

By the Committees on Transportation; Appropriations; and Transportation; and Senator Grimsley

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1 A bill to be entitled
2 An act relating to transportation; amending s.
3 316.2397, F.S.; expanding the types of vehicles that
4 may show or display an amber light; amending s.
5 335.06, F.S.; authorizing the Department of
6 Transportation to improve and maintain roads that
7 provide access to property within the state park
8 system if they are part of a county road system or
9 city street system; requiring that the appropriate
10 county or municipality maintain such a road if the
11 department does not maintain it; amending s. 337.403,
12 F.S.; providing an exception for payment of certain
13 utility work necessitated by a project on the State
14 Highway System for municipally owned utilities or
15 county-owned utilities located in rural areas of
16 critical economic concern; authorizing the Department
17 of Transportation to pay for such costs under certain
18 circumstances; creating s. 339.041, F.S.; providing
19 legislative intent; describing the types of department
20 property eligible for factoring future revenues
21 received by the department from leases for
22 communication facilities on department property;
23 authorizing the department to enter into agreements
24 with investors to purchase the revenue streams from
25 department leases of wireless communication facilities
26 on such property pursuant to an invitation to
27 negotiate; prohibiting the department from pledging
28 state credit; allowing the department to make certain
29 covenants; providing for the appropriation and payment

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30 of moneys received from such agreements to investors;
31 requiring the proceeds from such leases to be used for
32 capital expenditures; amending s. 339.2818, F.S.;
33 subject to the appropriation of specified additional
34 funding, authorizing a municipality within a rural
35 area of critical economic concern or a rural area of
36 critical economic concern community to compete for
37 certain funding; providing criteria; amending s.
38 479.16, F.S.; exempting certain signs from the
39 provisions of ch. 479, F.S.; exempting from permitting
40 certain signs placed by tourist-oriented businesses,
41 certain farm signs placed during harvest seasons,
42 certain acknowledgment signs on publicly funded school
43 premises, and certain displays on specific sports
44 facilities; providing that certain provisions relating
45 to the regulation of signs may not be implemented or
46 continued if such actions will adversely impact the
47 allocation of federal funds to the Department of
48 Transportation; directing the department to notify a
49 sign owner that the sign must be removed within a
50 certain timeframe if federal funds are adversely
51 impacted; authorizing the department to remove the
52 sign and assess costs against the sign owner under
53 certain circumstances; amending s. 479.262, F.S.;
54 clarifying provisions relating to the tourist-oriented
55 directional sign program; limiting the placement of
56 such signs to intersections on certain rural roads;
57 prohibiting such signs in urban areas or at
58 interchanges on freeways or expressways; providing an

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59 effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Subsection (4) of section 316.2397, Florida
64 Statutes, is amended to read:

65 316.2397 Certain lights prohibited; exceptions.—

66 (4) Road or street maintenance equipment, road or street
67 maintenance vehicles, road service vehicles, refuse collection
68 vehicles, petroleum tankers, and mail carrier vehicles may show
69 or display amber lights when in operation or a hazard exists. A
70 commercial motor vehicle or trailer designed to transport
71 unprocessed logs or pulpwood may show or display an amber light
72 affixed to the rearmost point of the vehicle or trailer.

73 Section 2. Section 335.06, Florida Statutes, is amended to
74 read:

75 335.06 Access roads to the state park system.—Any road that
76 ~~which~~ provides access to property within the state park system
77 shall be maintained by the department if the road is a part of
78 the State Highway System; however, if such road is part of a
79 county road system or city street system, the department may
80 improve and maintain it. If the department does not maintain a
81 county or city road that provides access to the state park
82 system, the road ~~or~~ shall be maintained by the appropriate
83 county or municipality ~~if the road is a part of the county road~~
84 ~~system or the city street system.~~

85 Section 3. Subsection (1) of section 337.403, Florida
86 Statutes, is amended to read:

87 337.403 Interference caused by relocation of utility;

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88 expenses.—

89 (1) If a utility that is placed upon, under, over, or along
90 any public road or publicly owned rail corridor is found by the
91 authority to be unreasonably interfering in any way with the
92 convenient, safe, or continuous use, or the maintenance,
93 improvement, extension, or expansion, of such public road or
94 publicly owned rail corridor, the utility owner shall, upon 30
95 days' written notice to the utility or its agent by the
96 authority, initiate the work necessary to alleviate the
97 interference at its own expense except as provided in paragraphs
98 (a)-(h) ~~(a)-(g)~~. The work must be completed within such
99 reasonable time as stated in the notice or such time as agreed
100 to by the authority and the utility owner.

101 (a) If the relocation of utility facilities, as referred to
102 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
103 84-627 ~~627 of the 84th Congress~~, is necessitated by the
104 construction of a project on the federal-aid interstate system,
105 including extensions thereof within urban areas, and the cost of
106 the project is eligible and approved for reimbursement by the
107 Federal Government to the extent of 90 percent or more under the
108 Federal Aid Highway Act, or any amendment thereof, then in that
109 event the utility owning or operating such facilities shall
110 perform any necessary work upon notice from the department, and
111 the state shall pay the entire expense properly attributable to
112 such work after deducting therefrom any increase in the value of
113 a new facility and any salvage value derived from an old
114 facility.

115 (b) When a joint agreement between the department and the
116 utility is executed for utility work to be accomplished as part

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117 of a contract for construction of a transportation facility, the
118 department may participate in those utility work costs that
119 exceed the department's official estimate of the cost of the
120 work by more than 10 percent. The amount of such participation
121 is ~~shall be~~ limited to the difference between the official
122 estimate of all the work in the joint agreement plus 10 percent
123 and the amount awarded for this work in the construction
124 contract for such work. The department may not participate in
125 any utility work costs that occur as a result of changes or
126 additions during the course of the contract.

127 (c) When an agreement between the department and utility is
128 executed for utility work to be accomplished in advance of a
129 contract for construction of a transportation facility, the
130 department may participate in the cost of clearing and grubbing
131 necessary to perform such work.

132 (d) If the utility facility was initially installed to
133 exclusively serve the authority or its tenants, or both, the
134 authority shall bear the costs of the utility work. However, the
135 authority is not responsible for the cost of utility work
136 related to any subsequent additions to that facility for the
137 purpose of serving others.

138 (e) If, under an agreement between a utility and the
139 authority entered into after July 1, 2009, the utility conveys,
140 subordinates, or relinquishes a compensable property right to
141 the authority for the purpose of accommodating the acquisition
142 or use of the right-of-way by the authority, without the
143 agreement expressly addressing future responsibility for the
144 cost of necessary utility work, the authority shall bear the
145 cost of removal or relocation. This paragraph does not impair or

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146 restrict, and may not be used to interpret, the terms of any
147 such agreement entered into before July 1, 2009.

148 (f) If the utility is an electric facility being relocated
149 underground in order to enhance vehicular, bicycle, and
150 pedestrian safety and in which ownership of the electric
151 facility to be placed underground has been transferred from a
152 private to a public utility within the past 5 years, the
153 department shall incur all costs of the necessary utility work.

154 (g) An authority may bear the costs of utility work
155 required to eliminate an unreasonable interference when the
156 utility is not able to establish that it has a compensable
157 property right in the particular property where the utility is
158 located if:

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

161 2. The utility demonstrates that it has a compensable
162 property right in all adjacent properties along the alignment of
163 the utility; and

164 3. The information available to the authority does not
165 establish the relative priorities of the authority's and the
166 utility's interests in the particular property.

167 (h) If a municipally owned utility or county-owned utility
168 is located in a rural area of critical economic concern, as
169 defined in s. 288.0656(2), and the department determines that
170 the utility is unable, and will not be able within the next 10
171 years, to pay for the cost of utility work necessitated by a
172 department project on the State Highway System, the department
173 may pay, in whole or in part, the cost of such utility work
174 performed by the department or its contractor.

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175 Section 4. Section 339.041, Florida Statutes, is created to
176 read:

177 339.041 Factoring of revenues from leases for wireless
178 communication facilities.—

179 (1) The Legislature finds that efforts to increase funding
180 for capital expenditures for the transportation system are
181 necessary for the protection of the public safety and general
182 welfare and for the preservation of transportation facilities in
183 this state. It is, therefore, the intent of the Legislature:

184 (a) To create a mechanism for factoring future revenues
185 received by the department from leases for wireless
186 communication facilities on department property on a nonrecourse
187 basis;

188 (b) To fund fixed capital expenditures for the statewide
189 transportation system from proceeds generated through this
190 mechanism; and

191 (c) To maximize revenues from factoring by ensuring that
192 such revenues are exempt from income taxation under federal law
193 in order to increase funds available for capital expenditures.

194 (2) For the purposes of factoring revenues under this
195 section, department property includes real property located
196 within the department's limited access rights-of-way, property
197 located outside the current operating right-of-way limits which
198 is not needed to support current transportation facilities,
199 other property owned by the Board of Trustees of the Internal
200 Improvement Trust Fund and leased by the department, space on
201 department telecommunications facilities, and space on
202 department structures.

203 (3) The department may solicit investors willing to enter

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204 into agreements to purchase the revenue stream from one or more
205 existing department leases for wireless communication facilities
206 on property owned or controlled by the department through the
207 issuance of an invitation to negotiate. Such agreements shall be
208 structured as tax-exempt financings for federal income tax
209 purposes in order to result in the largest possible payout.

210 (4) The department may not pledge the credit, the general
211 revenues, or the taxing power of the state or of any political
212 subdivision of the state. The obligations of the department and
213 investors under the agreement do not constitute a general
214 obligation of the state or a pledge of the full faith and credit
215 or taxing power of the state. The agreement is payable from and
216 secured solely by payments received from department leases for
217 wireless communication facilities on property owned or
218 controlled by the department, and neither the state nor any of
219 its agencies has any liability beyond such payments.

220 (5) The department may make any covenant or representation
221 necessary or desirable in connection with the agreement,
222 including a commitment by the department to take whatever
223 actions are necessary on behalf of investors to enforce the
224 department's rights to payments on property leased for wireless
225 communications facilities. However, the department may not
226 guarantee that revenues actually received in a future year will
227 be those anticipated in its leases for wireless communication
228 facilities. The department may agree to use its best efforts to
229 ensure that anticipated future-year revenues are protected. Any
230 risk that actual revenues received from department leases for
231 wireless communications facilities will be lower than
232 anticipated shall be borne exclusively by investors.

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233 (6) Subject to annual appropriation, the investors shall
234 collect the lease payments on a schedule and in a manner
235 established in the agreements entered into pursuant to this
236 section between the department and the investors. The agreements
237 may provide for lease payments to be made directly to investors
238 by lessees if the lease agreements entered into by the
239 department and the lessees pursuant to s. 365.172(12)(f) allow
240 direct payment.

241 (7) Proceeds received by the department from leases for
242 wireless communication facilities shall be deposited in the
243 State Transportation Trust Fund created under s. 206.46 and used
244 for fixed capital expenditures for the statewide transportation
245 system.

246 Section 5. Subsection (7) is added to section 339.2818,
247 Florida Statutes, to read:

248 339.2818 Small County Outreach Program.—

249 (7) Subject to a specific appropriation in addition to
250 funds annually appropriated for projects under this section, a
251 municipality within a rural area of critical economic concern or
252 a rural area of critical economic concern community designated
253 under s. 288.0656(7)(a) may compete for the additional project
254 funding using the criteria listed in subsection (4) at up to 100
255 percent of project costs, excluding capacity improvement
256 projects.

257 Section 6. Section 479.16, Florida Statutes, is amended to
258 read:

259 479.16 Signs for which permits are not required.—Signs
260 placed on benches, transit shelters, modular news racks, street
261 light poles, public pay telephones, and waste disposal

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262 receptacles within the right-of-way, as provided under s.
263 337.408, are exempt from this chapter. The following signs are
264 exempt from the requirement that a permit ~~for a sign~~ be obtained
265 under ~~the provisions of~~ this chapter but must ~~are required to~~
266 comply with ~~the provisions of~~ s. 479.11(4)-(8):

267 (1) Signs erected on the premises of an establishment,
268 which ~~signs~~ consist primarily of the name of the establishment
269 or ~~which~~ identify the principal or accessory merchandise,
270 services, activities, or entertainment sold, produced,
271 manufactured, or furnished on the premises of the establishment
272 and which comply with the lighting restrictions imposed under
273 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned
274 by a municipality or a county located on the premises of such
275 municipality or ~~such~~ county which display information regarding
276 government services, activities, events, or entertainment. For
277 purposes of this section, the following types of messages shall
278 not be considered information regarding government services,
279 activities, events, or entertainment:

280 (a) Messages that ~~which~~ specifically reference any
281 commercial enterprise.

282 (b) Messages that ~~which~~ reference a commercial sponsor of
283 any event.

284 (c) Personal messages.

285 (d) Political campaign messages.

286

287 If a sign located on the premises of an establishment consists
288 principally of brand name or trade name advertising and the
289 merchandise or service is only incidental to the principal
290 activity, or if the owner of the establishment receives rental

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291 income from the sign, ~~then~~ the sign is not exempt under this
292 subsection.

293 (2) Signs erected, used, or maintained on a farm by the
294 owner or lessee of such farm and relating solely to farm
295 produce, merchandise, service, or entertainment sold, produced,
296 manufactured, or furnished on such farm.

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

302 (4) Official notices or advertisements posted or displayed
303 on private property by or under the direction of any public or
304 court officer in the performance of her or his official or
305 directed duties, or by trustees under deeds of trust or deeds of
306 assignment or other similar instruments.

307 (5) Danger or precautionary signs relating to the premises
308 on which they are located; forest fire warning signs erected
309 under the authority of the Florida Forest Service of the
310 Department of Agriculture and Consumer Services; and signs,
311 notices, or symbols erected by the United States Government
312 under the direction of the United States Forestry Service.

313 (6) Notices of any railroad, bridge, ferry, or other
314 transportation or transmission company necessary for the
315 direction or safety of the public.

316 (7) Signs, notices, or symbols for the information of
317 aviators as to location, directions, and landings and conditions
318 affecting safety in aviation erected or authorized by the
319 department.

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

324 (9) Historical markers erected by ~~duly constituted and~~
325 authorized public authorities.

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

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

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

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

337 ~~(13)~~ ~~(14)~~ Signs relating exclusively to political campaigns.

338 ~~(14)~~ ~~(15)~~ Signs measuring up to ~~not in excess of~~ 16 square
339 feet placed at a road junction with the State Highway System
340 denoting only the distance or direction of a residence or farm
341 operation, or, outside an incorporated in a rural area where a
342 hardship is created because a small business is not visible from
343 the road junction with the State Highway System, one sign
344 measuring up to ~~not in excess of~~ 16 square feet, denoting only
345 the name of the business and the distance and direction to the
346 business. ~~The small business sign provision of this subsection~~
347 ~~does not apply to charter counties and may not be implemented if~~
348 ~~the Federal Government notifies the department that~~

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349 ~~implementation will adversely affect the allocation of federal~~
350 ~~funds to the department.~~

351 (15) Signs placed by a local tourist-oriented business
352 located within a rural area of critical economic concern as
353 defined in s. 288.0656(2) which are:

354 (a) Not more than 8 square feet in size or not more than 4
355 feet in height;

356 (b) Located only in rural areas on a facility that does not
357 meet the definition of a limited access facility as defined by
358 department rule;

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

361 (d) Located only in two directions leading to the business;
362 and

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

364
365 A business placing such signs must be at least 4 miles from any
366 other business using this exemption and may not participate in
367 any other directional signage program by the department.

368 (16) Signs measuring up to 32 square feet denoting only the
369 distance or direction of a farm operation which are erected at a
370 road junction with the State Highway System, but only during the
371 harvest season of the farm operation for a period not to exceed
372 4 months.

373 (17) Acknowledgment signs erected upon publicly funded
374 school premises which relate to a specific public school club,
375 team, or event which are placed at least 1,000 feet from any
376 other acknowledgment signs on the same side of the roadway. The
377 sponsor information on an acknowledgment sign may constitute no

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378 more than 100 square feet of the sign. For purposes of this
379 subsection, the term "acknowledgment sign" means a sign that is
380 intended to inform the traveling public that a public school
381 club, team, or event has been sponsored by a person, firm, or
382 other entity.

383 (18) Displays erected upon a sports facility the content of
384 which is directly related to the facility's activities or where
385 products or services offered on the sports facility property are
386 present. Displays must be mounted flush to the surface of the
387 sports facility and must rely upon the building facade for
388 structural support. For purposes of this subsection, the term
389 "sports facility" means an athletic complex, athletic arena, or
390 athletic stadium, including physically connected parking
391 facilities, which is open to the public and has a permanently
392 installed seating capacity of 15,000 people or more.

393
394 The exemptions in subsections (14)-(18) may not be implemented
395 or continued if the Federal Government notifies the department
396 that implementation or continuation will adversely impact the
397 allocation of federal funds to the department. If the exemptions
398 in subsections (14)-(18) are not implemented or continued due to
399 notification from the Federal Government that the allocation of
400 federal funds to the department will be adversely impacted, the
401 department shall provide notice to the sign owner that the sign
402 must be removed within 30 days. If the sign is not removed
403 within 30 days after receipt of the notice by the sign owner,
404 the department may remove the sign, and the costs incurred in
405 connection with the sign removal shall be assessed against and
406 collected from the sign owner.

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407 Section 7. Section 479.262, Florida Statutes, is amended to
408 read:

409 479.262 Tourist-oriented directional sign program.—

410 (1) A tourist-oriented directional sign program to provide
411 directions to rural tourist-oriented businesses, services, and
412 activities may be established for intersections on rural and
413 conventional state, county, or municipal roads only in rural
414 counties identified by criteria and population in s. 288.0656
415 when approved and permitted by county or local government
416 entities within their respective jurisdictional areas ~~at~~
417 ~~intersections on rural and conventional state, county, or~~
418 ~~municipal roads~~. A county or local government that ~~which~~ issues
419 permits for a tourist-oriented directional sign program ~~is~~ shall
420 ~~be~~ responsible for sign construction, maintenance, and program
421 operation in compliance with subsection (3) for roads on the
422 state highway system and may establish permit fees sufficient to
423 offset associated costs. A tourist-oriented directional sign may
424 not be used on roads in urban areas or at interchanges on
425 freeways or expressways.

426 (2) This section does not create a proprietary or
427 compensable interest in any tourist-oriented directional sign
428 site or location for any permittee on any rural and conventional
429 state, county, or municipal road ~~roads~~. The department or the
430 permitting entity may terminate permits or change locations of
431 tourist-oriented directional sign sites as determined necessary
432 for construction or improvement of transportation facilities or
433 for improved traffic control or safety.

434 (3) Tourist-oriented directional signs installed on the
435 state highway system must ~~shall~~ comply with the requirements of

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436 the federal Manual on Uniform Traffic Control Devices and rules
437 established by the department. The department may adopt rules to
438 establish requirements for participant qualification,
439 construction standards, location of sign sites, and other
440 criteria necessary to implement this program.

441 Section 8. This act shall take effect July 1, 2014.