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1 A bill to be entitled
2 An act relating to transportation; amending s. 163.01,
3 F.S.; modifying the definition of the term "public
4 agency" to include a public transit provider;
5 providing that a public agency of this state may have
6 membership in a separate legal entity created under
7 the Florida Interlocal Cooperation Act of 1969;
8 amending s. 337.25, F.S.; authorizing the Department
9 of Transportation to use auction services in the
10 conveyance of certain property or leasehold interests;
11 revising certain inventory requirements; revising
12 provisions and providing criteria for the department
13 to dispose of certain excess property; providing such
14 criteria for the disposition of donated property,
15 property used for a public purpose, or property
16 acquired to provide replacement housing for certain
17 displaced persons; providing value offsets for
18 property that requires significant maintenance costs
19 or exposes the department to significant liability;
20 providing procedures for the sale of property to
21 abutting property owners; deleting provisions to
22 conform to changes made by the act; providing monetary
23 restrictions and criteria for the conveyance of
24 certain leasehold interests; providing exceptions to
25 restrictions for leases entered into for a public
26 purpose; providing criteria for the preparation of
27 estimates of value prepared by the department;
28 providing that the requirements of s. 73.013, F.S.,
29 relating to eminent domain, are not modified;

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30 providing that certain programs approved by the
31 Federal Government relating to the maintenance of
32 highway roadside rights-of-way must be submitted to
33 the Legislature for approval; amending s. 373.618,
34 F.S.; providing that certain public information
35 systems operated by water management districts must be
36 approved by the Department of Transportation and the
37 Federal Highway Administration if such approval is
38 required by certain laws and regulations; amending
39 provisions of ch. 479, F.S., relating to outdoor
40 advertising signs; amending s. 479.01, F.S.; revising
41 and deleting definitions; amending s. 479.02, F.S.;
42 revising powers of the department relating to
43 nonconforming signs; deleting a requirement that the
44 department adopt certain rules; creating s. 479.024,
45 F.S.; limiting the placement of signs in commercial or
46 industrial zones; defining the terms "parcel" and
47 "utilities"; providing mandatory criteria for local
48 governments to use in determining zoning for
49 commercial or industrial parcels; providing that
50 certain parcels are considered unzoned commercial or
51 industrial areas; providing that specified uses may
52 not be independently recognized as commercial or
53 industrial areas; providing an appeal process for an
54 applicant whose permit is denied; requiring an
55 applicant whose application is denied to remove an
56 existing sign pertaining to the application; requiring
57 the department to reduce certain transportation
58 funding in certain circumstances; amending s. 479.03,

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59 F.S.; providing for notice to owners of intervening
60 privately owned lands before entering upon such lands
61 to remove an illegal sign; amending s. 479.04, F.S.;
62 providing that an outdoor advertising license is not
63 required solely to erect outdoor signs or structures;
64 amending s. 479.05, F.S.; authorizing the department
65 to suspend a license for certain offenses and
66 specifying activities that the licensee may engage in
67 during the suspension; amending s. 479.07, F.S.;
68 revising requirements for obtaining sign permits;
69 conforming and clarifying provisions; requiring an
70 application fee; revising sign placement requirements
71 for signs on certain highways; deleting provisions
72 that establish a pilot program relating to placement
73 and removing a permit reinstatement fee; amending s.
74 479.08, F.S.; clarifying provisions relating to the
75 denial or revocation of a permit because of false or
76 misleading information in the permit application;
77 amending s. 479.10, F.S.; providing for cancellation
78 of a permit; amending s. 479.105, F.S.; revising
79 notice requirements to owners and advertisers relating
80 to signs erected or maintained without a permit;
81 revising procedures providing for the department to
82 issue a permit as a conforming or nonconforming sign
83 to the owner of an unpermitted sign; amending s.
84 479.106, F.S.; increasing an administrative penalty
85 for illegally removing certain vegetation; amending s.
86 479.107, F.S.; deleting fines for certain signs on
87 highway rights-of-way; amending s. 479.111, F.S.;

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88 clarifying provisions relating to signs allowed on
89 certain highways; amending s. 479.15, F.S.; deleting a
90 definition; clarifying and conforming provisions
91 related to permitted signs on property that is the
92 subject of public acquisition; amending s. 479.156,
93 F.S.; clarifying provisions related to the regulation
94 of wall murals; amending s. 479.16, F.S.; providing
95 that certain provisions relating to the regulation of
96 signs may not be implemented or continued if such
97 actions will adversely affect the allocation of
98 federal funds to the department; exempting from permit
99 requirements certain signs placed by tourist-oriented
100 businesses, certain farm signs during harvest season,
101 acknowledgement signs on publicly funded school
102 premises, and certain displays on specific sports
103 facilities; providing for the removal of signs if
104 certain exemptions do not apply because the allocation
105 of federal funds to the department will be adversely
106 impacted; amending s. 479.24, F.S.; clarifying
107 provisions relating to compensation paid for the
108 department's acquisition of lawful signs; amending s.
109 479.25, F.S.; requiring a local government to grant a
110 variance or waiver to a local ordinance or regulation
111 to allow the owner of a lawfully permitted sign to
112 increase the height of the sign if a noise-attenuation
113 barrier is permitted by or erected by a governmental
114 entity in a way that interferes with the visibility of
115 the sign; deleting provisions to conform; amending s.
116 479.261, F.S.; conforming provisions related to a logo

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117 sign program on limited access highways; amending s.
118 479.313, F.S.; requiring a permittee to pay the cost
119 of removing certain signs following the cancellation
120 of the permit for the sign; repealing s. 76 of chapter
121 2012-174, Laws of Florida, relating to authorizing the
122 department to seek Federal Highway Administration
123 approval of a tourist-oriented commerce sign pilot
124 program and directing the department to submit the
125 approved pilot program for legislative approval;
126 providing an effective date.

127
128 Be It Enacted by the Legislature of the State of Florida:

129
130 Section 1. Paragraph (b) of subsection (3) and paragraph
131 (g) of subsection (7) of section 163.01, Florida Statutes, are
132 amended to read:

133 163.01 Florida Interlocal Cooperation Act of 1969.—

134 (3) As used in this section:

135 (b) "Public agency" means a political subdivision, agency,
136 or officer of this state or of any state of the United States,
137 including, but not limited to, state government, county, city,
138 school district, single and multipurpose special district,
139 single and multipurpose public authority, metropolitan or
140 consolidated government, a separate legal entity or
141 administrative entity created under subsection (7), a public
142 transit provider as defined in s. 341.031, an independently
143 elected county officer, any agency of the United States
144 Government, a federally recognized Native American tribe, and
145 any similar entity of any other state of the United States.

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146 (7)

147 (g)1. Notwithstanding any other provisions of this section,
148 any separate legal entity created under this section, the
149 membership of which is limited to municipalities and counties of
150 the state, and which may include a special district or a public
151 agency of this state in addition to a municipality or county or
152 both, may acquire, own, construct, improve, operate, and manage
153 public facilities, or finance facilities on behalf of any
154 person, relating to a governmental function or purpose,
155 including, but not limited to, wastewater facilities, water or
156 alternative water supply facilities, and water reuse facilities,
157 which may serve populations within or outside of the members of
158 the entity. Notwithstanding s. 367.171(7), any separate legal
159 entity created under this paragraph is not subject to Public
160 Service Commission jurisdiction. The separate legal entity may
161 not provide utility services within the service area of an
162 existing utility system unless it has received the consent of
163 the utility.

164 2. For purposes of this paragraph, the term:

165 a. "Host government" means the governing body of the
166 county, if the largest number of equivalent residential
167 connections currently served by a system of the utility is
168 located in the unincorporated area, or the governing body of a
169 municipality, if the largest number of equivalent residential
170 connections currently served by a system of the utility is
171 located within that municipality's boundaries.

172 b. "Separate legal entity" means any entity created by
173 interlocal agreement the membership of which is limited to two
174 or more special districts, municipalities, ~~or~~ counties, or

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175 public agencies of the state, but which entity is legally
176 separate and apart from any of its member governments.

177 c. "System" means a water or wastewater facility or group
178 of such facilities owned by one entity or affiliate entities.

179 d. "Utility" means a water or wastewater utility and
180 includes every person, separate legal entity, lessee, trustee,
181 or receiver owning, operating, managing, or controlling a
182 system, or proposing construction of a system, who is providing,
183 or proposes to provide, water or wastewater service to the
184 public for compensation.

185 3. A separate legal entity that seeks to acquire any
186 utility shall notify the host government in writing by certified
187 mail about the contemplated acquisition not less than 30 days
188 before any proposed transfer of ownership, use, or possession of
189 any utility assets by such separate legal entity. The potential
190 acquisition notice shall be provided to the legislative head of
191 the governing body of the host government and to its chief
192 administrative officer and shall provide the name and address of
193 a contact person for the separate legal entity and information
194 identified in s. 367.071(4) (a) concerning the contemplated
195 acquisition.

196 4.a. Within 30 days following receipt of the notice, the
197 host government may adopt a resolution to become a member of the
198 separate legal entity, adopt a resolution to approve the utility
199 acquisition, or adopt a resolution to prohibit the utility
200 acquisition by the separate legal entity if the host government
201 determines that the proposed acquisition is not in the public
202 interest. A resolution adopted by the host government which
203 prohibits the acquisition may include conditions that would make

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204 the proposal acceptable to the host government.

205 b. If a host government adopts a membership resolution, the
206 separate legal entity shall accept the host government as a
207 member on the same basis as its existing members before any
208 transfer of ownership, use, or possession of the utility or the
209 utility facilities. If a host government adopts a resolution to
210 approve the utility acquisition, the separate legal entity may
211 complete the acquisition. If a host government adopts a
212 prohibition resolution, the separate legal entity may not
213 acquire the utility within that host government's territory
214 without the specific consent of the host government by future
215 resolution. If a host government does not adopt a prohibition
216 resolution or an approval resolution, the separate legal entity
217 may proceed to acquire the utility after the 30-day notice
218 period without further notice.

219 5. After the acquisition or construction of any utility
220 systems by a separate legal entity created under this paragraph,
221 revenues or any other income may not be transferred or paid to a
222 member of a separate legal entity, or to any other special
223 district, county, ~~or~~ municipality, or public agency of this
224 state, from user fees or other charges or revenues generated
225 from customers that are not physically located within the
226 jurisdictional or service delivery boundaries of the member,
227 special district, county, ~~or~~ municipality, or public agency
228 receiving the transfer or payment. Any transfer or payment to a
229 member, special district, ~~or other~~ local government, or public
230 agency of this state must be solely from user fees or other
231 charges or revenues generated from customers that are physically
232 located within the jurisdictional or service delivery boundaries

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233 of the member, special district, ~~or~~ local government, or public
234 agency receiving the transfer of payment.

235 6. This section is an alternative provision otherwise
236 provided by law as authorized in s. 4, Art. VIII of the State
237 Constitution for any transfer of power as a result of an
238 acquisition of a utility by a separate legal entity from a
239 municipality, county, ~~or~~ special district, or public agency of
240 this state.

241 7. The entity may finance or refinance the acquisition,
242 construction, expansion, and improvement of such facilities
243 relating to a governmental function or purpose through the
244 issuance of its bonds, notes, or other obligations under this
245 section or as otherwise authorized by law. The entity has all
246 the powers provided by the interlocal agreement under which it
247 is created or which are necessary to finance, own, operate, or
248 manage the public facility, including, without limitation, the
249 power to establish rates, charges, and fees for products or
250 services provided by it, the power to levy special assessments,
251 the power to sell or finance all or a portion of such facility,
252 and the power to contract with a public or private entity to
253 manage and operate such facilities or to provide or receive
254 facilities, services, or products. Except as may be limited by
255 the interlocal agreement under which the entity is created, all
256 of the privileges, benefits, powers, and terms of s. 125.01,
257 relating to counties, and s. 166.021, relating to
258 municipalities, are fully applicable to the entity. However,
259 neither the entity nor any of its members on behalf of the
260 entity may exercise the power of eminent domain over the
261 facilities or property of any existing water or wastewater plant

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262 utility system, nor may the entity acquire title to any water or
263 wastewater plant utility facilities, other facilities, or
264 property which was acquired by the use of eminent domain after
265 the effective date of this act. Bonds, notes, and other
266 obligations issued by the entity are issued on behalf of the
267 public agencies that are members of the entity.

268 8. Any entity created under this section may also issue
269 bond anticipation notes in connection with the authorization,
270 issuance, and sale of bonds. The bonds may be issued as serial
271 bonds or as term bonds or both. Any entity may issue capital
272 appreciation bonds or variable rate bonds. Any bonds, notes, or
273 other obligations must be authorized by resolution of the
274 governing body of the entity and bear the date or dates; mature
275 at the time or times, not exceeding 40 years from their
276 respective dates; bear interest at the rate or rates; be payable
277 at the time or times; be in the denomination; be in the form;
278 carry the registration privileges; be executed in the manner; be
279 payable from the sources and in the medium or payment and at the
280 place; and be subject to the terms of redemption, including
281 redemption prior to maturity, as the resolution may provide. If
282 any officer whose signature, or a facsimile of whose signature,
283 appears on any bonds, notes, or other obligations ceases to be
284 an officer before the delivery of the bonds, notes, or other
285 obligations, the signature or facsimile is valid and sufficient
286 for all purposes as if he or she had remained in office until
287 the delivery. The bonds, notes, or other obligations may be sold
288 at public or private sale for such price as the governing body
289 of the entity shall determine. Pending preparation of the
290 definitive bonds, the entity may issue interim certificates,

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291 which shall be exchanged for the definitive bonds. The bonds may
292 be secured by a form of credit enhancement, if any, as the
293 entity deems appropriate. The bonds may be secured by an
294 indenture of trust or trust agreement. In addition, the
295 governing body of the legal entity may delegate, to an officer,
296 official, or agent of the legal entity as the governing body of
297 the legal entity may select, the power to determine the time;
298 manner of sale, public or private; maturities; rate of interest,
299 which may be fixed or may vary at the time and in accordance
300 with a specified formula or method of determination; and other
301 terms and conditions as may be deemed appropriate by the
302 officer, official, or agent so designated by the governing body
303 of the legal entity. However, the amount and maturity of the
304 bonds, notes, or other obligations and the interest rate of the
305 bonds, notes, or other obligations must be within the limits
306 prescribed by the governing body of the legal entity and its
307 resolution delegating to an officer, official, or agent the
308 power to authorize the issuance and sale of the bonds, notes, or
309 other obligations.

310 9. Bonds, notes, or other obligations issued under this
311 paragraph may be validated as provided in chapter 75. The
312 complaint in any action to validate the bonds, notes, or other
313 obligations must be filed only in the Circuit Court for Leon
314 County. The notice required to be published by s. 75.06 must be
315 published in Leon County and in each county that is a member of
316 the entity issuing the bonds, notes, or other obligations, or in
317 which a member of the entity is located, and the complaint and
318 order of the circuit court must be served only on the State
319 Attorney of the Second Judicial Circuit and on the state

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320 attorney of each circuit in each county that is a member of the
321 entity issuing the bonds, notes, or other obligations or in
322 which a member of the entity is located. Section 75.04(2) does
323 not apply to a complaint for validation brought by the legal
324 entity.

325 10. The accomplishment of the authorized purposes of a
326 legal entity created under this paragraph is in all respects for
327 the benefit of the people of the state, for the increase of
328 their commerce and prosperity, and for the improvement of their
329 health and living conditions. Since the legal entity will
330 perform essential governmental functions in accomplishing its
331 purposes, the legal entity is not required to pay any taxes or
332 assessments of any kind whatsoever upon any property acquired or
333 used by it for such purposes or upon any revenues at any time
334 received by it. The bonds, notes, and other obligations of an
335 entity, their transfer, and the income therefrom, including any
336 profits made on the sale thereof, are at all times free from
337 taxation of any kind by the state or by any political
338 subdivision or other agency or instrumentality thereof. The
339 exemption granted in this subparagraph is not applicable to any
340 tax imposed by chapter 220 on interest, income, or profits on
341 debt obligations owned by corporations.

342 Section 2. Section 337.25, Florida Statutes, is amended to
343 read:

344 337.25 Acquisition, lease, and disposal of real and
345 personal property.—

346 (1) (a) The department may purchase, lease, exchange, or
347 otherwise acquire any land, property interests, or buildings or
348 other improvements, including personal property within such

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349 buildings or on such lands, necessary to secure or utilize
350 transportation rights-of-way for existing, proposed, or
351 anticipated transportation facilities on the State Highway
352 System, on the State Park Road System, in a rail corridor, or in
353 a transportation corridor designated by the department. Such
354 property shall be held in the name of the state.

355 (b) The department may accept donations of any land or
356 buildings or other improvements, including personal property
357 within such buildings or on such lands with or without such
358 conditions, reservations, or reverter provisions as are
359 acceptable to the department. Such donations may be used as
360 transportation rights-of-way or to secure or utilize
361 transportation rights-of-way for existing, proposed, or
362 anticipated transportation facilities on the State Highway
363 System, on the State Park Road System, or in a transportation
364 corridor designated by the department.

365 (c) When lands, buildings, or other improvements are needed
366 for transportation purposes, but are held by a federal, state,
367 or local governmental entity and utilized for public purposes
368 other than transportation, the department may compensate the
369 entity for such properties by providing functionally equivalent
370 replacement facilities. The providing of replacement facilities
371 under this subsection may only be undertaken with the agreement
372 of the governmental entity affected.

373 (d) The department may contract pursuant to s. 287.055 for
374 auction services used in the conveyance of real or personal
375 property or the conveyance of leasehold interests under the
376 provisions of subsections (4) and (5). The contract may allow
377 for the contractor to retain a portion of the proceeds as

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378 compensation for the contractor's services.

379 (2) A complete inventory shall be made of all real or
380 personal property immediately upon possession or acquisition.
381 Such inventory shall include a statement of the location or site
382 of each piece of realty, structure, or severable item ~~an~~
383 ~~itemized listing of all appliances, fixtures, and other~~
384 ~~severable items; a statement of the location or site of each~~
385 ~~piece of realty, structure, or severable item; and the serial~~
386 ~~number assigned to each.~~ Copies of each inventory shall be filed
387 in the district office in which the property is located. Such
388 inventory shall be carried forward to show the final disposition
389 of each item of property, both real and personal.

390 (3) The inventory of real property which was acquired by
391 the state after December 31, 1988, which has been owned by the
392 state for 10 or more years, and which is not within a
393 transportation corridor or within the right-of-way of a
394 transportation facility shall be evaluated to determine the
395 necessity for retaining the property. If the property is not
396 needed for the construction, operation, and maintenance of a
397 transportation facility, or is not located within a
398 transportation corridor, the department may dispose of the
399 property pursuant to subsection (4).

400 (4) The department may convey ~~sell~~, in the name of the
401 state, any land, building, or other property, real or personal,
402 which was acquired under the provisions of subsection (1) and
403 which the department has determined is not needed for the
404 construction, operation, and maintenance of a transportation
405 facility. ~~With the exception of any parcel governed by paragraph~~
406 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~

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407 ~~(i), the department shall afford first right of refusal to the~~
408 ~~local government in the jurisdiction of which the parcel is~~
409 ~~situated. When such a determination has been made, property may~~
410 ~~be disposed of through negotiations, sealed competitive bids,~~
411 ~~auctions, or any other means the department deems to be in its~~
412 ~~best interest, with due advertisement for property valued by the~~
413 ~~department at greater than \$10,000. A sale may not occur at a~~
414 ~~price less than the department's current estimate of value,~~
415 ~~except as provided in paragraphs (a)-(d). The department may~~
416 ~~afford a right of first refusal to the local government or other~~
417 ~~political subdivision in the jurisdiction in which the parcel is~~
418 ~~situated, except in conveyances transacted under paragraph (a),~~
419 ~~paragraph (c), or paragraph (e). ~~in the following manner:~~~~

420 (a) If the ~~value of the property~~ has been donated to the
421 state for transportation purposes and a facility has not been
422 constructed for a period of at least 5 years, plans have not
423 been prepared for the construction of such facility, and the
424 property is not located in a transportation corridor, the
425 governmental entity may authorize reconveyance of the donated
426 property for no consideration to the original donor or the
427 donor's heirs, successors, assigns, or representatives ~~is~~
428 ~~\$10,000 or less as determined by department estimate, the~~
429 ~~department may negotiate the sale.~~

430 (b) If ~~the value of the property~~ is to be used for a public
431 purpose, the property may be conveyed without consideration to a
432 governmental entity ~~exceeds \$10,000 as determined by department~~
433 ~~estimate, such property may be sold to the highest bidder~~
434 ~~through receipt of sealed competitive bids, after due~~
435 ~~advertisement, or by public auction held at the site of the~~

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436 ~~improvement which is being sold.~~

437 (c) If the property was originally acquired specifically to
438 provide replacement housing for persons displaced by
439 transportation projects, the department may negotiate for the
440 sale of such property as replacement housing. As compensation,
441 the state shall receive no less than its investment in such
442 property or the department's current estimate of value,
443 whichever is lower. It is expressly intended that this benefit
444 be extended only to persons actually displaced by the project.
445 Dispositions to any other person must be for no less than the
446 department's current estimate of value, ~~in the discretion of the~~
447 ~~department, public sale would be inequitable, properties may be~~
448 ~~sold by negotiation to the owner holding title to the property~~
449 ~~abutting the property to be sold, provided such sale is at a~~
450 ~~negotiated price not less than fair market value as determined~~
451 ~~by an independent appraisal, the cost of which shall be paid by~~
452 ~~the owner of the abutting land. If negotiations do not result in~~
453 ~~the sale of the property to the owner of the abutting land and~~
454 ~~the property is sold to someone else, the cost of the~~
455 ~~independent appraisal shall be borne by the purchaser; and the~~
456 ~~owner of the abutting land shall have the cost of the appraisal~~
457 ~~refunded to him or her. If, however, no purchase takes place,~~
458 ~~the owner of the abutting land shall forfeit the sum paid by him~~
459 ~~or her for the independent appraisal. If, due to action of the~~
460 ~~department, the property is removed from eligibility for sale,~~
461 ~~the cost of any appraisal prepared shall be refunded to the~~
462 ~~owner of the abutting land.~~

463 (d) If the department determines that the property will
464 require significant costs to be incurred or that continued

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465 ownership of the property exposes the department to significant
466 liability risks, the department may use the projected
467 maintenance costs over the next 10 years to offset the
468 property's value in establishing a value for disposal of the
469 property, even if that value is zero ~~property acquired for use~~
470 ~~as a borrow pit is no longer needed, the department may sell~~
471 ~~such property to the owner of the parcel of abutting land from~~
472 ~~which the borrow pit was originally acquired, provided the sale~~
473 ~~is at a negotiated price not less than fair market value as~~
474 ~~determined by an independent appraisal, the cost of which shall~~
475 ~~be paid by the owner of such abutting land.~~

476 (e) If, in the discretion of the department, a sale to
477 anyone other than an abutting property owner would be
478 inequitable, the property may be sold to the abutting owner for
479 the department's current estimate of value. If the department
480 begins the process for disposing of the property on its own
481 initiative, either by negotiation under the provisions of
482 paragraph (a), paragraph (c), or paragraph (d), or paragraph
483 ~~(i),~~ or by receipt of sealed competitive bids or public auction
484 under the provisions of paragraph (b) or paragraph (i), a
485 department staff appraiser may determine the fair market value
486 of the property by an appraisal.

487 ~~(f) Any property which was acquired by a county or by the~~
488 ~~department using constitutional gas tax funds for the purpose of~~
489 ~~a right-of-way or borrow pit for a road on the State Highway~~
490 ~~System, State Park Road System, or county road system and which~~
491 ~~is no longer used or needed by the department may be conveyed~~
492 ~~without consideration to that county. The county may then sell~~
493 ~~such surplus property upon receipt of competitive bids in the~~

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494 ~~same manner prescribed in this section.~~

495 ~~(g) If a property has been donated to the state for~~
496 ~~transportation purposes and the facility has not been~~
497 ~~constructed for a period of at least 5 years and no plans have~~
498 ~~been prepared for the construction of such facility and the~~
499 ~~property is not located in a transportation corridor, the~~
500 ~~governmental entity may authorize reconveyance of the donated~~
501 ~~property for no consideration to the original donor or the~~
502 ~~donor's heirs, successors, assigns, or representatives.~~

503 ~~(h) If property is to be used for a public purpose, the~~
504 ~~property may be conveyed without consideration to a governmental~~
505 ~~entity.~~

506 ~~(i) If property was originally acquired specifically to~~
507 ~~provide replacement housing for persons displaced by~~
508 ~~transportation projects, the department may negotiate for the~~
509 ~~sale of such property as replacement housing. As compensation,~~
510 ~~the state shall receive no less than its investment in such~~
511 ~~properties or fair market value, whichever is lower. It is~~
512 ~~expressly intended that this benefit be extended only to those~~
513 ~~persons actually displaced by such project. Dispositions to any~~
514 ~~other persons must be for fair market value.~~

515 ~~(j) If the department determines that the property will~~
516 ~~require significant costs to be incurred or that continued~~
517 ~~ownership of the property exposes the department to significant~~
518 ~~liability risks, the department may use the projected~~
519 ~~maintenance costs over the next 5 years to offset the market~~
520 ~~value in establishing a value for disposal of the property, even~~
521 ~~if that value is zero.~~

522 (5) The department may convey a leasehold interest for

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523 commercial or other purposes, in the name of the state, to any
524 land, building, or other property, real or personal, which was
525 acquired under the provisions of subsection (1). However, a
526 lease may not be entered into at a price less than the
527 department's current estimate of value.

528 (a) A lease may be through negotiations, sealed competitive
529 bids, auctions, or any other means the department deems to be in
530 its best interest ~~The department may negotiate such a lease at~~
531 ~~the prevailing market value with the owner from whom the~~
532 ~~property was acquired; with the holders of leasehold estates~~
533 ~~existing at the time of the department's acquisition; or, if~~
534 ~~public bidding would be inequitable, with the owner holding~~
535 ~~title to privately owned abutting property, if reasonable notice~~
536 ~~is provided to all other owners of abutting property. The~~
537 department may allow an outdoor advertising sign to remain on
538 the property acquired, or be relocated on department property,
539 and such sign shall not be considered a nonconforming sign
540 pursuant to chapter 479.

541 (b) If, in the discretion of the department, a lease to a
542 person other than an abutting property owner or tenant with a
543 leasehold interest in the abutting property would be
544 inequitable, the property may be leased to the abutting owner or
545 tenant for no less than the department's current estimate of
546 value ~~All other leases shall be by competitive bid.~~

547 (c) No lease signed pursuant to paragraph (a) ~~or paragraph~~
548 ~~(b)~~ shall be for a period of more than 5 years; however, the
549 department may renegotiate or extend such a lease for an
550 additional term of 5 years as the department deems appropriate
551 ~~without rebidding.~~

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552 (d) Each lease shall provide that, unless otherwise
553 directed by the lessor, any improvements made to the property
554 during the term of the lease shall be removed at the lessee's
555 expense.

556 (e) If property is to be used for a public purpose,
557 ~~including a fair, art show, or other educational, cultural, or~~
558 ~~fundraising activity,~~ the property may be leased without
559 consideration to a governmental entity ~~or school board.~~ A lease
560 for a public purpose is exempt from the term limits in paragraph
561 (c).

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

565 (g) No lease executed under this subsection may be utilized
566 by the lessee to establish the ~~4 years~~ standing required by s.
567 73.071(3) (b) if the business had not been established for the
568 specified number of 4 years on the date title passed to the
569 department.

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

574 (6) Nothing in this chapter prevents the joint use of
575 right-of-way for alternative modes of transportation; provided
576 that the joint use does not impair the integrity and safety of
577 the transportation facility.

578 (7) The department's estimate of value, required by
579 subsections (4) and (5), shall be prepared in accordance with
580 department procedures, guidelines, and rules for valuation of

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581 real property. If the value of the property exceeds \$50,000, as
582 determined by the department estimate, the sale or lease must be
583 at a negotiated price not less than the estimate of value as
584 determined by an appraisal prepared in accordance with
585 department procedures, guidelines, and rules for valuation of
586 real property, the cost of which shall be paid by the party
587 seeking the purchase or lease of the property ~~appraisal required~~
588 ~~by paragraphs (4) (c) and (d) shall be prepared in accordance~~
589 ~~with department guidelines and rules by an independent appraiser~~
590 ~~who has been certified by the department. If federal funds were~~
591 ~~used in the acquisition of the property, the appraisal shall~~
592 ~~also be subject to the approval of the Federal Highway~~
593 ~~Administration.~~

594 (8) A "due advertisement" under this section is an
595 advertisement in a newspaper of general circulation in the area
596 of the improvements of not less than 14 calendar days prior to
597 the date of the receipt of bids or the date on which a public
598 auction is to be held.

599 (9) The department, with the approval of the Chief
600 Financial Officer, is authorized to disburse state funds for
601 real estate closings in a manner consistent with good business
602 practices and in a manner minimizing costs and risks to the
603 state.

604 (10) The department is authorized to purchase title
605 insurance in those instances where it is determined that such
606 insurance is necessary to protect the public's investment in
607 property being acquired for transportation purposes. The
608 department shall adopt procedures to be followed in making the
609 determination to purchase title insurance for a particular

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610 parcel or group of parcels which, at a minimum, shall set forth
611 criteria which the parcels must meet.

612 (11) This section does not modify the requirements of s.
613 73.013.

614 Section 3. If the Federal Government approves a program
615 that allows participation in the maintenance of highway roadside
616 rights-of-way through monetary contributions in exchange for
617 recognition of services provided in the form of organic
618 corporate emblems placed in view of passing motorists, the
619 Department of Transportation shall submit the program for
620 legislative approval in the next regular legislative session.

621 Section 4. Section 373.618, Florida Statutes, is amended to
622 read:

623 373.618 Public service warnings, alerts, and
624 announcements.—The Legislature believes it is in the public
625 interest that all water management districts created pursuant to
626 s. 373.069 own, acquire, develop, construct, operate, and manage
627 public information systems. Public information systems may be
628 located on property owned by the water management district, upon
629 terms and conditions approved by the water management district,
630 and must display messages to the general public concerning water
631 management services, activities, events, and sponsors, as well
632 as other public service announcements, including watering
633 restrictions, severe weather reports, amber alerts, and other
634 essential information needed by the public. Local government
635 review or approval is not required for a public information
636 system owned or hereafter acquired, developed, or constructed by
637 the water management district on its own property. A public
638 information system is exempt from the requirements of chapter

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639 479. However, a public information system that is subject to the
640 Highway Beautification Act of 1965 must be approved by the
641 Department of Transportation and the Federal Highway
642 Administration if such approval is required by federal law and
643 federal regulation under the agreement between the state and the
644 United States Department of Transportation and by federal
645 regulations enforced by the Department of Transportation under
646 s. 479.02(1). Water management district funds may not be used to
647 pay the cost to acquire, develop, construct, operate, or manage
648 a public information system. Any necessary funds for a public
649 information system shall be paid for and collected from private
650 sponsors who may display commercial messages.

651 Section 5. Section 479.01, Florida Statutes, is amended to
652 read:

653 479.01 Definitions.—As used in this chapter, the term:

654 (1) "Allowable uses" means those uses that are authorized
655 within a zoning category without the requirement to obtain a
656 variance or waiver. The term includes conditional uses and those
657 allowed by special exception, but does not include uses that are
658 accessory, incidental to the allowable uses, or allowed only on
659 a temporary basis.

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

663 (3) "Business of outdoor advertising" means the business of
664 ~~constructing, erecting,~~ operating, ~~using,~~ maintaining, leasing,
665 or selling outdoor advertising structures, outdoor advertising
666 signs, or outdoor advertisements.

667 ~~(4) "Commercial or industrial zone" means a parcel of land~~

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668 ~~designated for commercial or industrial uses under both the~~
669 ~~future land use map of the comprehensive plan and the land use~~
670 ~~development regulations adopted pursuant to chapter 163. If a~~
671 ~~parcel is located in an area designated for multiple uses on the~~
672 ~~future land use map of a comprehensive plan and the zoning~~
673 ~~category of the land development regulations does not clearly~~
674 ~~designate that parcel for a specific use, the area will be~~
675 ~~considered an unzoned commercial or industrial area if it meets~~
676 ~~the criteria of subsection (26).~~

677 (4)~~(5)~~ "Commercial use" means activities associated with
678 the sale, rental, or distribution of products or the performance
679 of services. The term includes, without limitation, such uses or
680 activities as retail sales; wholesale sales; rentals of
681 equipment, goods, or products; offices; restaurants; food
682 service vendors; sports arenas; theaters; and tourist
683 attractions.

684 (5)~~(6)~~ "Controlled area" means 660 feet or less from the
685 nearest edge of the right-of-way of any portion of the State
686 Highway System, interstate, or federal-aid primary system and
687 beyond 660 feet of the nearest edge of the right-of-way of any
688 portion of the State Highway System, interstate, or federal-aid
689 primary system outside an urban area.

690 (6)~~(7)~~ "Department" means the Department of Transportation.

691 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,
692 place, affix, attach, create, paint, draw, or in any other way
693 bring into being or establish; but it does not include any of
694 the foregoing activities when performed as an incident to the
695 change of advertising message or customary maintenance or repair
696 of a sign.

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697 (8)~~(9)~~ "Federal-aid primary highway system" means the
698 federal-aid primary highway system in existence on June 1, 1991,
699 and any highway that was not a part of such system as of that
700 date, but that is, or became after June 1, 1991, a part of the
701 National Highway System, including portions that have been
702 accepted as part of the National Highway System but are unbuilt
703 or unopened ~~existing, unbuilt, or unopened system of highways or~~
704 ~~portions thereof, which shall include the National Highway~~
705 ~~System, designated as the federal-aid primary highway system by~~
706 ~~the department.~~

707 (9)~~(10)~~ "Highway" means any road, street, or other way open
708 or intended to be opened to the public for travel by motor
709 vehicles.

710 (10)~~(11)~~ "Industrial use" means activities associated with
711 the manufacture, assembly, processing, or storage of products or
712 the performance of services relating thereto. The term includes,
713 without limitation, such uses or activities as automobile
714 manufacturing or repair, boat manufacturing or repair, junk
715 yards, meat packing facilities, citrus processing and packing
716 facilities, produce processing and packing facilities,
717 electrical generating plants, water treatment plants, sewage
718 treatment plants, and solid waste disposal sites.

719 (11)~~(12)~~ "Interstate highway system" means the existing,
720 unbuilt, or unopened system of highways or portions thereof
721 designated as the national system of interstate and defense
722 highways by the department.

723 (12)~~(13)~~ "Main-traveled way" means the traveled way of a
724 highway on which through traffic is carried. In the case of a
725 divided highway, the traveled way of each of the separate

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726 roadways for traffic in opposite directions is a main-traveled
727 way. It does not include such facilities as frontage roads,
728 turning roadways which specifically include on-ramps or off-
729 ramps to the interstate highway system, or parking areas.

730 (13)~~(14)~~ "Maintain" means to allow to exist.

731 (14)~~(15)~~ "Motorist services directional signs" means signs
732 providing directional information about goods and services in
733 the interest of the traveling public where such signs were
734 lawfully erected and in existence on or before May 6, 1976, and
735 continue to provide directional information to goods and
736 services in a defined area.

737 (15)~~(16)~~ "New highway" means the construction of any road,
738 paved or unpaved, where no road previously existed or the act of
739 paving any previously unpaved road.

740 (16)~~(17)~~ "Nonconforming sign" means a sign which was
741 lawfully erected but which does not comply with the land use,
742 setback, size, spacing, and lighting provisions of state or
743 local law, rule, regulation, or ordinance passed at a later date
744 or a sign which was lawfully erected but which later fails to
745 comply with state or local law, rule, regulation, or ordinance
746 due to changed conditions.

747 (17)~~(18)~~ "Premises" means all the land areas under
748 ownership or lease arrangement to the sign owner which are
749 contiguous to the business conducted on the land except for
750 instances where such land is a narrow strip contiguous to the
751 advertised activity or is connected by such narrow strip, the
752 only viable use of such land is to erect or maintain an
753 advertising sign. When the sign owner is a municipality or
754 county, "premises" shall mean all lands owned or leased by such

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755 municipality or county within its jurisdictional boundaries as
756 set forth by law.

757 (18)~~(19)~~ "Remove" means to disassemble all sign materials
758 above ground level and~~7~~ transport them from the site, ~~and~~
759 ~~dispose of sign materials by sale or destruction.~~

760 (19)~~(20)~~ "Sign" means any combination of structure and
761 message in the form of an outdoor sign, display, device, figure,
762 painting, drawing, message, placard, poster, billboard,
763 advertising structure, advertisement, logo, symbol, or other
764 form, whether placed individually or on a V-type, back-to-back,
765 side-to-side, stacked, or double-faced display or automatic
766 changeable facing, designed, intended, or used to advertise or
767 inform, any part of the advertising message or informative
768 contents of which is visible from any place on the main-traveled
769 way. The term does not include an official traffic control sign,
770 official marker, or specific information panel erected, caused
771 to be erected, or approved by the department.

772 (20)~~(21)~~ "Sign direction" means that direction from which
773 the message or informative contents are most visible to oncoming
774 traffic on the main-traveled way.

775 (21)~~(22)~~ "Sign face" means the part of the sign, including
776 trim and background, which contains the message or informative
777 contents, including an automatic changeable face.

778 (22)~~(23)~~ "Sign facing" includes all sign faces and
779 automatic changeable faces displayed at the same location and
780 facing the same direction.

781 (23)~~(24)~~ "Sign structure" means all the interrelated parts
782 and material, such as beams, poles, and stringers, which are
783 constructed for the purpose of supporting or displaying a

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784 message or informative contents.

785 ~~(24)~~(25) "State Highway System" has the same meaning as in
786 s. 334.03 ~~means the existing, unbuilt, or unopened system of~~
787 ~~highways or portions thereof designated as the State Highway~~
788 ~~System by the department.~~

789 ~~(26)~~ "Unzoned commercial or industrial area" means a parcel
790 of land designated by the future land use map of the
791 comprehensive plan for multiple uses that include commercial or
792 industrial uses but are not specifically designated for
793 commercial or industrial uses under the land development
794 regulations, in which three or more separate and distinct
795 conforming industrial or commercial activities are located.

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

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

800 ~~2. The commercial or industrial activities must be within~~
801 ~~660 feet from the nearest edge of the right of way; and~~

802 ~~3. The commercial industrial activities must be within~~
803 ~~1,600 feet of each other.~~

804
805 ~~Distances specified in this paragraph must be measured from the~~
806 ~~nearest outer edge of the primary building or primary building~~
807 ~~complex when the individual units of the complex are connected~~
808 ~~by covered walkways.~~

809 ~~(b) Certain activities, including, but not limited to, the~~
810 ~~following, may not be so recognized as commercial or industrial~~
811 ~~activities:~~

812 ~~1. Signs.~~

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813 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~
814 ~~related activities, including, but not limited to, wayside fresh~~
815 ~~produce stands.~~

816 ~~3. Transient or temporary activities.~~

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

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

820 ~~6. Activities conducted in a building principally used as a~~
821 ~~residence.~~

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

823 ~~8. Communication towers.~~

824 (25)~~(27)~~ "Urban area" has the same meaning as ~~defined~~ in s.
825 334.03(31).

826 (26)~~(28)~~ "Visible commercial or industrial activity" means
827 a commercial or industrial activity that is capable of being
828 seen without visual aid by a person of normal visual acuity from
829 the main-traveled way and that is generally recognizable as
830 commercial or industrial.

831 (27)~~(29)~~ "Visible sign" means that the advertising message
832 or informative contents of a sign, whether or not legible, is
833 capable of being seen without visual aid by a person of normal
834 visual acuity.

835 (28)~~(30)~~ "Wall mural" means a sign that is a painting or an
836 artistic work composed of photographs or arrangements of color
837 and that displays a commercial or noncommercial message, relies
838 solely on the side of the building for rigid structural support,
839 and is painted on the building or depicted on vinyl, fabric, or
840 other similarly flexible material that is held in place flush or
841 flat against the surface of the building. The term excludes a

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842 painting or work placed on a structure that is erected for the
843 sole or primary purpose of signage.

844 (29)~~(31)~~ "Zoning category" means the designation under the
845 land development regulations or other similar ordinance enacted
846 to regulate the use of land as provided in s. 163.3202(2)(b),
847 which designation sets forth the allowable uses, restrictions,
848 and limitations on use applicable to properties within the
849 category.

850 Section 6. Section 479.02, Florida Statutes, is amended to
851 read:

852 479.02 Duties of the department. ~~It shall be the duty of~~
853 The department shall ~~to~~:

854 (1) Administer and enforce the provisions of this chapter,
855 ~~and the 1972 agreement between the state and the United States~~
856 ~~Department of Transportation, relating to the size, lighting,~~
857 ~~and spacing of signs in accordance with Title I of the Highway~~
858 ~~Beautification Act of 1965 and Title 23, United States Code, and~~
859 federal regulations, including, but not limited to, those
860 pertaining to the maintenance, continuance, and removal of
861 nonconforming signs in effect as of the effective date of this
862 act.

863 (2) Regulate size, height, lighting, and spacing of signs
864 permitted on commercial and industrial parcels and in unzoned
865 commercial or industrial areas ~~in zoned and unzoned commercial~~
866 ~~areas and zoned and unzoned industrial areas~~ on the interstate
867 highway system and the federal-aid primary highway system.

868 (3) Determine ~~unzoned commercial and industrial parcels and~~
869 unzoned commercial or areas ~~and unzoned industrial areas~~ in the
870 manner provided in s. 479.024.

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871 (4) Implement a specific information panel program on the
872 limited access interstate highway system to promote tourist-
873 oriented businesses by providing directional information safely
874 and aesthetically.

875 (5) Implement a rest area information panel or devices
876 program at rest areas along the interstate highway system and
877 the federal-aid primary highway system to promote tourist-
878 oriented businesses.

879 (6) Test and, if economically feasible, implement
880 alternative methods of providing information in the specific
881 interest of the traveling public which allow the traveling
882 public freedom of choice, conserve natural beauty, and present
883 information safely and aesthetically.

884 (7) Adopt such rules as it deems necessary or proper for
885 the administration of this chapter, including rules that ~~which~~
886 identify activities that may not be recognized as industrial or
887 commercial activities for purposes of determination of a ~~an area~~
888 ~~as an unzoned~~ commercial or industrial parcel or an unzoned
889 commercial or industrial area in the manner provided in s.
890 479.024.

891 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
892 location of all signs on the state, interstate and federal-aid
893 primary highway systems to be used as. ~~Upon completion of the~~
894 ~~inventory, it shall become~~ the database and permit information
895 for all permitted signs ~~permitted at the time of completion, and~~
896 ~~the previous records of the department shall be amended~~
897 ~~accordingly.~~ The inventory shall be updated no less than every 2
898 years. ~~The department shall adopt rules regarding what~~
899 ~~information is to be collected and preserved to implement the~~

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900 ~~purposes of this chapter.~~ The department may perform the
901 inventory using department staff~~7~~, or may contract with a private
902 firm to perform the work, whichever is more cost efficient. The
903 department shall maintain a database of sign inventory
904 information such as sign location, size, height, and structure
905 type, the permitholder's name, and any other information the
906 department finds necessary to administer the program.

907 Section 7. Section 479.024, Florida Statutes, is created to
908 read:

909 479.024 Commercial and industrial parcels.—Signs shall only
910 be permitted by the department in commercial or industrial
911 zones, as determined by the local government, in compliance with
912 chapter 163, unless otherwise provided in this chapter.

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

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

916 (b) "Utilities" includes all privately, publicly, or
917 cooperatively owned lines, facilities, and systems for
918 producing, transmitting, or distributing communications, power,
919 electricity, light, heat, gas, oil, crude products, water,
920 steam, waste, and stormwater not connected with the highway
921 drainage, and other similar commodities.

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

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

926 (b) The parcel can reasonably accommodate a commercial or
927 industrial use under the future land use map of the
928 comprehensive plan and land use development regulations, as

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929 follows:

930 1. Sufficient utilities are available to support commercial
931 or industrial development.

932 2. The size, configuration, and public access of the parcel
933 are sufficient to accommodate a commercial or industrial use,
934 given requirements in the comprehensive plan and land
935 development regulations for vehicular access, on-site
936 circulation, building setbacks, buffering, parking, and other
937 applicable standards or the parcel consists of railroad tracks
938 or minor sidings abutting commercial or industrial property that
939 meets the criteria of this subsection.

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

942 (3) If a local government has not designated zoning through
943 land development regulations in compliance with chapter 163, but
944 has designated the parcel under the future land use map of the
945 comprehensive plan for uses that include commercial or
946 industrial uses, the parcel shall be considered an unzoned
947 commercial or industrial area. For a permit to be issued for a
948 sign in an unzoned commercial or industrial area, there must be
949 three or more distinct commercial or industrial activities
950 within 1,600 feet of each other, with at least one of the
951 commercial or industrial activities located on the same side of
952 the highway as the sign location, and within 800 feet of the
953 sign location. Multiple commercial or industrial activities
954 enclosed in one building when all uses have only shared building
955 entrances shall be considered one use.

956 (4) For purposes of this section, certain uses and
957 activities may not be independently recognized as commercial or

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958 industrial, including, but not limited to:

959 (a) Signs.

960 (b) Agricultural, forestry, ranching, grazing, farming, and
961 related activities, including, but not limited to, wayside fresh
962 produce stands.

963 (c) Transient or temporary activities.

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

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

969 (f) Activities conducted in a building principally used as
970 a residence.

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

974 (h) Communication towers.

975 (i) Governmental uses, unless those governmental uses would
976 be industrial in nature if privately owned and operated. Such
977 industrial uses must be the present and actual use, not merely
978 be among the allowed uses.

979 (5) If the local government has indicated that the proposed
980 sign location is on a parcel that is in a commercial or
981 industrial zone, but the department finds that it is not, the
982 department shall notify the sign applicant in writing of its
983 determination.

984 (6) An applicant whose application for a permit is denied
985 may, within 30 days after the receipt of the notification of
986 intent to deny, request an administrative hearing pursuant to

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987 chapter 120 for a determination of whether the parcel is located
988 in a commercial or industrial zone. Upon receipt of such
989 request, the department shall notify the local government that
990 the applicant has requested an administrative hearing pursuant
991 to chapter 120.

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

997 (8) If the Federal Highway Administration reduces funds
998 that would otherwise be apportioned to the department due to a
999 local government's failure to be compliant with this section,
1000 the department shall reduce apportioned transportation funding
1001 to the local government by an equivalent amount.

1002 Section 8. Section 479.03, Florida Statutes, is amended to
1003 read:

1004 479.03 Jurisdiction of the Department of Transportation;
1005 entry upon privately owned lands.—The territory under the
1006 jurisdiction of the department for the purpose of this chapter
1007 shall include all the state. Employees, agents, or independent
1008 contractors working for the department, in the performance of
1009 their functions and duties under the provisions of this chapter,
1010 may enter into and upon any land upon which a sign is displayed,
1011 is proposed to be erected, or is being erected and make such
1012 inspections, surveys, and removals as may be relevant. Upon
1013 written notice to ~~After receiving consent by~~ the landowner,
1014 operator, or person in charge of an intervening privately owned
1015 land that ~~or appropriate inspection warrant issued by a judge of~~

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1016 ~~any county court or circuit court of this state which has~~
1017 ~~jurisdiction of the place or thing to be removed, that the~~
1018 removal of an illegal outdoor advertising sign is necessary and
1019 has been authorized by a final order or results from an
1020 uncontested notice to the sign owner, the department may ~~shall~~
1021 ~~be authorized to~~ enter upon any intervening privately owned
1022 lands for the purposes of effectuating removal of illegal signs,
1023 provided that the department shall only do so in circumstances
1024 where it has determined that no other legal or economically
1025 feasible means of entry to the sign site are reasonably
1026 available. Except as otherwise provided by this chapter, the
1027 department shall be responsible for the repair or replacement in
1028 a like manner for any physical damage or destruction of private
1029 property, other than the sign, incidental to the department's
1030 entry upon such intervening privately owned lands.

1031 Section 9. Section 479.04, Florida Statutes, is amended to
1032 read:

1033 479.04 Business of outdoor advertising; license
1034 requirement; renewal; fees.—

1035 (1) A ~~No~~ person may not ~~shall~~ engage in the business of
1036 outdoor advertising in this state without first obtaining a
1037 license ~~therefor~~ from the department. Such license shall be
1038 renewed annually. The fee for such license, and for each annual
1039 renewal, is \$300. License renewal fees shall be payable as
1040 provided for in s. 479.07.

1041 (2) A ~~No~~ person is not ~~shall be~~ required to obtain the
1042 license provided for in this section solely to erect or
1043 construct outdoor advertising signs or structures ~~as an~~
1044 ~~incidental part of a building construction contract.~~

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1045 Section 10. Section 479.05, Florida Statutes, is amended to
1046 read:

1047 479.05 Denial, suspension, or revocation of license.—The
1048 department may ~~has authority to~~ deny, suspend, or revoke any
1049 license requested or granted under this chapter in any case in
1050 which it determines that the application for the license
1051 contains ~~knowingly~~ false or misleading information of material
1052 consequence, that the licensee has failed to pay fees or costs
1053 owed to the department for outdoor advertising purposes, or that
1054 the licensee has violated any of the provisions of this chapter,
1055 unless such licensee, within 30 days after the receipt of notice
1056 by the department, corrects such false or misleading
1057 information, pays the outstanding amounts, or complies with the
1058 provisions of this chapter. Suspension of a license allows the
1059 licensee to maintain existing sign permits, but the department
1060 may not grant a transfer of an existing permit or issue an
1061 additional permit to a licensee with a suspended license. Any
1062 person aggrieved by an ~~any~~ action of the department which
1063 denies, suspends, or revokes ~~in denying or revoking~~ a license
1064 under this chapter may, within 30 days after ~~from~~ the receipt of
1065 the notice, apply to the department for an administrative
1066 hearing pursuant to chapter 120.

1067 Section 11. Section 479.07, Florida Statutes, is amended to
1068 read:

1069 479.07 Sign permits.—

1070 (1) Except as provided in ss. 479.105(1) ~~479.105(1)(e)~~ and
1071 479.16, a person may not erect, operate, use, or maintain, or
1072 cause to be erected, operated, used, or maintained, any sign on
1073 the State Highway System outside an urban area, ~~as defined in s.~~

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1074 ~~334.03(31)~~, or on any portion of the interstate or federal-aid
1075 primary highway system without first obtaining a permit for the
1076 sign from the department and paying the annual fee as provided
1077 in this section. As used in this section, the term "on any
1078 portion of the State Highway System, interstate, or federal-aid
1079 primary system" means a sign located within the controlled area
1080 which is visible from any portion of the main-traveled way of
1081 such system.

1082 ~~(2) A person may not apply for a permit unless he or she~~
1083 ~~has first obtained the~~ Written permission of the owner or other
1084 person in lawful possession or control of the site designated as
1085 the location of the sign is required for issuance of a ~~in the~~
1086 ~~application for the permit.~~

1087 (3) (a) An application for a sign permit must be made on a
1088 form prescribed by the department, and a separate application
1089 must be submitted for each permit requested. A permit is
1090 required for each sign facing.

1091 (b) As part of the application, the applicant or his or her
1092 authorized representative must certify ~~in a notarized signed~~
1093 ~~statement~~ that all information provided in the application is
1094 true and correct ~~and that, pursuant to subsection (2), he or she~~
1095 ~~has obtained the written permission of the owner or other person~~
1096 ~~in lawful possession of the site designated as the location of~~
1097 ~~the sign in the permit application.~~ Every permit application
1098 must be accompanied by the appropriate permit fee, and a signed
1099 statement by the owner or other person in lawful control of the
1100 site on which the sign is located or will be erected,
1101 authorizing the placement of the sign on that site, and ~~where~~
1102 ~~local governmental regulation of signs exists,~~ a statement from

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1103 the appropriate local governmental official indicating that the
1104 sign complies with all local government ~~governmental~~
1105 requirements and, if a local government permit is required for a
1106 sign, that the agency or unit of local government will issue a
1107 permit to that applicant upon approval of the state permit
1108 application by the department.

1109 (c) The annual permit fee for each sign facing shall be
1110 established by the department by rule in an amount sufficient to
1111 offset the total cost to the department for the program, but
1112 shall not exceed \$100. The A fee may not be prorated for a
1113 period less than the remainder of the permit year to accommodate
1114 short-term publicity features; however, a first-year fee may be
1115 prorated by payment of an amount equal to one-fourth of the
1116 annual fee for each remaining whole quarter or partial quarter
1117 of the permit year. Applications received after the end of the
1118 third quarter of the permit year must include fees for the last
1119 quarter of the current year and fees for the succeeding year. A
1120 nonrefundable application fee of \$25 must accompany each permit
1121 application.

1122 (4) An application for a permit shall be acted on by
1123 granting, denying, or returning the incomplete application ~~the~~
1124 ~~department~~ within 30 days after receipt of the application by
1125 the department.

1126 (5) (a) For each permit issued, the department shall furnish
1127 to the applicant a serially numbered permanent metal permit tag.
1128 The permittee is responsible for maintaining a valid permit tag
1129 on each permitted sign facing at all times. The tag shall be
1130 securely attached to the upper 50 percent of the sign structure
1131 ~~sign facing or, if there is no facing, on the pole nearest the~~

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1132 highway, and it shall be attached in such a manner as to be
1133 plainly visible from the main-traveled way. ~~Effective July 1,~~
1134 ~~2012, the tag must be securely attached to the upper 50 percent~~
1135 ~~of the pole nearest the highway and must be attached in such a~~
1136 ~~manner as to be plainly visible from the main-traveled way.~~ The
1137 permit ~~becomes void unless the permit tag~~ must be ~~is~~ properly
1138 and permanently displayed at the permitted site within 30 days
1139 after the date of permit issuance. If the permittee fails to
1140 erect a completed sign on the permitted site within 270 days
1141 after the date on which the permit was issued, the permit will
1142 be void, and the department may not issue a new permit to that
1143 permittee for the same location for 270 days after the date on
1144 which the permit became void.

1145 (b) If a permit tag is lost, stolen, or destroyed, the
1146 permittee to whom the tag was issued must apply to the
1147 department for a replacement tag. The department shall adopt a
1148 rule establishing a service fee for replacement tags in an
1149 amount that will recover the actual cost of providing the
1150 replacement tag. Upon receipt of the application accompanied by
1151 the service fee, the department shall issue a replacement permit
1152 tag. ~~Alternatively, the permittee may provide its own~~
1153 ~~replacement tag pursuant to department specifications that the~~
1154 ~~department shall adopt by rule at the time it establishes the~~
1155 ~~service fee for replacement tags.~~

1156 (6) A permit is valid only for the location specified in
1157 the permit. Valid permits may be transferred from one sign owner
1158 to another upon written acknowledgment from the current
1159 permittee and submittal of a transfer fee of \$5 for each permit
1160 to be transferred. However, the maximum transfer fee for any

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1161 multiple transfer between two outdoor advertisers in a single
1162 transaction is \$1,000 ~~\$100~~.

1163 (7) A permittee shall at all times maintain the permission
1164 of the owner or other person in lawful control of the sign site
1165 to have and maintain a sign at such site.

1166 (8) (a) In order to reduce peak workloads, the department
1167 may adopt rules providing for staggered expiration dates for
1168 licenses and permits. Unless otherwise provided for by rule, all
1169 licenses and permits expire annually on January 15. All license
1170 and permit renewal fees are required to be submitted to the
1171 department by no later than the expiration date. At least 105
1172 days before ~~prior to~~ the expiration date of licenses and
1173 permits, the department shall send to each permittee a notice of
1174 fees due for all licenses and permits that ~~which~~ were issued to
1175 him or her before ~~prior to~~ the date of the notice. Such notice
1176 shall list the permits and the permit fees due for each sign
1177 facing. The permittee shall, no later than 45 days before ~~prior~~
1178 ~~to~~ the expiration date, advise the department of any additions,
1179 deletions, or errors contained in the notice. Permit tags which
1180 are not renewed shall be returned to the department for
1181 cancellation by the expiration date. Permits which are not
1182 renewed or are canceled shall be certified in writing at that
1183 time as canceled or not renewed by the permittee, and permit
1184 tags for such permits shall be returned to the department or
1185 shall be accounted for by the permittee in writing, which
1186 writing shall be submitted with the renewal fee payment or the
1187 cancellation certification. However, failure of a permittee to
1188 submit a permit cancellation does ~~shall~~ not affect the
1189 nonrenewal of a permit. Before ~~Prior to~~ cancellation of a

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1190 permit, the permittee shall provide written notice to all
1191 persons or entities having a right to advertise on the sign that
1192 the permittee intends to cancel the permit.

1193 (b) If a permittee has not submitted his or her fee payment
1194 by the expiration date of the licenses or permits, the
1195 department shall send a notice of violation to the permittee
1196 within 45 days after the expiration date, requiring the payment
1197 of the permit fee within 30 days after the date of the notice
1198 and payment of a delinquency fee equal to 10 percent of the
1199 original amount due or, in the alternative to these payments,
1200 requiring the filing of a request for an administrative hearing
1201 to show cause why the ~~his or her~~ sign should not be subject to
1202 immediate removal due to expiration of his or her license or
1203 permit. If the permittee submits payment as required by the
1204 violation notice, the ~~his or her~~ license or permit will be
1205 automatically reinstated and such reinstatement will be
1206 retroactive to the original expiration date. If the permittee
1207 does not respond to the notice of violation within the 30-day
1208 period, the department shall, within 30 days, issue a final
1209 notice of sign removal and may, following 90 days after the date
1210 of the department's final notice of sign removal, remove the
1211 sign without incurring any liability as a result of such
1212 removal. However, if at any time before removal of the sign, the
1213 permittee demonstrates that a good faith error on the part of
1214 the permittee resulted in cancellation or nonrenewal of the
1215 permit, the department may reinstate the permit if:

- 1216 1. The permit reinstatement fee of ~~up to~~ \$300 ~~based on the~~
1217 ~~size of the sign~~ is paid;
- 1218 2. All other permit renewal and delinquent permit fees due

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1219 as of the reinstatement date are paid; and

1220 3. The permittee reimburses the department for all actual
1221 costs resulting from the permit cancellation or nonrenewal.

1222 (c) Conflicting applications filed by other persons for the
1223 same or competing sites covered by a permit subject to paragraph
1224 (b) may not be approved until after the sign subject to the
1225 expired permit has been removed.

1226 (d) The cost for removing a sign, whether by the department
1227 or an independent contractor, shall be assessed by the
1228 department against the permittee.

1229 (9) (a) A permit may ~~shall~~ not be granted for any sign for
1230 which a permit had not been granted by the effective date of
1231 this act unless such sign is located at least:

1232 1. One thousand five hundred feet from any other permitted
1233 sign on the same side of the highway, if on an interstate
1234 highway.

1235 2. One thousand feet from any other permitted sign on the
1236 same side of the highway, if on a federal-aid primary highway.

1237
1238 The minimum spacing provided in this paragraph does not preclude
1239 the permitting of V-type, back-to-back, side-to-side, stacked,
1240 or double-faced signs at the permitted sign site. If a sign is
1241 visible to more than one highway subject to the jurisdiction of
1242 the department and within the controlled area of the highways
1243 ~~from the controlled area of more than one highway subject to the~~
1244 ~~jurisdiction of the department~~, the sign must ~~shall~~ meet the
1245 permitting requirements of all highways, and, ~~if the sign meets~~
1246 ~~the applicable permitting requirements~~, be permitted to, the
1247 highway having the more stringent permitting requirements.

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1248 (b) A permit may ~~shall~~ not be granted for a sign pursuant
1249 to this chapter to locate such sign on any portion of the
1250 interstate or federal-aid primary highway system, which sign:

1251 1. Exceeds 50 feet in sign structure height above the crown
1252 of the main-traveled way to which the sign is permitted, if
1253 outside an incorporated area;

1254 2. Exceeds 65 feet in sign structure height above the crown
1255 of the main-traveled way to which the sign is permitted, if
1256 inside an incorporated area; or

1257 3. Exceeds 950 square feet of sign facing including all
1258 embellishments.

1259 (c) Notwithstanding subparagraph (a)1., ~~there is~~
1260 ~~established a pilot program in Orange, Hillsborough, and Osceola~~
1261 ~~Counties, and within the boundaries of the City of Miami, under~~
1262 ~~which~~ the distance between permitted signs on the same side of
1263 an interstate highway may be reduced to 1,000 feet if all other
1264 requirements of this chapter are met and if:

1265 1. The local government has adopted a plan, program,
1266 resolution, ordinance, or other policy encouraging the voluntary
1267 removal of signs in a downtown, historic, redevelopment, infill,
1268 or other designated area which also provides for a new or
1269 replacement sign to be erected on an interstate highway within
1270 that jurisdiction if a sign in the designated area is removed;

1271 2. The sign owner and the local government mutually agree
1272 to the terms of the removal and replacement; and

1273 3. The local government notifies the department of its
1274 intention to allow such removal and replacement as agreed upon
1275 pursuant to subparagraph 2.

1276 ~~4. The new or replacement sign to be erected on an~~

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1277 ~~interstate highway within that jurisdiction is to be located on~~
1278 ~~a parcel of land specifically designated for commercial or~~
1279 ~~industrial use under both the future land use map of the~~
1280 ~~comprehensive plan and the land use development regulations~~
1281 ~~adopted pursuant to chapter 163, and such parcel shall not be~~
1282 ~~subject to an evaluation in accordance with the criteria set~~
1283 ~~forth in s. 479.01(26) to determine if the parcel can be~~
1284 ~~considered an unzoned commercial or industrial area.~~

1285
1286 ~~The department shall maintain statistics tracking the use of the~~
1287 ~~provisions of this pilot program based on the notifications~~
1288 ~~received by the department from local governments under this~~
1289 ~~paragraph.~~

1290 (d) This subsection does not cause a sign that was
1291 conforming on October 1, 1984, to become nonconforming.

1292 (10) Commercial or industrial zoning that ~~which~~ is not
1293 comprehensively enacted or that ~~which~~ is enacted primarily to
1294 permit signs may ~~shall~~ not be recognized as commercial or
1295 industrial zoning for purposes of this provision, and permits
1296 may ~~shall~~ not be issued for signs in such areas. The department
1297 shall adopt rules that ~~within 180 days after this act takes~~
1298 ~~effect which shall~~ provide criteria to determine whether such
1299 zoning is comprehensively enacted or enacted primarily to permit
1300 signs.

1301 Section 12. Section 479.08, Florida Statutes, is amended to
1302 read:

1303 479.08 Denial or revocation of permit.—The department may
1304 deny or revoke any permit requested or granted under this
1305 chapter in any case in which it determines that the application

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1306 for the permit contains ~~knowingly~~ false or misleading
1307 information of material consequence. The department may revoke
1308 any permit granted under this chapter in any case in which the
1309 permittee has violated any of the provisions of this chapter,
1310 unless such permittee, within 30 days after the receipt of
1311 notice by the department, complies with the provisions of this
1312 chapter. For the purpose of this section, the notice of
1313 violation issued by the department must describe in detail the
1314 alleged violation. Any person aggrieved by any action of the
1315 department in denying or revoking a permit under this chapter
1316 may, within 30 days after receipt of the notice, apply to the
1317 department for an administrative hearing pursuant to chapter
1318 120. If a timely request for hearing has been filed and the
1319 department issues a final order revoking a permit, such
1320 revocation shall be effective 30 days after the date of
1321 rendition. Except for department action pursuant to s.
1322 479.107(1), the filing of a timely and proper notice of appeal
1323 shall operate to stay the revocation until the department's
1324 action is upheld.

1325 Section 13. Section 479.10, Florida Statutes, is amended to
1326 read:

1327 479.10 Sign removal following permit revocation or
1328 cancellation.—A sign shall be removed by the permittee within 30
1329 days after the date of revocation or cancellation of the permit
1330 for the sign. If the permittee fails to remove the sign within
1331 the 30-day period, the department shall remove the sign at the
1332 permittee's expense with or without further notice and without
1333 incurring any liability as a result of such removal.

1334 Section 14. Section 479.105, Florida Statutes, is amended

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1335 to read:

1336 479.105 Signs erected or maintained without required
1337 permit; removal.—

1338 (1) Any sign which is located adjacent to the right-of-way
1339 of any highway on the State Highway System outside an
1340 incorporated area or adjacent to the right-of-way on any portion
1341 of the interstate or federal-aid primary highway system, which
1342 sign was erected, operated, or maintained without the permit
1343 required by s. 479.07(1) having been issued by the department,
1344 is declared to be a public nuisance and a private nuisance and
1345 shall be removed as provided in this section.

1346 (a) Upon a determination by the department that a sign is
1347 in violation of s. 479.07(1), the department shall prominently
1348 post on the sign, or as close to the sign as possible for those
1349 locations where the sign is not easily accessible, ~~face~~ a notice
1350 stating that the sign is illegal and must be removed within 30
1351 days after the date on which the notice was posted. ~~However, if~~
1352 ~~the sign bears the name of the licensee or the name and address~~
1353 ~~of the nonlicensed sign owner,~~ The department shall,
1354 concurrently with and in addition to posting the notice on the
1355 sign, provide a written notice to the owner of the sign, the
1356 advertiser displayed on the sign, or the owner of the property,
1357 stating that the sign is illegal and must be permanently removed
1358 within the 30-day period specified on the posted notice. The
1359 written notice shall further state that a hearing may be
1360 requested, ~~the sign owner has a right to request a hearing,~~
1361 which request must be filed with the department within 30 days
1362 after receipt ~~the date~~ of the written notice. However, the
1363 filing of a request for a hearing will not stay the removal of

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1364 the sign.

1365 (b) If, pursuant to the notice provided, the sign is not
1366 removed by the ~~sign~~ owner of the sign, the advertiser displayed
1367 on the sign, or the owner of the property within the prescribed
1368 period, the department shall immediately remove the sign without
1369 further notice; and, for that purpose, the employees, agents, or
1370 independent contractors of the department may enter upon private
1371 property without incurring any liability for so entering.

1372 (c) However, the department may issue a permit for a sign,
1373 as a conforming or nonconforming sign, if the sign owner
1374 demonstrates to the department one of the following:

1375 1. If the sign meets the current requirements of this
1376 chapter for a sign permit, the sign owner may submit the
1377 required application package and receive a permit as a
1378 conforming sign, upon payment of all applicable fees.

1379 2. If the sign does not meet the current requirements of
1380 this chapter for a sign permit, and has never been exempt from
1381 the requirement that a permit be obtained pursuant to s. 479.16,
1382 the sign owner may receive a permit as a nonconforming sign if
1383 the department determines that the sign is not located on a
1384 state right-of-way and is not a safety hazard, and if the sign
1385 owner pays a penalty fee of \$300 and all pertinent fees required
1386 by this chapter, including annual permit renewal fees payable
1387 since the date of the erection of the sign, and attaches to the
1388 permit application package documentation that demonstrates that:

1389 a. The sign has been unpermitted, structurally unchanged,
1390 and continuously maintained at the same location for a period of
1391 7 years or more;

1392 b. During the initial 7 years in which the sign has been

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1393 subject to the jurisdiction of the department, the sign would
1394 have met the criteria established in this chapter which were in
1395 effect at that time for issuance of a permit; and

1396 c. The department has not initiated a notice of violation
1397 or taken other action to remove the sign during the initial 7-
1398 year period in which the sign has been subject to the
1399 jurisdiction of the department.

1400 (d) This subsection does not cause a neighboring sign that
1401 is permitted and that is within the spacing requirements in s.
1402 479.07(9) (a) to become nonconforming.

1403 (e)~~(e)~~ For purposes of this subsection, a notice to the
1404 sign owner, when required, constitutes sufficient notice; and
1405 notice is not required to be provided to the lessee, advertiser,
1406 or the owner of the real property on which the sign is located.

1407 (f)~~(d)~~ If, after a hearing, it is determined that a sign
1408 has been wrongfully or erroneously removed pursuant to this
1409 subsection, the department, at the sign owner's discretion,
1410 shall either pay just compensation to the owner of the sign or
1411 reerect the sign in kind at the expense of the department.

1412 ~~(e) However, if the sign owner demonstrates to the~~
1413 ~~department that:~~

1414 ~~1. The sign has been unpermitted, structurally unchanged,~~
1415 ~~and continuously maintained at the same location for a period of~~
1416 ~~7 years or more;~~

1417 ~~2. At any time during the period in which the sign has been~~
1418 ~~erected, the sign would have met the criteria established in~~
1419 ~~this chapter for issuance of a permit;~~

1420 ~~3. The department has not initiated a notice of violation~~
1421 ~~or taken other action to remove the sign during the initial 7-~~

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1422 ~~year period described in subparagraph 1.; and~~

1423 ~~4. The department determines that the sign is not located~~
1424 ~~on state right-of-way and is not a safety hazard,~~

1425
1426 ~~the sign may be considered a conforming or nonconforming sign~~
1427 ~~and may be issued a permit by the department upon application in~~
1428 ~~accordance with this chapter and payment of a penalty fee of~~
1429 ~~\$300 and all pertinent fees required by this chapter, including~~
1430 ~~annual permit renewal fees payable since the date of the~~
1431 ~~erection of the sign.~~

1432 (2) (a) If a sign is under construction and the department
1433 determines that a permit has not been issued for the sign as
1434 required under the provisions of this chapter, the department is
1435 authorized to require that all work on the sign cease until the
1436 sign owner shows that the sign does not violate the provisions
1437 of this chapter. The order to cease work shall be prominently
1438 posted on the sign structure, and no further notice is required
1439 to be given. The failure of a sign owner or her or his agents to
1440 immediately comply with the order shall subject the sign to
1441 prompt removal by the department.

1442 (b) For the purposes of this subsection only, a sign is
1443 under construction when it is in any phase of initial
1444 construction prior to the attachment and display of the
1445 advertising message in final position for viewing by the
1446 traveling public. A sign that is undergoing routine maintenance
1447 or change of the advertising message only is not considered to
1448 be under construction for the purposes of this subsection.

1449 (3) The cost of removing a sign, whether by the department
1450 or an independent contractor, shall be assessed against the

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1451 owner of the sign by the department.

1452 Section 15. Subsections (5) and (7) of section 479.106,
1453 Florida Statutes, are amended to read:

1454 479.106 Vegetation management.—

1455 (5) The department may only grant a permit pursuant to s.
1456 479.07 for a new sign which requires the removal, cutting, or
1457 trimming of existing trees or vegetation on public right-of-way
1458 for the sign face to be visible from the highway when the sign
1459 owner has removed at least two nonconforming signs of
1460 approximate comparable size and surrendered the permits for the
1461 nonconforming signs to the department for cancellation. For
1462 signs originally permitted after July 1, 1996, the first
1463 application, or application for a change of view zone, no permit
1464 for the removal, cutting, or trimming of trees or vegetation
1465 shall require, in addition to mitigation or contribution to a
1466 plan of mitigation, the removal of two nonconforming signs. No
1467 permits for the removal, cutting, or trimming of trees may be
1468 granted for signs permitted after July 1, 1996 be granted where
1469 such trees or vegetation are part of a beautification project
1470 implemented before ~~prior to~~ the date of the original sign permit
1471 application, when the beautification project is specifically
1472 identified in the department's construction plans, permitted
1473 landscape projects, or agreements.

1474 (7) Any person engaging in removal, cutting, or trimming of
1475 trees or vegetation in violation of this section or benefiting
1476 from such actions shall be subject to an administrative penalty
1477 of up to \$1,000 per sign facing and required to mitigate for the
1478 unauthorized removal, cutting, or trimming in such manner and in
1479 such amount as may be required under the rules of the

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1480 department. If such actions are determined by the department to
1481 have been taken with willful intent, such person shall be
1482 subject to an administrative penalty of \$1,000 for each tree
1483 removed, cut, or trimmed in violation of this section. A person
1484 aggrieved by an action of the department levying or imposing an
1485 administrative penalty under this section may, within 30 days
1486 after receipt of the notice of administrative penalty, request
1487 an administrative hearing pursuant to chapter 120. If a timely
1488 request for a hearing has been filed and the department issues a
1489 final order imposing the administrative penalty, the penalty
1490 shall become effective 30 days after the date it was issued. The
1491 timely filing of a proper notice of appeal stays the imposition
1492 of the administrative penalty until the department's action is
1493 upheld.

1494 Section 16. Subsection (5) of section 479.107, Florida
1495 Statutes, is amended to read:

1496 479.107 Signs on highway rights-of-way; removal.-

1497 (5) The cost of removing a sign, whether by the department
1498 or an independent contractor, shall be assessed by the
1499 department against the owner of the sign. ~~Furthermore, the~~
1500 ~~department shall assess a fine of \$75 against the sign owner for~~
1501 ~~any sign which violates the requirements of this section.~~

1502 Section 17. Section 479.111, Florida Statutes, is amended
1503 to read:

1504 479.111 Specified signs allowed within controlled portions
1505 of the interstate and federal-aid primary highway system.-Only
1506 the following signs shall be allowed within controlled portions
1507 of the interstate highway system and the federal-aid primary
1508 highway system as set forth in s. 479.11(1) and (2):

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1509 (1) Directional or other official signs and notices which
1510 conform to 23 C.F.R. ss. 750.151-750.155.

1511 (2) Signs in commercial-zoned and industrial-zoned areas or
1512 commercial-unzoned and industrial-unzoned areas and within 660
1513 feet of the nearest edge of the right-of-way, subject to the
1514 requirements set forth in the 1972 agreement between the state
1515 and the United States Department of Transportation.

1516 (3) Signs for which permits are not required under s.
1517 479.16.

1518 Section 18. Section 479.15, Florida Statutes, is amended to
1519 read:

1520 479.15 Harmony of regulations.—

1521 (1) No zoning board or commission or other public officer
1522 or agency shall issue a permit to erect any sign which is
1523 prohibited under the provisions of this chapter or the rules of
1524 the department, nor shall the department issue a permit for any
1525 sign which is prohibited by any other public board, officer, or
1526 agency in the lawful exercise of its powers.

1527 (2) A municipality, county, local zoning authority, or
1528 other local governmental entity may not remove, or cause to be
1529 removed, any lawfully erected sign along any portion of the
1530 interstate or federal-aid primary highway system without first
1531 paying just compensation for such removal. A local governmental
1532 entity may not cause in any way the alteration of any lawfully
1533 erected sign located along any portion of the interstate or
1534 federal-aid primary highway system without payment of just
1535 compensation if such alteration constitutes a taking under state
1536 law. The municipality, county, local zoning authority, or other
1537 local government entity that adopts requirements for such

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1538 alteration shall pay just compensation to the sign owner if such
1539 alteration constitutes a taking under state law. This subsection
1540 applies only to a lawfully erected sign the subject matter of
1541 which relates to premises other than the premises on which it is
1542 located or to merchandise, services, activities, or
1543 entertainment not sold, produced, manufactured, or furnished on
1544 the premises on which the sign is located. ~~As used in this~~
1545 ~~subsection, the term "federal aid primary highway system" means~~
1546 ~~the federal aid primary highway system in existence on June 1,~~
1547 ~~1991, and any highway that was not a part of such system as of~~
1548 ~~that date but that is or becomes after June 1, 1991, a part of~~
1549 ~~the National Highway System.~~ This subsection shall not be
1550 interpreted as explicit or implicit legislative recognition that
1551 alterations do or do not constitute a taking under state law.

1552 (3) It is the express intent of the Legislature to limit
1553 the state right-of-way acquisition costs on state and federal
1554 roads in eminent domain proceedings, the provisions of ss.
1555 479.07 and 479.155 notwithstanding. Subject to approval by the
1556 Federal Highway Administration, whenever public acquisition of
1557 land upon which is situated a lawful permitted ~~nonconforming~~
1558 sign occurs, as provided in this chapter, the sign may, at the
1559 election of its owner and the department, be relocated or
1560 reconstructed adjacent to the new right-of-way and in close
1561 proximity to the current site along the roadway within 100 feet
1562 ~~of the current location,~~ provided the ~~nonconforming~~ sign is not
1563 relocated in an area inconsistent with s. 479.024 ~~on a parcel~~
1564 ~~zoned residential,~~ and provided further that such relocation
1565 shall be subject to ~~applicable setback~~ requirements in the 1972
1566 agreement between the state and the United States Department of

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1567 Transportation. The sign owner shall pay all costs associated
1568 with relocating or reconstructing any sign under this
1569 subsection, and neither the state nor any local government shall
1570 reimburse the sign owner for such costs, unless part of such
1571 relocation costs are required by federal law. If no adjacent
1572 property is available for the relocation, the department shall
1573 be responsible for paying the owner of the sign just
1574 compensation for its removal.

1575 (4) For a nonconforming sign, ~~Such relocation shall be~~
1576 ~~adjacent to the current site and the face of the sign may shall~~
1577 not be increased in size or height or structurally modified at
1578 the point of relocation in a manner inconsistent with the
1579 current building codes of the jurisdiction in which the sign is
1580 located.

1581 (5) In the event that relocation can be accomplished but is
1582 inconsistent with the ordinances of the municipality or county
1583 within whose jurisdiction the sign is located, the ordinances of
1584 the local government shall prevail, provided that the local
1585 government shall assume the responsibility to provide the owner
1586 of the sign just compensation for its removal, but in no event
1587 shall compensation paid by the local government exceed the
1588 compensation required under state or federal law. Further, the
1589 provisions of this section shall not impair any agreement or
1590 future agreements between a municipality or county and the owner
1591 of a sign or signs within the jurisdiction of the municipality
1592 or county. ~~Nothing in this section shall be deemed to cause a~~
1593 ~~nonconforming sign to become conforming solely as a result of~~
1594 ~~the relocation allowed in this section.~~

1595 (6) The provisions of subsections (3), (4), and (5) of this

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1596 section shall not apply within the jurisdiction of any
1597 municipality which is engaged in any litigation concerning its
1598 sign ordinance on April 23, 1999, nor shall such provisions
1599 apply to any municipality whose boundaries are identical to the
1600 county within which said municipality is located.

1601 (7) This section does not cause a neighboring sign that is
1602 already permitted and that is within the spacing requirements
1603 established in s. 479.07(9)(a) to become nonconforming.

1604 Section 19. Section 479.156, Florida Statutes, is amended
1605 to read:

1606 479.156 Wall murals.—Notwithstanding any other provision of
1607 this chapter, a municipality or county may permit and regulate
1608 wall murals within areas designated by such government. If a
1609 municipality or county permits wall murals, a wall mural that
1610 displays a commercial message and is within 660 feet of the
1611 nearest edge of the right-of-way within an area adjacent to the
1612 interstate highway system or the federal-aid primary highway
1613 system shall be located in an area that is zoned for industrial
1614 or commercial use and the municipality or county shall establish
1615 and enforce regulations for such areas that, at a minimum, set
1616 forth criteria governing the size, lighting, and spacing of wall
1617 murals consistent with the intent of 23 U.S.C. s. 131 ~~the~~
1618 ~~Highway Beautification Act of 1965~~ and with customary use.

1619 Whenever a municipality or county exercises such control and
1620 makes a determination of customary use pursuant to 23 U.S.C. s.
1621 131(d), such determination shall be accepted in lieu of controls
1622 in the agreement between the state and the United States
1623 Department of Transportation, and the department shall notify
1624 the Federal Highway Administration pursuant to the agreement, 23

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1625 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that
1626 is subject to municipal or county regulation and 23 U.S.C. s.
1627 131 ~~the Highway Beautification Act of 1965~~ must be approved by
1628 the Department of Transportation and the Federal Highway
1629 Administration when required by federal law and federal
1630 regulation under the agreement between the state and the United
1631 States Department of Transportation and federal regulations
1632 enforced by the Department of Transportation under s. 479.02(1).
1633 The existence of a wall mural as defined in s. 479.01(28)
1634 ~~479.01(30)~~ shall not be considered in determining whether a sign
1635 as defined in s. 479.01(19) ~~479.01(20)~~, either existing or new,
1636 is in compliance with s. 479.07(9)(a).

1637 Section 20. Section 479.16, Florida Statutes, is amended to
1638 read:

1639 479.16 Signs for which permits are not required.—The
1640 following signs are exempt from the requirement that a permit
1641 for a sign be obtained under the provisions of this chapter but
1642 are required to comply with the provisions of s. 479.11(4)-(8),
1643 and the provisions of subsections (15)-(19) may not be
1644 implemented or continued if the Federal Government notifies the
1645 department that implementation or continuation will adversely
1646 affect the allocation of federal funds to the department:

1647 (1) Signs erected on the premises of an establishment,
1648 which signs consist primarily of the name of the establishment
1649 or which identify the principal or accessory merchandise,
1650 services, activities, or entertainment sold, produced,
1651 manufactured, or furnished on the premises of the establishment
1652 and which comply with the lighting restrictions ~~under department~~
1653 ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a

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1654 municipality or a county located on the premises of such
1655 municipality or such county which display information regarding
1656 government services, activities, events, or entertainment. For
1657 purposes of this section, the following types of messages shall
1658 not be considered information regarding government services,
1659 activities, events, or entertainment:

1660 (a) Messages which specifically reference any commercial
1661 enterprise.

1662 (b) Messages which reference a commercial sponsor of any
1663 event.

1664 (c) Personal messages.

1665 (d) Political campaign messages.

1666

1667 If a sign located on the premises of an establishment consists
1668 principally of brand name or trade name advertising and the
1669 merchandise or service is only incidental to the principal
1670 activity, or if the owner of the establishment receives rental
1671 income from the sign, then the sign is not exempt under this
1672 subsection.

1673 (2) Signs erected, used, or maintained on a farm by the
1674 owner or lessee of such farm and relating solely to farm
1675 produce, merchandise, service, or entertainment sold, produced,
1676 manufactured, or furnished on such farm.

1677 (3) Signs posted or displayed on real property by the owner
1678 or by the authority of the owner, stating that the real property
1679 is for sale or rent. However, if the sign contains any message
1680 not pertaining to the sale or rental of that real property, then
1681 it is not exempt under this section.

1682 (4) Official notices or advertisements posted or displayed

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1683 on private property by or under the direction of any public or
1684 court officer in the performance of her or his official or
1685 directed duties, or by trustees under deeds of trust or deeds of
1686 assignment or other similar instruments.

1687 (5) Danger or precautionary signs relating to the premises
1688 on which they are located; forest fire warning signs erected
1689 under the authority of the Florida Forest Service of the
1690 Department of Agriculture and Consumer Services; and signs,
1691 notices, or symbols erected by the United States Government
1692 under the direction of the United States Forestry Service.

1693 (6) Notices of any railroad, bridge, ferry, or other
1694 transportation or transmission company necessary for the
1695 direction or safety of the public.

1696 (7) Signs, notices, or symbols for the information of
1697 aviators as to location, directions, and landings and conditions
1698 affecting safety in aviation erected or authorized by the
1699 department.

1700 (8) Signs or notices erected or maintained upon property
1701 stating only the name of the owner, lessee, or occupant of the
1702 premises and not exceeding 16 & square feet in area.

1703 (9) Historical markers erected by duly constituted and
1704 authorized public authorities.

1705 (10) Official traffic control signs and markers erected,
1706 caused to be erected, or approved by the department.

1707 (11) Signs erected upon property warning the public against
1708 hunting and fishing or trespassing thereon.

1709 (12) Signs not in excess of 16 & square feet that are owned
1710 by and relate to the facilities and activities of churches,
1711 civic organizations, fraternal organizations, charitable

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1712 organizations, or units or agencies of government.

1713 (13) ~~Except that~~ Signs placed on benches, transit shelters,
1714 modular news racks, street light poles, public pay telephones,
1715 and waste receptacles, within the right-of-way, as provided for
1716 in s. 337.408 are exempt from all provisions of this chapter.

1717 (14) Signs relating exclusively to political campaigns.

1718 (15) Signs not in excess of 16 square feet placed at a road
1719 junction with the State Highway System denoting only the
1720 distance or direction of a residence or farm operation, or,
1721 outside an incorporated in a rural area where a hardship is
1722 created because a small business is not visible from the road
1723 junction with the State Highway System, one sign not in excess
1724 of 16 square feet, denoting only the name of the business and
1725 the distance and direction to the business. ~~The small-business-~~
1726 ~~sign provision of this subsection does not apply to charter~~
1727 ~~counties and may not be implemented if the Federal Government~~
1728 ~~notifies the department that implementation will adversely~~
1729 ~~affect the allocation of federal funds to the department.~~

1730 (16) Signs placed by a local tourist-oriented business
1731 located within a rural area of critical economic concern, as
1732 defined by s. 288.0656(2) (d) and (e), and are:

1733 (a) Not more than 8 square feet in size or more than 4 feet
1734 in height;

1735 (b) Located only in rural areas, along non-limited access
1736 highways;

1737 (c) Located within 2 miles of the business location and are
1738 not less than 500 feet apart;

1739 (d) Located only in two directions leading to the business;
1740 and

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1741 (e) Not located within the road right-of-way.

1742
1743 A business placing such signs must be at least 4 miles from any
1744 other business using this exemption and may not participate in
1745 any other department directional signage program.

1746 (17) Signs not in excess of 32 square feet placed
1747 temporarily during harvest season of a farm operation for a
1748 period of no more than 4 months at a road junction with the
1749 State Highway System denoting only the distance or direction of
1750 the farm operation.

1751 (18) Acknowledgement signs erected upon publicly funded
1752 school premises relating to a specific public school club, team,
1753 or event placed no closer than 1,000 feet from another
1754 acknowledgment sign on the same side of the roadway. All sponsor
1755 information on an acknowledgement sign may constitute no more
1756 than 100 square feet of the sign. As used in this subsection,
1757 the term "acknowledgement signs" means signs that are intended
1758 to inform the traveling public that a public school club, team,
1759 or event has been sponsored by a person, firm, or other entity.

1760 (19) Displays erected upon a sports facility which display
1761 content directly related to the facility's activities or where a
1762 presence of the products or services offered on the property
1763 exists. Displays are to be mounted flush or flat to the surface
1764 of the sports facility and rely upon the building facade for
1765 structural support. For purposes of this subsection, the term
1766 "sports facility", means any athletic complex, athletic arena,
1767 or athletic stadium, including physically connected parking
1768 facilities, which is open to the public and has a permanent
1769 installed seating capacity of 15,000 or more.

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1770
1771 If the exemptions in subsections (15)-(19) are not implemented
1772 or continued due to notification from the Federal Government to
1773 the department that the allocation of federal funds to the
1774 department will be adversely impacted, the department shall
1775 provide notice to the sign owner that the sign must be removed
1776 within 30 days after receiving the notice. If the sign is not
1777 removed within the 30 days, the department may remove the sign
1778 and all costs incurred in connection with the sign removal shall
1779 be assessed against and collected from the sign owner.

1780 Section 21. Section 479.24, Florida Statutes, is amended to
1781 read:

1782 479.24 Compensation for ~~removal of~~ signs; eminent domain;
1783 exceptions.—

1784 (1) Just compensation shall be paid by the department upon
1785 the department's acquisition ~~removal~~ of a lawful conforming or
1786 nonconforming sign along any portion of the interstate or
1787 federal-aid primary highway system. This section does not apply
1788 to a sign which is illegal at the time of its removal. A sign
1789 will lose its nonconforming status and become illegal at such
1790 time as it fails to be permitted or maintained in accordance
1791 with all applicable laws, rules, ordinances, or regulations
1792 other than the provision which makes it nonconforming. A legal
1793 nonconforming sign under state law or rule will not lose its
1794 nonconforming status solely because it additionally becomes
1795 nonconforming under an ordinance or regulation of a local
1796 governmental entity passed at a later date. The department shall
1797 make every reasonable effort to negotiate the purchase of the
1798 signs to avoid litigation and congestion in the courts.

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1799 (2) The department is not required to remove any sign under
1800 this section if the federal share of the just compensation to be
1801 paid upon removal of the sign is not available to make such
1802 payment, unless an appropriation by the Legislature for such
1803 purpose is made to the department.

1804 (3) (a) The department is authorized to use the power of
1805 eminent domain when necessary to carry out the provisions of
1806 this chapter.

1807 (b) If eminent domain procedures are instituted, just
1808 compensation shall be made pursuant to the state's eminent
1809 domain procedures, chapters 73 and 74.

1810 Section 22. Section 479.25, Florida Statutes, is amended to
1811 read:

1812 479.25 Erection of noise-attenuation barrier blocking view
1813 of sign; procedures; application.-

1814 (1) The owner of a lawfully erected sign that is governed
1815 by and conforms to state and federal requirements for land use,
1816 size, height, and spacing may increase the height above ground
1817 level of such sign at its permitted location if a noise-
1818 attenuation barrier is permitted by or erected by any
1819 governmental entity in such a way as to screen or block
1820 visibility of the sign. Any increase in height permitted under
1821 this section may only be the increase in height which is
1822 required to achieve the same degree of visibility from the
1823 right-of-way which the sign had prior to the construction of the
1824 noise-attenuation barrier, notwithstanding the restrictions
1825 contained in s. 479.07(9)(b). A sign reconstructed under this
1826 section shall comply with the building standards and wind load
1827 requirements set forth in the Florida Building Code. If

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1828 construction of a proposed noise-attenuation barrier will screen
1829 a sign lawfully permitted under this chapter, the department
1830 shall provide notice to the local government or local
1831 jurisdiction within which the sign is located prior to
1832 construction ~~erection of the noise-attenuation barrier~~. Upon a
1833 determination that an increase in the height of a sign as
1834 permitted under this section will violate a provision contained
1835 in an ordinance or land development regulation of the local
1836 government or local jurisdiction, prior to construction, the
1837 local government or local jurisdiction shall ~~so notify the~~
1838 ~~department. When notice has been received from the local~~
1839 ~~government or local jurisdiction prior to erection of the noise-~~
1840 ~~attenuation barrier, the department shall:~~

1841 (a) Provide a variance or waiver to the local ordinance or
1842 land development regulations to ~~Conduct a written survey of all~~
1843 ~~property owners identified as impacted by highway noise and who~~
1844 ~~may benefit from the proposed noise-attenuation barrier. The~~
1845 ~~written survey shall inform the property owners of the location,~~
1846 ~~date, and time of the public hearing described in paragraph (b)~~
1847 ~~and shall specifically advise the impacted property owners that:~~

1848 1. ~~Erection of the noise-attenuation barrier may block the~~
1849 ~~visibility of an existing outdoor advertising sign;~~

1850 2. ~~The local government or local jurisdiction may restrict~~
1851 ~~or prohibit increasing the height of the existing outdoor~~
1852 ~~advertising sign to make it visible over the barrier; and~~

1853 3. ~~If a majority of the impacted property owners vote for~~
1854 ~~construction of the noise-attenuation barrier, the local~~
1855 ~~government or local jurisdiction will be required to:~~

1856 a. allow an increase in the height of the sign ~~in violation~~

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1857 ~~of a local ordinance or land development regulation;~~

1858 (b)~~b~~. Allow the sign to be relocated or reconstructed at
1859 another location if the sign owner agrees; or

1860 (c)~~e~~. Pay the fair market value of the sign and its
1861 associated interest in the real property.

1862 (2)~~(b)~~ The department shall hold a public hearing within
1863 the boundaries of the affected local governments or local
1864 jurisdictions to receive input on the proposed noise-attenuation
1865 barrier and its conflict with the local ordinance or land
1866 development regulation and to suggest or consider alternatives
1867 or modifications ~~to the proposed noise-attenuation barrier~~ to
1868 alleviate or minimize the conflict with the local ordinance or
1869 land development regulation or minimize any costs that may be
1870 associated with relocating, reconstructing, or paying for the
1871 affected sign. The public hearing may be held concurrently with
1872 other public hearings scheduled for the project. The department
1873 shall provide a written notification to the local government or
1874 local jurisdiction of the date and time of the public hearing
1875 and shall provide general notice of the public hearing in
1876 accordance with the notice provisions of s. 335.02(1). The
1877 notice shall not be placed in that portion of a newspaper in
1878 which legal notices or classified advertisements appear. The
1879 notice shall specifically state that:

1880 (a)~~1~~. Erection of the proposed noise-attenuation barrier
1881 may block the visibility of an existing outdoor advertising
1882 sign;

1883 (b)~~2~~. The local government or local jurisdiction may
1884 restrict or prohibit increasing the height of the existing
1885 outdoor advertising sign ~~to make it visible over the barrier;~~

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1886 and

1887 ~~(c)3. Upon~~ If a majority of the impacted property owners
1888 ~~vote for~~ construction of the noise-attenuation barrier, the
1889 local government or local jurisdiction shall ~~will be required~~
1890 ~~to~~:

1891 1.a. Allow an increase in the height of the sign through a
1892 waiver or variance to ~~in violation of~~ a local ordinance or land
1893 development regulation;

1894 2.b. Allow the sign to be relocated or reconstructed at
1895 another location if the sign owner agrees; or

1896 3.e. Pay the fair market value of the sign and its
1897 associated interest in the real property.

1898 ~~(3)(2)~~ The department may ~~shall~~ not permit erection of the
1899 noise-attenuation barrier to the extent the barrier screens or
1900 blocks visibility of the sign until after the public hearing is
1901 held ~~and until such time as the survey has been conducted and a~~
1902 ~~majority of the impacted property owners have indicated approval~~
1903 ~~to erect the noise-attenuation barrier. When the impacted~~
1904 ~~property owners approve of the noise-attenuation barrier~~
1905 ~~construction, the department shall notify the local governments~~
1906 ~~or local jurisdictions. The local government or local~~
1907 ~~jurisdiction shall, notwithstanding the provisions of a~~
1908 ~~conflicting ordinance or land development regulation:~~

1909 ~~(a) Issue a permit by variance or otherwise for the~~
1910 ~~reconstruction of a sign under this section;~~

1911 ~~(b) Allow the relocation of a sign, or construction of~~
1912 ~~another sign, at an alternative location that is permissible~~
1913 ~~under the provisions of this chapter, if the sign owner agrees~~
1914 ~~to relocate the sign or construct another sign; or~~

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1915 ~~(c) Refuse to issue the required permits for reconstruction~~
1916 ~~of a sign under this section and pay fair market value of the~~
1917 ~~sign and its associated interest in the real property to the~~
1918 ~~owner of the sign.~~

1919 (4)~~(3)~~ This section does ~~shall~~ not apply to the provisions
1920 of any existing written agreement executed before July 1, 2006,
1921 between any local government and the owner of an outdoor
1922 advertising sign.

1923 Section 23. Subsection (1) of section 479.261, Florida
1924 Statutes, is amended to read:

1925 479.261 Logo sign program.—

1926 (1) The department shall establish a logo sign program for
1927 the rights-of-way of the limited access ~~interstate~~ highway
1928 system to provide information to motorists about available gas,
1929 food, lodging, camping, attractions, and other services, as
1930 approved by the Federal Highway Administration, at interchanges
1931 through the use of business logos and may include additional
1932 interchanges under the program.

1933 (a) As used in this chapter, the term "attraction" means an
1934 establishment, site, facility, or landmark that is open a
1935 minimum of 5 days a week for 52 weeks a year; that has as its
1936 principal focus family-oriented entertainment, cultural,
1937 educational, recreational, scientific, or historical activities;
1938 and that is publicly recognized as a bona fide tourist
1939 attraction.

1940 (b) The department shall incorporate the use of RV-friendly
1941 markers on specific information logo signs for establishments
1942 that cater to the needs of persons driving recreational
1943 vehicles. Establishments that qualify for participation in the

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1944 specific information logo program and that also qualify as "RV-
1945 friendly" may request the RV-friendly marker on their specific
1946 information logo sign. An RV-friendly marker must consist of a
1947 design approved by the Federal Highway Administration. The
1948 department shall adopt rules in accordance with chapter 120 to
1949 administer this paragraph, including rules setting forth the
1950 minimum requirements that establishments must meet in order to
1951 qualify as RV-friendly. These requirements shall include large
1952 parking spaces, entrances, and exits that can easily accommodate
1953 recreational vehicles and facilities having appropriate overhead
1954 clearances, if applicable.

1955 Section 24. Section 479.313, Florida Statutes, is amended
1956 to read:

1957 479.313 Permit revocation and cancellation; cost of
1958 removal.—All costs incurred by the department in connection with
1959 the removal of a sign located within a controlled area adjacent
1960 to the State Highway System, interstate highway system, or
1961 federal-aid primary highway system following the revocation or
1962 cancellation of the permit for such sign shall be assessed
1963 against and collected from the permittee.

1964 Section 25. Section 76 of chapter 2012-174, Laws of
1965 Florida, is repealed.

1966 Section 26. This act shall take effect July 1, 2013.