  
894 ~~not to exceed \$25 for each individual application to defer the~~  
895 ~~costs of processing such application and a fee not to exceed~~  
896 ~~\$200 to defer the costs of processing an application for~~  
897 ~~multiple sites.~~

898 (5) The department may only grant a permit pursuant to s.  
899 479.07 for a new sign which requires the removal, cutting, or

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900 trimming of existing trees or vegetation on public right-of-way  
901 for the sign face to be visible from the highway when the sign  
902 owner has removed at least two nonconforming signs of  
903 approximate comparable size and surrendered the permits for the  
904 nonconforming signs to the department for cancellation. For  
905 signs originally permitted after July 1, 1996, the first  
906 application, or application for a change of view zone, no permit  
907 for the removal, cutting, or trimming of trees or vegetation  
908 shall require, in addition to mitigation or contribution to a  
909 plan of mitigation, the removal of two nonconforming signs. No  
910 permits for the removal, cutting, or trimming of trees may be  
911 granted for signs permitted after July 1, 1996 ~~be granted~~ where  
912 such trees or vegetation are part of a beautification project  
913 implemented before ~~prior to~~ the date of the original sign permit  
914 application, when the beautification project is specifically  
915 identified in the department's construction plans, permitted  
916 landscape projects, or agreements.

917 (7) Any person engaging in removal, cutting, or trimming of  
918 trees or vegetation in violation of this section or benefiting  
919 from such actions shall be subject to an administrative penalty  
920 of up to \$1,000 per sign facing and required to mitigate for the  
921 unauthorized removal, cutting, or trimming in such manner and in  
922 such amount as may be required under the rules of the  
923 department.

924 Section 12. Subsection (5) of section 479.107, Florida  
925 Statutes, is amended to read:

926 479.107 Signs on highway rights-of-way; removal.-

927 (5) The cost of removing a sign, whether by the department  
928 or an independent contractor, shall be assessed by the



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929 department against the owner of the sign. ~~Furthermore, the~~  
930 ~~department shall assess a fine of \$75 against the sign owner for~~  
931 ~~any sign which violates the requirements of this section.~~

932 Section 13. Section 479.111, Florida Statutes, is amended  
933 to read:

934 479.111 Specified signs allowed within controlled portions  
935 of the interstate and federal-aid primary highway system.—Only  
936 the following signs shall be allowed within controlled portions  
937 of the interstate highway system and the federal-aid primary  
938 highway system as set forth in s. 479.11(1) and (2):

939 (1) Directional or other official signs and notices which  
940 conform to 23 C.F.R. ss. 750.151-750.155.

941 (2) Signs in commercial-zoned and industrial-zoned areas or  
942 commercial-unzoned and industrial-unzoned areas and within 660  
943 feet of the nearest edge of the right-of-way, subject to the  
944 requirements set forth in the 1972 agreement between the state  
945 and the United States Department of Transportation.

946 (3) Signs for which permits are not required under s.  
947 479.16.

948 Section 14. Section 479.15, Florida Statutes, is amended to  
949 read:

950 479.15 Harmony of regulations.—

951 (1) No zoning board or commission or other public officer  
952 or agency shall issue a permit to erect any sign which is  
953 prohibited under the provisions of this chapter or the rules of  
954 the department, nor shall the department issue a permit for any  
955 sign which is prohibited by any other public board, officer, or  
956 agency in the lawful exercise of its powers.

957 (2) A municipality, county, local zoning authority, or

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958 other local governmental entity may not remove, or cause to be  
959 removed, any lawfully erected sign along any portion of the  
960 interstate or federal-aid primary highway system without first  
961 paying just compensation for such removal. A local governmental  
962 entity may not cause in any way the alteration of any lawfully  
963 erected sign located along any portion of the interstate or  
964 federal-aid primary highway system without payment of just  
965 compensation if such alteration constitutes a taking under state  
966 law. The municipality, county, local zoning authority, or other  
967 local government entity that adopts requirements for such  
968 alteration shall pay just compensation to the sign owner if such  
969 alteration constitutes a taking under state law. This subsection  
970 applies only to a lawfully erected sign the subject matter of  
971 which relates to premises other than the premises on which it is  
972 located or to merchandise, services, activities, or  
973 entertainment not sold, produced, manufactured, or furnished on  
974 the premises on which the sign is located. ~~As used in this~~  
975 ~~subsection, the term "federal-aid primary highway system" means~~  
976 ~~the federal-aid primary highway system in existence on June 1,~~  
977 ~~1991, and any highway that was not a part of such system as of~~  
978 ~~that date but that is or becomes after June 1, 1991, a part of~~  
979 ~~the National Highway System.~~ This subsection shall not be  
980 interpreted as explicit or implicit legislative recognition that  
981 alterations do or do not constitute a taking under state law.

982 (3) It is the express intent of the Legislature to limit  
983 the state right-of-way acquisition costs on state and federal  
984 roads in eminent domain proceedings, the provisions of ss.  
985 479.07 and 479.155 notwithstanding. Subject to approval by the  
986 Federal Highway Administration, whenever public acquisition of

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987 land upon which is situated a lawful permitted ~~nonconforming~~  
988 sign occurs, as provided in this chapter, the sign may, at the  
989 election of its owner and the department, be relocated or  
990 reconstructed adjacent to the new right-of-way and in close  
991 proximity to the current site ~~along the roadway within 100 feet~~  
992 ~~of the current location~~, provided the ~~nonconforming~~ sign is not  
993 relocated in an area inconsistent with s. 479.024 ~~on a parcel~~  
994 ~~zoned residential~~, and provided further that such relocation  
995 shall be subject to ~~applicable setback~~ requirements in the 1972  
996 agreement between the state and the United States Department of  
997 Transportation. The sign owner shall pay all costs associated  
998 with relocating or reconstructing any sign under this  
999 subsection, and neither the state nor any local government shall  
1000 reimburse the sign owner for such costs, unless part of such  
1001 relocation costs are required by federal law. If no adjacent  
1002 property is available for the relocation, the department shall  
1003 be responsible for paying the owner of the sign just  
1004 compensation for its removal.

1005 (4) For a nonconforming sign, ~~Such relocation shall be~~  
1006 ~~adjacent to the current site and the face of the sign may shall~~  
1007 not be increased in size or height or structurally modified at  
1008 the point of relocation in a manner inconsistent with the  
1009 current building codes of the jurisdiction in which the sign is  
1010 located.

1011 (5) In the event that relocation can be accomplished but is  
1012 inconsistent with the ordinances of the municipality or county  
1013 within whose jurisdiction the sign is located, the ordinances of  
1014 the local government shall prevail, provided that the local  
1015 government shall assume the responsibility to provide the owner

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1016 of the sign just compensation for its removal, but in no event  
1017 shall compensation paid by the local government exceed the  
1018 compensation required under state or federal law. Further, the  
1019 provisions of this section shall not impair any agreement or  
1020 future agreements between a municipality or county and the owner  
1021 of a sign or signs within the jurisdiction of the municipality  
1022 or county. ~~Nothing in this section shall be deemed to cause a~~  
1023 ~~nonconforming sign to become conforming solely as a result of~~  
1024 ~~the relocation allowed in this section.~~

1025 (6) This section does not cause a neighboring sign that is  
1026 already permitted and that is within the spacing requirements  
1027 outlined in s. 479.07(9)(a) to become nonconforming ~~The~~  
1028 ~~provisions of subsections (3), (4), and (5) of this section~~  
1029 ~~shall not apply within the jurisdiction of any municipality~~  
1030 ~~which is engaged in any litigation concerning its sign ordinance~~  
1031 ~~on April 23, 1999, nor shall such provisions apply to any~~  
1032 ~~municipality whose boundaries are identical to the county within~~  
1033 ~~which said municipality is located.~~

1034 Section 15. Section 479.156, Florida Statutes, is amended  
1035 to read:

1036 479.156 Wall murals.—Notwithstanding any other provision of  
1037 this chapter, a municipality or county may permit and regulate  
1038 wall murals within areas designated by such government. If a  
1039 municipality or county permits wall murals, a wall mural that  
1040 displays a commercial message and is within 660 feet of the  
1041 nearest edge of the right-of-way within an area adjacent to the  
1042 interstate highway system or the federal-aid primary highway  
1043 system shall be located in an area that is zoned for industrial  
1044 or commercial use and the municipality or county shall establish

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1045 and enforce regulations for such areas that, at a minimum, set  
 1046 forth criteria governing the size, lighting, and spacing of wall  
 1047 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~  
 1048 ~~Highway Beautification Act of 1965~~ and with customary use.  
 1049 Whenever a municipality or county exercises such control and  
 1050 makes a determination of customary use pursuant to 23 U.S.C. s.  
 1051 131(d), such determination shall be accepted in lieu of controls  
 1052 in the agreement between the state and the United States  
 1053 Department of Transportation, and the department shall notify  
 1054 the Federal Highway Administration pursuant to the agreement, 23  
 1055 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that  
 1056 is subject to municipal or county regulation and 23 U.S.C. s.  
 1057 131 ~~the Highway Beautification Act of 1965~~ must be approved by  
 1058 the Department of Transportation and the Federal Highway  
 1059 Administration when required by federal law and federal  
 1060 regulation under the agreement between the state and the United  
 1061 States Department of Transportation and federal regulations  
 1062 enforced by the Department of Transportation under s. 479.02(1).  
 1063 The existence of a wall mural as defined in s. 479.01(27)  
 1064 ~~479.01(30)~~ shall not be considered in determining whether a sign  
 1065 as defined in s. 479.01(18) ~~479.01(20)~~, either existing or new,  
 1066 is in compliance with s. 479.07(9)(a).

1067 Section 16. Section 479.16, Florida Statutes, is amended to  
 1068 read:

1069 479.16 Signs for which permits are not required.—The  
 1070 following signs are exempt from the requirement that a permit  
 1071 for a sign be obtained under the provisions of this chapter but  
 1072 are required to comply with the provisions of s. 479.11(4)-(8),  
 1073 and the provisions of subsections (15)-(20) may not be

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1074 implemented or continued if the Federal Government notifies the  
1075 department that implementation or continuation will adversely  
1076 affect the allocation of federal funds to the department:

1077 (1) Signs erected on the premises of an establishment,  
1078 which signs consist primarily of the name of the establishment  
1079 or which identify the principal or accessory merchandise,  
1080 services, activities, or entertainment sold, produced,  
1081 manufactured, or furnished on the premises of the establishment  
1082 and which comply with the lighting restrictions ~~under department~~  
1083 ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a  
1084 municipality or a county located on the premises of such  
1085 municipality or such county which display information regarding  
1086 government services, activities, events, or entertainment. For  
1087 purposes of this section, the following types of messages shall  
1088 not be considered information regarding government services,  
1089 activities, events, or entertainment:

1090 (a) Messages which specifically reference any commercial  
1091 enterprise.

1092 (b) Messages which reference a commercial sponsor of any  
1093 event.

1094 (c) Personal messages.

1095 (d) Political campaign messages.

1096

1097 If a sign located on the premises of an establishment consists  
1098 principally of brand name or trade name advertising and the  
1099 merchandise or service is only incidental to the principal  
1100 activity, or if the owner of the establishment receives rental  
1101 income from the sign, then the sign is not exempt under this  
1102 subsection.

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1103           (2) Signs erected, used, or maintained on a farm by the  
1104 owner or lessee of such farm and relating solely to farm  
1105 produce, merchandise, service, or entertainment sold, produced,  
1106 manufactured, or furnished on such farm.

1107           (3) Signs posted or displayed on real property by the owner  
1108 or by the authority of the owner, stating that the real property  
1109 is for sale or rent. However, if the sign contains any message  
1110 not pertaining to the sale or rental of that real property, then  
1111 it is not exempt under this section.

1112           (4) Official notices or advertisements posted or displayed  
1113 on private property by or under the direction of any public or  
1114 court officer in the performance of her or his official or  
1115 directed duties, or by trustees under deeds of trust or deeds of  
1116 assignment or other similar instruments.

1117           (5) Danger or precautionary signs relating to the premises  
1118 on which they are located; forest fire warning signs erected  
1119 under the authority of the Florida Forest Service of the  
1120 Department of Agriculture and Consumer Services; and signs,  
1121 notices, or symbols erected by the United States Government  
1122 under the direction of the United States Forestry Service.

1123           (6) Notices of any railroad, bridge, ferry, or other  
1124 transportation or transmission company necessary for the  
1125 direction or safety of the public.

1126           (7) Signs, notices, or symbols for the information of  
1127 aviators as to location, directions, and landings and conditions  
1128 affecting safety in aviation erected or authorized by the  
1129 department.

1130           (8) Signs or notices erected or maintained upon property  
1131 stating only the name of the owner, lessee, or occupant of the

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1132 premises and not exceeding 16 & square feet in area.

1133 (9) Historical markers erected by duly constituted and  
1134 authorized public authorities.

1135 (10) Official traffic control signs and markers erected,  
1136 caused to be erected, or approved by the department.

1137 (11) Signs erected upon property warning the public against  
1138 hunting and fishing or trespassing thereon.

1139 (12) Signs not in excess of 16 & square feet that are owned  
1140 by and relate to the facilities and activities of churches,  
1141 civic organizations, fraternal organizations, charitable  
1142 organizations, or units or agencies of government.

1143 (13) ~~Except that~~ Signs placed on benches, transit shelters,  
1144 modular news racks, street light poles, public pay telephones,  
1145 and waste receptacles, within the right-of-way, as provided for  
1146 in s. 337.408 are exempt from all provisions of this chapter.

1147 (14) Signs relating exclusively to political campaigns.

1148 (15) Signs not in excess of 16 square feet placed at a road  
1149 junction with the State Highway System denoting only the  
1150 distance or direction of a residence or farm operation, or,  
1151 outside an incorporated in a rural area where a hardship is  
1152 created because a small business is not visible from the road  
1153 junction with the State Highway System, one sign not in excess  
1154 of 16 square feet, denoting only the name of the business and  
1155 the distance and direction to the business. ~~The small-business-~~  
1156 ~~sign provision of this subsection does not apply to charter~~  
1157 ~~counties and may not be implemented if the Federal Government~~  
1158 ~~notifies the department that implementation will adversely~~  
1159 ~~affect the allocation of federal funds to the department.~~

1160 (16) Signs placed by a local tourist-oriented business



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1161 located within a rural area of critical economic concern, as  
1162 defined by s. 288.0656(2)(d) and (e), and are:

1163 (a) Not more than 8 square feet in size or more than 4 feet  
1164 in height;

1165 (b) Located only in rural areas, along non-limited access  
1166 highways;

1167 (c) Located within 2 miles of the business location and are  
1168 not less than 500 feet apart;

1169 (d) Located only in two directions leading to the business;  
1170 and

1171 (e) Not located within the road right-of-way.

1172

1173 A business placing such signs must be at least 4 miles from any  
1174 other business using this exemption and may not participate in  
1175 any other department directional signage program.

1176 (17) Signs not in excess of 32 square feet placed  
1177 temporarily during harvest season of a farm operation for a  
1178 period of no more than 4 months at a road junction with the  
1179 State Highway System denoting only the distance or direction of  
1180 the farm operation.

1181 (18) Acknowledgement signs erected upon publicly funded  
1182 school premises relating to a specific public school club, team,  
1183 or event placed no closer than 1,000 feet from another  
1184 acknowledgment sign on the same side of the roadway. All sponsor  
1185 information on an acknowledgement sign may constitute no more  
1186 than 100 square feet of the sign. As used in this subsection,  
1187 the term "acknowledgement signs" means signs that are intended  
1188 to inform the traveling public that a public school club, team,  
1189 or event has been sponsored by a person, firm, or other entity.

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1190       (19) Displays erected upon a sports facility which display  
1191 content directly related to the facility's activities and where  
1192 a presence of the products or services offered on the property  
1193 exists. Displays are to be mounted flush or flat to the surface  
1194 of the sports facility and rely upon the building facade for  
1195 structural support. For purposes of this subsection, the term  
1196 "sports facility", means any athletic complex, athletic arena,  
1197 or athletic stadium, including physically connected parking  
1198 facilities, which is open to the public and has a permanent  
1199 installed seating capacity of 15,000 or more.

1200       (20) Signs related to Florida tourism, allowed by the  
1201 department at welcome centers operated pursuant to s. 288.12265.

1202       Section 17. Section 479.24, Florida Statutes, is amended to  
1203 read:

1204       479.24 Compensation for ~~removal~~ of signs; eminent domain;  
1205 exceptions.—

1206       (1) Just compensation shall be paid by the department upon  
1207 the department's acquisition ~~removal~~ of a lawful conforming or  
1208 nonconforming sign along any portion of the interstate or  
1209 federal-aid primary highway system. This section does not apply  
1210 to a sign which is illegal at the time of its removal. A sign  
1211 will lose its nonconforming status and become illegal at such  
1212 time as it fails to be permitted or maintained in accordance  
1213 with all applicable laws, rules, ordinances, or regulations  
1214 other than the provision which makes it nonconforming. A legal  
1215 nonconforming sign under state law or rule will not lose its  
1216 nonconforming status solely because it additionally becomes  
1217 nonconforming under an ordinance or regulation of a local  
1218 governmental entity passed at a later date. The department shall

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1219 make every reasonable effort to negotiate the purchase of the  
1220 signs to avoid litigation and congestion in the courts.

1221 (2) The department is not required to remove any sign under  
1222 this section if the federal share of the just compensation to be  
1223 paid upon removal of the sign is not available to make such  
1224 payment, unless an appropriation by the Legislature for such  
1225 purpose is made to the department.

1226 (3) (a) The department is authorized to use the power of  
1227 eminent domain when necessary to carry out the provisions of  
1228 this chapter.

1229 (b) If eminent domain procedures are instituted, just  
1230 compensation shall be made pursuant to the state's eminent  
1231 domain procedures, chapters 73 and 74.

1232 Section 18. Section 479.25, Florida Statutes, is amended to  
1233 read:

1234 479.25 Erection of noise-attenuation barrier blocking view  
1235 of sign; procedures; application.—

1236 (1) The owner of a lawfully erected sign that is governed  
1237 by and conforms to state and federal requirements for land use,  
1238 size, height, and spacing may increase the height above ground  
1239 level of such sign at its permitted location if a noise-  
1240 attenuation barrier is permitted by or erected by any  
1241 governmental entity in such a way as to screen or block  
1242 visibility of the sign. Any increase in height permitted under  
1243 this section may only be the increase in height which is  
1244 required to achieve the same degree of visibility from the  
1245 right-of-way which the sign had prior to the construction of the  
1246 noise-attenuation barrier, notwithstanding the restrictions  
1247 contained in s. 479.07(9)(b). A sign reconstructed under this

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1248 section shall comply with the building standards and wind load  
1249 requirements set forth in the Florida Building Code. If  
1250 construction of a proposed noise-attenuation barrier will screen  
1251 a sign lawfully permitted under this chapter, the department  
1252 shall provide notice to the local government or local  
1253 jurisdiction within which the sign is located prior to  
1254 construction ~~erection of the noise-attenuation barrier~~. Upon a  
1255 determination that an increase in the height of a sign as  
1256 permitted under this section will violate a provision contained  
1257 in an ordinance or land development regulation of the local  
1258 government or local jurisdiction, prior to construction, the  
1259 local government or local jurisdiction shall ~~so notify the~~  
1260 ~~department. When notice has been received from the local~~  
1261 ~~government or local jurisdiction prior to erection of the noise-~~  
1262 ~~attenuation barrier, the department shall:~~

1263 (a) Provide a variance or waiver to the local ordinance or  
1264 land development regulations to ~~Conduct a written survey of all~~  
1265 ~~property owners identified as impacted by highway noise and who~~  
1266 ~~may benefit from the proposed noise-attenuation barrier. The~~  
1267 ~~written survey shall inform the property owners of the location,~~  
1268 ~~date, and time of the public hearing described in paragraph (b)~~  
1269 ~~and shall specifically advise the impacted property owners that:~~

1270 1. ~~Erection of the noise-attenuation barrier may block the~~  
1271 ~~visibility of an existing outdoor advertising sign;~~

1272 2. ~~The local government or local jurisdiction may restrict~~  
1273 ~~or prohibit increasing the height of the existing outdoor~~  
1274 ~~advertising sign to make it visible over the barrier; and~~

1275 3. ~~If a majority of the impacted property owners vote for~~  
1276 ~~construction of the noise-attenuation barrier, the local~~

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1277 ~~government or local jurisdiction will be required to:~~  
1278       ~~a.~~ allow an increase in the height of the sign ~~in violation~~  
1279 ~~of a local ordinance or land development regulation;~~  
1280       (b)~~b.~~ Allow the sign to be relocated or reconstructed at  
1281 another location if the sign owner agrees; or  
1282       (c)~~e.~~ Pay the fair market value of the sign and its  
1283 associated interest in the real property.  
1284       (2)~~(b)~~ The department shall hold ~~Hold~~ a public hearing  
1285 within the boundaries of the affected local governments or local  
1286 jurisdictions to receive input on the proposed noise-attenuation  
1287 barrier and its conflict with the local ordinance or land  
1288 development regulation and to suggest or consider alternatives  
1289 or modifications ~~to the proposed noise-attenuation barrier~~ to  
1290 alleviate or minimize the conflict with the local ordinance or  
1291 land development regulation or minimize any costs that may be  
1292 associated with relocating, reconstructing, or paying for the  
1293 affected sign. The public hearing may be held concurrently with  
1294 other public hearings scheduled for the project. The department  
1295 shall provide a written notification to the local government or  
1296 local jurisdiction of the date and time of the public hearing  
1297 and shall provide general notice of the public hearing in  
1298 accordance with the notice provisions of s. 335.02(1). The  
1299 notice shall not be placed in that portion of a newspaper in  
1300 which legal notices or classified advertisements appear. The  
1301 notice shall specifically state that:  
1302       (a)~~1.~~ Erection of the proposed noise-attenuation barrier  
1303 may block the visibility of an existing outdoor advertising  
1304 sign;  
1305       (b)~~2.~~ The local government or local jurisdiction may

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1306 restrict or prohibit increasing the height of the existing  
 1307 outdoor advertising sign ~~to make it visible over the barrier;~~  
 1308 and

1309 ~~(c)3. Upon~~ If a majority of the impacted property owners  
 1310 ~~vote for~~ construction of the noise-attenuation barrier, the  
 1311 local government or local jurisdiction shall ~~will be required~~  
 1312 ~~to:~~

1313 ~~1.a.~~ Allow an increase in the height of the sign through a  
 1314 waiver or variance to ~~in violation of~~ a local ordinance or land  
 1315 development regulation;

1316 ~~2.b.~~ Allow the sign to be relocated or reconstructed at  
 1317 another location if the sign owner agrees; or

1318 ~~3.e.~~ Pay the fair market value of the sign and its  
 1319 associated interest in the real property.

1320 ~~(3)(2)~~ The department may ~~shall~~ not permit erection of the  
 1321 noise-attenuation barrier to the extent the barrier screens or  
 1322 blocks visibility of the sign until after the public hearing is  
 1323 held ~~and until such time as the survey has been conducted and a~~  
 1324 ~~majority of the impacted property owners have indicated approval~~  
 1325 ~~to erect the noise-attenuation barrier. When the impacted~~  
 1326 ~~property owners approve of the noise-attenuation barrier~~  
 1327 ~~construction, the department shall notify the local governments~~  
 1328 ~~or local jurisdictions. The local government or local~~  
 1329 ~~jurisdiction shall, notwithstanding the provisions of a~~  
 1330 ~~conflicting ordinance or land development regulation:~~

1331 ~~(a) Issue a permit by variance or otherwise for the~~  
 1332 ~~reconstruction of a sign under this section;~~

1333 ~~(b) Allow the relocation of a sign, or construction of~~  
 1334 ~~another sign, at an alternative location that is permissible~~

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1335 ~~under the provisions of this chapter, if the sign owner agrees~~  
1336 ~~to relocate the sign or construct another sign; or~~

1337 ~~(c) Refuse to issue the required permits for reconstruction~~  
1338 ~~of a sign under this section and pay fair market value of the~~  
1339 ~~sign and its associated interest in the real property to the~~  
1340 ~~owner of the sign.~~

1341 ~~(4)(3)~~ This section does ~~shall~~ not apply to the provisions  
1342 of any existing written agreement executed before July 1, 2006,  
1343 between any local government and the owner of an outdoor  
1344 advertising sign.

1345 Section 19. Subsection (1) of section 479.261, Florida  
1346 Statutes, is amended to read:

1347 479.261 Logo sign program.—

1348 (1) The department shall establish a logo sign program for  
1349 the rights-of-way of the limited access ~~interstate~~ highway  
1350 system to provide information to motorists about available gas,  
1351 food, lodging, camping, attractions, and other services, as  
1352 approved by the Federal Highway Administration, at interchanges  
1353 through the use of business logos and may include additional  
1354 interchanges under the program.

1355 (a) As used in this chapter, the term "attraction" means an  
1356 establishment, site, facility, or landmark that is open a  
1357 minimum of 5 days a week for 52 weeks a year; that has as its  
1358 principal focus family-oriented entertainment, cultural,  
1359 educational, recreational, scientific, or historical activities;  
1360 and that is publicly recognized as a bona fide tourist  
1361 attraction.

1362 (b) The department shall incorporate the use of RV-friendly  
1363 markers on specific information logo signs for establishments

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1364 that cater to the needs of persons driving recreational  
1365 vehicles. Establishments that qualify for participation in the  
1366 specific information logo program and that also qualify as "RV-  
1367 friendly" may request the RV-friendly marker on their specific  
1368 information logo sign. An RV-friendly marker must consist of a  
1369 design approved by the Federal Highway Administration. The  
1370 department shall adopt rules in accordance with chapter 120 to  
1371 administer this paragraph, including rules setting forth the  
1372 minimum requirements that establishments must meet in order to  
1373 qualify as RV-friendly. These requirements shall include large  
1374 parking spaces, entrances, and exits that can easily accommodate  
1375 recreational vehicles and facilities having appropriate overhead  
1376 clearances, if applicable.

1377 Section 20. Section 479.313, Florida Statutes, is amended  
1378 to read:

1379 479.313 Permit revocation and cancellation; cost of  
1380 removal.—All costs incurred by the department in connection with  
1381 the removal of a sign located within a controlled area adjacent  
1382 to the State Highway System, interstate highway system, or  
1383 federal-aid primary highway system following the revocation or  
1384 cancellation of the permit for such sign shall be assessed  
1385 against and collected from the permittee.

1386 Section 21. This act shall take effect July 1, 2013.