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CS/CS/HB 1161, Engrossed 1

2014 Legislature

1
2 An act relating to the Department of Transportation;
3 creating s. 339.041, F.S.; providing legislative
4 findings and intent; authorizing the department to
5 seek certain investors for certain leases; prohibiting
6 the department from pledging the credit, general
7 revenues, or taxing power of the state or any
8 political subdivision of the state; specifying the
9 collection and deposit of lease payments by agreement
10 with the department; amending s. 373.618, F.S.;
11 revising provisions relating to public service warning
12 signs; amending s. 479.01, F.S., relating to outdoor
13 advertising signs; revising and deleting definitions;
14 amending s. 479.02, F.S.; revising duties of the
15 Department of Transportation relating to signs;
16 deleting a requirement that the department adopt
17 certain rules; creating s. 479.024, F.S.; limiting the
18 placement of signs to commercial or industrial zones;
19 defining the terms "parcel" and "utilities"; requiring
20 a local government to use specified criteria to
21 determine zoning for commercial or industrial parcels;
22 providing that certain parcels are considered unzoned
23 commercial or industrial areas; authorizing a permit
24 for a sign in an unzoned commercial or industrial area
25 in certain circumstances; prohibiting specified uses
26 and activities from being independently recognized as

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 commercial or industrial; providing an appeal process
28 for an applicant whose permit is denied; requiring an
29 applicant whose application is denied to remove an
30 existing sign pertaining to the application; requiring
31 the department to reduce certain transportation
32 funding in certain circumstances; amending s. 479.03,
33 F.S.; requiring notice to owners of intervening
34 privately owned lands before the department enters
35 upon such lands to remove an illegal sign; amending s.
36 479.04, F.S.; providing that an outdoor advertising
37 license is not required solely to erect or construct
38 outdoor signs or structures; amending s. 479.05, F.S.;
39 authorizing the department to suspend a license for
40 certain offenses and specifying activities that the
41 licensee may engage in during the suspension;
42 prohibiting the department from granting a transfer of
43 an existing permit or issuing an additional permit
44 during the suspension; amending s. 479.07, F.S.;
45 revising requirements for obtaining sign permits;
46 conforming and clarifying provisions; revising permit
47 tag placement requirements for signs; deleting a
48 provision that allows a permittee to provide its own
49 replacement tag; revising requirements for permitting
50 certain signs visible to more than one highway;
51 deleting provisions limiting a pilot program to
52 specified locations; deleting redundant provisions



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53 relating to certain new or replacement signs; deleting
54 provisions requiring maintenance of statistics on the
55 pilot program; amending s. 479.08, F.S.; revising
56 provisions relating to the denial or revocation of a
57 permit because of false or misleading information in
58 the permit application; amending s. 479.10, F.S.;
59 authorizing the cancellation of a permit; amending s.
60 479.105, F.S.; revising notice requirements to owners
61 and advertisers relating to signs erected or
62 maintained without a permit; revising procedures for
63 the department to issue a permit as a conforming or
64 nonconforming sign to the owner of an unpermitted
65 sign; providing a penalty; amending s. 479.106, F.S.;
66 revising provisions relating to the removal, cutting,
67 or trimming of trees or vegetation to increase sign
68 face visibility; providing that a specified penalty is
69 applied per sign facing; amending s. 479.107, F.S.;
70 deleting a fine for specified violations; amending s.
71 479.11, F.S.; prohibiting signs on specified portions
72 of the interstate highway system; amending s. 479.111,
73 F.S.; clarifying a reference to a certain agreement;
74 amending s. 479.15, F.S.; deleting a definition;
75 revising provisions relating to relocation of certain
76 signs on property subject to public acquisition;
77 amending s. 479.156, F.S.; clarifying provisions
78 relating to the regulation of wall murals; amending s.



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79 479.16, F.S.; exempting certain signs from ch. 479,
80 F.S.; exempting from permitting certain signs placed
81 by tourist-oriented businesses, certain farm signs
82 placed during harvest seasons, certain acknowledgment
83 signs on publicly funded school premises, and certain
84 displays on specific sports facilities; prohibiting
85 certain permit exemptions from being implemented or
86 continued if the implementations or continuations will
87 adversely impact the allocation of federal funds to
88 the Department of Transportation; directing the
89 department to notify a sign owner that the sign must
90 be removed if federal funds are adversely impacted;
91 authorizing the department to remove the sign and
92 assess costs to the sign owner under certain
93 circumstances; amending s. 479.24, F.S.; clarifying
94 provisions relating to compensation paid for the
95 department's acquisition of lawful signs; amending s.
96 479.25, F.S.; revising provisions relating to local
97 government action with respect to erection of noise-
98 attenuation barriers that block views of lawfully
99 erected signs; deleting provisions to conform to
100 changes made by the act; amending s. 479.261, F.S.;
101 expanding the logo program to the limited access
102 highway system; conforming provisions related to a
103 logo sign program on the limited access highway
104 system; amending s. 479.262, F.S.; clarifying



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105 provisions relating to the tourist-oriented
106 directional sign program; limiting the placement of
107 such signs to intersections on certain rural roads;
108 prohibiting such signs in urban areas or at
109 interchanges on freeways or expressways; amending s.
110 479.313, F.S.; requiring a permittee to pay the cost
111 of removing certain signs following the cancellation
112 of the permit for the sign; establishing a pilot
113 program for the School District of Palm Beach County
114 authorizing signage on certain school district
115 property to recognize the names of the school
116 district's business partners; providing for expiration
117 of the program; repealing s. 76 of chapter 2012-174,
118 Laws of Florida, relating to authorizing the
119 department to seek Federal Highway Administration
120 approval of a tourist-oriented commerce sign pilot
121 program and directing the department to submit the
122 approved pilot program for legislative approval;
123 amending s. 335.065, F.S.; authorizing the department
124 to enter into certain concession agreements; providing
125 for use of agreement revenues; providing that the
126 agreements are subject to applicable federal laws;
127 requiring that a concession agreement be administered
128 by the department and meet certain requirements;
129 providing an effective date.

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

132

133 Section 1. Section 339.041, Florida Statutes, is created
134 to read:

135 339.041 Factoring of revenues from leases for wireless
136 communication facilities.-

137 (1) The Legislature finds that efforts to increase funding
138 for capital expenditures for the transportation system are
139 necessary for the protection of the public safety and general
140 welfare and for the preservation of transportation facilities in
141 this state. Therefore, it is the intent of the Legislature to:

142 (a) Create a mechanism for factoring future revenues
143 received by the department from leases for wireless
144 communication facilities on department property on a nonrecourse
145 basis;

146 (b) Fund fixed capital expenditures for the statewide
147 transportation system from proceeds generated through this
148 mechanism; and

149 (c) Maximize revenues from factoring by ensuring that such
150 revenues are exempt from income taxation under federal law in
151 order to increase funds available for capital expenditures.

152 (2) For the purposes of factoring future revenues under
153 this section, department property includes real property located
154 within the department's limited access rights-of-way, real
155 property located outside the current operating right-of-way
156 limits which is not needed to support current transportation



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157 facilities, other property owned by the Board of Trustees of the
158 Internal Improvement Trust Fund and leased by the department,
159 space on department telecommunications facilities, and space on
160 department structures.

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

168 (4) The department may not pledge the credit, the general
169 revenues, or the taxing power of the state or of any political
170 subdivision of the state. The obligations of the department and
171 investors under the agreement do not constitute a general
172 obligation of the state or a pledge of the full faith and credit
173 or taxing power of the state. The agreement is payable from and
174 secured solely by payments received from department leases for
175 wireless communication facilities on property owned or
176 controlled by the department, and neither the state nor any of
177 its agencies has any liability beyond such payments.

178 (5) The department may make any covenant or representation
179 necessary or desirable in connection with the agreement,
180 including a commitment by the department to take whatever
181 actions are necessary on behalf of investors to enforce the
182 department's rights to payments on property leased for wireless



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183 communications facilities. However, the department may not
184 guarantee that actual revenues received in a future year will be
185 those anticipated in its leases for wireless communication
186 facilities. The department may agree to use its best efforts to
187 ensure that anticipated future-year revenues are protected. Any
188 risk that actual revenues received from department leases for
189 wireless communications facilities are lower than anticipated
190 shall be borne exclusively by investors.

191 (6) Subject to annual appropriation, investors shall
192 collect the lease payments on a schedule and in a manner
193 established in the agreements entered into by the department and
194 investors pursuant to this section. The agreements may provide
195 for lease payments to be made directly to investors by lessees
196 if the lease agreements entered into by the department and the
197 lessees pursuant to s. 365.172(12)(f) allow direct payment.

198 (7) Proceeds received by the department from leases for
199 wireless communication facilities shall be deposited in the
200 State Transportation Trust Fund created under s. 206.46 and used
201 for fixed capital expenditures for the statewide transportation
202 system.

203 Section 2. Section 373.618, Florida Statutes, is amended
204 to read:

205 373.618 Public service warnings, alerts, and
206 announcements.—The Legislature believes it is in the public
207 interest that all water management districts created pursuant to
208 s. 373.069 own, acquire, develop, construct, operate, and manage



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209 public information systems. Public information systems may be
210 located on property owned by the water management district, upon
211 terms and conditions approved by the water management district,
212 and must display messages to the general public concerning water
213 management services, activities, events, and sponsors, as well
214 as other public service announcements, including watering
215 restrictions, severe weather reports, amber alerts, and other
216 essential information needed by the public. Local government
217 review or approval is not required for a public information
218 system owned or hereafter acquired, developed, or constructed by
219 the water management district on its own property. A public
220 information system is subject to ~~exempt from~~ the requirements of
221 the Highway Beautification Act of 1965 and all federal laws and
222 agreements, when applicable ~~chapter 479~~. Water management
223 district funds may not be used to pay the cost to acquire,
224 develop, construct, operate, or manage a public information
225 system. Any necessary funds for a public information system
226 shall be paid for and collected from private sponsors who may
227 display commercial messages.

228 Section 3. Section 479.01, Florida Statutes, is amended to
229 read:

230 479.01 Definitions.—As used in this chapter, the term:

231 (1) "Allowable uses" means the intended uses identified in
232 a local government's land development regulations which ~~those~~
233 ~~uses that~~ are authorized within a zoning category as a use by
234 right, without the requirement to obtain a variance or waiver.



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235 The term includes conditional uses and those allowed by special
236 exception if such uses are a present and actual use, but does
237 not include uses that are accessory, ancillary, incidental to
238 the allowable uses, or allowed only on a temporary basis.

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

242 (3) "Business of outdoor advertising" means the business
243 of ~~constructing, erecting, operating, using,~~ maintaining,
244 leasing, or selling outdoor advertising structures, outdoor
245 advertising signs, or outdoor advertisements.

246 ~~(4) "Commercial or industrial zone" means a parcel of land~~
247 ~~designated for commercial or industrial uses under both the~~
248 ~~future land use map of the comprehensive plan and the land use~~
249 ~~development regulations adopted pursuant to chapter 163. If a~~
250 ~~parcel is located in an area designated for multiple uses on the~~
251 ~~future land use map of a comprehensive plan and the zoning~~
252 ~~category of the land development regulations does not clearly~~
253 ~~designate that parcel for a specific use, the area will be~~
254 ~~considered an unzoned commercial or industrial area if it meets~~
255 ~~the criteria of subsection (26).~~

256 (4)~~(5)~~ "Commercial use" means activities associated with
257 the sale, rental, or distribution of products or the performance
258 of services. The term includes, but is not limited to ~~without~~
259 ~~limitation~~, such uses or activities as retail sales; wholesale
260 sales; rentals of equipment, goods, or products; offices;



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261 restaurants; food service vendors; sports arenas; theaters; and
262 tourist attractions.

263 (5)~~(6)~~ "Controlled area" means 660 feet or less from the
264 nearest edge of the right-of-way of any portion of the State
265 Highway System, interstate, or federal-aid primary highway
266 system and beyond 660 feet of the nearest edge of the right-of-
267 way of any portion of the State Highway System, interstate
268 highway system, or federal-aid primary system outside an urban
269 area.

270 (6)~~(7)~~ "Department" means the Department of
271 Transportation.

272 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,
273 place, affix, attach, create, paint, draw, or in any other way
274 bring into being or establish. The term;~~but it~~ does not include
275 such any of the foregoing activities when performed as an
276 incident to the change of advertising message or customary
277 maintenance or repair of a sign.

278 (8)~~(9)~~ "Federal-aid primary highway system" means the
279 federal-aid primary highway system in existence on June 1, 1991,
280 and any highway that was not a part of such system as of that
281 date but that is, or became after June 1, 1991, a part of the
282 National Highway System, including portions that have been
283 accepted as part of the National Highway System but are unbuilt
284 or unopened ~~existing, unbuilt, or unopened system of highways or~~
285 ~~portions thereof, which shall include the National Highway~~
286 ~~System, designated as the federal-aid primary highway system by~~



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287 ~~the department.~~

288 (9)~~(10)~~ "Highway" means any road, street, or other way
289 open or intended to be opened to the public for travel by motor
290 vehicles.

291 (10)~~(11)~~ "Industrial use" means activities associated with
292 the manufacture, assembly, processing, or storage of products or
293 the performance of related services ~~relating thereto~~. The term
294 includes, but is not limited to ~~without limitation~~, such uses or
295 activities as automobile manufacturing or repair, boat
296 manufacturing or repair, junk yards, meat packing facilities,
297 citrus processing and packing facilities, produce processing and
298 packing facilities, electrical generating plants, water
299 treatment plants, sewage treatment plants, and solid waste
300 disposal sites.

301 (11)~~(12)~~ "Interstate highway system" means the existing,
302 unbuilt, or unopened system of highways or portions thereof
303 designated as the national system of interstate and defense
304 highways by the department.

305 (12)~~(13)~~ "Main-traveled way" means the traveled way of a
306 highway on which through traffic is carried. In the case of a
307 divided highway, the traveled way of each of the separate
308 roadways for traffic in opposite directions is a main-traveled
309 way. The term ~~It~~ does not include such facilities as frontage
310 roads, turning roadways which specifically include on-ramps or
311 off-ramps to the interstate highway system, or parking areas.

312 (13)~~(14)~~ "Maintain" means to allow to exist.



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313 (14)~~(15)~~ "Motorist services directional signs" means signs
 314 providing directional information about goods and services in
 315 the interest of the traveling public where such signs were
 316 lawfully erected and in existence on or before May 6, 1976, and
 317 continue to provide directional information to goods and
 318 services in a defined area.

319 (15)~~(16)~~ "New highway" means the construction of any road,
 320 paved or unpaved, where no road previously existed or the act of
 321 paving any previously unpaved road.

322 (16)~~(17)~~ "Nonconforming sign" means a sign which was
 323 lawfully erected but which does not comply with the land use,
 324 setback, size, spacing, and lighting provisions of state or
 325 local law, rule, regulation, or ordinance passed at a later date
 326 or a sign which was lawfully erected but which later fails to
 327 comply with state or local law, rule, regulation, or ordinance
 328 due to changed conditions.

329 (17)~~(18)~~ "Premises" means all the land areas under
 330 ownership or lease arrangement to the sign owner which are
 331 contiguous to the business conducted on the land except for
 332 instances where such land is a narrow strip contiguous to the
 333 advertised activity or is connected by such narrow strip, the
 334 only viable use of such land is to erect or maintain an
 335 advertising sign. If ~~When~~ the sign owner is a municipality or
 336 county, the term means ~~"premises" shall mean~~ all lands owned or
 337 leased by the ~~such~~ municipality or county within its
 338 jurisdictional boundaries ~~as set forth by law.~~



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339 (18)~~(19)~~ "Remove" means to disassemble all sign materials
340 above ground level and~~7~~ transport such materials from the site~~7~~
341 ~~and dispose of sign materials by sale or destruction.~~

342 (19)~~(20)~~ "Sign" means any combination of structure and
343 message in the form of an outdoor sign, display, device, figure,
344 painting, drawing, message, placard, poster, billboard,
345 advertising structure, advertisement, logo, symbol, or other
346 form, whether placed individually or on a V-type, back-to-back,
347 side-to-side, stacked, or double-faced display or automatic
348 changeable facing, designed, intended, or used to advertise or
349 inform, any part of the advertising message or informative
350 contents of which is visible from any place on the main-traveled
351 way. The term does not include an official traffic control sign,
352 official marker, or specific information panel erected, caused
353 to be erected, or approved by the department.

354 (20)~~(21)~~ "Sign direction" means the ~~that~~ direction from
355 which the message or informative contents are most visible to
356 oncoming traffic on the main-traveled way.

357 (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,
358 including trim and background, which contains the message or
359 informative contents, including an automatic changeable face.

360 (22)~~(23)~~ "Sign facing" includes all sign faces and
361 automatic changeable faces displayed at the same location and
362 facing the same direction.

363 (23)~~(24)~~ "Sign structure" means all the interrelated parts
364 and material, such as beams, poles, and stringers, which are



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365 constructed for the purpose of supporting or displaying a
366 message or informative contents.

367 ~~(24)-(25)~~ "State Highway System" has the same meaning as in
368 s. 334.03 means the existing, unbuilt, or unopened system of
369 highways or portions thereof designated as the State Highway
370 System by the department.

371 ~~(26)~~ "Unzoned commercial or industrial area" means a
372 parcel of land designated by the future land use map of the
373 comprehensive plan for multiple uses that include commercial or
374 industrial uses but are not specifically designated for
375 commercial or industrial uses under the land development
376 regulations, in which three or more separate and distinct
377 conforming industrial or commercial activities are located.

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

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

382 ~~2.~~ The commercial or industrial activities must be within
383 660 feet from the nearest edge of the right-of-way; and

384 ~~3.~~ The commercial industrial activities must be within
385 1,600 feet of each other.

386
387 ~~Distances specified in this paragraph must be measured from the~~
388 ~~nearest outer edge of the primary building or primary building~~
389 ~~complex when the individual units of the complex are connected~~
390 ~~by covered walkways.~~



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391 ~~(b) Certain activities, including, but not limited to, the~~
392 ~~following, may not be so recognized as commercial or industrial~~
393 ~~activities:~~

394 ~~1. Signs.~~

395 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~
396 ~~related activities, including, but not limited to, wayside fresh~~
397 ~~produce stands.~~

398 ~~3. Transient or temporary activities.~~

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

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

402 ~~6. Activities conducted in a building principally used as~~
403 ~~a residence.~~

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

405 ~~8. Communication towers.~~

406 (25)~~(27)~~ "Urban area" has the same meaning as defined in
407 s. 334.03~~(31)~~.

408 (26)~~(28)~~ "Visible commercial or industrial activity" means
409 a commercial or industrial activity that is capable of being
410 seen without visual aid by a person of normal visual acuity from
411 the main-traveled way and that is generally recognizable as
412 commercial or industrial.

413 (27)~~(29)~~ "Visible sign" means that the advertising message
414 or informative contents of a sign, whether or not legible, can
415 be ~~is capable of being~~ seen without visual aid by a person of
416 normal visual acuity.



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417 ~~(28)-(30)~~ "Wall mural" means a sign that is a painting or
418 an artistic work composed of photographs or arrangements of
419 color and that displays a commercial or noncommercial message,
420 relies solely on the side of the building for rigid structural
421 support, and is painted on the building or depicted on vinyl,
422 fabric, or other similarly flexible material that is held in
423 place flush or flat against the surface of the building. The
424 term excludes a painting or work placed on a structure that is
425 erected for the sole or primary purpose of signage.

426 ~~(29)-(31)~~ "Zoning category" means the designation under the
427 land development regulations or other similar ordinance enacted
428 to regulate the use of land as provided in s. 163.3202(2)(b),
429 which designation sets forth the allowable uses, restrictions,
430 and limitations on use applicable to properties within the
431 category.

432 Section 4. Section 479.02, Florida Statutes, is amended to
433 read:

434 479.02 Duties of the department. ~~It shall be the duty of~~
435 The department shall ~~to~~:

436 (1) Administer and enforce ~~the provisions of~~ this chapter,
437 ~~and the 1972~~ agreement between the state and the United States
438 Department of Transportation ~~relating to the size, lighting, and~~
439 ~~spacing of signs in accordance with Title I of the Highway~~
440 ~~Beautification Act of 1965 and Title 23 of the,~~ United States
441 Code, and federal regulations, including, but not limited to,
442 those pertaining to the maintenance, continuance, and removal of



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443 ~~nonconforming signs in effect as of the effective date of this~~
444 ~~act.~~

445 (2) Regulate size, height, lighting, and spacing of signs
446 permitted on commercial and industrial parcels and in unzoned
447 commercial or industrial areas ~~in zoned and unzoned commercial~~
448 ~~areas and zoned and unzoned industrial areas~~ on the interstate
449 highway system and the federal-aid primary highway system.

450 (3) Determine ~~unzoned~~ commercial and industrial parcels
451 and unzoned commercial or areas ~~and unzoned industrial areas~~ in
452 the manner provided in s. 479.024.

453 (4) Implement a specific information panel program on the
454 limited access interstate highway system to promote tourist-
455 oriented businesses by providing directional information safely
456 and aesthetically.

457 (5) Implement a rest area information panel or devices
458 program at rest areas along the interstate highway system and
459 the federal-aid primary highway system to promote tourist-
460 oriented businesses.

461 (6) Test and, if economically feasible, implement
462 alternative methods of providing information in the specific
463 interest of the traveling public which allow the traveling
464 public freedom of choice, conserve natural beauty, and present
465 information safely and aesthetically.

466 (7) Adopt such rules as the department ~~it~~ deems necessary
467 or proper for the administration of this chapter, including
468 rules that ~~which~~ identify activities that may not be recognized



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469 as industrial or commercial activities for purposes of
470 determination of a ~~an area as an unzoned~~ commercial or
471 industrial parcel or an unzoned commercial or industrial area in
472 the manner provided in s. 479.024.

473 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the
474 location of all signs on the state highway system, interstate
475 highway system, and federal-aid primary highway system to be
476 used as systems. ~~Upon completion of the inventory, it shall~~
477 ~~become~~ the database and permit information for all permitted
478 ~~signs permitted at the time of completion, and the previous~~
479 ~~records of the department shall be amended accordingly.~~ The
480 inventory shall be updated at least ~~no less than~~ every 2 years.
481 ~~The department shall adopt rules regarding what information is~~
482 ~~to be collected and preserved to implement the purposes of this~~
483 ~~chapter.~~ The department may perform the inventory using
484 department staff, or may contract with a private firm to perform
485 the work, whichever is more cost efficient. The department shall
486 maintain a database of sign inventory information such as sign
487 location, size, height, and structure type, the permittee's
488 ~~permitholder's~~ name, and any other information the department
489 finds necessary to administer the program.

490 Section 5. Section 479.024, Florida Statutes, is created
491 to read:

492 479.024 Commercial and industrial parcels.—Signs shall be
493 permitted by the department only in commercial or industrial
494 zones, as determined by the local government, in compliance with



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495 chapter 163, unless otherwise provided in this chapter.
496 Commercial and industrial zones are those areas appropriate for
497 commerce, industry, or trade, regardless of how those areas are
498 labeled.

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

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

502 (b) "Utilities" includes all privately, publicly, or
503 cooperatively owned lines, facilities, and systems for
504 producing, transmitting, or distributing communications, power,
505 electricity, light, heat, gas, oil, crude products, water,
506 steam, waste, and stormwater not connected with the highway
507 drainage, and other similar commodities.

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

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

512 (b) The parcel can reasonably accommodate a commercial or
513 industrial use under the future land use map of the
514 comprehensive plan and land use development regulations, as
515 follows:

516 1. Sufficient utilities are available to support
517 commercial or industrial development; and

518 2. The size, configuration, and public access of the
519 parcel are sufficient to accommodate a commercial or industrial
520 use, given the requirements in the comprehensive plan and land



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521 development regulations for vehicular access, on-site
522 circulation, building setbacks, buffering, parking, and other
523 applicable standards or the parcel consists of railroad tracks
524 or minor sidings abutting commercial or industrial property that
525 meets the criteria of this subsection.

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

528 (3) If a local government has not designated zoning
529 through land development regulations in compliance with chapter
530 163 but has designated the parcel under the future land use map
531 of the comprehensive plan for uses that include commercial or
532 industrial uses, the parcel shall be considered an unzoned
533 commercial or industrial area. For a permit to be issued for a
534 sign in an unzoned commercial or industrial area, there must be
535 three or more distinct commercial or industrial activities
536 within 1,600 feet of each other, with at least one of the
537 commercial or industrial activities located on the same side of
538 the highway as, and within 800 feet of, the sign location.
539 Multiple commercial or industrial activities enclosed in one
540 building shall be considered one use if all activities have only
541 shared building entrances.

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

545 (a) Signs.

546 (b) Agricultural, forestry, ranching, grazing, farming,



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547 and related activities, including, but not limited to, wayside
548 fresh produce stands.

549 (c) Transient or temporary activities.

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

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

555 (f) Activities conducted in a building principally used as
556 a residence.

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

560 (h) Communication towers.

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

565 (5) If the local government has indicated that the
566 proposed sign location is on a parcel that is in a commercial or
567 industrial zone but the department finds that it is not, the
568 department shall notify the sign applicant in writing of its
569 determination.

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



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573 pursuant to chapter 120 for a determination of whether the
574 parcel is located in a commercial or industrial zone. Upon
575 receipt of such request, the department shall notify the local
576 government that the applicant has requested an administrative
577 hearing pursuant to chapter 120.

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

583 (8) If the Federal Highway Administration reduces funds
584 that would otherwise be apportioned to the department due to a
585 local government's failure to comply with this section, the
586 department shall reduce transportation funding apportioned to
587 the local government by an equivalent amount.

588 Section 6. Section 479.03, Florida Statutes, is amended to
589 read:

590 479.03 Jurisdiction of the Department of Transportation;
591 entry upon privately owned lands.—The territory under the
592 jurisdiction of the department for the purpose of this chapter
593 includes ~~shall include~~ all the state. Employees, agents, or
594 independent contractors working for the department, in the
595 performance of their functions and duties under the provisions
596 of this chapter, may enter into and upon any land upon which a
597 sign is displayed, is proposed to be erected, or is being
598 erected and make such inspections, surveys, and removals as may



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599 be relevant. Upon written notice to ~~After receiving consent by~~
600 the landowner, operator, or person in charge of an intervening
601 privately owned land that ~~or appropriate inspection warrant~~
602 ~~issued by a judge of any county court or circuit court of this~~
603 ~~state which has jurisdiction of the place or thing to be~~
604 ~~removed,~~ that the removal of an illegal outdoor advertising sign
605 is necessary and has been authorized by a final order or results
606 from an uncontested notice to the sign owner, the department may
607 ~~shall be authorized to~~ enter upon any intervening privately
608 owned lands for the purposes of effectuating removal of illegal
609 signs., ~~provided that~~ The department may enter intervening
610 privately owned lands ~~shall only do so~~ in circumstances where it
611 has determined that ~~no~~ other legal or economically feasible
612 means of entry to the sign site are not reasonably available.
613 Except as otherwise provided by this chapter, the department is
614 ~~shall be~~ responsible for the repair or replacement in a like
615 manner for any physical damage or destruction of private
616 property, other than the sign, incidental to the department's
617 entry upon such intervening privately owned lands.

618 Section 7. Section 479.04, Florida Statutes, is amended to
619 read:

620 479.04 Business of outdoor advertising; license
621 requirement; renewal; fees.—

622 (1) A ~~No~~ person may not ~~shall~~ engage in the business of
623 outdoor advertising in this state without first obtaining a
624 license ~~therefor~~ from the department. Such license shall be



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625 renewed annually. The fee for such license, and for each annual
626 renewal, is \$300. License renewal fees are ~~shall be~~ payable as
627 provided for in s. 479.07.

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

632 Section 8. Section 479.05, Florida Statutes, is amended to
633 read:

634 479.05 Denial, suspension, or revocation of license.—The
635 department may ~~has authority to deny, suspend, or revoke a~~ any
636 license requested or granted under this chapter in any case in
637 which it determines that the application for the license
638 contains ~~knowingly~~ false or misleading information of material
639 consequence, that the licensee has failed to pay fees or costs
640 owed to the department for outdoor advertising purposes, or that
641 the licensee has violated any of the provisions of this chapter,
642 unless such licensee, within 30 days after the receipt of notice
643 by the department, corrects such false or misleading
644 information, pays the outstanding amounts, or complies with ~~the~~
645 provisions of this chapter. Suspension of a license allows the
646 licensee to maintain existing sign permits, but the department
647 may not grant a transfer of an existing permit or issue an
648 additional permit to a licensee with a suspended license. A ~~Any~~
649 person aggrieved by an ~~any~~ action of the department which
650 denies, suspends, or revokes ~~in denying or revoking~~ a license



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651 under this chapter may, within 30 days after ~~from~~ the receipt of
652 the notice, apply to the department for an administrative
653 hearing pursuant to chapter 120.

654 Section 9. Section 479.07, Florida Statutes, is amended to
655 read:

656 479.07 Sign permits.—

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

661 ~~334.03(31),~~ or on any portion of the interstate or federal-aid
662 primary highway system without first obtaining a permit for the
663 sign from the department and paying the annual fee as provided
664 in this section. As used in this section, the term "on any
665 portion of the State Highway System, interstate highway system,
666 or federal-aid primary system" means a sign located within the
667 controlled area which is visible from any portion of the main-
668 traveled way of such system.

669 ~~(2) A person may not apply for a permit unless he or she~~
670 ~~has first obtained the~~ Written permission of the owner or other
671 person in lawful possession or control of the site designated as
672 the location of the sign is required for issuance of a ~~in the~~
673 ~~application for the permit.~~

674 (3) (a) An application for a sign permit must be made on a
675 form prescribed by the department, and a separate application
676 must be submitted for each permit requested. A permit is



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677 required for each sign facing.

678 (b) As part of the application, the applicant or his or
679 her authorized representative must certify ~~in a notarized signed~~
680 ~~statement~~ that all information provided in the application is
681 true and correct ~~and that, pursuant to subsection (2), he or she~~
682 ~~has obtained the written permission of the owner or other person~~
683 ~~in lawful possession of the site designated as the location of~~
684 ~~the sign in the permit application.~~ Each Every permit
685 application must be accompanied by the appropriate permit fee; a
686 signed statement by the owner or other person in lawful control
687 of the site on which the sign is located or will be erected,
688 authorizing the placement of the sign on that site; ~~and, where~~
689 ~~local governmental regulation of signs exists,~~ a statement from
690 the appropriate local governmental official indicating that the
691 sign complies with all local government ~~governmental~~
692 requirements; and, if a local government permit is required for
693 a sign, a statement that the agency or unit of local government
694 will issue a permit to that applicant upon approval of the state
695 permit application by the department.

696 (c) The annual permit fee for each sign facing shall be
697 established by the department by rule in an amount sufficient to
698 offset the total cost to the department for the program, but may
699 ~~shall not be greater than~~ exceed \$100. The ~~A fee may not be~~
700 ~~prorated for a period less than the remainder of the permit year~~
701 ~~to accommodate short-term publicity features; however,~~ a first-
702 year fee may be prorated by payment of an amount equal to one-



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703 fourth of the annual fee for each remaining whole quarter or
704 partial quarter of the permit year. Applications received after
705 the end of the third quarter of the permit year must include
706 fees for the last quarter of the current year and fees for the
707 succeeding year.

708 (4) An application for a permit shall be acted on by
709 granting, denying, or returning the incomplete application ~~the~~
710 ~~department~~ within 30 days after receipt of the application by
711 the department.

712 (5) (a) For each permit issued, the department shall
713 furnish to the applicant a serially numbered permanent metal
714 permit tag. The permittee is responsible for maintaining a valid
715 permit tag on each permitted sign facing at all times. The tag
716 shall be securely attached to the upper 50 percent of the sign
717 structure, and ~~sign facing or, if there is no facing, on the~~
718 ~~pole nearest the highway; and it shall be attached in such a~~
719 manner as to be plainly visible from the main-traveled way.
720 ~~Effective July 1, 2012, the tag must be securely attached to the~~
721 ~~upper 50 percent of the pole nearest the highway and must be~~
722 ~~attached in such a manner as to be plainly visible from the~~
723 ~~main-traveled way. The permit becomes void unless the permit tag~~
724 must be ~~is~~ properly and permanently displayed at the permitted
725 site within 30 days after the date of permit issuance. If the
726 permittee fails to erect a completed sign on the permitted site
727 within 270 days after the date on which the permit was issued,
728 the permit will be void, and the department may not issue a new



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729 permit to that permittee for the same location for 270 days
730 after the date on which the permit becomes ~~became~~ void.

731 (b) If a permit tag is lost, stolen, or destroyed, the
732 permittee to whom the tag was issued must apply to the
733 department for a replacement tag. The department shall adopt a
734 rule establishing a service fee for replacement tags in an
735 amount that will recover the actual cost of providing the
736 replacement tag. Upon receipt of the application accompanied by
737 the service fee, the department shall issue a replacement permit
738 tag. ~~Alternatively, the permittee may provide its own~~
739 ~~replacement tag pursuant to department specifications that the~~
740 ~~department shall adopt by rule at the time it establishes the~~
741 ~~service fee for replacement tags.~~

742 (6) A permit is valid only for the location specified in
743 the permit. Valid permits may be transferred from one sign owner
744 to another upon written acknowledgment from the current
745 permittee and submittal of a transfer fee of \$5 for each permit
746 to be transferred. However, the maximum transfer fee for any
747 multiple transfer between two outdoor advertisers in a single
748 transaction is \$100.

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

752 (8) (a) In order to reduce peak workloads, the department
753 may adopt rules providing for staggered expiration dates for
754 licenses and permits. Unless otherwise provided for by rule, all



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755 licenses and permits expire annually on January 15. All license
756 and permit renewal fees are required to be submitted to the
757 department by no later than the expiration date. At least 105
758 days before ~~prior to~~ the expiration date of licenses and
759 permits, the department shall send to each permittee a notice of
760 fees due for all licenses and permits that ~~which~~ were issued to
761 him or her before ~~prior to~~ the date of the notice. Such notice
762 must ~~shall~~ list the permits and the permit fees due for each
763 sign facing. The permittee shall, no later than 45 days before
764 ~~prior to~~ the expiration date, advise the department of any
765 additions, deletions, or errors contained in the notice. Permit
766 tags that ~~which~~ are not renewed shall be returned to the
767 department for cancellation by the expiration date. Permits that
768 ~~which~~ are not renewed or are canceled shall be certified in
769 writing at that time as canceled or not renewed by the
770 permittee, and permit tags for such permits shall be returned to
771 the department or shall be accounted for by the permittee in
772 writing, which writing shall be submitted with the renewal fee
773 payment or the cancellation certification. However, failure of a
774 permittee to submit a permit cancellation does ~~shall~~ not affect
775 the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a
776 permit, the permittee shall provide written notice to all
777 persons or entities having a right to advertise on the sign that
778 the permittee intends to cancel the permit.

779 (b) If a permittee has not submitted his or her fee
780 payment by the expiration date of the licenses or permits, the



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781 department shall send a notice of violation to the permittee
782 within 45 days after the expiration date, requiring the payment
783 of the permit fee within 30 days after the date of the notice
784 and payment of a delinquency fee equal to 10 percent of the
785 original amount due or, in the alternative to these payments,
786 requiring the filing of a request for an administrative hearing
787 to show cause why the ~~his or her~~ sign should not be subject to
788 immediate removal due to expiration of his or her license or
789 permit. If the permittee submits payment as required by the
790 violation notice, the ~~his or her~~ license or permit shall ~~will~~ be
791 automatically reinstated and such reinstatement is ~~will be~~
792 retroactive to the original expiration date. If the permittee
793 does not respond to the notice of violation within the 30-day
794 period, the department shall, within 30 days, issue a final
795 notice of sign removal and may, following 90 days after the date
796 of the department's final notice of sign removal, remove the
797 sign without incurring any liability as a result of such
798 removal. However, if at any time before removal of the sign, the
799 permittee demonstrates that a good faith error on the part of
800 the permittee resulted in cancellation or nonrenewal of the
801 permit, the department may reinstate the permit if:

- 802 1. The permit reinstatement fee of up to \$300 based on the
803 size of the sign is paid;
- 804 2. All other permit renewal and delinquent permit fees due
805 as of the reinstatement date are paid; and
- 806 3. The permittee reimburses the department for all actual



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807 costs resulting from the permit cancellation or nonrenewal.

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

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

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

818 1. One thousand five hundred feet from any other permitted
 819 sign on the same side of the highway, if on an interstate
 820 highway.

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

823
 824 The minimum spacing provided in this paragraph does not preclude
 825 the permitting of V-type, back-to-back, side-to-side, stacked,
 826 or double-faced signs at the permitted sign site. If a sign is
 827 visible to more than one highway subject to the jurisdiction of
 828 the department and within the controlled area of the highways
 829 ~~from the controlled area of more than one highway subject to the~~
 830 ~~jurisdiction of the department,~~ the sign must ~~shall~~ meet the
 831 permitting requirements of all highways, and, ~~if the sign meets~~
 832 ~~the applicable permitting requirements,~~ be permitted to, the



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833 highway having the more stringent permitting requirements.

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

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

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

843 3. Exceeds 950 square feet of sign facing including all
844 embellishments.

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

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

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



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859 3. The local government notifies the department of its
860 intention to allow such removal and replacement as agreed upon
861 pursuant to subparagraph 2.

862 ~~4. The new or replacement sign to be erected on an~~
863 ~~interstate highway within that jurisdiction is to be located on~~
864 ~~a parcel of land specifically designated for commercial or~~
865 ~~industrial use under both the future land use map of the~~
866 ~~comprehensive plan and the land use development regulations~~
867 ~~adopted pursuant to chapter 163, and such parcel shall not be~~
868 ~~subject to an evaluation in accordance with the criteria set~~
869 ~~forth in s. 479.01(26) to determine if the parcel can be~~
870 ~~considered an unzoned commercial or industrial area.~~

871
872 ~~The department shall maintain statistics tracking the use of the~~
873 ~~provisions of this pilot program based on the notifications~~
874 ~~received by the department from local governments under this~~
875 ~~paragraph.~~

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

878 (10) Commercial or industrial zoning that ~~which~~ is not
879 comprehensively enacted or that ~~which~~ is enacted primarily to
880 permit signs may ~~shall~~ not be recognized as commercial or
881 industrial zoning for purposes of this provision, and permits
882 may ~~shall~~ not be issued for signs in such areas. The department
883 shall adopt rules that ~~within 180 days after this act takes~~
884 ~~effect which shall~~ provide criteria to determine whether such



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885 zoning is comprehensively enacted or enacted primarily to permit
886 signs.

887 Section 10. Section 479.08, Florida Statutes, is amended
888 to read:

889 479.08 Denial or revocation of permit.—The department may
890 deny or revoke a ~~any~~ permit requested or granted under this
891 chapter in any case in which it determines that the application
892 for the permit contains ~~knowingly~~ false or misleading
893 information of material consequence. The department may revoke a
894 ~~any~~ permit granted under this chapter in any case in which the
895 permittee has violated ~~any of the provisions of~~ this chapter,
896 unless such permittee, within 30 days after the receipt of
897 notice by the department, complies with ~~the provisions of~~ this
898 chapter. For the purpose of this section, the notice of
899 violation issued by the department must describe in detail the
900 alleged violation. A ~~Any~~ person aggrieved by any action of the
901 department in denying or revoking a permit under this chapter
902 may, within 30 days after receipt of the notice, apply to the
903 department for an administrative hearing pursuant to chapter
904 120. If a timely request for hearing has been filed and the
905 department issues a final order revoking a permit, such
906 revocation shall be effective 30 days after the date of
907 rendition. Except for department action pursuant to s.
908 479.107(1), the filing of a timely and proper notice of appeal
909 shall operate to stay the revocation until the department's
910 action is upheld.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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911 Section 11. Section 479.10, Florida Statutes, is amended
912 to read:

913 479.10 Sign removal following permit revocation or
914 cancellation.—A sign shall be removed by the permittee within 30
915 days after the date of revocation or cancellation of the permit
916 for the sign. If the permittee fails to remove the sign within
917 the 30-day period, the department shall remove the sign at the
918 permittee's expense with or without further notice and without
919 incurring any liability as a result of such removal.

920 Section 12. Section 479.105, Florida Statutes, is amended
921 to read:

922 479.105 Signs erected or maintained without required
923 permit; removal.—

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

932 (a) Upon a determination by the department that a sign is
933 in violation of s. 479.07(1), the department shall prominently
934 post on the sign, or as close to the sign as possible for a
935 location in which the sign is not easily accessible, ~~face~~ a
936 notice stating that the sign is illegal and must be removed



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937 within 30 days after the date on which the notice was posted.
938 ~~However, if the sign bears the name of the licensee or the name~~
939 ~~and address of the nonlicensed sign owner,~~ The department shall,
940 concurrently with and in addition to posting the notice on the
941 sign, provide a written notice to the owner of the sign, the
942 advertiser displayed on the sign, or the owner of the property,
943 stating that the sign is illegal and must be permanently removed
944 within the 30-day period specified on the posted notice. The
945 written notice shall further state that ~~the sign owner has a~~
946 ~~right to request~~ a hearing may be requested and that the, ~~which~~
947 request must be filed with the department within 30 days after
948 receipt ~~the date~~ of the written notice. However, the filing of a
949 request for a hearing will not stay the removal of the sign.

950 (b) If, pursuant to the notice provided, the sign is not
951 removed by the ~~sign~~ owner of the sign, the advertiser displayed
952 on the sign, or the owner of the property within the prescribed
953 period, the department shall immediately remove the sign without
954 further notice; and, for that purpose, the employees, agents, or
955 independent contractors of the department may enter upon private
956 property without incurring any liability for so entering.

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

960 1. If the sign meets the current requirements of this
961 chapter for a sign permit, the sign owner may submit the
962 required application package and receive a permit as a



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963 conforming sign, upon payment of all applicable fees.

964 2. If the sign does not meet the current requirements of
965 this chapter for a sign permit and has never been exempt from
966 the requirement that a permit be obtained, the sign owner may
967 receive a permit as a nonconforming sign if the department
968 determines that the sign is not located on state right-of-way
969 and is not a safety hazard, and if the sign owner pays a penalty
970 fee of \$300 and all pertinent fees required by this chapter,
971 including annual permit renewal fees payable since the date of
972 the erection of the sign, and attaches to the permit application
973 package documentation that demonstrates that:

974 a. The sign has been unpermitted, structurally unchanged,
975 and continuously maintained at the same location for 7 years or
976 more;

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

981 c. The department has not initiated a notice of violation
982 or taken other action to remove the sign during the initial 7-
983 year period in which the sign has been subject to the
984 jurisdiction of the department.

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

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



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989 sign owner, when required, constitutes sufficient notice. ~~and~~
990 Notice is not required to be provided to the lessee, advertiser,
991 or the owner of the real property on which the sign is located.

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

997 ~~(e) However, if the sign owner demonstrates to the~~
998 ~~department that:~~

999 ~~1. The sign has been unpermitted, structurally unchanged,~~
1000 ~~and continuously maintained at the same location for a period of~~
1001 ~~7 years or more;~~

1002 ~~2. At any time during the period in which the sign has~~
1003 ~~been erected, the sign would have met the criteria established~~
1004 ~~in this chapter for issuance of a permit;~~

1005 ~~3. The department has not initiated a notice of violation~~
1006 ~~or taken other action to remove the sign during the initial 7-~~
1007 ~~year period described in subparagraph 1.; and~~

1008 ~~4. The department determines that the sign is not located~~
1009 ~~on state right-of-way and is not a safety hazard,~~

1010
1011 ~~the sign may be considered a conforming or nonconforming sign~~
1012 ~~and may be issued a permit by the department upon application in~~
1013 ~~accordance with this chapter and payment of a penalty fee of~~
1014 ~~\$300 and all pertinent fees required by this chapter, including~~



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1015 ~~annual permit renewal fees payable since the date of the~~
1016 ~~erection of the sign.~~

1017 (2) (a) If a sign is under construction and the department
1018 determines that a permit has not been issued for the sign as
1019 required under ~~the provisions of~~ this chapter, the department
1020 may ~~is authorized to~~ require that all work on the sign cease
1021 until the sign owner shows that the sign does not violate ~~the~~
1022 ~~provisions of~~ this chapter. The order to cease work shall be
1023 prominently posted on the sign structure, and ~~no~~ further notice
1024 is not required ~~to be given~~. The failure of a sign owner or her
1025 or his agents to immediately comply with the order subjects
1026 ~~shall subject~~ the sign to prompt removal by the department.

1027 (b) For the purposes of this subsection only, a sign is
1028 under construction when it is in any phase of initial
1029 construction before ~~prior to~~ the attachment and display of the
1030 advertising message in final position for viewing by the
1031 traveling public. A sign that is undergoing routine maintenance
1032 or change of the advertising message only is not considered to
1033 be under construction for the purposes of this subsection.

1034 (3) The cost of removing a sign, ~~whether~~ by the department
1035 or an independent contractor, shall be assessed against the
1036 owner of the sign by the department.

1037 Section 13. Subsections (5) and (7) of section 479.106,
1038 Florida Statutes, are amended to read:

1039 479.106 Vegetation management.—

1040 (5) The department may only grant a permit pursuant to s.



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1041 479.07 for a new sign that ~~which~~ requires the removal, cutting,
1042 or trimming of existing trees or vegetation on public right-of-
1043 way for the sign face to be visible from the highway the sign
1044 will be permitted to when the sign owner has removed at least
1045 two nonconforming signs of approximate comparable size and
1046 surrendered the permits for the nonconforming signs to the
1047 department for cancellation. For signs originally permitted
1048 after July 1, 1996, the first application, or application for a
1049 change of view zone, no permit for the removal, cutting, or
1050 trimming of trees or vegetation along the highway the sign is
1051 permitted to shall require the removal of two nonconforming
1052 signs, in addition to mitigation or contribution to a plan of
1053 mitigation. The department may not grant a permit for the
1054 removal, cutting, or trimming of trees for a sign permitted
1055 after July 1, 1996, if the ~~shall be granted where such trees are~~
1056 or the vegetation is ~~are~~ part of a beautification project
1057 implemented before ~~prior to~~ the date of the original sign permit
1058 application and if, ~~when~~ the beautification project is
1059 specifically identified in the department's construction plans,
1060 permitted landscape projects, or agreements.

1061 (7) Any person engaging in removal, cutting, or trimming
1062 of trees or vegetation in violation of this section or
1063 benefiting from such actions shall be subject to an
1064 administrative penalty of up to \$1,000 per sign facing and
1065 required to mitigate for the unauthorized removal, cutting, or
1066 trimming in such manner and in such amount as may be required



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1067 under the rules of the department.

1068 Section 14. Subsection (5) of section 479.107, Florida
1069 Statutes, is amended to read:

1070 479.107 Signs on highway rights-of-way; removal.—

1071 (5) The cost of removing a sign, ~~whether~~ by the department
1072 or an independent contractor, shall be assessed by the
1073 department against the owner of the sign. ~~Furthermore, the~~
1074 ~~department shall assess a fine of \$75 against the sign owner for~~
1075 ~~any sign which violates the requirements of this section.~~

1076 Section 15. Section 479.111, Florida Statutes, is amended
1077 to read:

1078 479.111 Specified signs allowed within controlled portions
1079 of the interstate and federal-aid primary highway system.—Only
1080 the following signs shall be allowed within controlled portions
1081 of the interstate highway system and the federal-aid primary
1082 highway system as set forth in s. 479.11(1) and (2):

1083 (1) Directional or other official signs and notices that
1084 ~~which~~ conform to 23 C.F.R. ss. 750.151-750.155.

1085 (2) Signs in commercial-zoned and industrial-zoned areas
1086 or commercial-unzoned and industrial-unzoned areas and within
1087 660 feet of the nearest edge of the right-of-way, subject to the
1088 requirements set forth in the 1972 agreement between the state
1089 and the United States Department of Transportation.

1090 (3) Signs for which permits are not required under s.
1091 479.16.

1092 Section 16. Section 479.15, Florida Statutes, is amended



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1093 to read:

1094 479.15 Harmony of regulations.—

1095 (1) A ~~Ne~~ zoning board or commission or other public
 1096 officer or agency may not ~~shall~~ issue a permit to erect a any
 1097 sign that ~~which~~ is prohibited under ~~the provisions of~~ this
 1098 chapter or the rules of the department, and ~~nor shall~~ the
 1099 department may not issue a permit for a any sign that ~~which~~ is
 1100 prohibited by any other public board, officer, or agency in the
 1101 lawful exercise of its powers.

1102 (2) A municipality, county, local zoning authority, or
 1103 other local governmental entity may not remove, or cause to be
 1104 removed, a any lawfully erected sign along any portion of the
 1105 interstate or federal-aid primary highway system without first
 1106 paying just compensation for such removal. A local governmental
 1107 entity may not cause in any way the alteration of a any lawfully
 1108 erected sign located along any portion of the interstate or
 1109 federal-aid primary highway system without payment of just
 1110 compensation if such alteration constitutes a taking under state
 1111 law. The municipality, county, local zoning authority, or other
 1112 local governmental ~~government~~ entity that adopts requirements
 1113 for such alteration shall pay just compensation to the sign
 1114 owner if such alteration constitutes a taking under state law.
 1115 This subsection applies only to a lawfully erected sign the
 1116 subject matter of which relates to premises other than the
 1117 premises on which it is located or to merchandise, services,
 1118 activities, or entertainment not sold, produced, manufactured,



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1119 or furnished on the premises on which the sign is located. As
 1120 ~~used in this subsection, the term "federal-aid primary highway~~
 1121 ~~system" means the federal-aid primary highway system in~~
 1122 ~~existence on June 1, 1991, and any highway that was not a part~~
 1123 ~~of such system as of that date but that is or becomes after June~~
 1124 ~~1, 1991, a part of the National Highway System. This subsection~~
 1125 may ~~shall~~ not be interpreted as explicit or implicit legislative
 1126 recognition that alterations do or do not constitute a taking
 1127 under state law.

1128 (3) It is the express intent of the Legislature to limit
 1129 the state right-of-way acquisition costs on state and federal
 1130 roads in eminent domain proceedings, ~~the provisions of ss.~~
 1131 479.07 and 479.155 notwithstanding. Subject to approval by the
 1132 Federal Highway Administration, if ~~whenever~~ public acquisition
 1133 of land upon which is situated a lawful permitted ~~nonconforming~~
 1134 sign occurs, as provided in this chapter, the sign may, at the
 1135 election of its owner and the department, be relocated or
 1136 reconstructed adjacent to the new right-of-way and in close
 1137 proximity to the current site if ~~along the roadway within 100~~
 1138 ~~feet of the current location, provided the nonconforming sign is~~
 1139 not relocated in an area inconsistent with s. 479.024. ~~on a~~
 1140 ~~parcel zoned residential, and provided further that~~ Such
 1141 relocation is ~~shall be~~ subject to the applicable setback
 1142 requirements in the 1972 agreement between the state and the
 1143 United States Department of Transportation. The sign owner shall
 1144 pay all costs associated with relocating or reconstructing a any



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1145 sign under this subsection, and ~~neither~~ the state or ~~nor~~ any
1146 local government may not ~~shall~~ reimburse the sign owner for such
1147 costs, unless part of such relocation costs is ~~are~~ required by
1148 federal law. If ~~no~~ adjacent property is not available for the
1149 relocation, the department is ~~shall be~~ responsible for paying
1150 the owner of the sign just compensation for its removal.

1151 (4) For a nonconforming sign, ~~Such relocation shall be~~
1152 ~~adjacent to the current site and~~ the face of the sign may ~~shall~~
1153 not be increased in size or height or structurally modified at
1154 the point of relocation in a manner inconsistent with the
1155 current building codes of the jurisdiction in which the sign is
1156 located.

1157 (5) If ~~In the event that~~ relocation can be accomplished
1158 but is inconsistent with the ordinances of the municipality or
1159 county within whose jurisdiction the sign is located, the
1160 ordinances of the local government shall prevail if, ~~provided~~
1161 ~~that~~ the local government assumes ~~shall assume~~ the
1162 responsibility to provide the owner of the sign just
1163 compensation for its removal, ~~but in no event shall~~
1164 Compensation paid by the local government may not be greater
1165 than ~~exceed~~ the compensation required under state or federal
1166 law. ~~Further, the provisions of~~ This section does ~~shall~~ not
1167 impair any agreement or future agreements between a municipality
1168 or county and the owner of a sign or signs within the
1169 jurisdiction of the municipality or county. ~~Nothing in this~~
1170 ~~section shall be deemed to cause a nonconforming sign to become~~



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1171 ~~conforming solely as a result of the relocation allowed in this~~
 1172 ~~section.~~

1173 (6) ~~The provisions of~~ Subsections (3), (4), and (5) do of
 1174 ~~this section shall~~ not apply within the jurisdiction of a any
 1175 municipality that ~~which~~ is engaged in ~~any~~ litigation concerning
 1176 its sign ordinance on April 23, 1999, and the subsections do not
 1177 ~~nor shall such provisions~~ apply to a any municipality whose
 1178 boundaries are identical to the county within which the said
 1179 municipality is located.

1180 (7) This section does not cause a neighboring sign that is
 1181 already permitted and that is within the spacing requirements
 1182 established in s. 479.07(9)(a) to become nonconforming.

1183 Section 17. Section 479.156, Florida Statutes, is amended
 1184 to read:

1185 479.156 Wall murals.—Notwithstanding any other provision
 1186 of this chapter, a municipality or county may permit and
 1187 regulate wall murals within areas designated by such government.
 1188 If a municipality or county permits wall murals, a wall mural
 1189 that displays a commercial message and is within 660 feet of the
 1190 nearest edge of the right-of-way within an area adjacent to the
 1191 interstate highway system or the federal-aid primary highway
 1192 system shall be located only in an area that is zoned for
 1193 industrial or commercial use pursuant to s. 479.024. ~~and~~ The
 1194 municipality or county shall establish and enforce regulations
 1195 for such areas which ~~that~~, at a minimum, set forth criteria
 1196 governing the size, lighting, and spacing of wall murals



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1197 consistent with the intent of 23 U.S.C. s. 131 ~~the Highway~~
 1198 ~~Beautification Act of 1965~~ and with customary use. If ~~Whenever~~ a
 1199 municipality or county exercises such control and makes a
 1200 determination of customary use pursuant to 23 U.S.C. s. 131(d),
 1201 such determination shall be accepted in lieu of controls in the
 1202 agreement between the state and the United States Department of
 1203 Transportation, and the department shall notify the Federal
 1204 Highway Administration pursuant to the agreement, 23 U.S.C. s.
 1205 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is
 1206 subject to municipal or county regulation and 23 U.S.C. s. 131
 1207 ~~the Highway Beautification Act of 1965~~ must be approved by the
 1208 Department of Transportation and the Federal Highway
 1209 Administration when required by federal law and federal
 1210 regulation under the agreement between the state and the United
 1211 States Department of Transportation and federal regulations
 1212 enforced by the Department of Transportation under s. 479.02(1).
 1213 The existence of a wall mural as defined in s. 479.01(30) must
 1214 ~~shall~~ not be considered in determining whether a sign as defined
 1215 in s. 479.01(20), ~~either~~ existing or new, is in compliance with
 1216 s. 479.07(9) (a).

1217 Section 18. Section 479.16, Florida Statutes, is amended
 1218 to read:

1219 479.16 Signs for which permits are not required.—The
 1220 following signs are exempt from the requirement that a permit
 1221 for a sign be obtained under ~~the provisions of~~ this chapter but
 1222 are required to comply with ~~the provisions of~~ s. 479.11(4)–(8),



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1223 and the provisions of subsections (15)-(19) may not be
1224 implemented or continued if the Federal Government notifies the
1225 department that implementation or continuation will adversely
1226 affect the allocation of federal funds to the department:

1227 (1) Signs erected on the premises of an establishment,
1228 which ~~signs~~ consist primarily of the name of the establishment
1229 or ~~which~~ identify the principal or accessory merchandise,
1230 services, activities, or entertainment sold, produced,
1231 manufactured, or furnished on the premises of the establishment
1232 and which comply with the lighting restrictions imposed under
1233 ~~department rule adopted pursuant to s. 479.11(5), or signs owned~~
1234 by a municipality or a county located on the premises of such
1235 municipality or ~~such~~ county which display information regarding
1236 governmental ~~government~~ services, activities, events, or
1237 entertainment. For purposes of this section, the following types
1238 of messages are ~~shall not be~~ considered information regarding
1239 governmental ~~government~~ services, activities, events, or
1240 entertainment:

1241 (a) Messages that ~~which~~ specifically reference any
1242 commercial enterprise.

1243 (b) Messages that ~~which~~ reference a commercial sponsor of
1244 any event.

1245 (c) Personal messages.

1246 (d) Political campaign messages.

1247

1248 If a sign located on the premises of an establishment consists



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1249 | principally of brand name or trade name advertising and the
 1250 | merchandise or service is only incidental to the principal
 1251 | activity, or if the owner of the establishment receives rental
 1252 | income from the sign, ~~then~~ the sign is not exempt under this
 1253 | subsection.

1254 | (2) Signs erected, used, or maintained on a farm by the
 1255 | owner or lessee of such farm and relating solely to farm
 1256 | produce, merchandise, service, or entertainment sold, produced,
 1257 | manufactured, or furnished on such farm.

1258 | (3) Signs posted or displayed on real property by the
 1259 | owner or by the authority of the owner, stating that the real
 1260 | property is for sale or rent. However, if the sign contains any
 1261 | message not pertaining to the sale or rental of the ~~that~~ real
 1262 | property, ~~then~~ it is not exempt under this section.

1263 | (4) Official notices or advertisements posted or displayed
 1264 | on private property by or under the direction of any public or
 1265 | court officer in the performance of her or his official or
 1266 | directed duties, or by trustees under deeds of trust or deeds of
 1267 | assignment or other similar instruments.

1268 | (5) Danger or precautionary signs relating to the premises
 1269 | on which they are located; forest fire warning signs erected
 1270 | under the authority of the Florida Forest Service of the
 1271 | Department of Agriculture and Consumer Services; and signs,
 1272 | notices, or symbols erected by the United States Government
 1273 | under the direction of the United States Forest ~~Forestry~~
 1274 | Service.



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1275 (6) Notices of any railroad, bridge, ferry, or other
 1276 transportation or transmission company necessary for the
 1277 direction or safety of the public.

1278 (7) Signs, notices, or symbols for the information of
 1279 aviators as to location, directions, and landings and conditions
 1280 affecting safety in aviation erected or authorized by the
 1281 department.

1282 (8) Signs or notices measuring up to 8 square feet in area
 1283 which are erected or maintained upon property and which state
 1284 ~~stating~~ only the name of the owner, lessee, or occupant of the
 1285 premises ~~and not exceeding 8 square feet in area.~~

1286 (9) Historical markers erected by ~~duly constituted and~~
 1287 authorized public authorities.

1288 (10) Official traffic control signs and markers erected,
 1289 caused to be erected, or approved by the department.

1290 (11) Signs erected upon property warning the public
 1291 against hunting and fishing or trespassing ~~thereon.~~

1292 (12) Signs ~~not in excess of up to 8 square feet~~ which ~~that~~
 1293 are owned by and relate to the facilities and activities of
 1294 churches, civic organizations, fraternal organizations,
 1295 charitable organizations, or units or agencies of government.

1296 (13) ~~Except that~~ Signs placed on benches, transit
 1297 shelters, modular news racks, street light poles, public pay
 1298 telephones, and waste receptacles, within the right-of-way, as
 1299 provided for in s. 337.408 are exempt from ~~all provisions of~~
 1300 this chapter.



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1301 (14) Signs relating exclusively to political campaigns.

1302 (15) Signs measuring up to ~~not in excess of~~ 16 square feet

1303 placed at a road junction with the State Highway System denoting

1304 only the distance or direction of a residence or farm operation,

1305 or, outside an incorporated ~~in a rural~~ area where a hardship is

1306 created because a small business is not visible from the road

1307 junction with the State Highway System, one sign measuring up to

1308 ~~not in excess of~~ 16 square feet, denoting only the name of the

1309 business and the distance and direction to the business. ~~The~~

1310 ~~small business sign provision of this subsection does not apply~~

1311 ~~to charter counties and may not be implemented if the Federal~~

1312 ~~Government notifies the department that implementation will~~

1313 ~~adversely affect the allocation of federal funds to the~~

1314 ~~department.~~

1315 (16) Signs placed by a local tourist-oriented business

1316 located within a rural area of critical economic concern as

1317 defined in s. 288.0656(2) which are:

1318 (a) Not more than 8 square feet in size or more than 4

1319 feet in height;

1320 (b) Located only in rural areas on a facility that does

1321 not meet the definition of a limited access facility, as defined

1322 in s. 334.03;

1323 (c) Located within 2 miles of the business location and at

1324 least 500 feet apart;

1325 (d) Located only in two directions leading to the

1326 business; and



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1327 (e) Not located within the road right-of-way.

1328

1329 A business placing such signs must be at least 4 miles from any
1330 other business using this exemption and may not participate in
1331 any other directional signage program by the department.

1332 (17) Signs measuring up to 32 square feet denoting only
1333 the distance or direction of a farm operation which are erected
1334 at a road junction with the State Highway System, but only
1335 during the harvest season of the farm operation for up to 4
1336 months.

1337 (18) Acknowledgment signs erected upon publicly funded
1338 school premises which relate to a specific public school club,
1339 team, or event and which are placed at least 1,000 feet from any
1340 other acknowledgment sign on the same side of the roadway. The
1341 sponsor information on an acknowledgment sign may constitute no
1342 more than 100 square feet of the sign. As used in this
1343 subsection, the term "acknowledgment sign" means a sign that is
1344 intended to inform the traveling public that a public school
1345 club, team, or event has been sponsored by a person, firm, or
1346 other entity.

1347 (19) Displays erected upon a sports facility, the content
1348 of which is directly related to the facility's activities or to
1349 the facility's products or services. Displays must be mounted
1350 flush to the surface of the sports facility and must rely upon
1351 the building facade for structural support. As used in this
1352 subsection, the term "sports facility" means an athletic



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1353 complex, athletic arena, or athletic stadium, including
1354 physically connected parking facilities, which is open to the
1355 public and has a seating capacity of 15,000 or more permanently
1356 installed seats.

1357
1358 If the exemptions in subsections (15)-(19) are not implemented
1359 or continued due to notification from the Federal Government
1360 that the allocation of federal funds to the department will be
1361 adversely impacted, the department shall provide notice to the
1362 sign owner that the sign must be removed within 30 days after
1363 receipt of the notice. If the sign is not removed within 30 days
1364 after receipt of the notice by the sign owner, the department
1365 may remove the sign, and the costs incurred in connection with
1366 the sign removal shall be assessed against and collected from
1367 the sign owner.

1368 Section 19. Section 479.24, Florida Statutes, is amended
1369 to read:

1370 479.24 Compensation for ~~removal~~ of signs; eminent domain;
1371 exceptions.—

1372 (1) Just compensation shall be paid by the department
1373 upon the department's acquisition ~~removal~~ of a lawful conforming
1374 or nonconforming sign along any portion of the interstate or
1375 federal-aid primary highway system. This section does not apply
1376 to a sign that ~~which~~ is illegal at the time of its removal. A
1377 sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~
1378 illegal at such time as it fails to be permitted or maintained



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1379 in accordance with all applicable laws, rules, ordinances, or
1380 regulations other than the provision that ~~which~~ makes it
1381 nonconforming. A legal nonconforming sign under state law or
1382 rule does ~~will~~ not lose its nonconforming status solely because
1383 it additionally becomes nonconforming under an ordinance or
1384 regulation of a local governmental entity passed at a later
1385 date. The department shall make every reasonable effort to
1386 negotiate the purchase of the signs to avoid litigation and
1387 congestion in the courts.

1388 (2) The department is not required to remove any sign
1389 under this section if the federal share of the just compensation
1390 to be paid upon removal of the sign is not available to make
1391 such payment, unless an appropriation by the Legislature for
1392 such purpose is made to the department.

1393 (3) (a) The department may ~~is authorized to~~ use the power
1394 of eminent domain when necessary to carry out ~~the provisions of~~
1395 this chapter.

1396 (b) If eminent domain procedures are instituted, just
1397 compensation shall be made pursuant to the state's eminent
1398 domain procedures, chapters 73 and 74.

1399 Section 20. Section 479.25, Florida Statutes, is amended
1400 to read:

1401 479.25 Erection of noise-attenuation barrier blocking view
1402 of sign; procedures; application.—

1403 (1) The owner of a lawfully erected sign that is governed
1404 by and conforms to state and federal requirements for land use,



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1405 size, height, and spacing may increase the height above ground
1406 level of such sign at its permitted location if a noise-
1407 attenuation barrier is permitted by or erected by any
1408 governmental entity in such a way as to screen or block
1409 visibility of the sign. Any increase in height permitted under
1410 this section may only be the increase in height which is
1411 required to achieve the same degree of visibility from the
1412 right-of-way which the sign had before ~~prior to~~ the construction
1413 of the noise-attenuation barrier, notwithstanding the
1414 restrictions contained in s. 479.07(9)(b). A sign reconstructed
1415 under this section must ~~shall~~ comply with the building standards
1416 and wind load requirements provided ~~set forth~~ in the Florida
1417 Building Code. If construction of a proposed noise-attenuation
1418 barrier will screen a sign lawfully permitted under this
1419 chapter, the department shall provide notice to the local
1420 government or local jurisdiction within which the sign is
1421 located before construction ~~prior to erection of the noise-~~
1422 ~~attenuation barrier~~. Upon a determination that an increase in
1423 the height of a sign as permitted under this section will
1424 violate ~~a provision contained in~~ an ordinance or a land
1425 development regulation of the local government or local
1426 jurisdiction, the local government or local jurisdiction shall,
1427 before construction ~~so notify the department~~. ~~When notice has~~
1428 ~~been received from the local government or local jurisdiction~~
1429 ~~prior to erection of the noise-attenuation barrier, the~~
1430 department shall:

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1431 (a) Provide a variance or waiver to the local ordinance or
1432 land development regulations to ~~Conduct a written survey of all~~
1433 ~~property owners identified as impacted by highway noise and who~~
1434 ~~may benefit from the proposed noise-attenuation barrier. The~~
1435 ~~written survey shall inform the property owners of the location,~~
1436 ~~date, and time of the public hearing described in paragraph (b)~~
1437 ~~and shall specifically advise the impacted property owners that:~~

1438 1. ~~Erection of the noise-attenuation barrier may block the~~
1439 ~~visibility of an existing outdoor advertising sign;~~

1440 2. ~~The local government or local jurisdiction may restrict~~
1441 ~~or prohibit increasing the height of the existing outdoor~~
1442 ~~advertising sign to make it visible over the barrier; and~~

1443 3. ~~If a majority of the impacted property owners vote for~~
1444 ~~construction of the noise-attenuation barrier, the local~~
1445 ~~government or local jurisdiction will be required to:~~

1446 a. ~~allow an increase in the height of the sign in~~
1447 ~~violation of a local ordinance or land development regulation;~~

1448 **(b)** ~~b.~~ Allow the sign to be relocated or reconstructed at
1449 another location if the sign owner agrees; or

1450 **(c)** ~~e.~~ Pay the fair market value of the sign and its
1451 associated interest in the real property.

1452 **(2)** ~~(b)~~ The department shall hold a public hearing within
1453 the boundaries of the affected local governments or local
1454 jurisdictions to receive input on the proposed noise-attenuation
1455 barrier and its conflict with the local ordinance or land
1456 development regulation and to suggest or consider alternatives



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1457 or modifications ~~to the proposed noise-attenuation barrier~~ to
1458 alleviate or minimize the conflict with the local ordinance or
1459 land development regulation or minimize any costs that may be
1460 associated with relocating, reconstructing, or paying for the
1461 affected sign. The public hearing may be held concurrently with
1462 other public hearings scheduled for the project. The department
1463 shall provide a written notification to the local government or
1464 local jurisdiction of the date and time of the public hearing
1465 and shall provide general notice of the public hearing in
1466 accordance with the notice provisions of s. 335.02(1). The
1467 notice may ~~shall~~ not be placed in that portion of a newspaper in
1468 which legal notices or classified advertisements appear. The
1469 notice must ~~shall~~ specifically state that:

1470 (a)1- Erection of the proposed noise-attenuation barrier
1471 may block the visibility of an existing outdoor advertising
1472 sign;

1473 (b)2- The local government or local jurisdiction may
1474 restrict or prohibit increasing the height of the existing
1475 outdoor advertising sign ~~to make it visible over the barrier;~~
1476 and

1477 (c)3- Upon ~~If a majority of the impacted property owners~~
1478 ~~vote for~~ construction of the noise-attenuation barrier, the
1479 local government or local jurisdiction shall ~~will be required~~
1480 ~~to~~:

1481 1.a- Allow an increase in the height of the sign through a
1482 waiver or variance to ~~in violation of~~ a local ordinance or land



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1483 development regulation;

1484 ~~2.b.~~ Allow the sign to be relocated or reconstructed at
1485 another location if the sign owner agrees; or

1486 ~~3.e.~~ Pay the fair market value of the sign and its
1487 associated interest in the real property.

1488 ~~(3)(2)~~ The department may ~~shall~~ not permit erection of the
1489 noise-attenuation barrier to the extent the barrier screens or
1490 blocks visibility of the sign until after the public hearing is
1491 held and until such time as the survey has been conducted and a
1492 majority of the impacted property owners have indicated approval
1493 to erect the noise-attenuation barrier. When the impacted
1494 property owners approve of the noise-attenuation barrier
1495 construction, the department shall notify the local governments
1496 or local jurisdictions. The local government or local
1497 jurisdiction shall, notwithstanding the provisions of a
1498 conflicting ordinance or land development regulation:

1499 ~~(a)~~ Issue a permit by variance or otherwise for the
1500 reconstruction of a sign under this section;

1501 ~~(b)~~ Allow the relocation of a sign, or construction of
1502 another sign, at an alternative location that is permissible
1503 under the provisions of this chapter, if the sign owner agrees
1504 to relocate the sign or construct another sign; or

1505 ~~(c)~~ Refuse to issue the required permits for
1506 reconstruction of a sign under this section and pay fair market
1507 value of the sign and its associated interest in the real
1508 property to the owner of the sign.

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1509 (4)~~(3)~~ This section does ~~shall~~ not apply to ~~the provisions~~
1510 ~~of~~ any existing written agreement executed before July 1, 2006,
1511 between any local government and the owner of an outdoor
1512 advertising sign.

1513 Section 21. Subsection (1) of section 479.261, Florida
1514 Statutes, is amended to read:

1515 479.261 Logo sign program.—

1516 (1) The department shall establish a logo sign program
1517 for the rights-of-way of the limited access ~~interstate~~ highway
1518 system to provide information to motorists about available gas,
1519 food, lodging, camping, attractions, and other services, as
1520 approved by the Federal Highway Administration, at interchanges
1521 through the use of business logos and may include additional
1522 interchanges under the program.

1523 (a) As used in this chapter, the term "attraction" means
1524 an establishment, site, facility, or landmark that is open a
1525 minimum of 5 days a week for 52 weeks a year; that has as its
1526 principal focus family-oriented entertainment, cultural,
1527 educational, recreational, scientific, or historical activities;
1528 and that is publicly recognized as a bona fide tourist
1529 attraction.

1530 (b) The department shall incorporate the use of RV-
1531 friendly markers on specific information logo signs for
1532 establishments that cater to the needs of persons driving
1533 recreational vehicles. Establishments that qualify for
1534 participation in the specific information logo program and that



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1535 also qualify as "RV-friendly" may request the RV-friendly marker
 1536 on their specific information logo sign. An RV-friendly marker
 1537 must consist of a design approved by the Federal Highway
 1538 Administration. The department shall adopt rules ~~in accordance~~
 1539 ~~with chapter 120~~ to administer this paragraph. Such rules must
 1540 establish minimum requirements for parking spaces, entrances and
 1541 exits, and overhead clearance which must be met by, ~~including~~
 1542 ~~rules setting forth the minimum requirements that establishments~~
 1543 ~~that wish must meet in order to qualify as RV-friendly. These~~
 1544 ~~requirements shall include large parking spaces, entrances, and~~
 1545 ~~exits that can easily accommodate recreational vehicles and~~
 1546 ~~facilities having appropriate overhead clearances, if~~
 1547 ~~applicable.~~

1548 Section 22. Subsection (1) of section 479.262, Florida
 1549 Statutes, is amended to read:

1550 479.262 Tourist-oriented directional sign program.—

1551 (1) A tourist-oriented directional sign program to provide
 1552 directions to rural tourist-oriented businesses, services, and
 1553 activities may be established at intersections on rural and
 1554 conventional state, county, or municipal roads only ~~in rural~~
 1555 ~~counties identified by criteria and population in s. 288.0656~~
 1556 when approved and permitted by county or local governmental
 1557 ~~government~~ entities within their respective jurisdictional areas
 1558 ~~at intersections on rural and conventional state, county, or~~
 1559 ~~municipal roads.~~ A county or local government that ~~which~~ issues
 1560 permits for a tourist-oriented directional sign program is ~~shall~~



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1561 ~~be~~ responsible for sign construction, maintenance, and program
1562 operation in compliance with subsection (3) for roads on the
1563 state highway system and may establish permit fees sufficient to
1564 offset associated costs. A tourist-oriented directional sign may
1565 not be used on roads in urban areas or at interchanges on
1566 freeways or expressways.

1567 Section 23. Section 479.313, Florida Statutes, is amended
1568 to read:

1569 479.313 Permit revocation and cancellation; cost of
1570 removal.—All costs incurred by the department in connection with
1571 the removal of a sign located within a controlled area adjacent
1572 to the State Highway System, interstate highway system, or
1573 federal-aid primary highway system following the revocation or
1574 cancellation of the permit for such sign shall be assessed
1575 against and collected from the permittee.

1576 Section 24. There is established a pilot program for the
1577 School District of Palm Beach County to recognize its business
1578 partners. The school district may recognize its business
1579 partners by publicly displaying the names of the business
1580 partners on school district property in the unincorporated areas
1581 of the county. Recognitions of Project Graduation and athletic
1582 sponsorships are examples of appropriate recognitions. The
1583 school district shall make every effort to display the names of
1584 its business partners in a manner that is consistent with the
1585 county standards for uniformity in size, color, and placement of
1586 the signs. If the provisions of this section are inconsistent



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1587 with county ordinances or regulations relating to signs in the
1588 unincorporated areas of the county or inconsistent with chapter
1589 125 or chapter 166, Florida Statutes, the provisions of this
1590 section shall prevail. If the Federal Highway Administration
1591 determines that the Department of Transportation is not
1592 providing effective control of outdoor advertising as a result
1593 of a business partner recognition by the school district under
1594 this pilot program, the department shall notify the school
1595 district by certified mail of any nonconforming recognition, and
1596 the school district shall remove the recognition specified in
1597 the notice within 30 days after receiving the notification. The
1598 pilot program expires June 30, 2015.

1599 Section 25. Section 76 of chapter 2012-174, Laws of
1600 Florida, is repealed.

1601 Section 26. Subsection (3) of section 335.065, Florida
1602 Statutes, is amended to read:

1603 335.065 Bicycle and pedestrian ways along state roads and
1604 transportation facilities.—

1605 (3) The department, in cooperation with the Department of
1606 Environmental Protection, shall establish a statewide integrated
1607 system of bicycle and pedestrian ways in such a manner as to
1608 take full advantage of any such ways which are maintained by any
1609 governmental entity. The department may enter into a concession
1610 agreement with a not-for-profit entity or private sector
1611 business or entity for commercial sponsorship displays on
1612 multiuse trails and related facilities and use any concession



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1613 agreement revenues for the maintenance of the multiuse trails
1614 and related facilities. Commercial sponsorship displays are
1615 subject to the requirements of the Highway Beautification Act of
1616 1965, and all federal laws and agreements, when applicable. For
1617 the purposes of this section, bicycle facilities may be
1618 established as part of or separate from the actual roadway and
1619 may utilize existing road rights-of-way or other rights-of-way
1620 or easements acquired for public use.

1621 (a) A concession agreement shall be administered by the
1622 department and must include the requirements of this section.

1623 (b)1. Signage or displays erected under this section shall
1624 comply with s. 337.407 and chapter 479 and shall be limited as
1625 follows:

1626 a. One large sign or display, not to exceed 16 square feet
1627 in area, may be located at each trailhead or parking area.

1628 b. One small sign or display, not to exceed 4 square feet
1629 in area, may be located at each designated trail public access
1630 point.

1631 2. Before installation, each name or sponsorship display
1632 must be approved by the department.

1633 3. The department shall ensure that the size, color,
1634 materials, construction, and location of all signs are
1635 consistent with the management plan for the property and the
1636 standards of the department, do not intrude on natural and
1637 historic settings, and contain only a logo selected by the
1638 sponsor and the following sponsorship wording:



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1639
1640 ...(Name of the sponsor)... proudly sponsors the costs
1641 of maintaining the ...(Name of the greenway or
1642 trail)....

1643
1644 4. All costs of a display, including development,
1645 construction, installation, operation, maintenance, and removal
1646 costs, shall be paid by the concessionaire.

1647 (c) A concession agreement shall be for a minimum of 1
1648 year, but may be for a longer period under a multiyear
1649 agreement, and may be terminated for just cause by the
1650 department upon 60 days' advance notice. Just cause for
1651 termination of a concession agreement includes, but is not
1652 limited to, violation of the terms of the concession agreement
1653 or this section.

1654 Section 27. This act shall take effect July 1, 2014.