

HB 7175

2014

1 A bill to be entitled

2 An act relating to Department of Transportation;  
3 amending s. 11.45, F.S., deleting a provision  
4 authorizing the Auditor General to conduct audits of  
5 transportation corporations authorized under the  
6 Florida Transportation Corporation Act; amending s.  
7 20.23, F.S.; providing for the Florida Transportation  
8 Commission to monitor certain aspects of the Mid-Bay  
9 Bridge Authority; repealing provisions for the Florida  
10 Statewide Passenger Rail Commission; amending s.  
11 316.530, F.S.; deleting a provision relating to load  
12 limits for certain towed vehicles; amending s.  
13 316.545, F.S.; revising the weight reduction used to  
14 determine unlawful weight of certain vehicles equipped  
15 with idle-reduction technology; amending s. 332.007,  
16 F.S.; authorizing the department to fund strategic  
17 airport investments; providing criteria; amending s.  
18 334.044, F.S.; prohibiting the department from  
19 entering into a lease-purchase agreement; providing  
20 that certain lease-purchase agreements are not  
21 invalidated; providing an exception from a requirement  
22 to purchase all plant materials from Florida  
23 commercial nursery stock; amending s. 335.06, F.S.;  
24 providing for improvement and maintenance of certain  
25 roads that provide access to the state park system;  
26 amending s. 335.065, F.S.; authorizing the department

Page 1 of 128

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

hb7175-00

27 to enter into certain concession agreements; providing  
28 for use of agreement revenues; providing that the  
29 agreements are subject to applicable federal laws;  
30 amending s. 337.11, F.S.; removing the requirement  
31 that a contractor provide a notarized affidavit as  
32 proof of motor vehicle registration; amending s.  
33 337.14, F.S.; providing an exception to a provision  
34 that prohibits certain contractors and affiliates from  
35 qualifying to provide certain services to the  
36 department; providing construction; amending s.  
37 337.168, F.S., relating to confidentiality of bid  
38 information; providing that a document that reveals  
39 the identity of a person who has requested or received  
40 certain information before a certain time is a public  
41 record; amending s. 337.25, F.S.; revising provisions  
42 for disposition of property by the department;  
43 authorizing the department to contract for auction  
44 services for conveyance of property; amending s.  
45 337.251, F.S.; revising criteria for leasing certain  
46 department property; revising the time for the  
47 department to accept proposals for lease after a  
48 notice is published; directing the department to  
49 establish an application fee by rule; providing  
50 criteria for the fee and for the proposed lease;  
51 amending s. 338.161, F.S.; revising provisions  
52 authorizing the department to use its electronic toll

53 collection and video billing systems to collect  
54 certain charges for an owner of a transportation  
55 facility; amending s. 338.26, F.S.; revising the uses  
56 of fees generated from Alligator Alley tolls to  
57 include the cost of design and construction of a fire  
58 station that may be used by certain local governments  
59 and certain related operating costs; providing that  
60 excess tolls, after payment of certain expenses, be  
61 transferred to the Everglades Trust Fund; creating s.  
62 339.041, F.S.; providing legislative intent;  
63 describing the types of department property eligible  
64 for factoring future revenues received by the  
65 department from leases for wireless communication  
66 facilities on department property; authorizing the  
67 department to enter into agreements with investors to  
68 purchase the revenue streams from department leases of  
69 wireless communication facilities on such property  
70 pursuant to an invitation to negotiate; prohibiting  
71 the department from pledging state credit; allowing  
72 the department to make certain covenants; providing  
73 for the appropriation and payment of moneys received  
74 from such agreements to investors; requiring the  
75 proceeds from such leases to be used for certain fixed  
76 capital expenditures; amending s. 339.175, F.S.;  
77 revising membership and governance of a metropolitan  
78 planning organization; revising powers and duties of

79 | the Metropolitan Planning Organization Advisory  
 80 | Council; amending s. 339.2821, F.S.; authorizing  
 81 | Enterprise Florida, Inc., to be a consultant to the  
 82 | department for consideration of expenditures  
 83 | associated with and contracts for transportation  
 84 | projects; revising the requirements for economic  
 85 | development transportation project contracts between  
 86 | the Department of Transportation and a governmental  
 87 | entity; repealing the Florida Transportation  
 88 | Corporation Act; repealing ss. 339.401, 339.402,  
 89 | 339.403, 339.404, 339.405, 339.406, 339.407, 339.408,  
 90 | 339.409, 339.410, 339.411, 339.412, 339.414, 339.415,  
 91 | 339.416, 339.417, 339.418, 339.419, 339.420, and  
 92 | 339.421, F.S.; removing provisions for corporations to  
 93 | be authorized by and to act on behalf of the  
 94 | department for promotion and development of  
 95 | transportation facilities and systems; amending s.  
 96 | 343.82, F.S., relating to the Northwest Florida  
 97 | Transportation Corridor Authority and s. 343.922,  
 98 | F.S., relating to Tampa Bay Area Regional  
 99 | Transportation Authority; removing provisions for  
 100 | certain funding and assistance sources; amending s.  
 101 | 373.4137, F.S.; revising legislative intent for  
 102 | implementation of mitigation to offset environmental  
 103 | impact of department projects; revising provisions for  
 104 | environmental impact inventories for transportation

105 projects proposed by the department or a  
 106 transportation authority; revising criteria for  
 107 mitigation of projected impacts; requiring the  
 108 Department of Transportation to include funding for  
 109 environmental mitigation for projects in its work  
 110 program; revising the process and criteria for the  
 111 payment by the department or participating  
 112 transportation authorities of mitigation implemented  
 113 by water management districts or the Department of  
 114 Environmental Protection; revising the requirements  
 115 for the payment to a water management district or the  
 116 Department of Environmental Protection of the costs of  
 117 mitigation planning and implementation of the  
 118 mitigation required by a permit; revising the payment  
 119 criteria for preparing and implementing mitigation  
 120 plans adopted by water management districts for  
 121 transportation impacts based on the environmental  
 122 impact inventory; adding federal requirements for the  
 123 development of a mitigation plan; providing for  
 124 transportation projects in the environmental  
 125 mitigation plan for which mitigation has not been  
 126 specified; revising a water management district's  
 127 responsibilities relating to a mitigation plan;  
 128 amending s. 373.618, F.S.; revising provisions related  
 129 to public service warning signs; amending s. 479.01,  
 130 F.S., relating to outdoor advertising signs; revising

131 and deleting definitions; amending s. 479.02, F.S.;

132 revising duties of the Department of Transportation

133 relating to signs; deleting a requirement that the

134 department adopt certain rules; creating s. 479.024,

135 F.S.; limiting the placement of signs to commercial or

136 industrial zones; defining the terms "parcel" and

137 "utilities"; requiring a local government to use

138 specified criteria to determine zoning for commercial

139 or industrial parcels; providing that certain parcels

140 are considered unzoned commercial or industrial areas;

141 authorizing a permit for a sign in an unzoned

142 commercial or industrial area in certain

143 circumstances; prohibiting specified uses and

144 activities from being independently recognized as

145 commercial or industrial; providing an appeal process

146 for an applicant whose permit is denied; requiring an

147 applicant whose application is denied to remove an

148 existing sign pertaining to the application; requiring

149 the department to reduce certain transportation

150 funding in certain circumstances; amending s. 479.03,

151 F.S.; requiring notice to owners of intervening

152 privately owned lands before the department enters

153 upon such lands to remove an illegal sign; amending s.

154 479.04, F.S.; providing that an outdoor advertising

155 license is not required solely to erect or construct

156 outdoor signs or structures; amending s. 479.05, F.S.;

157 | authorizing the department to suspend a license for  
158 | certain offenses and specifying activities that the  
159 | licensee may engage in during the suspension;  
160 | prohibiting the department from granting a transfer of  
161 | an existing permit or issuing an additional permit  
162 | during the suspension; amending s. 479.07, F.S.;  
163 | revising requirements for obtaining sign permits;  
164 | conforming and clarifying provisions; revising permit  
165 | tag placement requirements for signs; deleting a  
166 | provision that allows a permittee to provide its own  
167 | replacement tag; revising requirements for permitting  
168 | certain signs visible to more than one highway;  
169 | deleting provisions limiting a pilot program to  
170 | specified locations; deleting redundant provisions  
171 | relating to certain new or replacement signs; deleting  
172 | provisions requiring maintenance of statistics on the  
173 | pilot program; amending s. 479.08, F.S.; revising  
174 | provisions relating to the denial or revocation of a  
175 | permit because of false or misleading information in  
176 | the permit application; amending s. 479.10, F.S.;  
177 | authorizing the cancellation of a permit; amending s.  
178 | 479.105, F.S.; revising notice requirements to owners  
179 | and advertisers relating to signs erected or  
180 | maintained without a permit; revising procedures for  
181 | the department to issue a permit as a conforming or  
182 | nonconforming sign to the owner of an unpermitted

183 sign; providing a penalty; amending s. 479.106, F.S.;  
184 revising provisions relating to the removal, cutting,  
185 or trimming of trees or vegetation to increase sign  
186 face visibility; providing that a specified penalty is  
187 applied per sign facing; amending s. 479.107, F.S.;  
188 deleting a fine for specified violations; amending s.  
189 479.11, F.S.; prohibiting signs on specified portions  
190 of the interstate highway system; amending s. 479.111,  
191 F.S.; clarifying a reference to a certain agreement;  
192 amending s. 479.15, F.S.; deleting a definition;  
193 revising provisions relating to relocation of certain  
194 signs on property subject to public acquisition;  
195 amending s. 479.156, F.S.; clarifying provisions  
196 relating to the regulation of wall murals; amending s.  
197 479.16, F.S.; exempting certain signs from specified  
198 provisions; exempting from permitting certain signs  
199 placed by tourist-oriented businesses, certain farm  
200 signs placed during harvest seasons, certain  
201 acknowledgment signs on publicly funded school  
202 premises, and certain displays on specific sports  
203 facilities; prohibiting certain permit exemptions from  
204 being implemented or continued if the implementations  
205 or continuations will adversely impact the allocation  
206 of federal funds to the Department of Transportation;  
207 directing the department to notify a sign owner that  
208 the sign must be removed if federal funds are



209 adversely impacted; authorizing the department to  
210 remove the sign and assess costs to the sign owner  
211 under certain circumstances; amending s. 479.24, F.S.;  
212 clarifying provisions relating to compensation paid  
213 for the department's acquisition of lawful signs;  
214 amending s. 479.25, F.S.; revising provisions relating  
215 to local government action with respect to erection of  
216 noise-attenuation barriers that block views of  
217 lawfully erected signs; deleting provisions to conform  
218 to changes made by the act; amending s. 479.261, F.S.;  
219 expanding the logo sign program to the limited access  
220 highway system; conforming provisions related to a  
221 logo sign program on the limited access highway  
222 system; amending s. 479.262, F.S.; clarifying  
223 provisions relating to the tourist-oriented  
224 directional sign program; limiting the placement of  
225 such signs to intersections on certain rural roads;  
226 prohibiting such signs in urban areas or at  
227 interchanges on freeways or expressways; amending s.  
228 479.313, F.S.; requiring a permittee to pay the cost  
229 of removing certain signs following the cancellation  
230 of the permit for the sign; repealing s. 76 of chapter  
231 2012-174, Laws of Florida, relating to authorizing the  
232 department to seek Federal Highway Administration  
233 approval of a tourist-oriented commerce sign pilot  
234 program and directing the department to submit the

235 approved pilot program for legislative approval;  
236 establishing a pilot program for the School District  
237 of Palm Beach County authorizing signage on certain  
238 school district property to recognize the names of the  
239 school district's business partners; providing for  
240 expiration of the program; requiring the Florida  
241 Transportation Commission to study the potential for  
242 state revenue from parking meters and other parking  
243 time-limit devices; authorizing to commission to  
244 retain experts; requiring the department to pay for  
245 the experts; requiring certain information from  
246 municipalities and counties; requiring certain  
247 information to be considered in the study; requiring a  
248 written report; providing for the removal of parking  
249 meters and parking time-limit devices under certain  
250 circumstance; providing for municipalities and  
251 counties to pay the cost of removal; providing for a  
252 moratorium on new parking meters of other parking  
253 time-limit devices on the state right-of-way;  
254 providing an exception; amending s. 2 of chapter 85-  
255 364, Laws of Florida, relating to the Department of  
256 Transportation; authorizing tolls from the Pinellas  
257 Bayway to be used for maintenance costs; removing  
258 provisions for funding of certain projects; amending  
259 s. 110.205, F.S.; conforming cross-references;  
260 providing effective dates.

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

Section 1. Paragraph (m) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

~~(m) The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of such systems pursuant to ss. 339.401-339.421.~~

Section 2. Paragraph (b) of subsection (2) and subsection (3) of section 20.23, Florida Statutes, are amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(2)

(b) The commission shall ~~have the primary functions to:~~

1. Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

287           2. Periodically review the status of the state  
288 transportation system including highway, transit, rail, seaport,  
289 intermodal development, and aviation components of the system  
290 and recommend improvements ~~therein~~ to the Governor and the  
291 Legislature.

292           3. Perform an in-depth evaluation of the annual department  
293 budget request, the Florida Transportation Plan, and the  
294 tentative work program for compliance with all applicable laws  
295 and established departmental policies. Except as specifically  
296 provided in s. 339.135(4)(c)2., (d), and (f), the commission may  
297 not consider individual construction projects, but shall  
298 consider methods of accomplishing the goals of the department in  
299 the most effective, efficient, and businesslike manner.

300           4. Monitor the financial status of the department on a  
301 regular basis to assure that the department is managing revenue  
302 and bond proceeds responsibly and in accordance with law and  
303 established policy.

304           5. Monitor on at least a quarterly basis, the efficiency,  
305 productivity, and management of the department, using  
306 performance and production standards developed by the commission  
307 pursuant to s. 334.045.

308           6. Perform an in-depth evaluation of the factors causing  
309 disruption of project schedules in the adopted work program and  
310 recommend to the Governor ~~Legislature~~ and the Legislature  
311 ~~Governor~~ methods to eliminate or reduce the disruptive effects  
312 of these factors.

313           7. Recommend to the Governor and the Legislature  
 314 improvements to the department's organization in order to  
 315 streamline and optimize the efficiency of the department. In  
 316 reviewing the department's organization, the commission shall  
 317 determine if the current district organizational structure is  
 318 responsive to this state's ~~Florida's~~ changing economic and  
 319 demographic development patterns. The initial report by the  
 320 commission must be delivered to the Governor and the Legislature  
 321 by December 15, 2000, and each year thereafter, as appropriate.  
 322 The commission may retain ~~such~~ experts as ~~are reasonably~~  
 323 necessary to carry out ~~effectuate~~ this subparagraph, and the  
 324 department shall pay the expenses of the ~~such~~ experts.

325           8. Monitor the efficiency, productivity, and management of  
 326 the authorities created under chapters 348 and 349, including  
 327 any authority formed using ~~the provisions of~~ part I of chapter  
 328 348; the Mid-Bay Bridge Authority re-created pursuant to chapter  
 329 2000-411, Laws of Florida; and any authority formed under  
 330 chapter 343 ~~which is not monitored under subsection (3)~~. The  
 331 commission shall also conduct periodic reviews of each  
 332 authority's operations and budget, acquisition of property,  
 333 management of revenue and bond proceeds, and compliance with  
 334 applicable laws and generally accepted accounting principles.

335           ~~(3) There is created the Florida Statewide Passenger Rail~~  
 336 ~~Commission.~~

337           ~~(a)1. The commission shall consist of nine voting members~~  
 338 ~~appointed as follows:~~

339 ~~a. Three members shall be appointed by the Governor, one~~  
340 ~~of whom must have a background in the area of environmental~~  
341 ~~concerns, one of whom must have a legislative background, and~~  
342 ~~one of whom must have a general business background.~~

343 ~~b. Three members shall be appointed by the President of~~  
344 ~~the Senate, one of whom must have a background in civil~~  
345 ~~engineering, one of whom must have a background in~~  
346 ~~transportation construction, and one of whom must have a general~~  
347 ~~business background.~~

348 ~~c. Three members shall be appointed by the Speaker of the~~  
349 ~~House of Representatives, one of whom must have a legal~~  
350 ~~background, one of whom must have a background in financial~~  
351 ~~matters, and one of whom must have a general business~~  
352 ~~background.~~

353 ~~2. The initial term of each member appointed by the~~  
354 ~~Governor shall be for 4 years. The initial term of each member~~  
355 ~~appointed by the President of the Senate shall be for 3 years.~~  
356 ~~The initial term of each member appointed by the Speaker of the~~  
357 ~~House of Representatives shall be for 2 years. Succeeding terms~~  
358 ~~for all members shall be for 4 years.~~

359 ~~3. A vacancy occurring during a term shall be filled by~~  
360 ~~the respective appointing authority in the same manner as the~~  
361 ~~original appointment and only for the balance of the unexpired~~  
362 ~~term. An appointment to fill a vacancy shall be made within 60~~  
363 ~~days after the occurrence of the vacancy.~~

364 ~~4. The commission shall elect one of its members as chair~~

365 ~~of the commission. The chair shall hold office at the will of~~  
366 ~~the commission. Five members of the commission shall constitute~~  
367 ~~a quorum, and the vote of five members shall be necessary for~~  
368 ~~any action taken by the commission. The commission may meet upon~~  
369 ~~the constitution of a quorum. A vacancy in the commission does~~  
370 ~~not impair the right of a quorum to exercise all rights and~~  
371 ~~perform all duties of the commission.~~

372 ~~5. The members of the commission are not entitled to~~  
373 ~~compensation but are entitled to reimbursement for travel and~~  
374 ~~other necessary expenses as provided in s. 112.061.~~

375 ~~(b) The commission shall have the primary functions of:~~

376 ~~1. Monitoring the efficiency, productivity, and management~~  
377 ~~of all publicly funded passenger rail systems in the state,~~  
378 ~~including, but not limited to, any authority created under~~  
379 ~~chapter 343, chapter 349, or chapter 163 if the authority~~  
380 ~~receives public funds for the provision of passenger rail~~  
381 ~~service. The commission shall advise each monitored authority of~~  
382 ~~its findings and recommendations. The commission shall also~~  
383 ~~conduct periodic reviews of each monitored authority's passenger~~  
384 ~~rail and associated transit operations and budget, acquisition~~  
385 ~~of property, management of revenue and bond proceeds, and~~  
386 ~~compliance with applicable laws and generally accepted~~  
387 ~~accounting principles. The commission may seek the assistance of~~  
388 ~~the Auditor General in conducting such reviews and shall report~~  
389 ~~the findings of such reviews to the Legislature. This paragraph~~  
390 ~~does not preclude the Florida Transportation Commission from~~

391 ~~conducting its performance and work program monitoring~~  
 392 ~~responsibilities.~~

393 ~~2. Advising the department on policies and strategies used~~  
 394 ~~in planning, designing, building, operating, financing, and~~  
 395 ~~maintaining a coordinated statewide system of passenger rail~~  
 396 ~~services.~~

397 ~~3. Evaluating passenger rail policies and providing advice~~  
 398 ~~and recommendations to the Legislature on passenger rail~~  
 399 ~~operations in the state.~~

400 ~~(c) The commission or a member of the commission may not~~  
 401 ~~enter into the day-to-day operation of the department or a~~  
 402 ~~monitored authority and is specifically prohibited from taking~~  
 403 ~~part in:~~

404 ~~1. The awarding of contracts.~~

405 ~~2. The selection of a consultant or contractor or the~~  
 406 ~~prequalification of any individual consultant or contractor.~~  
 407 ~~However, the commission may recommend to the secretary standards~~  
 408 ~~and policies governing the procedure for selection and~~  
 409 ~~prequalification of consultants and contractors.~~

410 ~~3. The selection of a route for a specific project.~~

411 ~~4. The specific location of a transportation facility.~~

412 ~~5. The acquisition of rights-of-way.~~

413 ~~6. The employment, promotion, demotion, suspension,~~  
 414 ~~transfer, or discharge of any department personnel.~~

415 ~~7. The granting, denial, suspension, or revocation of any~~  
 416 ~~license or permit issued by the department.~~



HB 7175

2014

417 ~~(d) The commission is assigned to the Office of the~~  
418 ~~Secretary of the Department of Transportation for administrative~~  
419 ~~and fiscal accountability purposes, but it shall otherwise~~  
420 ~~function independently of the control and direction of the~~  
421 ~~department except that reasonable expenses of the commission~~  
422 ~~shall be subject to approval by the Secretary of Transportation.~~  
423 ~~The department shall provide administrative support and service~~  
424 ~~to the commission.~~

425 Section 3. Subsection (3) of section 316.530, Florida  
426 Statutes, is amended to read:

427 316.530 Towing requirements.—

428 ~~(3) Whenever a motor vehicle becomes disabled upon the~~  
429 ~~highways of this state and a wrecker or tow truck is required to~~  
430 ~~remove it to a repair shop or other appropriate location, if the~~  
431 ~~combined weights of those two vehicles and the loads thereon~~  
432 ~~exceed the maximum allowable weights as established by s.~~  
433 ~~316.535, no penalty shall be assessed either vehicle or driver.~~  
434 ~~However, this exception shall not apply to the load limits for~~  
435 ~~bridges and culverts established by the department as provided~~  
436 ~~in s. 316.555.~~

437 Section 4. Subsection (3) of section 316.545, Florida  
438 Statutes, is amended to read:

439 316.545 Weight and load unlawful; special fuel and motor  
440 fuel tax enforcement; inspection; penalty; review.—

441 (3) (a) A ~~Any~~ person who violates the overloading  
442 provisions of this chapter is ~~shall be~~ conclusively presumed to

443 have damaged the highways of this state by reason of such  
 444 overloading, and a fine shall be assessed ~~which damage is hereby~~  
 445 ~~fixed~~ as follows:

446 1.(a) Ten dollars if ~~When~~ the weight in excess of the  
 447 maximum allowed under this chapter ~~weight~~ is 200 pounds or less.  
 448 ~~than the maximum herein provided, the penalty shall be \$10;~~

449 2.(b) Five cents per pound for each pound of weight in  
 450 excess of the maximum herein provided in this chapter if ~~when~~  
 451 the excess weight is greater than ~~exceeds~~ 200 pounds.

452 3. If ~~However, whenever~~ the gross weight of the vehicle or  
 453 combination of vehicles does not exceed the maximum allowable  
 454 gross weight, the maximum fine for the first 600 pounds of  
 455 unlawful axle weight is ~~shall be~~ \$10.~~7~~

456 (b)(c) For a vehicle equipped with fully functional idle-  
 457 reduction technology, the fine is ~~any penalty shall be~~  
 458 ~~calculated by reducing the actual gross vehicle weight or the~~  
 459 ~~internal bridge weight by the certified weight of the idle-~~  
 460 ~~reduction technology or by~~ 550 ~~400~~ pounds, whichever is less.  
 461 The vehicle operator must present written certification of the  
 462 weight of the idle-reduction technology and must demonstrate or  
 463 certify that the idle-reduction technology is fully functional  
 464 at all times. This calculation is not allowed for vehicles  
 465 described in s. 316.535(6).~~7~~

466 (c)(d) An apportionable vehicle, ~~as defined in s. 320.01,~~  
 467 operating on the highways of this state ~~which is not~~ ~~without~~  
 468 ~~being~~ properly licensed and registered is ~~shall be~~ subject to

469 the penalties ~~as~~ provided in this section. ~~and~~

470 (d) ~~(e)~~ A vehicle ~~Vehicles~~ operating on the highways of  
 471 this state from nonmember International Registration Plan  
 472 jurisdictions which is ~~are~~ not in compliance with ~~the provisions~~  
 473 ~~of~~ s. 316.605 is ~~shall be~~ subject to the penalties ~~as herein~~  
 474 provided in this section.

475 Section 5. Subsection (10) is added to section 332.007,  
 476 Florida Statutes, to read:

477 332.007 Administration and financing of aviation and  
 478 airport programs and projects; state plan.—

479 (10) The department may fund strategic airport investment  
 480 projects at up to 100 percent of the project's cost if:

481 (a) Important access and on-airport capacity improvements  
 482 are provided;

483 (b) Capital improvements that strategically position the  
 484 state to maximize opportunities in international trade,  
 485 logistics, and the aviation industry are provided;

486 (c) Goals of an integrated intermodal transportation  
 487 system for the state are achieved; and

488 (d) Feasibility and availability of matching funds through  
 489 federal, local, or private partners are demonstrated.

490 Section 6. Subsections (16) and (26) of section 334.044,  
 491 Florida Statutes, are amended to read:

492 334.044 Department; powers and duties.—The department  
 493 shall have the following general powers and duties:

494 (16) (a) To plan, acquire, lease, construct, maintain, and

HB 7175

2014

495 operate toll facilities; to authorize the issuance and refunding  
496 of bonds; and to fix and collect tolls or other charges for  
497 travel on any such facilities.

498 (b) Notwithstanding any other provision of law, the  
499 department may not enter into a lease-purchase agreement with an  
500 expressway authority, regional transportation authority, or  
501 other entity. This paragraph does not invalidate a lease-  
502 purchase agreement authorized under chapter 348 or chapter 2000-  
503 411, Laws of Florida, existing as of July 1, 2013, and does not  
504 limit the department's authority under s. 334.30.

505 (26) To provide for the enhancement of environmental  
506 benefits, including air and water quality; to prevent roadside  
507 erosion; to conserve the natural roadside growth and scenery;  
508 and to provide for the implementation and maintenance of  
509 roadside conservation, enhancement, and stabilization programs.  
510 At least ~~No less than~~ 1.5 percent of the amount contracted for  
511 construction projects shall be allocated by the department on a  
512 statewide basis for the purchase of plant materials. Department  
513 districts may not expend funds for landscaping in connection  
514 with any project that is limited to resurfacing existing lanes  
515 unless the expenditure has been approved by the department's  
516 secretary or the secretary's designee. To the greatest extent  
517 practical, at least ~~a minimum of~~ 50 percent of the funds  
518 allocated under this subsection shall be allocated for large  
519 plant materials and the remaining funds for other plant  
520 materials. Except as prohibited by applicable federal law or

521 regulation, all plant materials shall be purchased from Florida  
 522 commercial nursery stock in this state on a uniform competitive  
 523 bid basis. The department shall develop grades and standards for  
 524 landscaping materials purchased through this process. To  
 525 accomplish these activities, the department may contract with  
 526 nonprofit organizations having the primary purpose of developing  
 527 youth employment opportunities.

528 Section 7. Section 335.06, Florida Statutes, is amended to  
 529 read:

530 335.06 Access roads to the state park system.—Any road  
 531 which provides access to property within the state park system  
 532 shall be maintained by the department if the road is a part of  
 533 the State Highway System and may be improved and maintained by  
 534 the department if the road is part of a county road system or  
 535 city street system. If the department does not maintain a county  
 536 or city road that provides access to the state park system, the  
 537 road ~~or~~ shall be maintained by the appropriate county or  
 538 municipality ~~if the road is a part of the county road system or~~  
 539 ~~the city street system.~~

540 Section 8. Subsection (3) of section 335.065, Florida  
 541 Statutes, is amended to read:

542 335.065 Bicycle and pedestrian ways along state roads and  
 543 transportation facilities.—

544 (3) The department, in cooperation with the Department of  
 545 Environmental Protection, shall establish a statewide integrated  
 546 system of bicycle and pedestrian ways in such a manner as to

547 take full advantage of any such ways which are maintained by any  
 548 governmental entity. The department may enter into a concession  
 549 agreement with a not-for-profit entity or private sector  
 550 business or entity for commercial sponsorship displays on  
 551 multiuse trails and related facilities and use any concession  
 552 agreement revenues for the maintenance of the multiuse trails  
 553 and related facilities. Commercial sponsorship displays are  
 554 subject to the requirements of the Highway Beautification Act of  
 555 1965 and all federal laws and agreements, when applicable. For  
 556 the purposes of this section, bicycle facilities may be  
 557 established as part of or separate from the actual roadway and  
 558 may utilize existing road rights-of-way or other rights-of-way  
 559 or easements acquired for public use.

560 Section 9. Subsection (13) of section 337.11, Florida  
 561 Statutes, is amended to read:

562 337.11 Contracting authority of department; bids;  
 563 emergency repairs, supplemental agreements, and change orders;  
 564 combined design and construction contracts; progress payments;  
 565 records; requirements of vehicle registration.-

566 (13) Each contract let by the department for the  
 567 performance of road or bridge construction or maintenance work  
 568 shall require ~~contain a provision requiring the contractor to~~  
 569 ~~provide proof to the department, in the form of a notarized~~  
 570 ~~affidavit from the contractor, that all motor vehicles that the~~  
 571 ~~contractor~~ he or she operates or causes to be operated in this  
 572 state to be ~~are~~ registered in compliance with chapter 320.

573 Section 10. Subsection (7) of section 337.14, Florida  
 574 Statutes, is amended to read:

575 337.14 Application for qualification; certificate of  
 576 qualification; restrictions; request for hearing.—

577 (7) A ~~Ne~~ "contractor" as defined in s. 337.165(1)(d) or  
 578 his or her "affiliate" as defined in s. 337.165(1)(a) qualified  
 579 with the department under this section may not also qualify  
 580 under s. 287.055 or s. 337.105 to provide testing services,  
 581 construction, engineering, and inspection services to the  
 582 department. This limitation does ~~shall~~ not apply to any design-  
 583 build prequalification under s. 337.11(7) and does not apply  
 584 when the department otherwise determines by written order  
 585 entered at least 30 days before advertisement that the  
 586 limitation is not in the best interests of the public with  
 587 respect to a particular contract for testing services,  
 588 construction, engineering, and inspection services. This  
 589 subsection does not authorize a contractor to provide testing  
 590 services, or provide construction, engineering, and inspection  
 591 services, to the department in connection with a construction  
 592 contract under which the contractor is performing any work.

593 Section 11. Subsection (2) of section 337.168, Florida  
 594 Statutes, is amended to read:

595 337.168 Confidentiality of official estimates, identities  
 596 of potential bidders, and bid analysis and monitoring system.—

597 (2) A document that reveals ~~revealing~~ the identity of a  
 598 person who has ~~persons who have~~ requested or obtained a bid

HB 7175

2014

599 package, plan ~~packages, plans,~~ or specifications pertaining to  
600 any project to be let by the department is confidential and  
601 exempt from the provisions of s. 119.07(1) for the period that  
602 ~~which~~ begins 2 working days before ~~prior to~~ the deadline for  
603 obtaining bid packages, plans, or specifications and ends with  
604 the letting of the bid. A document that reveals the identity of  
605 a person who has requested or obtained a bid package, plan, or  
606 specifications pertaining to any project to be let by the  
607 department before the 2 working days before the deadline for  
608 obtaining bid packages, plans, or specifications remains a  
609 public record subject to s. 119.07(1).

610 Section 12. Section 337.25, Florida Statutes, is amended  
611 to read:

612 337.25 Acquisition, lease, and disposal of real and  
613 personal property.—

614 (1) (a) The department may purchase, lease, exchange, or  
615 otherwise acquire any land, property interests, ~~or~~ buildings, or  
616 other improvements, including personal property within such  
617 buildings or on such lands, necessary to secure or use ~~utilize~~  
618 transportation rights-of-way for existing, proposed, or  
619 anticipated transportation facilities on the State Highway  
620 System, on the State Park Road System, in a rail corridor, or in  
621 a transportation corridor designated by the department. Such  
622 property shall be held in the name of the state.

623 (b) The department may accept donations of any land, ~~or~~  
624 buildings, or other improvements, including personal property



HB 7175

2014

625 within such buildings or on such lands with or without such  
626 conditions, reservations, or reverter provisions as are  
627 acceptable to the department. Such donations may be used as  
628 transportation rights-of-way or to secure or use ~~utilize~~  
629 transportation rights-of-way for existing, proposed, or  
630 anticipated transportation facilities on the State Highway  
631 System, on the State Park Road System, or in a transportation  
632 corridor designated by the department.

633 (c) If ~~When~~ lands, buildings, or other improvements are  
634 needed for transportation purposes, but are held by a federal,  
635 state, or local governmental entity and used ~~utilized~~ for public  
636 purposes other than transportation, the department may  
637 compensate the entity for such properties by providing  
638 functionally equivalent replacement facilities. The provision  
639 ~~providing~~ of replacement facilities under this subsection may  
640 only be undertaken with the agreement of the governmental entity  
641 affected.

642 (d) The department may contract pursuant to s. 287.055 for  
643 auction services used in the conveyance of real or personal  
644 property or the conveyance of leasehold interests under  
645 subsections (4) and (5). The contract may allow for the  
646 contractor to retain a portion of the proceeds as compensation  
647 for the contractor's services.

648 (2) A complete inventory shall be made of all real or  
649 personal property immediately upon possession or acquisition.  
650 Such inventory must ~~shall~~ include ~~an itemized listing of all~~

HB 7175

2014

651 ~~appliances, fixtures, and other severable items;~~ a statement of  
652 the location or site of each piece of realty, structure, or  
653 severable item; ~~and the serial number assigned to each.~~ Copies  
654 of each inventory shall be filed in the district office in which  
655 the property is located. Such inventory shall be carried forward  
656 to show the final disposition of each item of property, both  
657 real and personal.

658 (3) The inventory of real property that ~~which~~ was acquired  
659 by the state after December 31, 1988, that ~~which~~ has been owned  
660 by the state for 10 or more years, and that ~~which~~ is not within  
661 a transportation corridor or within the right-of-way of a  
662 transportation facility shall be evaluated to determine the  
663 necessity for retaining the property. If the property is not  
664 needed for the construction, operation, and maintenance of a  
665 transportation facility~~7~~ or is not located within a  
666 transportation corridor, the department may dispose of the  
667 property pursuant to subsection (4).

668 (4) The department may convey ~~sell~~, in the name of the  
669 state, any land, building, or other property, real or personal,  
670 which was acquired under ~~the provisions of~~ subsection (1) and  
671 which the department has determined is not needed for the  
672 construction, operation, and maintenance of a transportation  
673 facility. ~~With the exception of any parcel governed by paragraph~~  
674 ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~  
675 ~~(i), the department shall afford first right of refusal to the~~  
676 ~~local government in the jurisdiction of which the parcel is~~

HB 7175

2014

677 ~~situated.~~ When such a determination has been made, property may  
678 be disposed of through negotiations, sealed competitive bids,  
679 auctions, or any other means the department deems to be in its  
680 best interest, with due advertisement for property valued by the  
681 department at greater than \$10,000. A sale may not occur at a  
682 price less than the department's current estimate of value,  
683 except as provided in paragraphs (a)-(d). The department may  
684 afford a right of first refusal to the local government or other  
685 political subdivision in the jurisdiction in which the parcel is  
686 situated, except in a conveyance transacted under paragraph (a),  
687 paragraph (c), or paragraph (e). ~~in the following manner:~~

688 (a) If the ~~value of the~~ property has been donated to the  
689 state for transportation purposes and a transportation facility  
690 has not been constructed for at least 5 years, plans have not  
691 been prepared for the construction of such facility, and the  
692 property is not located in a transportation corridor, the  
693 governmental entity may authorize reconveyance of the donated  
694 property for no consideration to the original donor or the  
695 donor's heirs, successors, assigns, or representatives ~~is~~  
696 ~~\$10,000 or less as determined by department estimate, the~~  
697 ~~department may negotiate the sale.~~

698 (b) If ~~the value of the~~ property is to be used for a  
699 public purpose, the property may be conveyed without  
700 consideration to a governmental entity ~~exceeds \$10,000 as~~  
701 ~~determined by department estimate, such property may be sold to~~  
702 ~~the highest bidder through receipt of sealed competitive bids,~~

HB 7175

2014

703 ~~after due advertisement, or by public auction held at the site~~  
704 ~~of the improvement which is being sold.~~

705 (c) If the property was originally acquired specifically  
706 to provide replacement housing for persons displaced by  
707 transportation projects, the department may negotiate for the  
708 sale of such property as replacement housing. As compensation,  
709 the state shall receive at least its investment in such property  
710 or the department's current estimate of value, whichever is  
711 lower. It is expressly intended that this benefit be extended  
712 only to persons actually displaced by the project. Dispositions  
713 to any other person must be for at least the department's  
714 current estimate of value, ~~in the discretion of the department,~~  
715 ~~public sale would be inequitable, properties may be sold by~~  
716 ~~negotiation to the owner holding title to the property abutting~~  
717 ~~the property to be sold, provided such sale is at a negotiated~~  
718 ~~price not less than fair market value as determined by an~~  
719 ~~independent appraisal, the cost of which shall be paid by the~~  
720 ~~owner of the abutting land. If negotiations do not result in the~~  
721 ~~sale of the property to the owner of the abutting land and the~~  
722 ~~property is sold to someone else, the cost of the independent~~  
723 ~~appraisal shall be borne by the purchaser; and the owner of the~~  
724 ~~abutting land shall have the cost of the appraisal refunded to~~  
725 ~~him or her. If, however, no purchase takes place, the owner of~~  
726 ~~the abutting land shall forfeit the sum paid by him or her for~~  
727 ~~the independent appraisal. If, due to action of the department,~~  
728 ~~the property is removed from eligibility for sale, the cost of~~

HB 7175

2014

729 ~~any appraisal prepared shall be refunded to the owner of the~~  
730 ~~abutting land.~~

731 (d) If the department determines that the property  
732 requires significant costs to be incurred or that continued  
733 ownership of the property exposes the department to significant  
734 liability risks, the department may use the projected  
735 maintenance costs over the next 10 years to offset the  
736 property's value in establishing a value for disposal of the  
737 property, even if that value is zero ~~property acquired for use~~  
738 ~~as a borrow pit is no longer needed, the department may sell~~  
739 ~~such property to the owner of the parcel of abutting land from~~  
740 ~~which the borrow pit was originally acquired, provided the sale~~  
741 ~~is at a negotiated price not less than fair market value as~~  
742 ~~determined by an independent appraisal, the cost of which shall~~  
743 ~~be paid by the owner of such abutting land.~~

744 (e) If, at the discretion of the department, a sale to a  
745 person other than an abutting property owner would be  
746 inequitable, the property may be sold to the abutting owner for  
747 the department's current estimate of value ~~the department begins~~  
748 ~~the process for disposing of the property on its own initiative,~~  
749 ~~either by negotiation under the provisions of paragraph (a),~~  
750 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~  
751 ~~sealed competitive bids or public auction under the provisions~~  
752 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~  
753 ~~may determine the fair market value of the property by an~~  
754 ~~appraisal.~~

755           ~~(f) Any property which was acquired by a county or by the~~  
756 ~~department using constitutional gas tax funds for the purpose of~~  
757 ~~a right-of-way or borrow pit for a road on the State Highway~~  
758 ~~System, State Park Road System, or county road system and which~~  
759 ~~is no longer used or needed by the department may be conveyed~~  
760 ~~without consideration to that county. The county may then sell~~  
761 ~~such surplus property upon receipt of competitive bids in the~~  
762 ~~same manner prescribed in this section.~~

763           ~~(g) If a property has been donated to the state for~~  
764 ~~transportation purposes and the facility has not been~~  
765 ~~constructed for a period of at least 5 years and no plans have~~  
766 ~~been prepared for the construction of such facility and the~~  
767 ~~property is not located in a transportation corridor, the~~  
768 ~~governmental entity may authorize reconveyance of the donated~~  
769 ~~property for no consideration to the original donor or the~~  
770 ~~donor's heirs, successors, assigns, or representatives.~~

771           ~~(h) If property is to be used for a public purpose, the~~  
772 ~~property may be conveyed without consideration to a governmental~~  
773 ~~entity.~~

774           ~~(i) If property was originally acquired specifically to~~  
775 ~~provide replacement housing for persons displaced by~~  
776 ~~transportation projects, the department may negotiate for the~~  
777 ~~sale of such property as replacement housing. As compensation,~~  
778 ~~the state shall receive no less than its investment in such~~  
779 ~~properties or fair market value, whichever is lower. It is~~  
780 ~~expressly intended that this benefit be extended only to those~~

HB 7175

2014

781 ~~persons actually displaced by such project. Dispositions to any~~  
782 ~~other persons must be for fair market value.~~

783 ~~(j) If the department determines that the property will~~  
784 ~~require significant costs to be incurred or that continued~~  
785 ~~ownership of the property exposes the department to significant~~  
786 ~~liability risks, the department may use the projected~~  
787 ~~maintenance costs over the next 5 years to offset the market~~  
788 ~~value in establishing a value for disposal of the property, even~~  
789 ~~if that value is zero.~~

790 (5) The department may convey a leasehold interest for  
791 commercial or other purposes, in the name of the state, to any  
792 land, building, or other property, real or personal, which was  
793 acquired under ~~the provisions of subsection (1).~~ However, a  
794 lease may not be entered into at a price less than the  
795 department's current estimate of value. The department's  
796 estimate of value shall be prepared in accordance with  
797 department procedures, guidelines, and rules for valuation of  
798 real property, the cost of which shall be paid by the party  
799 seeking the lease of the property.

800 (a) A lease may be accomplished through negotiations,  
801 sealed competitive bids, auction, or any other means the  
802 department deems to be in its best interest ~~The department may~~  
803 ~~negotiate such a lease at the prevailing market value with the~~  
804 ~~owner from whom the property was acquired; with the holders of~~  
805 ~~leasehold estates existing at the time of the department's~~  
806 ~~acquisition; or, if public bidding would be inequitable, with~~

HB 7175

2014

807 ~~the owner holding title to privately owned abutting property, if~~  
808 ~~reasonable notice is provided to all other owners of abutting~~  
809 ~~property.~~ The department may allow an outdoor advertising sign  
810 to remain on the property acquired, or be relocated on  
811 department property. This subsection shall not cause a sign to,  
812 ~~and such sign shall not~~ be considered a nonconforming sign  
813 pursuant to chapter 479.

814 (b) If, at the discretion of the department, a lease to a  
815 person other than an abutting property owner or tenant with a  
816 leasehold interest in the abutting property would be  
817 inequitable, the property may be leased to the abutting owner or  
818 tenant for at least the department's current estimate of value  
819 ~~All other leases shall be by competitive bid.~~

820 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~or~~  
821 ~~paragraph (b) shall be for a period of more than 5 years;~~  
822 however, the department may renegotiate or extend such a lease  
823 for an additional ~~term of 5 years~~ as the department deems  
824 appropriate ~~without rebidding.~~

825 (d) Each lease shall provide that, unless otherwise  
826 directed by the lessor, any improvements made to the property  
827 during ~~the term of~~ the lease shall be removed at the lessee's  
828 expense.

829 (e) If property is to be used for a public purpose,  
830 ~~including a fair, art show, or other educational, cultural, or~~  
831 ~~fundraising activity,~~ the property may be leased without  
832 consideration to a governmental entity ~~or school board.~~ A lease



833 for a public purpose is exempt from the term limits in paragraph  
834 (c).

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

838 (g) A ~~No~~ lease executed under this subsection may not be  
839 used ~~utilized~~ by the lessee to establish the ~~4-years~~ standing  
840 required under ~~by~~ s. 73.071(3)(b) if the business had not been  
841 established for the specified number of 4 years on the date  
842 title passed to the department.

843 (h) The department may enter into a long-term lease  
844 without compensation with a public port listed in s.  
845 403.021(9)(b) for rail corridors used for the operation of a  
846 short-line railroad to the port.

847 (6) ~~Nothing in~~ This chapter does not prevent ~~prevents~~ the  
848 joint use of right-of-way for alternative modes of  
849 transportation if; ~~provided that~~ the joint use does not impair  
850 the integrity and safety of the transportation facility.

851 (7) The department shall prepare the estimate of value  
852 provided under subsection (4) in accordance with department  
853 procedures, guidelines, and rules for valuation of real  
854 property. If the value of the property is greater than \$50,000,  
855 as determined by the department estimate, the sale must be at a  
856 negotiated price of at least the estimate of value as determined  
857 by an appraisal prepared in accordance with department  
858 procedures, guidelines, and rules for valuation of real

HB 7175

2014

859 property, the cost of which shall be paid by the party seeking  
860 the purchase of the property. If the estimated value is \$50,000  
861 or less, the department may use a department staff appraiser or  
862 obtain an independent appraisal ~~required by paragraphs (4) (c)~~  
863 ~~and (d) shall be prepared in accordance with department~~  
864 ~~guidelines and rules by an independent appraiser who has been~~  
865 ~~certified by the department. If federal funds were used in the~~  
866 ~~acquisition of the property, the appraisal shall also be subject~~  
867 ~~to the approval of the Federal Highway Administration.~~

868 (8) As used in this section, the term ~~A~~ "due  
869 advertisement" means ~~under this section is~~ an advertisement in a  
870 newspaper of general circulation in the area of the improvements  
871 of at least ~~not less than~~ 14 calendar days before ~~prior to~~ the  
872 date of the receipt of bids or the date on which a public  
873 auction is to be held.

874 (9) The department, with the approval of the Chief  
875 Financial Officer, may ~~is authorized to~~ disburse state funds for  
876 real estate closings in a manner consistent with good business  
877 practices and in a manner minimizing costs and risks to the  
878 state.

879 (10) The department may ~~is authorized to~~ purchase title  
880 insurance if in those instances where it determines ~~is~~  
881 ~~determined~~ that such insurance is necessary to protect the  
882 public's investment in property being acquired for  
883 transportation purposes. The department shall adopt procedures  
884 to be followed in making the determination to purchase title

885 insurance for a particular parcel or group of parcels which, at  
 886 a minimum, shall specify ~~set forth~~ criteria that ~~which~~ the  
 887 parcels must meet.

888 (11) This section does not modify the requirements of s.  
 889 73.013.

890 Section 13. Subsection (2) of section 337.251, Florida  
 891 Statutes, is amended to read:

892 337.251 Lease of property for joint public-private  
 893 development and areas above or below department property.-

894 (2) The department may request proposals for the lease of  
 895 such property or, if the department receives a proposal for ~~to~~  
 896 negotiate a lease of a particular department property which it  
 897 desires to consider, the department ~~it~~ shall publish a notice in  
 898 a newspaper of general circulation at least once a week for 2  
 899 weeks, ~~stating that it has received the proposal and will~~  
 900 ~~accept, for 60 days after the date of publication, other~~  
 901 proposals for lease of such property for 120 days after the date  
 902 of publication use of the space. A copy of the notice must be  
 903 mailed to each local government in the affected area. The  
 904 department shall establish by rule an application fee for the  
 905 submission of proposals pursuant to this section. The fee must  
 906 be sufficient to pay the anticipated costs of evaluating the  
 907 proposals. The department may engage the services of private  
 908 consultants to assist in the evaluations. Before approval, the  
 909 department shall determine that the proposed lease:

910 (a) Is in the public's best interest;

911 (b) Does not require that state funds be used; and  
 912 (c) Has adequate safeguards in place to ensure that  
 913 additional costs are not borne and service disruptions are not  
 914 experienced by the traveling public and residents of the state  
 915 in the event of default by the private lessee or upon  
 916 termination or expiration of the lease.

917 Section 14. Subsection (5) of section 338.161, Florida  
 918 Statutes, is amended to read:

919 338.161 Authority of department or toll agencies to  
 920 advertise and promote electronic toll collection; expanded uses  
 921 of electronic toll collection system; authority of department to  
 922 collect tolls, fares, and fees for private and public entities.—

923 (5) If the department finds that it can increase nontoll  
 924 revenues or add convenience or other value for its customers,  
 925 and if a public or private transportation facility owner agrees  
 926 that its facility will become interoperable with the  
 927 department's electronic toll collection and video billing  
 928 systems, the department may ~~is authorized to~~ enter into an  
 929 agreement with the owner of such facility under which the  
 930 department uses ~~private or public entities for the department's~~  
 931 ~~use of~~ its electronic toll collection and video billing systems  
 932 to collect and enforce for the owner tolls, fares,  
 933 administrative fees, and other applicable charges due ~~imposed~~ in  
 934 connection with use of the owner's facility ~~transportation~~  
 935 ~~facilities of the private or public entities that become~~  
 936 ~~interoperable with the department's electronic toll collection~~

937 ~~system~~. The department may modify its rules regarding toll  
 938 collection procedures and the imposition of ~~administrative~~  
 939 charges to be applicable to toll facilities that are not part of  
 940 the turnpike system or otherwise owned by the department. This  
 941 subsection does ~~may not be construed to~~ limit the authority of  
 942 the department under any other ~~provision of~~ law or under any  
 943 agreement entered into before ~~prior to~~ July 1, 2012.

944 Section 15. Subsection (3) of section 338.26, Florida  
 945 Statutes, is amended to read:

946 338.26 Alligator Alley toll road.—

947 (3) (a) Fees generated from tolls shall be deposited in the  
 948 State Transportation Trust Fund and shall be used: ~~and any~~  
 949 ~~amount of funds generated annually in excess of that required~~

950 1. To reimburse outstanding contractual obligations; ~~;~~

951 2. To operate and maintain the highway and toll  
 952 facilities, including reconstruction and restoration; ~~;~~

953 3. To pay for those projects that are funded with  
 954 Alligator Alley toll revenues and that are contained in the  
 955 1993-1994 adopted work program or the 1994-1995 tentative work  
 956 program submitted to the Legislature on February 22, 1994; ~~;~~ ~~and~~

957 4. To design ~~develop~~ and construct ~~operate~~ a fire station  
 958 at mile marker 63 on Alligator Alley, which may be used by a  
 959 county or another local governmental entity to provide fire,  
 960 rescue, and emergency management services to the public on  
 961 adjacent counties along Alligator Alley; ~~and~~

962 5. By interlocal agreement effective July 1, 2014, through

963 no later than June 30, 2018, to reimburse a county or another  
 964 local governmental entity for the direct actual costs of  
 965 operating such fire station.

966 (b) Funds generated annually in excess of those required  
 967 to pay the expenses in paragraph (a)<sup>7</sup> may be transferred to the  
 968 Everglades Fund of the South Florida Water Management District.  
 969 The South Florida Water Management District shall deposit funds  
 970 for projects undertaken pursuant to s. 373.4592 in the  
 971 Everglades Trust Fund pursuant to s. 373.45926(4) (a). Any funds  
 972 remaining in the Everglades Fund may be used for environmental  
 973 projects to restore the natural values of the Everglades,  
 974 subject to compliance with any applicable federal laws and  
 975 regulations. Projects must ~~shall~~ be limited to:

976 1.(a) Highway redesign to allow for improved sheet flow of  
 977 water across the southern Everglades.

978 2.(b) Water conveyance projects to enable more water  
 979 resources to reach Florida Bay to replenish marine estuary  
 980 functions.

981 3.(c) Engineering design plans for wastewater treatment  
 982 facilities as recommended in the Water Quality Protection  
 983 Program Document for the Florida Keys National Marine Sanctuary.

984 4.(d) Acquisition of lands to move STA 3/4 out of the Toe  
 985 of the Boot, provided such lands are located within 1 mile of  
 986 the northern border of STA 3/4.

987 5.(e) Other Everglades Construction Projects as described  
 988 in the February 15, 1994, conceptual design document.

989 Section 16. Section 339.041, Florida Statutes, is created  
 990 to read:

991 339.041 Factoring of revenues from leases for wireless  
 992 communication facilities.-

993 (1) The Legislature finds that efforts to increase funding  
 994 for capital expenditures for the transportation system are  
 995 necessary for the protection of the public safety and general  
 996 welfare and for the preservation of transportation facilities in  
 997 this state. It is, therefore, the intent of the Legislature to:

998 (a) Create a mechanism for factoring future revenues  
 999 received by the department from leases for wireless  
 1000 communication facilities on department property on a nonrecourse  
 1001 basis;

1002 (b) Fund fixed capital expenditures for the statewide  
 1003 transportation system from proceeds generated through this  
 1004 mechanism; and

1005 (c) Maximize revenues from factoring by ensuring that such  
 1006 revenues are exempt from income taxation under federal law in  
 1007 order to increase funds available for capital expenditures.

1008 (2) For the purposes of factoring revenues under this  
 1009 section, department property includes real property located  
 1010 within the department's limited access rights-of-way, property  
 1011 located outside the current operating right-of-way limits which  
 1012 is not needed to support current transportation facilities,  
 1013 other property owned by the Board of Trustees of the Internal  
 1014 Improvement Trust Fund and leased by the department, space on

HB 7175

2014

1015 department telecommunications facilities, and space on  
1016 department structures.

1017 (3) The department may solicit investors willing to enter  
1018 into agreements to purchase the revenue stream from one or more  
1019 existing department leases for wireless communication facilities  
1020 on property owned or controlled by the department through the  
1021 issuance of an invitation to negotiate. Such agreements shall be  
1022 structured as tax-exempt financings for federal income tax  
1023 purposes in order to result in the largest possible payout.

1024 (4) The department may not pledge the credit, the general  
1025 revenues, or the taxing power of the state or of any political  
1026 subdivision of the state. The obligations of the department and  
1027 investors under the agreement do not constitute a general  
1028 obligation of the state or a pledge of the full faith and credit  
1029 or taxing power of the state. The agreement is payable from and  
1030 secured solely by payments received from department leases for  
1031 wireless communication facilities on property owned or  
1032 controlled by the department, and the state or any state agency  
1033 does not have any liability beyond such payments.

1034 (5) The department may make any covenant or representation  
1035 necessary or desirable in connection with the agreement,  
1036 including a commitment by the department to take whatever  
1037 actions are necessary on behalf of investors to enforce the  
1038 department's rights to payments on property leased for wireless  
1039 communications facilities. However, the department may not  
1040 guarantee that revenues actually received in a future year will



1041 be those anticipated in its leases for wireless communication  
 1042 facilities. The department may agree to use its best efforts to  
 1043 ensure that anticipated future-year revenues are protected. Any  
 1044 risk that actual revenues received from department leases for  
 1045 wireless communications facilities will be lower than  
 1046 anticipated shall be borne exclusively by investors.

1047 (6) Subject to annual appropriation, the investors shall  
 1048 collect the lease payments on a schedule and in a manner  
 1049 established in the agreements entered into pursuant to this  
 1050 section between the department and the investors. The agreements  
 1051 may provide for lease payments to be made directly to investors  
 1052 by lessees if the lease agreements entered into by the  
 1053 department and the lessees pursuant to s. 365.172(12)(f) allow  
 1054 direct payment.

1055 (7) Proceeds received by the department from leases for  
 1056 wireless communication facilities shall be deposited in the  
 1057 State Transportation Trust Fund created under s. 206.46 and used  
 1058 for fixed capital expenditures for the statewide transportation  
 1059 system.

1060 Section 17. Paragraphs (a) and (b) of subsection (3),  
 1061 paragraph (a) of subsection (4), and paragraph (c) of subsection  
 1062 (11) of section 339.175, Florida Statutes, are amended to read:

1063 339.175 Metropolitan planning organization.—

1064 (3) VOTING MEMBERSHIP.—

1065 (a) The voting membership of an M.P.O. shall consist of at  
 1066 least ~~not fewer than~~ 5 but not ~~or~~ more than 25 ~~19~~ apportioned

1067 members, with the exact number ~~to be~~ determined on an equitable  
 1068 geographic-population ratio basis ~~by the Governor~~, based on an  
 1069 agreement among the affected units of general-purpose local  
 1070 government and the Governor, as required by federal ~~rules and~~  
 1071 regulations. ~~The Governor~~, In accordance with 23 U.S.C. s. 134,  
 1072 the Governor may also allow ~~provide for~~ M.P.O. members who  
 1073 represent municipalities to alternate with representatives from  
 1074 other municipalities within the metropolitan planning area which  
 1075 ~~that~~ do not have members on the M.P.O. With the exception of  
 1076 instances in which all of the county commissioners in a single-  
 1077 county M.P.O. are members of the M.P.O. governing board, county  
 1078 commissioners ~~commission members~~ shall compose at least not less  
 1079 ~~than~~ one-third of the M.P.O. governing board membership. A  
 1080 multicounty M.P.O. may satisfy this requirement by any  
 1081 combination of county commissioners from each of the counties  
 1082 constituting the M.P.O., ~~except for an M.P.O. with more than 15~~  
 1083 ~~members located in a county with a 5-member county commission or~~  
 1084 ~~an M.P.O. with 19 members located in a county with no more than~~  
 1085 ~~6 county commissioners, in which case county commission members~~  
 1086 ~~may compose less than one-third percent of the M.P.O.~~  
 1087 ~~membership, but all county commissioners must be members. All~~  
 1088 Voting members shall be elected officials of general-purpose  
 1089 local governments, one of whom may represent a group of general-  
 1090 purpose local governments through an entity created by an M.P.O.  
 1091 for that purpose. ~~except that~~ An M.P.O. may include, as part of  
 1092 its apportioned voting members, a member of a statutorily

1093 authorized planning board, an official of an agency that  
 1094 operates or administers a major mode of transportation, or an  
 1095 official of Space Florida. As used in this section, the term  
 1096 "elected officials of a general-purpose local government"  
 1097 excludes ~~shall exclude~~ constitutional officers, including  
 1098 sheriffs, tax collectors, supervisors of elections, property  
 1099 appraisers, clerks of the court, and similar types of officials.  
 1100 County commissioners shall compose not less than 20 percent of  
 1101 the M.P.O. membership if an official of an agency that operates  
 1102 or administers a major mode of transportation has been appointed  
 1103 to an M.P.O.

1104 (b) In metropolitan areas in which authorities or other  
 1105 agencies have been or may be created by law to perform  
 1106 transportation functions and are or will be performing  
 1107 transportation functions that are not under the jurisdiction of  
 1108 a general-purpose local government represented on the M.P.O.,  
 1109 such authorities or other agencies may ~~they shall~~ be provided  
 1110 voting membership on the M.P.O. In all other M.P.O.'s in which  
 1111 ~~where~~ transportation authorities or agencies are to be  
 1112 represented by elected officials from general-purpose local  
 1113 governments, the M.P.O. shall establish a process by which the  
 1114 collective interests of such authorities or other agencies are  
 1115 expressed and conveyed.

1116 (4) APPORTIONMENT.—

1117 (a) Each M.P.O. shall review the composition of its  
 1118 membership in conjunction with the decennial census, as prepared

1119 | by the United States Department of Commerce, Bureau of the  
 1120 | Census, and with the agreement of the Governor and the affected  
 1121 | general-purpose local government units that constitute the  
 1122 | existing M.P.O., reapportion the membership as necessary to  
 1123 | comply with subsection (3) ~~The Governor shall, with the~~  
 1124 | ~~agreement of the affected units of general-purpose local~~  
 1125 | ~~government as required by federal rules and regulations,~~  
 1126 | ~~apportion the membership on the applicable M.P.O. among the~~  
 1127 | ~~various governmental entities within the area.~~ At the request of  
 1128 | a majority of the affected units of general-purpose local  
 1129 | government comprising an M.P.O., the Governor and a majority of  
 1130 | units of general-purpose local government serving on an M.P.O.  
 1131 | shall cooperatively agree upon and prescribe who may serve as an  
 1132 | alternate member and a method for appointing alternate members,  
 1133 | who may vote at any M.P.O. meeting that he or she ~~an alternate~~  
 1134 | ~~member~~ attends in place of a regular member. The method must  
 1135 | ~~shall~~ be set forth as a part of the interlocal agreement  
 1136 | describing the M.P.O. ~~M.P.O.'s~~ membership or in the ~~M.P.O.'s~~  
 1137 | operating procedures and bylaws of the M.P.O. The governmental  
 1138 | entity so designated shall appoint the appropriate number of  
 1139 | members to the M.P.O. from eligible officials. Representatives  
 1140 | of the department shall serve as nonvoting advisers to the  
 1141 | M.P.O. governing board. Additional nonvoting advisers may be  
 1142 | appointed by the M.P.O. as deemed necessary; however, to the  
 1143 | maximum extent feasible, each M.P.O. shall seek to appoint  
 1144 | nonvoting representatives of various multimodal forms of

1145 transportation not otherwise represented by voting members of  
 1146 the M.P.O. An M.P.O. shall appoint nonvoting advisers  
 1147 representing major military installations located within the  
 1148 jurisdictional boundaries of the M.P.O. upon the request of the  
 1149 aforesaid major military installations and subject to the  
 1150 agreement of the M.P.O. All nonvoting advisers may attend and  
 1151 participate fully in governing board meetings but may not vote  
 1152 or be members of the governing board. ~~The Governor shall review~~  
 1153 ~~the composition of the M.P.O. membership in conjunction with the~~  
 1154 ~~decennial census as prepared by the United States Department of~~  
 1155 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~  
 1156 ~~to comply with subsection (3).~~

1157 (11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

1158 (c) The powers and duties of the Metropolitan Planning  
 1159 Organization Advisory Council are to:

- 1160 1. Enter into contracts with individuals, private  
 1161 corporations, and public agencies.
- 1162 2. Acquire, own, operate, maintain, sell, or lease  
 1163 personal property essential for the conduct of business.
- 1164 3. Accept funds, grants, assistance, gifts, or bequests  
 1165 from private, local, state, or federal sources.
- 1166 4. Establish bylaws by action of its governing board  
 1167 providing procedural rules to guide its proceedings and  
 1168 consideration of matters before the council, or, alternatively,  
 1169 ~~and~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to  
 1170 implement provisions of law conferring powers or duties upon it.

1171 5. Assist M.P.O.'s in carrying out the urbanized area  
 1172 transportation planning process by serving as the principal  
 1173 forum for collective policy discussion pursuant to law.

1174 6. Serve as a clearinghouse for review and comment by  
 1175 M.P.O.'s on the Florida Transportation Plan and on other issues  
 1176 required to comply with federal or state law in carrying out the  
 1177 urbanized area transportation and systematic planning processes  
 1178 instituted pursuant to s. 339.155.

1179 7. Employ an executive director and such other staff as  
 1180 necessary to perform adequately the functions of the council,  
 1181 within budgetary limitations. The executive director and staff  
 1182 are exempt from part II of chapter 110 and serve at the  
 1183 direction and control of the council. The council is assigned to  
 1184 the Office of the Secretary of the Department of Transportation  
 1185 for fiscal and accountability purposes, but it shall otherwise  
 1186 function independently of the control and direction of the  
 1187 department.

1188 8. Adopt an agency strategic plan that prioritizes steps  
 1189 ~~provides the priority directions~~ the agency will take to carry  
 1190 out its mission within the context of the state comprehensive  
 1191 plan and any other statutory mandates and directives ~~directions~~  
 1192 ~~given to the agency.~~

1193 Section 18. Paragraph (a) of subsection (1) and  
 1194 subsections (4) and (5) of section 339.2821, Florida Statutes,  
 1195 are amended to read:

1196 339.2821 Economic development transportation projects.—

1197 (1) (a) The department, in consultation with the Department  
 1198 of Economic Opportunity and Enterprise Florida, Inc., may make  
 1199 and approve expenditures and contract with the appropriate  
 1200 governmental body for the direct costs of transportation  
 1201 projects. The Department of Economic Opportunity and the  
 1202 Department of Environmental Protection may formally review and  
 1203 comment on recommended transportation projects, although the  
 1204 department has final approval authority for any project  
 1205 authorized under this section.

1206 (4) A contract between the department and a governmental  
 1207 body for a transportation project must:

1208 (a) Specify that the transportation project is for the  
 1209 construction of a new or expanding business and specify the  
 1210 number of full-time permanent jobs that will result from the  
 1211 project.

1212 (b) Identify the governmental body and require that the  
 1213 governmental body award the construction of the particular  
 1214 transportation project to the lowest and best bidder in  
 1215 accordance with applicable state and federal statutes or rules  
 1216 unless the transportation project can be constructed using  
 1217 existing local governmental employees within the contract period  
 1218 specified by the department.

1219 (c) Require that the governmental body provide the  
 1220 department with ~~quarterly~~ progress reports. Each ~~quarterly~~  
 1221 progress report must contain:

1222 1. A narrative description of the work completed and

1223 whether the work is proceeding according to the transportation  
 1224 project schedule;

1225 2. A description of each change order executed by the  
 1226 governmental body;

1227 3. A budget summary detailing planned expenditures  
 1228 compared to actual expenditures; and

1229 4. The identity of each small or minority business used as  
 1230 a contractor or subcontractor.

1231 (d) Require that the governmental body make and maintain  
 1232 records in accordance with accepted governmental accounting  
 1233 principles and practices for each progress payment made for work  
 1234 performed in connection with the transportation project, each  
 1235 change order executed by the governmental body, and each payment  
 1236 made pursuant to a change order. The records are subject to  
 1237 financial audit as required by law.

1238 (e) Require that the governmental body, upon completion  
 1239 and acceptance of the transportation project, certify to the  
 1240 department that the transportation project has been completed in  
 1241 compliance with the terms and conditions of the contract between  
 1242 the department and the governmental body and meets the minimum  
 1243 construction standards established in accordance with s.  
 1244 336.045.

1245 (f) Specify that ~~the department transfer funds~~ will not be  
 1246 transferred to the governmental body unless construction has  
 1247 begun on the facility of the ~~not more often than quarterly, upon~~  
 1248 ~~receipt of a request for funds from the governmental body and~~



1249 ~~consistent with the needs of the transportation project. The~~  
 1250 ~~governmental body shall expend funds received from the~~  
 1251 ~~department in a timely manner. The department may not transfer~~  
 1252 ~~funds unless construction has begun on the facility of a~~  
 1253 ~~business on whose behalf the award was made. The grant award~~  
 1254 ~~shall be terminated if construction of the transportation~~  
 1255 ~~project does not begin within 4 years after the date of the~~  
 1256 ~~initial grant award A contract totaling less than \$200,000 is~~  
 1257 ~~exempt from the transfer requirement.~~

1258 (g) Require that funds be used only on a transportation  
 1259 project that has been properly reviewed and approved in  
 1260 accordance with the criteria provided ~~set forth~~ in this section.

1261 (h) Require that the governing board of the governmental  
 1262 body adopt a resolution accepting future maintenance and other  
 1263 attendant costs occurring after completion of the transportation  
 1264 project if the transportation project is constructed on a county  
 1265 or municipal system.

1266 (5) For purposes of this section, Space Florida may serve  
 1267 as the governmental body or as the contracting agency for a  
 1268 ~~transportation~~ project within a spaceport territory as defined  
 1269 by s. 331.304.

1270 Section 19. Sections 339.401, 339.402, 339.403, 339.404,  
 1271 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411,  
 1272 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419,  
 1273 339.420, and 339.421, Florida Statutes, are repealed.

1274 Section 20. Paragraph (d) of subsection (3) of section

1275 343.82, Florida Statutes, is amended to read:

1276 343.82 Purposes and powers.—

1277 (3)

1278 (d) The authority may undertake projects or other  
 1279 improvements in the master plan in phases as particular projects  
 1280 or segments thereof become feasible, as determined by the  
 1281 authority. In carrying out its purposes and powers, the  
 1282 authority may request funding and technical assistance from the  
 1283 department and appropriate federal and local agencies,  
 1284 including, but not limited to, state infrastructure bank loans,  
 1285 ~~advances from the Toll Facilities Revolving Trust Fund, and from~~  
 1286 ~~any other sources.~~

1287 Section 21. Subsection (4) of section 343.922, Florida  
 1288 Statutes, is amended to read:

1289 343.922 Powers and duties.—

1290 (4) The authority may undertake projects or other  
 1291 improvements in the master plan in phases as particular projects  
 1292 or segments become feasible, as determined by the authority. The  
 1293 authority shall coordinate project planning, development, and  
 1294 implementation with the applicable local governments. The  
 1295 authority's projects that are transportation oriented must ~~shall~~  
 1296 be consistent to the maximum extent feasible with the adopted  
 1297 local government comprehensive plans at the time such projects  
 1298 ~~they~~ are funded for construction. Authority projects that are  
 1299 not transportation oriented and meet the definition of  
 1300 development pursuant to s. 380.04 must ~~shall~~ be consistent with

HB 7175

2014

1301 the local comprehensive plans. In carrying out its purposes and  
1302 powers, the authority may request funding and technical  
1303 assistance from the department and appropriate federal and local  
1304 agencies, including, but not limited to, state infrastructure  
1305 bank loans, ~~advances from the Toll Facilities Revolving Trust~~  
1306 ~~Fund, and funding and technical assistance from any other~~  
1307 ~~source.~~

1308 Section 22. Section 373.4137, Florida Statutes, is amended  
1309 to read:

1310 373.4137 Mitigation requirements for specified  
1311 transportation projects.—

1312 (1) The Legislature finds that environmental mitigation  
1313 for the impact of transportation projects proposed by the  
1314 Department of Transportation or a transportation authority  
1315 established pursuant to chapter 348 or chapter 349 can be more  
1316 effectively achieved by regional, long-range mitigation planning  
1317 rather than on a project-by-project basis. It is the intent of  
1318 the Legislature that mitigation to offset the adverse effects of  
1319 these transportation projects be funded by the Department of  
1320 Transportation and be carried out by the use of mitigation banks  
1321 and any other mitigation options that satisfy state and federal  
1322 requirements in a manner that promotes efficiency, timeliness in  
1323 project delivery, and cost-effectiveness.

1324 (2) Environmental impact inventories for transportation  
1325 projects proposed by the Department of Transportation or a  
1326 transportation authority established pursuant to chapter 348 or

1327 chapter 349 shall be developed as follows:

1328 (a) By July 1 of each year, the Department of  
 1329 Transportation, or a transportation authority established  
 1330 pursuant to chapter 348 or chapter 349 which chooses to  
 1331 participate in the program, shall submit to the water management  
 1332 districts a list of its projects in the adopted work program and  
 1333 an environmental impact inventory of habitat impacts and the  
 1334 anticipated mitigation needed to offset impacts as described in  
 1335 paragraph (b). The environmental impact inventory must be based  
 1336 on habitats addressed in the rules adopted pursuant to this  
 1337 part, and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and  
 1338 the Department of Transportation's which may be impacted by its  
 1339 plan of construction for transportation projects in the next 3  
 1340 years of the tentative work program. The Department of  
 1341 Transportation or a transportation authority established  
 1342 pursuant to chapter 348 or chapter 349 may also include in its  
 1343 environmental impact inventory the habitat impacts and the  
 1344 anticipated amount of mitigation needed for ~~of~~ any future  
 1345 transportation project. The Department of Transportation and  
 1346 each transportation authority established pursuant to chapter  
 1347 348 or chapter 349 may fund any mitigation activities for future  
 1348 projects using current year funds.

1349 (b) The environmental impact inventory must ~~shall~~ include  
 1350 a description of ~~these~~ habitat impacts, including ~~their~~  
 1351 location, acreage, and type; the anticipated mitigation needed  
 1352 based on the functional loss as determined through the uniform

1353 mitigation assessment method adopted by the Department of  
 1354 Environmental Protection by rule pursuant to s. 373.414(18);  
 1355 identification of the proposed mitigation option; state water  
 1356 quality classification of impacted wetlands and other surface  
 1357 waters; any other state or regional designations for these  
 1358 habitats; and a list of threatened species, endangered species,  
 1359 and species of special concern affected by the proposed project.

1360 (c) Before projects are identified for inclusion in a  
 1361 water management district mitigation plan as described in  
 1362 subsection (4), the Department of Transportation must consider  
 1363 using credits from a permitted mitigation bank. The Department  
 1364 of Transportation must consider the availability of suitable and  
 1365 sufficient mitigation bank credits within the transportation  
 1366 project's area, the ability to satisfy commitments to regulatory  
 1367 and resource agencies, the availability of suitable and  
 1368 sufficient mitigation purchased or developed under this section,  
 1369 the ability to complete suitable existing water management  
 1370 district or Department of Environmental Protection mitigation  
 1371 sites initiated with Department of Transportation mitigation  
 1372 funds, and the ability to satisfy state and federal  
 1373 requirements, including long-term maintenance and liability.

1374 (3) (a) To implement the mitigation option ~~fund development~~  
 1375 ~~and implementation of the mitigation plan for the projected~~  
 1376 ~~impacts~~ identified in the environmental impact inventory  
 1377 described in subsection (2), the Department of Transportation  
 1378 may purchase credits for current and future use directly from a

1379 mitigation bank, purchase mitigation services through the water  
 1380 management districts or the Department of Environmental  
 1381 Protection, conduct its own mitigation, or use other mitigation  
 1382 options that meet state and federal requirements. Funding for  
 1383 the identified mitigation option as described in the  
 1384 environmental impact inventory must be included in shall  
 1385 ~~identify funds quarterly in an escrow account within the State~~  
 1386 ~~Transportation Trust Fund for the environmental mitigation phase~~  
 1387 ~~of projects budgeted by the Department of Transportation's work~~  
 1388 ~~program developed pursuant to s. 339.135 Transportation for the~~  
 1389 ~~current fiscal year. The amount programmed each year by the~~  
 1390 ~~Department of Transportation and participating transportation~~  
 1391 ~~authorities established pursuant to chapter 348 or chapter 349~~  
 1392 ~~must correspond to an estimated cost to mitigate for the~~  
 1393 ~~functional loss identified in the environmental impact inventory~~  
 1394 ~~described in subsection (2) The escrow account shall be~~  
 1395 ~~maintained by the Department of Transportation for the benefit~~  
 1396 ~~of the water management districts. Any interest earnings from~~  
 1397 ~~the escrow account shall remain with the Department of~~  
 1398 ~~Transportation.~~

1399 (b) Each transportation authority established pursuant to  
 1400 chapter 348 or chapter 349 which ~~that~~ chooses to participate in  
 1401 this program shall create an escrow account within its financial  
 1402 structure and deposit funds in the account to pay for the  
 1403 environmental mitigation phase of projects budgeted for the  
 1404 current fiscal year. The escrow account shall be maintained by

HB 7175

2014

1405 the authority for the benefit of the water management districts.  
1406 Any interest earnings from the escrow account must ~~shall~~ remain  
1407 with the authority.

1408 (c) For mitigation implemented by the water management  
1409 district or the Department of Environmental Protection, as  
1410 appropriate, the amount paid each year must be based on  
1411 mitigation services provided by the water management districts  
1412 or the Department of Environmental Protection pursuant to an  
1413 approved water management district mitigation plan, as described  
1414 in subsection (4). ~~Except for current mitigation projects in the~~  
1415 ~~monitoring and maintenance phase and except as allowed by~~  
1416 ~~paragraph (d),~~ The water management districts or the Department  
1417 of Environmental Protection, as appropriate, may request payment  
1418 ~~a transfer of funds from an escrow account~~ no sooner than 30  
1419 days before the date the funds are needed to pay for activities  
1420 associated with development or implementation of permitted  
1421 mitigation that meets the requirements of this part, 33 U.S.C.  
1422 s. 1344, and 33 C.F.R. part 332, in the approved water  
1423 management district mitigation plan described in subsection (4)  
1424 ~~for the current fiscal year, including, but not limited to,~~  
1425 ~~design, engineering, production, and staff support. Actual~~  
1426 ~~conceptual plan preparation costs incurred before plan approval~~  
1427 ~~may be submitted to the Department of Transportation or the~~  
1428 ~~appropriate transportation authority each year with the plan.~~  
1429 ~~The conceptual plan preparation costs of each water management~~  
1430 ~~district will be paid from mitigation funds associated with the~~

HB 7175

2014

1431 ~~environmental impact inventory for the current year. The amount~~  
1432 ~~transferred to the escrow accounts each year by the Department~~  
1433 ~~of Transportation and participating transportation authorities~~  
1434 ~~established pursuant to chapter 348 or chapter 349 shall~~  
1435 ~~correspond to a cost per acre of \$75,000 multiplied by the~~  
1436 ~~projected acres of impact identified in the environmental impact~~  
1437 ~~inventory described in subsection (2). However, the \$75,000 cost~~  
1438 ~~per acre does not constitute an admission against interest by~~  
1439 ~~the state or its subdivisions and is not admissible as evidence~~  
1440 ~~of full compensation for any property acquired by eminent domain~~  
1441 ~~or through inverse condemnation. Each July 1, the cost per acre~~  
1442 ~~shall be adjusted by the percentage change in the average of the~~  
1443 ~~Consumer Price Index issued by the United States Department of~~  
1444 ~~Labor for the most recent 12-month period ending September 30,~~  
1445 ~~compared to the base year average, which is the average for the~~  
1446 ~~12-month period ending September 30, 1996. Each quarter, The~~  
1447 ~~projected amount of mitigation acreage of impact shall be~~  
1448 ~~reconciled each quarter with the actual amount of mitigation~~  
1449 ~~needed for acreage of impact of projects as permitted, including~~  
1450 ~~permit modifications, pursuant to this part and s. 404 of the~~  
1451 ~~Clean Water Act, 33 U.S.C. s. 1344. The subject year's~~  
1452 ~~programming ~~transfer~~ of funds shall be adjusted ~~accordingly~~ to~~  
1453 ~~reflect the mitigation acreage of impacts as permitted. If the~~  
1454 ~~water management district excludes a project from an approved~~  
1455 ~~water management district mitigation plan, if the water~~  
1456 ~~management district cannot timely permit a mitigation site to~~



HB 7175

2014

1457 offset the impacts of a Department of Transportation project  
1458 identified in the environmental impact inventory, or if the  
1459 proposed mitigation does not meet state and federal  
1460 requirements, the Department of Transportation may use the  
1461 associated funds for the purchase of mitigation bank credits or  
1462 any other mitigation option that satisfies state and federal  
1463 requirements. ~~The Department of Transportation and participating~~  
1464 ~~transportation authorities established pursuant to chapter 348~~  
1465 ~~or chapter 349 are authorized to transfer such funds from the~~  
1466 ~~escrow accounts to the water management districts to carry out~~  
1467 ~~the mitigation programs. Environmental mitigation funds that are~~  
1468 ~~identified for or maintained in an escrow account for the~~  
1469 ~~benefit of a water management district may be released if the~~  
1470 ~~associated transportation project is excluded in whole or part~~  
1471 ~~from the mitigation plan. For a mitigation project that is in~~  
1472 ~~the maintenance and monitoring phase, the water management~~  
1473 ~~district may request and receive a one-time payment based on the~~  
1474 ~~project's expected future maintenance and monitoring costs. Upon~~  
1475 final disbursement of the final maintenance and monitoring  
1476 payment for mitigation of a transportation project as permitted,  
1477 the obligation of the Department of Transportation or the  
1478 participating transportation authority is satisfied, and the  
1479 water management district or the Department of Environmental  
1480 Protection, as appropriate, has continuing responsibility for  
1481 the mitigation project, ~~the escrow account for the project~~  
1482 ~~established by the Department of Transportation or the~~

HB 7175

2014

1483 ~~participating transportation authority may be closed. Any~~  
1484 ~~interest earned on these disbursed funds shall remain with the~~  
1485 ~~water management district and must be used as authorized under~~  
1486 ~~this section.~~

1487 (d) Beginning with the March 2015 water management  
1488 district mitigation plans in the 2005-2006 fiscal year, each  
1489 water management district or the Department of Environmental  
1490 Protection, as appropriate, shall invoice the Department of  
1491 Transportation for mitigation services to offset only the  
1492 impacts of a Department of Transportation project identified in  
1493 the environmental impact inventory, including planning, design,  
1494 construction, maintenance and monitoring, and other costs  
1495 necessary to meet the requirements of this section, 33 U.S.C. s.  
1496 1344, and 33 C.F.R. part 332 be paid a lump-sum amount of  
1497 \$75,000 per acre, adjusted as provided under paragraph (c), for  
1498 federally funded transportation projects that are included on  
1499 the environmental impact inventory and that have an approved  
1500 mitigation plan. If the water management district identifies the  
1501 use of mitigation bank credits to offset a Department of  
1502 Transportation impact, the water management district shall  
1503 exclude that purchase from the mitigation plan, and the  
1504 Department of Transportation shall purchase the bank credits.  
1505 ~~Beginning in the 2009-2010 fiscal year, each water management~~  
1506 ~~district shall be paid a lump-sum amount of \$75,000 per acre,~~  
1507 ~~adjusted as provided under paragraph (c), for federally funded~~  
1508 ~~and nonfederally funded transportation projects that have an~~

HB 7175

2014

1509 ~~approved mitigation plan. All mitigation costs, including, but~~  
1510 ~~not limited to, the costs of preparing conceptual plans and the~~  
1511 ~~costs of design, construction, staff support, future~~  
1512 ~~maintenance, and monitoring the mitigated acres shall be funded~~  
1513 ~~through these lump-sum amounts.~~

1514 (e) For mitigation activities occurring on existing water  
1515 management district or Department of Environmental Protection  
1516 mitigation sites initiated with Department of Transportation  
1517 mitigation funds before July 1, 2013, the water management  
1518 district or the Department of Environmental Protection, as  
1519 appropriate, shall invoice the Department of Transportation or a  
1520 participating transportation authority at a cost per acre of  
1521 \$75,000 multiplied by the projected acres of impact as  
1522 identified in the environmental impact inventory. The cost per  
1523 acre must be adjusted by the percentage change in the average of  
1524 the Consumer Price Index issued by the United States Department  
1525 of Labor for the most recent 12-month period ending September  
1526 30, compared to the base year average, which is the average for  
1527 the 12-month period ending September 30, 1996. When implementing  
1528 the mitigation activities necessary to offset the permitted  
1529 impacts as provided in the approved mitigation plan, the water  
1530 management district shall maintain records of the costs incurred  
1531 in implementing the mitigation. The records must include, but  
1532 are not limited to, costs for planning, land acquisition,  
1533 design, construction, staff support, long-term maintenance and  
1534 monitoring of the mitigation site, and other costs necessary to

HB 7175

2014

1535 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part  
1536 332.

1537 (f) For purposes of preparing and implementing the  
1538 mitigation plans to be adopted by the water management districts  
1539 on or before March 1, 2014, for impacts based on the July 1,  
1540 2013, environmental impact inventory, the funds identified in  
1541 the Department of Transportation's work program or participating  
1542 transportation authorities' escrow accounts must correspond to a  
1543 cost per acre of \$75,000 multiplied by the projected acres of  
1544 impact as identified in the environmental impact inventory. The  
1545 cost per acre must be adjusted by the percentage change in the  
1546 average of the Consumer Price Index issued by the United States  
1547 Department of Labor for the most recent 12-month period ending  
1548 September 30, compared to the base year average, which is the  
1549 average for the 12-month period ending September 30, 1996.  
1550 Payment under this paragraph is limited to mitigation activities  
1551 that are identified in the first year of the 2013 mitigation  
1552 plan and for which the transportation project is permitted and  
1553 are in the Department of Transportation's adopted work program,  
1554 or equivalent for a transportation authority. When implementing  
1555 the mitigation activities necessary to offset the permitted  
1556 impacts as provided in the approved mitigation plan, the water  
1557 management district shall maintain records of the costs incurred  
1558 in implementing the mitigation. The records must include, but  
1559 are not limited to, costs for planning, land acquisition,  
1560 design, construction, staff support, long-term maintenance and

1561 monitoring of the mitigation site, and other costs necessary to  
 1562 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part  
 1563 332. To the extent moneys paid to a water management district by  
 1564 the Department of Transportation or a participating  
 1565 transportation authority are greater than the amount spent by  
 1566 the water management districts in implementing the mitigation to  
 1567 offset the permitted impacts, these funds must be refunded to  
 1568 the Department of Transportation or participating transportation  
 1569 authority. This paragraph expires June 30, 2015.

1570 (4) Before March 1 of each year, each water management  
 1571 district shall develop a mitigation plan to offset only the  
 1572 impacts of transportation projects in the environmental impact  
 1573 inventory for which a water management district is implementing  
 1574 mitigation that meets the requirements of this section, 33  
 1575 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management  
 1576 district mitigation plan must be developed, in consultation with  
 1577 the Department of Environmental Protection, the United States  
 1578 Army Corps of Engineers, the Department of Transportation,  
 1579 participating transportation authorities established pursuant to  
 1580 chapter 348 or chapter 349, ~~and~~ other appropriate federal,  
 1581 state, and local governments, and other interested parties,  
 1582 including entities operating mitigation banks, ~~shall develop a~~  
 1583 ~~plan for the primary purpose of complying with the mitigation~~  
 1584 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~  
 1585 ~~1344.~~ In developing such plans, the water management districts  
 1586 shall use sound ecosystem management practices to address

HB 7175

2014

1587 significant water resource needs and consider ~~shall focus on~~  
1588 activities of the Department of Environmental Protection and the  
1589 water management districts, such as surface water improvement  
1590 and management (SWIM) projects and lands identified for  
1591 potential acquisition for preservation, restoration, or  
1592 enhancement, and the control of invasive and exotic plants in  
1593 wetlands and other surface waters, to the extent that the  
1594 activities comply with the mitigation requirements adopted under  
1595 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The  
1596 water management district mitigation plan must identify each  
1597 site where the water management district will mitigate for a  
1598 transportation project. For each mitigation site, the water  
1599 management district shall provide the scope of the mitigation  
1600 services; provide the functional gain as determined through the  
1601 uniform mitigation assessment method adopted by the Department  
1602 of Environmental Protection by rule pursuant to s. 373.414(18);  
1603 describe how the mitigation offsets the impacts of each  
1604 transportation project as permitted; and provide a schedule for  
1605 the mitigation services. The water management districts shall  
1606 maintain records of costs incurred and payments received for  
1607 providing these services. Records must include, but are not  
1608 limited to, planning, land acquisition, design, construction,  
1609 staff support, long-term maintenance and monitoring of the  
1610 mitigation site, and other costs necessary to meet the  
1611 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the  
1612 extent moneys paid to a water management district by the

1613 Department of Transportation or a participating transportation  
 1614 authority are greater than the amount spent by the water  
 1615 management districts in providing the mitigation services to  
 1616 offset the permitted transportation project impacts, these  
 1617 moneys must be refunded to the Department of Transportation or  
 1618 participating transportation authority ~~In determining the~~  
 1619 ~~activities to be included in the plans, the districts shall~~  
 1620 ~~consider the purchase of credits from public or private~~  
 1621 ~~mitigation banks permitted under s. 373.4136 and associated~~  
 1622 ~~federal authorization and shall include the purchase as a part~~  
 1623 ~~of the mitigation plan when the purchase would offset the impact~~  
 1624 ~~of the transportation project, provide equal benefits to the~~  
 1625 ~~water resources than other mitigation options being considered,~~  
 1626 ~~and provide the most cost-effective mitigation option. The~~  
 1627 mitigation plan shall be submitted to the water management  
 1628 district governing board~~,~~ or its designee~~,~~ for review and  
 1629 approval. At least 14 days before approval by the governing  
 1630 board, the water management district shall provide a copy of the  
 1631 draft mitigation plan to the Department of Environmental  
 1632 Protection and any person who has requested a copy. Subsequent  
 1633 to the governing board approval, the mitigation plan shall be  
 1634 submitted to the Department of Environmental Protection for  
 1635 approval. The plan may not be implemented until it is submitted  
 1636 to~~,~~ and approved~~,~~ in part or in its entirety~~,~~ by~~,~~ the Department  
 1637 of Environmental Protection.

1638 ~~(a) For each transportation project with a funding request~~

HB 7175

2014

1639 ~~for the next fiscal year, the mitigation plan must include a~~  
1640 ~~brief explanation of why a mitigation bank was or was not chosen~~  
1641 ~~as a mitigation option, including an estimation of identifiable~~  
1642 ~~costs of the mitigation bank and nonbank options and other~~  
1643 ~~factors such as time saved, liability for success of the~~  
1644 ~~mitigation, and long-term maintenance.~~

1645 (a) ~~(b)~~ Specific projects may be excluded from the  
1646 mitigation plan, in whole or in part, and are not subject to  
1647 this section upon the election of the Department of  
1648 Transportation, a transportation authority if applicable, or the  
1649 appropriate water management district. The Department of  
1650 Transportation or a participating transportation authority may  
1651 not exclude a transportation project from the mitigation plan if  
1652 mitigation is scheduled for implementation by the water  
1653 management district in the current fiscal year unless the  
1654 transportation project is removed from the Department of  
1655 Transportation's work program or transportation authority  
1656 funding plan, the mitigation cannot be timely permitted to  
1657 offset the impacts of a Department of Transportation project  
1658 identified in the environmental impact inventory, or the  
1659 proposed mitigation does not meet state and federal  
1660 requirements. If a project is removed from the work program or  
1661 the mitigation plan, costs spent by the water management  
1662 district before removal are eligible for reimbursement by the  
1663 Department of Transportation or participating transportation  
1664 authority.

Page 64 of 128

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

hb7175-00



HB 7175

2014

1665 ~~(b)(e)~~ When determining which projects to include in or  
1666 exclude from the mitigation plan, the Department of  
1667 Transportation shall investigate using credits from a permitted  
1668 mitigation bank before those projects are submitted for  
1669 inclusion in a water management district mitigation ~~the~~ plan.  
1670 The Department of Transportation shall exclude a project from  
1671 the mitigation plan if the investigation undertaken pursuant to  
1672 this paragraph results in the conclusion that the use of credits  
1673 from a permitted mitigation bank promotes efficiency, timeliness  
1674 in project delivery, ~~The investigation shall consider the cost-~~  
1675 ~~effectiveness, and of mitigation bank credits, including, but~~  
1676 ~~not limited to, factors such as time saved, transfer of~~  
1677 ~~liability for success of the mitigation, and long-term~~  
1678 maintenance.

1679 (5) The water management district shall ensure that  
1680 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33  
1681 C.F.R. part 332 are met for the impacts identified in the  
1682 environmental impact inventory for which the water management  
1683 district will implement mitigation described in subsection (2),  
1684 by implementation of the approved mitigation plan described in  
1685 subsection (4) to the extent funding is provided by the  
1686 Department of Transportation, or a transportation authority  
1687 established pursuant to chapter 348 or chapter 349, if  
1688 applicable. In developing and implementing the mitigation plan,  
1689 the water management district shall comply with federal  
1690 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33

HB 7175

2014

1691 C.F.R. part 332. During the federal permitting process, the  
1692 water management district may deviate from the approved  
1693 mitigation plan in order to comply with federal permitting  
1694 requirements upon notice and coordination with the Department of  
1695 Transportation or participating transportation authority.

1696 (6) The water management district mitigation plans shall  
1697 be updated annually to reflect the most current Department of  
1698 Transportation work program and project list of a transportation  
1699 authority established pursuant to chapter 348 or chapter 349, if  
1700 applicable, and may be amended throughout the year to anticipate  
1701 schedule changes or additional projects that ~~which~~ may arise.  
1702 Before amending the mitigation plan to include new projects, the  
1703 Department of Transportation must consider mitigation banks and  
1704 other available mitigation options that meet state and federal  
1705 requirements. Each update and amendment of the mitigation plan  
1706 shall be submitted to the governing board of the water  
1707 management district or its designee for approval. However, such  
1708 approval shall not apply ~~be applicable~~ to a deviation as  
1709 described in subsection (5).

1710 (7) Upon approval by the governing board of the water  
1711 management district and the Department of Environmental  
1712 Protection ~~or its designee~~, the mitigation plan shall ~~be deemed~~  
1713 ~~to~~ satisfy the mitigation requirements under this part for  
1714 impacts specifically identified in the environmental impact  
1715 inventory described in subsection (2) and any other mitigation  
1716 requirements imposed by local, regional, and state agencies for

1717 these same impacts. The approval of the governing board of the  
 1718 water management district and the Department of Environmental  
 1719 Protection authorizes ~~or its designee shall authorize~~ the  
 1720 activities proposed in the mitigation plan, and no other state,  
 1721 regional, or local permit or approval is ~~shall be~~ necessary.

1722 (8) This section does ~~shall not be construed to~~ eliminate  
 1723 the need for the Department of Transportation or a  
 1724 transportation authority established pursuant to chapter 348 or  
 1725 chapter 349 to comply with the requirement to implement  
 1726 practicable design modifications, including realignment of  
 1727 transportation projects, to reduce or eliminate the impacts of  
 1728 its transportation projects on wetlands and other surface waters  
 1729 as required by rules adopted pursuant to this part, or to  
 1730 diminish the authority under this part to regulate other  
 1731 impacts, including water quantity or water quality impacts, or  
 1732 impacts regulated under this part which ~~that~~ are not identified  
 1733 in the environmental impact inventory described in subsection  
 1734 (2).

1735 ~~(9) The process for environmental mitigation for the~~  
 1736 ~~impact of transportation projects under this section shall be~~  
 1737 ~~available to an expressway, bridge, or transportation authority~~  
 1738 ~~established under chapter 348 or chapter 349. Use of this~~  
 1739 ~~process may be initiated by an authority depositing the~~  
 1740 ~~requisite funds into an escrow account set up by the authority~~  
 1741 ~~and filing an environmental impact inventory with the~~  
 1742 ~~appropriate water management district. An authority that~~

1743 ~~initiates the environmental mitigation process established by~~  
 1744 ~~this section shall comply with subsection (6) by timely~~  
 1745 ~~providing the appropriate water management district with the~~  
 1746 ~~requisite work program information. A water management district~~  
 1747 ~~may draw down funds from the escrow account as provided in this~~  
 1748 ~~section.~~

1749 Section 23. Section 373.618, Florida Statutes, is amended  
 1750 to read:

1751 373.618 Public service warnings, alerts, and  
 1752 announcements.—The Legislature believes it is in the public  
 1753 interest that all water management districts created pursuant to  
 1754 s. 373.069 own, acquire, develop, construct, operate, and manage  
 1755 public information systems. Public information systems may be  
 1756 located on property owned by the water management district, upon  
 1757 terms and conditions approved by the water management district,  
 1758 and must display messages to the general public concerning water  
 1759 management services, activities, events, and sponsors, as well  
 1760 as other public service announcements, including watering  
 1761 restrictions, severe weather reports, amber alerts, and other  
 1762 essential information needed by the public. Local government  
 1763 review or approval is not required for a public information  
 1764 system owned or hereafter acquired, developed, or constructed by  
 1765 the water management district on its own property. A public  
 1766 information system is subject to ~~exempt from~~ the requirements of  
 1767 the Highway Beautification Act of 1965 and all Federal Laws and  
 1768 agreements, when applicable ~~chapter 479~~. Water management

1769 district funds may not be used to pay the cost to acquire,  
 1770 develop, construct, operate, or manage a public information  
 1771 system. Any necessary funds for a public information system  
 1772 shall be paid for and collected from private sponsors who may  
 1773 display commercial messages.

1774 Section 24. Section 479.01, Florida Statutes, is amended  
 1775 to read:

1776 479.01 Definitions.—As used in this chapter, the term:

1777 (1) "Allowable uses" means the intended uses identified in  
 1778 a local government's land development regulations which ~~these~~  
 1779 ~~uses that~~ are authorized within a zoning category as a use by  
 1780 right, without the requirement to obtain a variance or waiver.

1781 The term includes conditional uses and those allowed by special  
 1782 exception if such uses are a present and actual use, but does  
 1783 not include uses that are accessory, ancillary, incidental to  
 1784 the allowable uses, or allowed only on a temporary basis.

1785 (2) "Automatic changeable facing" means a facing that is  
 1786 capable of delivering two or more advertising messages through  
 1787 an automated or remotely controlled process.

1788 (3) "Business of outdoor advertising" means the business  
 1789 of ~~constructing, erecting, operating, using,~~ maintaining,  
 1790 leasing, or selling outdoor advertising structures, outdoor  
 1791 advertising signs, or outdoor advertisements.

1792 ~~(4) "Commercial or industrial zone" means a parcel of land~~  
 1793 ~~designated for commercial or industrial uses under both the~~  
 1794 ~~future land use map of the comprehensive plan and the land use~~

1795 ~~development regulations adopted pursuant to chapter 163. If a~~  
1796 ~~parcel is located in an area designated for multiple uses on the~~  
1797 ~~future land use map of a comprehensive plan and the zoning~~  
1798 ~~category of the land development regulations does not clearly~~  
1799 ~~designate that parcel for a specific use, the area will be~~  
1800 ~~considered an unzoned commercial or industrial area if it meets~~  
1801 ~~the criteria of subsection (26).~~

1802 (4)~~(5)~~ "Commercial use" means activities associated with  
1803 the sale, rental, or distribution of products or the performance  
1804 of services. The term includes, but is not limited to ~~without~~  
1805 ~~limitation~~, such uses or activities as retail sales; wholesale  
1806 sales; rentals of equipment, goods, or products; offices;  
1807 restaurants; food service vendors; sports arenas; theaters; and  
1808 tourist attractions.

1809 (5)~~(6)~~ "Controlled area" means 660 feet or less from the  
1810 nearest edge of the right-of-way of any portion of the State  
1811 Highway System, interstate, or federal-aid primary highway  
1812 system and beyond 660 feet of the nearest edge of the right-of-  
1813 way of any portion of the State Highway System, interstate  
1814 highway system, or federal-aid primary system outside an urban  
1815 area.

1816 (6)~~(7)~~ "Department" means the Department of  
1817 Transportation.

1818 (7)~~(8)~~ "Erect" means to construct, build, raise, assemble,  
1819 place, affix, attach, create, paint, draw, or in any other way  
1820 bring into being or establish. The term; ~~but it~~ does not include

1821 such ~~any of the foregoing~~ activities when performed as an  
 1822 incident to the change of advertising message or customary  
 1823 maintenance or repair of a sign.

1824 (8)~~(9)~~ "Federal-aid primary highway system" means the  
 1825 federal-aid primary highway system in existence on June 1, 1991,  
 1826 and any highway that was not a part of such system as of that  
 1827 date but that is, or became after June 1, 1991, a part of the  
 1828 National Highway System, including portions that have been  
 1829 accepted as part of the National Highway System but are unbuilt  
 1830 or unopened ~~existing, unbuilt, or unopened system of highways or~~  
 1831 ~~portions thereof, which shall include the National Highway~~  
 1832 ~~System, designated as the federal-aid primary highway system by~~  
 1833 ~~the department.~~

1834 (9)~~(10)~~ "Highway" means any road, street, or other way  
 1835 open or intended to be opened to the public for travel by motor  
 1836 vehicles.

1837 (10)~~(11)~~ "Industrial use" means activities associated with  
 1838 the manufacture, assembly, processing, or storage of products or  
 1839 the performance of related services ~~relating thereto~~. The term  
 1840 includes, but is not limited to ~~without limitation~~, such uses or  
 1841 activities as automobile manufacturing or repair, boat  
 1842 manufacturing or repair, junk yards, meat packing facilities,  
 1843 citrus processing and packing facilities, produce processing and  
 1844 packing facilities, electrical generating plants, water  
 1845 treatment plants, sewage treatment plants, and solid waste  
 1846 disposal sites.

1847 |        (11)~~(12)~~ "Interstate highway system" means the existing,  
 1848 | unbuilt, or unopened system of highways or portions thereof  
 1849 | designated as the national system of interstate and defense  
 1850 | highways by the department.

1851 |        (12)~~(13)~~ "Main-traveled way" means the traveled way of a  
 1852 | highway on which through traffic is carried. In the case of a  
 1853 | divided highway, the traveled way of each of the separate  
 1854 | roadways for traffic in opposite directions is a main-traveled  
 1855 | way. The term ~~It~~ does not include such facilities as frontage  
 1856 | roads, turning roadways which specifically include on-ramps or  
 1857 | off-ramps to the interstate highway system, or parking areas.

1858 |        (13)~~(14)~~ "Maintain" means to allow to exist.

1859 |        (14)~~(15)~~ "Motorist services directional signs" means signs  
 1860 | providing directional information about goods and services in  
 1861 | the interest of the traveling public where such signs were  
 1862 | lawfully erected and in existence on or before May 6, 1976, and  
 1863 | continue to provide directional information to goods and  
 1864 | services in a defined area.

1865 |        (15)~~(16)~~ "New highway" means the construction of any road,  
 1866 | paved or unpaved, where no road previously existed or the act of  
 1867 | paving any previously unpaved road.

1868 |        (16)~~(17)~~ "Nonconforming sign" means a sign which was  
 1869 | lawfully erected but which does not comply with the land use,  
 1870 | setback, size, spacing, and lighting provisions of state or  
 1871 | local law, rule, regulation, or ordinance passed at a later date  
 1872 | or a sign which was lawfully erected but which later fails to



1873 comply with state or local law, rule, regulation, or ordinance  
 1874 due to changed conditions.

1875 (17)~~(18)~~ "Premises" means all the land areas under  
 1876 ownership or lease arrangement to the sign owner which are  
 1877 contiguous to the business conducted on the land except for  
 1878 instances where such land is a narrow strip contiguous to the  
 1879 advertised activity or is connected by such narrow strip, the  
 1880 only viable use of such land is to erect or maintain an  
 1881 advertising sign. If ~~When~~ the sign owner is a municipality or  
 1882 county, the term means ~~"premises" shall mean~~ all lands owned or  
 1883 leased by the ~~such~~ municipality or county within its  
 1884 jurisdictional boundaries ~~as set forth by law~~.

1885 (18)~~(19)~~ "Remove" means to disassemble all sign materials  
 1886 above ground level and ~~transport~~ such materials from the site,  
 1887 ~~and dispose of sign materials by sale or destruction.~~

1888 (19)~~(20)~~ "Sign" means any combination of structure and  
 1889 message in the form of an outdoor sign, display, device, figure,  
 1890 painting, drawing, message, placard, poster, billboard,  
 1891 advertising structure, advertisement, logo, symbol, or other  
 1892 form, whether placed individually or on a V-type, back-to-back,  
 1893 side-to-side, stacked, or double-faced display or automatic  
 1894 changeable facing, designed, intended, or used to advertise or  
 1895 inform, any part of the advertising message or informative  
 1896 contents of which is visible from any place on the main-traveled  
 1897 way. The term does not include an official traffic control sign,  
 1898 official marker, or specific information panel erected, caused

1899 to be erected, or approved by the department.

1900 (20)~~(21)~~ "Sign direction" means the ~~that~~ direction from  
 1901 which the message or informative contents are most visible to  
 1902 oncoming traffic on the main-traveled way.

1903 (21)~~(22)~~ "Sign face" means the part of a ~~the~~ sign,  
 1904 including trim and background, which contains the message or  
 1905 informative contents, including an automatic changeable face.

1906 (22)~~(23)~~ "Sign facing" includes all sign faces and  
 1907 automatic changeable faces displayed at the same location and  
 1908 facing the same direction.

1909 (23)~~(24)~~ "Sign structure" means all the interrelated parts  
 1910 and material, such as beams, poles, and stringers, which are  
 1911 constructed for the purpose of supporting or displaying a  
 1912 message or informative contents.

1913 (24)~~(25)~~ "State Highway System" has the same meaning as  
 1914 provided in s. 334.03 ~~means the existing, unbuilt, or unopened~~  
 1915 ~~system of highways or portions thereof designated as the State~~  
 1916 ~~Highway System by the department.~~

1917 ~~(26) "Unzoned commercial or industrial area" means a~~  
 1918 ~~parcel of land designated by the future land use map of the~~  
 1919 ~~comprehensive plan for multiple uses that include commercial or~~  
 1920 ~~industrial uses but are not specifically designated for~~  
 1921 ~~commercial or industrial uses under the land development~~  
 1922 ~~regulations, in which three or more separate and distinct~~  
 1923 ~~conforming industrial or commercial activities are located.~~

1924 ~~(a) These activities must satisfy the following criteria:~~

1925 ~~1. At least one of the commercial or industrial activities~~  
 1926 ~~must be located on the same side of the highway and within 800~~  
 1927 ~~feet of the sign location;~~

1928 ~~2. The commercial or industrial activities must be within~~  
 1929 ~~660 feet from the nearest edge of the right-of-way; and~~

1930 ~~3. The commercial industrial activities must be within~~  
 1931 ~~1,600 feet of each other.~~

1932  
 1933 ~~Distances specified in this paragraph must be measured from the~~  
 1934 ~~nearest outer edge of the primary building or primary building~~  
 1935 ~~complex when the individual units of the complex are connected~~  
 1936 ~~by covered walkways.~~

1937 ~~(b) Certain activities, including, but not limited to, the~~  
 1938 ~~following, may not be so recognized as commercial or industrial~~  
 1939 ~~activities:~~

1940 ~~1. Signs.~~

1941 ~~2. Agricultural, forestry, ranching, grazing, farming, and~~  
 1942 ~~related activities, including, but not limited to, wayside fresh~~  
 1943 ~~produce stands.~~

1944 ~~3. Transient or temporary activities.~~

1945 ~~4. Activities not visible from the main-traveled way.~~

1946 ~~5. Activities conducted more than 660 feet from the~~  
 1947 ~~nearest edge of the right-of-way.~~

1948 ~~6. Activities conducted in a building principally used as~~  
 1949 ~~a residence.~~

1950 ~~7. Railroad tracks and minor sidings.~~

1951           ~~8. Communication towers.~~

1952           (25)~~(27)~~ "Urban area" has the same meaning as provided

1953 ~~defined~~ in s. 334.03~~(31)~~.

1954           (26)~~(28)~~ "Visible commercial or industrial activity" means

1955 a commercial or industrial activity that is capable of being

1956 seen without visual aid by a person of normal visual acuity from

1957 the main-traveled way and that is generally recognizable as

1958 commercial or industrial.

1959           (27)~~(29)~~ "Visible sign" means that the advertising message

1960 or informative contents of a sign, whether or not legible, can

1961 be ~~is capable of being~~ seen without visual aid by a person of

1962 normal visual acuity.

1963           (28)~~(30)~~ "Wall mural" means a sign that is a painting or

1964 an artistic work composed of photographs or arrangements of

1965 color and that displays a commercial or noncommercial message,

1966 relies solely on the side of the building for rigid structural

1967 support, and is painted on the building or depicted on vinyl,

1968 fabric, or other similarly flexible material that is held in

1969 place flush or flat against the surface of the building. The

1970 term excludes a painting or work placed on a structure that is

1971 erected for the sole or primary purpose of signage.

1972           (29)~~(31)~~ "Zoning category" means the designation under the

1973 land development regulations or other similar ordinance enacted

1974 to regulate the use of land as provided in s. 163.3202(2)(b),

1975 which designation sets forth the allowable uses, restrictions,

1976 and limitations on use applicable to properties within the

1977 category.

1978 Section 25. Section 479.02, Florida Statutes, is amended  
 1979 to read:

1980 479.02 Duties of the department. ~~It shall be the duty of~~  
 1981 The department shall ~~to~~:

1982 (1) Administer and enforce ~~the provisions of this chapter,~~  
 1983 ~~and the 1972 agreement between the state and the United States~~  
 1984 ~~Department of Transportation relating to the size, lighting, and~~  
 1985 ~~spacing of signs in accordance with Title I of the Highway~~  
 1986 ~~Beautification Act of 1965 and Title 23 of the,~~ United States  
 1987 Code, and federal regulations, including, but not limited to,  
 1988 those pertaining to the maintenance, continuance, and removal of  
 1989 nonconforming signs ~~in effect as of the effective date of this~~  
 1990 ~~act.~~

1991 (2) Regulate size, height, lighting, and spacing of signs  
 1992 permitted on commercial and industrial parcels and in unzoned  
 1993 commercial or industrial areas ~~in zoned and unzoned commercial~~  
 1994 ~~areas and zoned and unzoned industrial areas~~ on the interstate  
 1995 highway system and the federal-aid primary highway system.

1996 (3) Determine ~~unzoned~~ commercial and industrial parcels  
 1997 and unzoned commercial or areas and unzoned industrial areas in  
 1998 the manner provided in s. 479.024.

1999 (4) Implement a specific information panel program on the  
 2000 limited access interstate highway system to promote tourist-  
 2001 oriented businesses by providing directional information safely  
 2002 and aesthetically.

2003 (5) Implement a rest area information panel or devices  
 2004 program at rest areas along the interstate highway system and  
 2005 the federal-aid primary highway system to promote tourist-  
 2006 oriented businesses.

2007 (6) Test and, if economically feasible, implement  
 2008 alternative methods of providing information in the specific  
 2009 interest of the traveling public which allow the traveling  
 2010 public freedom of choice, conserve natural beauty, and present  
 2011 information safely and aesthetically.

2012 (7) Adopt such rules as the department ~~it~~ deems necessary  
 2013 or proper for the administration of this chapter, including  
 2014 rules that ~~which~~ identify activities that may not be recognized  
 2015 as industrial or commercial activities for purposes of  
 2016 determination of a ~~an area as an unzoned~~ commercial or  
 2017 industrial parcel or an unzoned commercial or industrial area in  
 2018 the manner provided in s. 479.024.

2019 (8) ~~Prior to July 1, 1998,~~ Inventory and determine the  
 2020 location of all signs on the state highway system, interstate  
 2021 highway system, and federal-aid primary highway system to be  
 2022 used as systems. ~~Upon completion of the inventory, it shall~~  
 2023 ~~become~~ the database and permit information for all permitted  
 2024 ~~signs permitted at the time of completion, and the previous~~  
 2025 ~~records of the department shall be amended accordingly.~~ The  
 2026 inventory shall be updated at least ~~no less than~~ every 2 years.  
 2027 ~~The department shall adopt rules regarding what information is~~  
 2028 ~~to be collected and preserved to implement the purposes of this~~

2029 ~~chapter.~~ The department may perform the inventory using  
 2030 department staff, or may contract with a private firm to perform  
 2031 the work, whichever is more cost efficient. The department shall  
 2032 maintain a database of sign inventory information such as sign  
 2033 location, size, height, and structure type, the permittee's  
 2034 ~~permitholder's~~ name, and any other information the department  
 2035 finds necessary to administer the program.

2036 Section 26. Section 479.024, Florida Statutes, is created  
 2037 to read:

2038 479.024 Commercial and industrial parcels.—Signs shall be  
 2039 permitted by the department only in commercial or industrial  
 2040 zones, as determined by the local government, in compliance with  
 2041 chapter 163, unless otherwise provided in this chapter.  
 2042 Commercial and industrial zones are those areas appropriate for  
 2043 commerce, industry, or trade, regardless of how those areas are  
 2044 labeled.

2045 (1) As used in this section, the term:

2046 (a) "Parcel" means the property where the sign is located  
 2047 or is proposed to be located.

2048 (b) "Utilities" includes all privately, publicly, or  
 2049 cooperatively owned lines, facilities, and systems for  
 2050 producing, transmitting, or distributing communications, power,  
 2051 electricity, light, heat, gas, oil, crude products, water,  
 2052 steam, waste, and stormwater not connected with the highway  
 2053 drainage, and other similar commodities.

2054 (2) The determination as to zoning by the local government

HB 7175

2014

2055 for the parcel must meet all of the following criteria:

2056 (a) The parcel is comprehensively zoned and includes  
2057 commercial or industrial uses as allowable uses.

2058 (b) The parcel can reasonably accommodate a commercial or  
2059 industrial use under the future land use map of the  
2060 comprehensive plan and land use development regulations, as  
2061 follows:

2062 1. Sufficient utilities are available to support  
2063 commercial or industrial development; and

2064 2. The size, configuration, and public access of the  
2065 parcel are sufficient to accommodate a commercial or industrial  
2066 use, given the requirements in the comprehensive plan and land  
2067 development regulations for vehicular access, on-site  
2068 circulation, building setbacks, buffering, parking, and other  
2069 applicable standards, or the parcel consists of railroad tracks  
2070 or minor sidings abutting commercial or industrial property that  
2071 meets the criteria of this subsection.

2072 (c) The parcel is not being used exclusively for  
2073 noncommercial or nonindustrial uses.

2074 (3) If a local government has not designated zoning  
2075 through land development regulations in compliance with chapter  
2076 163 but has designated the parcel under the future land use map  
2077 of the comprehensive plan for uses that include commercial or  
2078 industrial uses, the parcel shall be considered an unzoned  
2079 commercial or industrial area. For a permit to be issued for a  
2080 sign in an unzoned commercial or industrial area, there must be



2081 three or more distinct commercial or industrial activities  
 2082 within 1,600 feet of each other, with at least one of the  
 2083 commercial or industrial activities located on the same side of  
 2084 the highway as, and within 800 feet of, the sign location.  
 2085 Multiple commercial or industrial activities enclosed in one  
 2086 building shall be considered one use if all activities have only  
 2087 shared building entrances.

2088 (4) For purposes of this section, certain uses and  
 2089 activities may not be independently recognized as commercial or  
 2090 industrial, including, but not limited to:

2091 (a) Signs.

2092 (b) Agricultural, forestry, ranching, grazing, farming,  
 2093 and related activities, including, but not limited to, wayside  
 2094 fresh produce stands.

2095 (c) Transient or temporary activities.

2096 (d) Activities not visible from the main-traveled way,  
 2097 unless a department transportation facility is the only cause  
 2098 for the activity not being visible.

2099 (e) Activities conducted more than 660 feet from the  
 2100 nearest edge of the right-of-way.

2101 (f) Activities conducted in a building principally used as  
 2102 a residence.

2103 (g) Railroad tracks and minor sidings, unless the tracks  
 2104 and sidings are abutted by a commercial or industrial property  
 2105 that meets the criteria in subsection (2).

2106 (h) Communication towers.

HB 7175

2014

2107 (i) Public parks, public recreation services, and  
2108 governmental uses and activities that take place in a structure  
2109 that serves as the permanent public meeting place for local,  
2110 state, or federal boards, commissions, or courts.

2111 (5) If the local government has indicated that the  
2112 proposed sign location is on a parcel that is in a commercial or  
2113 industrial zone but the department finds that it is not, the  
2114 department shall notify the sign applicant in writing of its  
2115 determination.

2116 (6) An applicant whose application for a permit is denied  
2117 may request, within 30 days after the receipt of the  
2118 notification of intent to deny, an administrative hearing  
2119 pursuant to chapter 120 for a determination of whether the  
2120 parcel is located in a commercial or industrial zone. Upon  
2121 receipt of such request, the department shall notify the local  
2122 government that the applicant has requested an administrative  
2123 hearing pursuant to chapter 120.

2124 (7) If the department determines in a final order that the  
2125 parcel does not meet the permitting conditions in this section  
2126 and a sign exists on the parcel, the applicant shall remove the  
2127 sign within 30 days after the date of the order. The applicant  
2128 is responsible for all sign removal costs.

2129 (8) If the Federal Highway Administration reduces funds  
2130 that would otherwise be apportioned to the department due to a  
2131 local government's failure to comply with this section, the  
2132 department shall reduce transportation funding apportioned to

2133 the local government by an equivalent amount.

2134 Section 27. Section 479.03, Florida Statutes, is amended  
2135 to read:

2136 479.03 Jurisdiction of the Department of Transportation;  
2137 entry upon privately owned lands.—The territory under the  
2138 jurisdiction of the department for the purpose of this chapter  
2139 includes ~~shall include~~ all the state. Employees, agents, or  
2140 independent contractors working for the department, in the  
2141 performance of their functions and duties under the provisions  
2142 of this chapter, may enter into and upon any land upon which a  
2143 sign is displayed, is proposed to be erected, or is being  
2144 erected and make such inspections, surveys, and removals as may  
2145 be relevant. Upon written notice to ~~After receiving consent by~~  
2146 the landowner, operator, or person in charge of an intervening  
2147 privately owned land that ~~or appropriate inspection warrant~~  
2148 ~~issued by a judge of any county court or circuit court of this~~  
2149 ~~state which has jurisdiction of the place or thing to be~~  
2150 ~~removed, that~~ the removal of an illegal outdoor advertising sign  
2151 is necessary and has been authorized by a final order or results  
2152 from an uncontested notice to the sign owner, the department may  
2153 ~~shall be authorized to~~ enter upon any intervening privately  
2154 owned lands for the purposes of effectuating removal of illegal  
2155 signs., ~~provided that~~ The department may enter intervening  
2156 privately owned lands ~~shall~~ only ~~do so~~ in circumstances where it  
2157 has determined that ~~no~~ other legal or economically feasible  
2158 means of entry to the sign site are not reasonably available.

2159 Except as otherwise provided by this chapter, the department is  
 2160 ~~shall be~~ responsible for the repair or replacement in a like  
 2161 manner for any physical damage or destruction of private  
 2162 property, other than the sign, incidental to the department's  
 2163 entry upon such intervening privately owned lands.

2164 Section 28. Section 479.04, Florida Statutes, is amended  
 2165 to read:

2166 479.04 Business of outdoor advertising; license  
 2167 requirement; renewal; fees.—

2168 (1) A ~~No~~ person may not ~~shall~~ engage in the business of  
 2169 outdoor advertising in this state without first obtaining a  
 2170 license ~~therefor~~ from the department. Such license shall be  
 2171 renewed annually. The fee for such license, and for each annual  
 2172 renewal, is \$300. License renewal fees are ~~shall be~~ payable as  
 2173 provided for in s. 479.07.

2174 (2) A ~~No~~ person is not ~~shall be~~ required to obtain the  
 2175 license provided for in this section solely to erect or  
 2176 construct outdoor advertising signs or structures ~~as an~~  
 2177 ~~incidental part of a building construction contract.~~

2178 Section 29. Section 479.05, Florida Statutes, is amended  
 2179 to read:

2180 479.05 Denial, suspension, or revocation of license.—The  
 2181 department may ~~has authority to deny, suspend, or revoke a~~ any  
 2182 license requested or granted under this chapter in any case in  
 2183 which it determines that the application for the license  
 2184 contains ~~knowingly~~ false or misleading information of material

HB 7175

2014

2185 consequence, that the licensee has failed to pay fees or costs  
 2186 owed to the department for outdoor advertising purposes, or that  
 2187 the licensee has violated any of the provisions of this chapter,  
 2188 unless such licensee, within 30 days after the receipt of notice  
 2189 by the department, corrects such false or misleading  
 2190 information, pays the outstanding amounts, or complies with ~~the~~  
 2191 ~~provisions of~~ this chapter. Suspension of a license allows the  
 2192 licensee to maintain existing sign permits, but the department  
 2193 may not grant a transfer of an existing permit or issue an  
 2194 additional permit to a licensee with a suspended license. A ~~Any~~  
 2195 person aggrieved by an ~~any~~ action of the department which  
 2196 denies, suspends, or revokes ~~in denying or revoking~~ a license  
 2197 under this chapter may, within 30 days after ~~from~~ the receipt of  
 2198 the notice, apply to the department for an administrative  
 2199 hearing pursuant to chapter 120.

2200 Section 30. Section 479.07, Florida Statutes, is amended  
 2201 to read:

2202 479.07 Sign permits.—

2203 (1) Except as provided in ss. 479.105(1) ~~(e)~~ and 479.16, a  
 2204 person may not erect, operate, use, or maintain, or cause to be  
 2205 erected, operated, used, or maintained, any sign on the State  
 2206 Highway System outside an urban area, ~~as defined in s.~~  
 2207 ~~334.03(31),~~ or on any portion of the interstate or federal-aid  
 2208 primary highway system without first obtaining a permit for the  
 2209 sign from the department and paying the annual fee as provided  
 2210 in this section. As used in this section, the term "on any

HB 7175

2014

2211 portion of the State Highway System, interstate highway system,  
2212 or federal-aid primary system" means a sign located within the  
2213 controlled area which is visible from any portion of the main-  
2214 traveled way of such system.

2215 (2) ~~A person may not apply for a permit unless he or she~~  
2216 ~~has first obtained the~~ Written permission of the owner or other  
2217 person in lawful possession or control of the site designated as  
2218 the location of the sign is required for issuance of a ~~in the~~  
2219 ~~application for the permit.~~

2220 (3) (a) An application for a sign permit must be made on a  
2221 form prescribed by the department, and a separate application  
2222 must be submitted for each permit requested. A permit is  
2223 required for each sign facing.

2224 (b) As part of the application, the applicant or his or  
2225 her authorized representative must certify ~~in a notarized signed~~  
2226 ~~statement~~ that all information provided in the application is  
2227 true and correct ~~and that, pursuant to subsection (2), he or she~~  
2228 ~~has obtained the written permission of the owner or other person~~  
2229 ~~in lawful possession of the site designated as the location of~~  
2230 ~~the sign in the permit application.~~ Each Every permit  
2231 application must be accompanied by the appropriate permit fee; a  
2232 signed statement by the owner or other person in lawful control  
2233 of the site on which the sign is located or will be erected,  
2234 authorizing the placement of the sign on that site; ~~and, where~~  
2235 ~~local governmental regulation of signs exists,~~ a statement from  
2236 the appropriate local governmental official indicating that the

2237 sign complies with all local government ~~governmental~~  
 2238 requirements; and, if a local government permit is required for  
 2239 a sign, a statement that the agency or unit of local government  
 2240 will issue a permit to that applicant upon approval of the state  
 2241 permit application by the department.

2242 (c) The annual permit fee for each sign facing shall be  
 2243 established by the department by rule in an amount sufficient to  
 2244 offset the total cost to the department for the program, but may  
 2245 shall not be greater than exceed \$100. The A fee may not be  
 2246 ~~prorated for a period less than the remainder of the permit year~~  
 2247 ~~to accommodate short term publicity features; however, a first-~~  
 2248 year fee may be prorated by payment of an amount equal to one-  
 2249 fourth of the annual fee for each remaining whole quarter or  
 2250 partial quarter of the permit year. Applications received after  
 2251 the end of the third quarter of the permit year must include  
 2252 fees for the last quarter of the current year and fees for the  
 2253 succeeding year.

2254 (4) An application for a permit shall be acted on by  
 2255 granting, denying, or returning the incomplete application the  
 2256 ~~department~~ within 30 days after receipt of the application by  
 2257 the department.

2258 (5) (a) For each permit issued, the department shall  
 2259 furnish to the applicant a serially numbered permanent metal  
 2260 permit tag. The permittee is responsible for maintaining a valid  
 2261 permit tag on each permitted sign facing at all times. The tag  
 2262 shall be securely attached to the upper 50 percent of the sign

2263 ~~structure and sign facing or, if there is no facing, on the pole~~  
 2264 ~~nearest the highway; and it shall be~~ attached in such a manner  
 2265 as to be plainly visible from the main-traveled way. ~~Effective~~  
 2266 ~~July 1, 2012, the tag must be securely attached to the upper 50~~  
 2267 ~~percent of the pole nearest the highway and must be attached in~~  
 2268 ~~such a manner as to be plainly visible from the main-traveled~~  
 2269 ~~way.~~ The permit ~~becomes void unless the permit tag~~ must be ~~is~~  
 2270 properly and permanently displayed at the permitted site within  
 2271 30 days after the date of permit issuance. If the permittee  
 2272 fails to erect a completed sign on the permitted site within 270  
 2273 days after the date on which the permit was issued, the permit  
 2274 will be void, and the department may not issue a new permit to  
 2275 that permittee for the same location for 270 days after the date  
 2276 on which the permit becomes ~~became~~ void.

2277 (b) If a permit tag is lost, stolen, or destroyed, the  
 2278 permittee to whom the tag was issued must apply to the  
 2279 department for a replacement tag. The department shall adopt a  
 2280 rule establishing a service fee for replacement tags in an  
 2281 amount that will recover the actual cost of providing the  
 2282 replacement tag. Upon receipt of the application accompanied by  
 2283 the service fee, the department shall issue a replacement permit  
 2284 tag. ~~Alternatively, the permittee may provide its own~~  
 2285 ~~replacement tag pursuant to department specifications that the~~  
 2286 ~~department shall adopt by rule at the time it establishes the~~  
 2287 ~~service fee for replacement tags.~~

2288 (6) A permit is valid only for the location specified in



2289 the permit. Valid permits may be transferred from one sign owner  
 2290 to another upon written acknowledgment from the current  
 2291 permittee and submittal of a transfer fee of \$5 for each permit  
 2292 to be transferred. However, the maximum transfer fee for any  
 2293 multiple transfer between two outdoor advertisers in a single  
 2294 transaction is \$100.

2295 (7) A permittee shall at all times maintain the permission  
 2296 of the owner or other person in lawful control of the sign site  
 2297 in order to have and maintain a sign at such site.

2298 (8) (a) In order to reduce peak workloads, the department  
 2299 may adopt rules providing for staggered expiration dates for  
 2300 licenses and permits. Unless otherwise provided for by rule, all  
 2301 licenses and permits expire annually on January 15. All license  
 2302 and permit renewal fees are required to be submitted to the  
 2303 department by no later than the expiration date. At least 105  
 2304 days before ~~prior to~~ the expiration date of licenses and  
 2305 permits, the department shall send to each permittee a notice of  
 2306 fees due for all licenses and permits that ~~which~~ were issued to  
 2307 him or her before ~~prior to~~ the date of the notice. Such notice  
 2308 must ~~shall~~ list the permits and the permit fees due for each  
 2309 sign facing. The permittee shall, no later than 45 days before  
 2310 ~~prior to~~ the expiration date, advise the department of any  
 2311 additions, deletions, or errors contained in the notice. Permit  
 2312 tags that ~~which~~ are not renewed shall be returned to the  
 2313 department for cancellation by the expiration date. Permits that  
 2314 ~~which~~ are not renewed or are canceled shall be certified in

HB 7175

2014

2315 writing at that time as canceled or not renewed by the  
2316 permittee, and permit tags for such permits shall be returned to  
2317 the department or shall be accounted for by the permittee in  
2318 writing, which writing shall be submitted with the renewal fee  
2319 payment or the cancellation certification. However, failure of a  
2320 permittee to submit a permit cancellation does ~~shall~~ not affect  
2321 the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a  
2322 permit, the permittee shall provide written notice to all  
2323 persons or entities having a right to advertise on the sign that  
2324 the permittee intends to cancel the permit.

2325 (b) If a permittee has not submitted his or her fee  
2326 payment by the expiration date of the licenses or permits, the  
2327 department shall send a notice of violation to the permittee  
2328 within 45 days after the expiration date, requiring the payment  
2329 of the permit fee within 30 days after the date of the notice  
2330 and payment of a delinquency fee equal to 10 percent of the  
2331 original amount due or, in the alternative to these payments,  
2332 requiring the filing of a request for an administrative hearing  
2333 to show cause why the ~~his or her~~ sign should not be subject to  
2334 immediate removal due to expiration of his or her license or  
2335 permit. If the permittee submits payment as required by the  
2336 violation notice, the ~~his or her~~ license or permit shall ~~will~~ be  
2337 automatically reinstated and such reinstatement is ~~will be~~  
2338 retroactive to the original expiration date. If the permittee  
2339 does not respond to the notice of violation within the 30-day  
2340 period, the department shall, within 30 days, issue a final

HB 7175

2014

2341 notice of sign removal and may, following 90 days after the date  
2342 of the department's final notice of sign removal, remove the  
2343 sign without incurring any liability as a result of such  
2344 removal. However, if at any time before removal of the sign, the  
2345 permittee demonstrates that a good faith error on the part of  
2346 the permittee resulted in cancellation or nonrenewal of the  
2347 permit, the department may reinstate the permit if:

2348 1. The permit reinstatement fee of up to \$300 based on the  
2349 size of the sign is paid;

2350 2. All other permit renewal and delinquent permit fees due  
2351 as of the reinstatement date are paid; and

2352 3. The permittee reimburses the department for all actual  
2353 costs resulting from the permit cancellation or nonrenewal.

2354 (c) Conflicting applications filed by other persons for  
2355 the same or competing sites covered by a permit subject to  
2356 paragraph (b) may not be approved until after the sign subject  
2357 to the expired permit has been removed.

2358 (d) The cost for removing a sign, ~~whether~~ by the  
2359 department or an independent contractor, shall be assessed by  
2360 the department against the permittee.

2361 (9) (a) A permit may ~~shall~~ not be granted for any sign for  
2362 which a permit had not been granted by the effective date of  
2363 this act unless such sign is located at least:

2364 1. One thousand five hundred feet from any other permitted  
2365 sign on the same side of the highway, if on an interstate  
2366 highway.

2367           2. One thousand feet from any other permitted sign on the  
 2368 same side of the highway, if on a federal-aid primary highway.  
 2369  
 2370 The minimum spacing provided in this paragraph does not preclude  
 2371 the permitting of V-type, back-to-back, side-to-side, stacked,  
 2372 or double-faced signs at the permitted sign site. If a sign is  
 2373 visible to more than one highway subject to the jurisdiction of  
 2374 the department and within the controlled area of the highways  
 2375 ~~from the controlled area of more than one highway subject to the~~  
 2376 ~~jurisdiction of the department~~, the sign must ~~shall~~ meet the  
 2377 permitting requirements of all highways, and, ~~if the sign meets~~  
 2378 ~~the applicable permitting requirements~~, be permitted to, the  
 2379 highway having the more stringent permitting requirements.  
 2380           (b) A permit may ~~shall~~ not be granted for a sign pursuant  
 2381 to this chapter to locate such sign on any portion of the  
 2382 interstate or federal-aid primary highway system, which sign:  
 2383           1. Exceeds 50 feet in sign structure height above the  
 2384 crown of the main-traveled way to which the sign is permitted,  
 2385 if outside an incorporated area;  
 2386           2. Exceeds 65 feet in sign structure height above the  
 2387 crown of the main-traveled way to which the sign is permitted,  
 2388 if inside an incorporated area; or  
 2389           3. Exceeds 950 square feet of sign facing including all  
 2390 embellishments.  
 2391           (c) Notwithstanding subparagraph (a)1., ~~there is~~  
 2392 ~~established a pilot program in Orange, Hillsborough, and Osceola~~

2393 ~~Counties, and within the boundaries of the City of Miami, under~~  
 2394 ~~which~~ the distance between permitted signs on the same side of  
 2395 an interstate highway may be reduced to 1,000 feet if all other  
 2396 requirements of this chapter are met and if:

2397 1. The local government has adopted a plan, program,  
 2398 resolution, ordinance, or other policy encouraging the voluntary  
 2399 removal of signs in a downtown, historic, redevelopment, infill,  
 2400 or other designated area which also provides for a new or  
 2401 replacement sign to be erected on an interstate highway within  
 2402 that jurisdiction if a sign in the designated area is removed;

2403 2. The sign owner and the local government mutually agree  
 2404 to the terms of the removal and replacement; and

2405 3. The local government notifies the department of its  
 2406 intention to allow such removal and replacement as agreed upon  
 2407 pursuant to subparagraph 2.

2408 ~~4. The new or replacement sign to be erected on an~~  
 2409 ~~interstate highway within that jurisdiction is to be located on~~  
 2410 ~~a parcel of land specifically designated for commercial or~~  
 2411 ~~industrial use under both the future land use map of the~~  
 2412 ~~comprehensive plan and the land use development regulations~~  
 2413 ~~adopted pursuant to chapter 163, and such parcel shall not be~~  
 2414 ~~subject to an evaluation in accordance with the criteria set~~  
 2415 ~~forth in s. 479.01(26) to determine if the parcel can be~~  
 2416 ~~considered an unzoned commercial or industrial area.~~

2417  
 2418 ~~The department shall maintain statistics tracking the use of the~~

HB 7175

2014

2419 ~~provisions of this pilot program based on the notifications~~  
2420 ~~received by the department from local governments under this~~  
2421 ~~paragraph.~~

2422 (d) This subsection does not cause a sign that was  
2423 conforming on October 1, 1984, to become nonconforming.

2424 (10) Commercial or industrial zoning that ~~which~~ is not  
2425 comprehensively enacted or that ~~which~~ is enacted primarily to  
2426 permit signs may ~~shall~~ not be recognized as commercial or  
2427 industrial zoning for purposes of this provision, and permits  
2428 may ~~shall~~ not be issued for signs in such areas. The department  
2429 shall adopt rules that ~~within 180 days after this act takes~~  
2430 ~~effect which shall~~ provide criteria to determine whether such  
2431 zoning is comprehensively enacted or enacted primarily to permit  
2432 signs.

2433 Section 31. Section 479.08, Florida Statutes, is amended  
2434 to read:

2435 479.08 Denial or revocation of permit.—The department may  
2436 deny or revoke a ~~any~~ permit requested or granted under this  
2437 chapter in any case in which it determines that the application  
2438 for the permit contains ~~knowingly~~ false or misleading  
2439 information of material consequence. The department may revoke a  
2440 ~~any~~ permit granted under this chapter in any case in which the  
2441 permittee has violated ~~any of the provisions of~~ this chapter,  
2442 unless such permittee, within 30 days after the receipt of  
2443 notice by the department, complies with ~~the provisions of~~ this  
2444 chapter. For the purpose of this section, the notice of

2445 violation issued by the department must describe in detail the  
 2446 alleged violation. ~~A Any~~ person aggrieved by any action of the  
 2447 department in denying or revoking a permit under this chapter  
 2448 may, within 30 days after receipt of the notice, apply to the  
 2449 department for an administrative hearing pursuant to chapter  
 2450 120. If a timely request for hearing has been filed and the  
 2451 department issues a final order revoking a permit, such  
 2452 revocation shall be effective 30 days after the date of  
 2453 rendition. Except for department action pursuant to s.  
 2454 479.107(1), the filing of a timely and proper notice of appeal  
 2455 shall operate to stay the revocation until the department's  
 2456 action is upheld.

2457 Section 32. Section 479.10, Florida Statutes, is amended  
 2458 to read:

2459 479.10 Sign removal following permit revocation or  
 2460 cancellation.—A sign shall be removed by the permittee within 30  
 2461 days after the date of revocation or cancellation of the permit  
 2462 for the sign. If the permittee fails to remove the sign within  
 2463 the 30-day period, the department shall remove the sign at the  
 2464 permittee's expense with or without further notice and without  
 2465 incurring any liability as a result of such removal.

2466 Section 33. Section 479.105, Florida Statutes, is amended  
 2467 to read:

2468 479.105 Signs erected or maintained without required  
 2469 permit; removal.—

2470 (1) ~~A Any~~ sign that ~~which~~ is located adjacent to the

HB 7175

2014

2471 right-of-way of any highway on the State Highway System outside  
2472 an incorporated area or adjacent to the right-of-way on any  
2473 portion of the interstate or federal-aid primary highway system,  
2474 which sign was erected, operated, or maintained without the  
2475 permit required by s. 479.07(1) having been issued by the  
2476 department, is declared to be a public nuisance and a private  
2477 nuisance and shall be removed as provided in this section.

2478 (a) Upon a determination by the department that a sign is  
2479 in violation of s. 479.07(1), the department shall prominently  
2480 post on the sign, or as close to the sign as possible for a  
2481 location in which the sign is not easily accessible, ~~face~~ a  
2482 notice stating that the sign is illegal and must be removed  
2483 within 30 days after the date on which the notice was posted.  
2484 ~~However, if the sign bears the name of the licensee or the name~~  
2485 ~~and address of the nonlicensed sign owner,~~ The department shall,  
2486 concurrently with and in addition to posting the notice on the  
2487 sign, provide a written notice to the owner of the sign, the  
2488 advertiser displayed on the sign, or the owner of the property,  
2489 stating that the sign is illegal and must be permanently removed  
2490 within the 30-day period specified on the posted notice. The  
2491 written notice shall further state that ~~the sign owner has a~~  
2492 ~~right to request~~ a hearing may be requested and that the, ~~which~~  
2493 request must be filed with the department within 30 days after  
2494 receipt ~~the date~~ of the written notice. However, the filing of a  
2495 request for a hearing will not stay the removal of the sign.

2496 (b) If, pursuant to the notice provided, the sign is not



2497 removed by the ~~sign~~ owner of the sign, the advertiser displayed  
 2498 on the sign, or the owner of the property within the prescribed  
 2499 period, the department shall immediately remove the sign without  
 2500 further notice; and, for that purpose, the employees, agents, or  
 2501 independent contractors of the department may enter upon private  
 2502 property without incurring any liability for so entering.

2503 (c) However, the department may issue a permit for a sign,  
 2504 as a conforming or nonconforming sign, if the sign owner  
 2505 demonstrates to the department one of the following:

2506 1. If the sign meets the current requirements of this  
 2507 chapter for a sign permit, the sign owner may submit the  
 2508 required application package and receive a permit as a  
 2509 conforming sign upon payment of all applicable fees.

2510 2. If the sign does not meet the current requirements of  
 2511 this chapter for a sign permit and has never been exempt from  
 2512 the requirement that a permit be obtained, the sign owner may  
 2513 receive a permit as a nonconforming sign if the department  
 2514 determines that the sign is not located on state right-of-way  
 2515 and is not a safety hazard and if the sign owner pays a penalty  
 2516 fee of \$300 and all pertinent fees required by this chapter,  
 2517 including annual permit renewal fees payable since the date of  
 2518 the erection of the sign, and attaches to the permit application  
 2519 package documentation that demonstrates that:

2520 a. The sign has been unpermitted, structurally unchanged,  
 2521 and continuously maintained at the same location for 7 years or  
 2522 more;

2523 b. During the initial 7 years in which the sign has been  
 2524 subject to the jurisdiction of the department, the sign would  
 2525 have met the criteria established in this chapter which were in  
 2526 effect at that time for issuance of a permit; and

2527 c. The department has not initiated a notice of violation  
 2528 or taken other action to remove the sign during the initial 7-  
 2529 year period in which the sign has been subject to the  
 2530 jurisdiction of the department.

2531 (d) This subsection does not cause a neighboring sign that  
 2532 is permitted and that is within the spacing requirements under  
 2533 s. 479.07(9)(a) to become nonconforming.

2534 (e)-(e) For purposes of this subsection, a notice to the  
 2535 sign owner, when required, constitutes sufficient notice. ~~and~~  
 2536 Notice is not required to be provided to the lessee, advertiser,  
 2537 or the owner of the real property on which the sign is located.

2538 (f)-(d) If, after a hearing, it is determined that a sign  
 2539 has been wrongfully or erroneously removed pursuant to this  
 2540 subsection, the department, at the sign owner's discretion,  
 2541 shall either pay just compensation to the owner of the sign or  
 2542 reerect the sign in kind at the expense of the department.

2543 ~~(e) However, if the sign owner demonstrates to the~~  
 2544 ~~department that:~~

2545 ~~1. The sign has been unpermitted, structurally unchanged,~~  
 2546 ~~and continuously maintained at the same location for a period of~~  
 2547 ~~7 years or more;~~

2548 ~~2. At any time during the period in which the sign has~~

2549 ~~been erected, the sign would have met the criteria established~~  
 2550 ~~in this chapter for issuance of a permit;~~

2551 ~~3. The department has not initiated a notice of violation~~  
 2552 ~~or taken other action to remove the sign during the initial 7-~~  
 2553 ~~year period described in subparagraph 1.; and~~

2554 ~~4. The department determines that the sign is not located~~  
 2555 ~~on state right-of-way and is not a safety hazard,~~

2556  
 2557 ~~the sign may be considered a conforming or nonconforming sign~~  
 2558 ~~and may be issued a permit by the department upon application in~~  
 2559 ~~accordance with this chapter and payment of a penalty fee of~~  
 2560 ~~\$300 and all pertinent fees required by this chapter, including~~  
 2561 ~~annual permit renewal fees payable since the date of the~~  
 2562 ~~erection of the sign.~~

2563 (2) (a) If a sign is under construction and the department  
 2564 determines that a permit has not been issued for the sign as  
 2565 required under ~~the provisions of~~ this chapter, the department  
 2566 may ~~is authorized to~~ require that all work on the sign cease  
 2567 until the sign owner shows that the sign does not violate ~~the~~  
 2568 ~~provisions of~~ this chapter. The order to cease work shall be  
 2569 prominently posted on the sign structure, and ~~no~~ further notice  
 2570 is not ~~required to be given~~. The failure of a sign owner or her  
 2571 or his agents to immediately comply with the order subjects  
 2572 ~~shall subject~~ the sign to prompt removal by the department.

2573 (b) For the purposes of this subsection only, a sign is  
 2574 under construction when it is in any phase of initial

2575 construction before ~~prior to~~ the attachment and display of the  
 2576 advertising message in final position for viewing by the  
 2577 traveling public. A sign that is undergoing routine maintenance  
 2578 or change of the advertising message only is not considered to  
 2579 be under construction for the purposes of this subsection.

2580 (3) The cost of removing a sign, ~~whether~~ by the department  
 2581 or an independent contractor, shall be assessed against the  
 2582 owner of the sign by the department.

2583 Section 34. Subsections (5) and (7) of section 479.106,  
 2584 Florida Statutes, are amended to read:

2585 479.106 Vegetation management.—

2586 (5) The department may only grant a permit pursuant to s.  
 2587 479.07 for a new sign that ~~which~~ requires the removal, cutting,  
 2588 or trimming of existing trees or vegetation on public right-of-  
 2589 way for the sign face to be visible from the highway to which  
 2590 the sign will be permitted when the sign owner has removed at  
 2591 least two nonconforming signs of approximate comparable size and  
 2592 surrendered the permits for the nonconforming signs to the  
 2593 department for cancellation. For signs originally permitted  
 2594 after July 1, 1996, the first application, or application for a  
 2595 change of view zone, no permit for the removal, cutting, or  
 2596 trimming of trees or vegetation along the highway to which the  
 2597 sign is permitted shall require the removal of two nonconforming  
 2598 signs, in addition to mitigation or contribution to a plan of  
 2599 mitigation. The department may not grant a permit for the  
 2600 removal, cutting, or trimming of trees for a sign permitted

2601 after July 1, 1996, if the ~~shall be granted where such trees are~~  
 2602 or the vegetation is ~~are~~ part of a beautification project  
 2603 implemented before ~~prior to~~ the date of the original sign permit  
 2604 application and if, ~~when~~ the beautification project is  
 2605 specifically identified in the department's construction plans,  
 2606 permitted landscape projects, or agreements.

2607 (7) Any person engaging in removal, cutting, or trimming  
 2608 of trees or vegetation in violation of this section or  
 2609 benefiting from such actions shall be subject to an  
 2610 administrative penalty of up to \$1,000 per sign facing and  
 2611 required to mitigate for the unauthorized removal, cutting, or  
 2612 trimming in such manner and in such amount as may be required  
 2613 under the rules of the department.

2614 Section 35. Subsection (5) of section 479.107, Florida  
 2615 Statutes, is amended to read:

2616 479.107 Signs on highway rights-of-way; removal.—

2617 (5) The cost of removing a sign, ~~whether~~ by the department  
 2618 or an independent contractor, shall be assessed by the  
 2619 department against the owner of the sign. ~~Furthermore, the~~  
 2620 ~~department shall assess a fine of \$75 against the sign owner for~~  
 2621 ~~any sign which violates the requirements of this section.~~

2622 Section 36. Section 479.111, Florida Statutes, is amended  
 2623 to read:

2624 479.111 Specified signs allowed within controlled portions  
 2625 of the interstate and federal-aid primary highway system.—Only  
 2626 the following signs shall be allowed within controlled portions

2627 of the interstate highway system and the federal-aid primary  
 2628 highway system as set forth in s. 479.11(1) and (2):

2629 (1) Directional or other official signs and notices that  
 2630 ~~which~~ conform to 23 C.F.R. ss. 750.151-750.155.

2631 (2) Signs in commercial-zoned and industrial-zoned areas  
 2632 or commercial-unzoned and industrial-unzoned areas and within  
 2633 660 feet of the nearest edge of the right-of-way, subject to the  
 2634 requirements set forth in the 1972 agreement between the state  
 2635 and the United States Department of Transportation.

2636 (3) Signs for which permits are not required under s.  
 2637 479.16.

2638 Section 37. Section 479.15, Florida Statutes, is amended  
 2639 to read:

2640 479.15 Harmony of regulations.—

2641 (1) A ~~No~~ zoning board or commission or other public  
 2642 officer or agency may not ~~shall~~ issue a permit to erect a ~~any~~  
 2643 sign that ~~which~~ is prohibited under ~~the provisions of~~ this  
 2644 chapter or the rules of the department, and ~~nor shall~~ the  
 2645 department may not issue a permit for a ~~any~~ sign that ~~which~~ is  
 2646 prohibited by any other public board, officer, or agency in the  
 2647 lawful exercise of its powers.

2648 (2) A municipality, county, local zoning authority, or  
 2649 other local governmental entity may not remove, or cause to be  
 2650 removed, a ~~any~~ lawfully erected sign along any portion of the  
 2651 interstate or federal-aid primary highway system without first  
 2652 paying just compensation for such removal. A local governmental

HB 7175

2014

2653 entity may not cause in any way the alteration of a ~~any~~ lawfully  
2654 erected sign located along any portion of the interstate or  
2655 federal-aid primary highway system without payment of just  
2656 compensation if such alteration constitutes a taking under state  
2657 law. The municipality, county, local zoning authority, or other  
2658 local governmental ~~government~~ entity that adopts requirements  
2659 for such alteration shall pay just compensation to the sign  
2660 owner if such alteration constitutes a taking under state law.  
2661 This subsection applies only to a lawfully erected sign the  
2662 subject matter of which relates to premises other than the  
2663 premises on which it is located or to merchandise, services,  
2664 activities, or entertainment not sold, produced, manufactured,  
2665 or furnished on the premises on which the sign is located. ~~As~~  
2666 ~~used in this subsection, the term "federal-aid primary highway~~  
2667 ~~system" means the federal-aid primary highway system in~~  
2668 ~~existence on June 1, 1991, and any highway that was not a part~~  
2669 ~~of such system as of that date but that is or becomes after June~~  
2670 ~~1, 1991, a part of the National Highway System. This subsection~~  
2671 may ~~shall~~ not be interpreted as explicit or implicit legislative  
2672 recognition that alterations do or do not constitute a taking  
2673 under state law.

2674 (3) It is the express intent of the Legislature to limit  
2675 the state right-of-way acquisition costs on state and federal  
2676 roads in eminent domain proceedings, ~~the provisions of~~ ss.  
2677 479.07 and 479.155 notwithstanding. Subject to approval by the  
2678 Federal Highway Administration, if ~~whenever~~ public acquisition

2679 of land upon which is situated a lawfully permitted ~~lawful~~  
 2680 ~~nonconforming~~ sign occurs, as provided in this chapter, the sign  
 2681 may, at the election of its owner and the department, be  
 2682 relocated or reconstructed adjacent to the new right-of-way and  
 2683 in close proximity to the current site if along the roadway  
 2684 ~~within 100 feet of the current location, provided the~~  
 2685 ~~nonconforming~~ sign is not relocated in an area inconsistent with  
 2686 s. 479.024. on a parcel zoned residential, and provided further  
 2687 ~~that~~ Such relocation is ~~shall be~~ subject to the applicable  
 2688 ~~setback~~ requirements in the 1972 agreement between the state and  
 2689 the United States Department of Transportation. The sign owner  
 2690 shall pay all costs associated with relocating or reconstructing  
 2691 a any sign under this subsection, and ~~neither~~ the state or ~~nor~~  
 2692 any local government may not ~~shall~~ reimburse the sign owner for  
 2693 such costs, unless part of such relocation costs is ~~are~~ required  
 2694 by federal law. If ~~no~~ adjacent property is not available for the  
 2695 relocation, the department is ~~shall be~~ responsible for paying  
 2696 the owner of the sign just compensation for its removal.

2697 (4) For a nonconforming sign, ~~Such relocation shall be~~  
 2698 ~~adjacent to the current site and~~ the face of the sign may ~~shall~~  
 2699 not be increased in size or height or structurally modified at  
 2700 the point of relocation in a manner inconsistent with the  
 2701 current building codes of the jurisdiction in which the sign is  
 2702 located.

2703 (5) If ~~In the event that~~ relocation can be accomplished  
 2704 but is inconsistent with the ordinances of the municipality or



2705 county within whose jurisdiction the sign is located, the  
 2706 ordinances of the local government shall prevail if, ~~provided~~  
 2707 ~~that~~ the local government assumes ~~shall assume~~ the  
 2708 responsibility to provide the owner of the sign just  
 2709 compensation for its removal, ~~but in no event shall~~  
 2710 Compensation paid by the local government may not be greater  
 2711 than ~~exceed~~ the compensation required under state or federal  
 2712 law. ~~Further, the provisions of~~ This section does ~~shall~~ not  
 2713 impair any agreement or future agreements between a municipality  
 2714 or county and the owner of a sign or signs within the  
 2715 jurisdiction of the municipality or county. ~~Nothing in this~~  
 2716 ~~section shall be deemed to cause a nonconforming sign to become~~  
 2717 ~~conforming solely as a result of the relocation allowed in this~~  
 2718 ~~section.~~

2719 (6) ~~The provisions of~~ Subsections (3), (4), and (5) do ~~of~~  
 2720 ~~this section shall~~ not apply within the jurisdiction of a ~~any~~  
 2721 municipality that ~~which~~ is engaged in ~~any~~ litigation concerning  
 2722 its sign ordinance on April 23, 1999, and the subsections do not  
 2723 ~~nor shall such provisions~~ apply to a ~~any~~ municipality whose  
 2724 boundaries are identical to the county within which the said  
 2725 municipality is located.

2726 (7) This section does not cause a neighboring sign that is  
 2727 already permitted and that is within the spacing requirements  
 2728 established in s. 479.07(9)(a) to become nonconforming.

2729 Section 38. Section 479.156, Florida Statutes, is amended  
 2730 to read:

2731           479.156 Wall murals.—Notwithstanding any other provision  
 2732 of this chapter, a municipality or county may permit and  
 2733 regulate wall murals within areas designated by such government.  
 2734 If a municipality or county permits wall murals, a wall mural  
 2735 that displays a commercial message and is within 660 feet of the  
 2736 nearest edge of the right-of-way within an area adjacent to the  
 2737 interstate highway system or the federal-aid primary highway  
 2738 system shall be located only in an area that is zoned for  
 2739 industrial or commercial use pursuant to s. 479.024. ~~and~~ The  
 2740 municipality or county shall establish and enforce regulations  
 2741 for such areas which ~~that~~, at a minimum, set forth criteria  
 2742 governing the size, lighting, and spacing of wall murals  
 2743 consistent with the intent of 23 U.S.C. s. 131 ~~the Highway~~  
 2744 ~~Beautification Act of 1965~~ and with customary use. If ~~Whenever~~ a  
 2745 municipality or county exercises such control and makes a  
 2746 determination of customary use pursuant to 23 U.S.C. s. 131(d),  
 2747 such determination shall be accepted in lieu of controls in the  
 2748 agreement between the state and the United States Department of  
 2749 Transportation, and the department shall notify the Federal  
 2750 Highway Administration pursuant to the agreement, 23 U.S.C. s.  
 2751 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is  
 2752 subject to municipal or county regulation and 23 U.S.C. s. 131  
 2753 ~~the Highway Beautification Act of 1965~~ must be approved by the  
 2754 Department of Transportation and the Federal Highway  
 2755 Administration when required by federal law and federal  
 2756 regulation under the agreement between the state and the United

2757 States Department of Transportation and federal regulations  
 2758 enforced by the Department of Transportation under s. 479.02(1).  
 2759 The existence of a wall mural as defined in s. 479.01~~(30)~~ may  
 2760 ~~shall~~ not be considered in determining whether a sign as defined  
 2761 in s. 479.01~~(20)~~, ~~either~~ existing or new, is in compliance with  
 2762 s. 479.07(9)(a).

2763 Section 39. Section 479.16, Florida Statutes, is amended  
 2764 to read:

2765 479.16 Signs for which permits are not required.—The  
 2766 following signs are exempt from the requirement that a permit  
 2767 for a sign be obtained under ~~the provisions of~~ this chapter but  
 2768 are required to comply with ~~the provisions of~~ s. 479.11(4)-(8),  
 2769 and subsections (15)-(19) may not be implemented or continued if  
 2770 the Federal Government notifies the department that  
 2771 implementation or continuation will adversely affect the  
 2772 allocation of federal funds to the department:

2773 (1) Signs erected on the premises of an establishment,  
 2774 which ~~signs~~ consist primarily of the name of the establishment  
 2775 or ~~which~~ identify the principal or accessory merchandise,  
 2776 services, activities, or entertainment sold, produced,  
 2777 manufactured, or furnished on the premises of the establishment  
 2778 and which comply with the lighting restrictions imposed under  
 2779 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned  
 2780 by a municipality or a county located on the premises of such  
 2781 municipality or ~~such~~ county which display information regarding  
 2782 governmental ~~government~~ services, activities, events, or

2783 entertainment. For purposes of this section, the following types  
 2784 of messages are ~~shall~~ not be considered information regarding  
 2785 governmental ~~government~~ services, activities, events, or  
 2786 entertainment:

2787 (a) Messages that ~~which~~ specifically reference any  
 2788 commercial enterprise.

2789 (b) Messages that ~~which~~ reference a commercial sponsor of  
 2790 any event.

2791 (c) Personal messages.

2792 (d) Political campaign messages.

2793  
 2794 If a sign located on the premises of an establishment consists  
 2795 principally of brand name or trade name advertising and the  
 2796 merchandise or service is only incidental to the principal  
 2797 activity, or if the owner of the establishment receives rental  
 2798 income from the sign, ~~then~~ the sign is not exempt under this  
 2799 subsection.

2800 (2) Signs erected, used, or maintained on a farm by the  
 2801 owner or lessee of such farm and relating solely to farm  
 2802 produce, merchandise, service, or entertainment sold, produced,  
 2803 manufactured, or furnished on such farm.

2804 (3) Signs posted or displayed on real property by the  
 2805 owner or by the authority of the owner, stating that the real  
 2806 property is for sale or rent. However, if the sign contains any  
 2807 message not pertaining to the sale or rental of the ~~that~~ real  
 2808 property, ~~then~~ it is not exempt under this section.

2809 (4) Official notices or advertisements posted or displayed  
 2810 on private property by or under the direction of any public or  
 2811 court officer in the performance of her or his official or  
 2812 directed duties, or by trustees under deeds of trust or deeds of  
 2813 assignment or other similar instruments.

2814 (5) Danger or precautionary signs relating to the premises  
 2815 on which they are located; forest fire warning signs erected  
 2816 under the authority of the Florida Forest Service of the  
 2817 Department of Agriculture and Consumer Services; and signs,  
 2818 notices, or symbols erected by the United States Government  
 2819 under the direction of the United States Forest ~~Forestry~~  
 2820 Service.

2821 (6) Notices of any railroad, bridge, ferry, or other  
 2822 transportation or transmission company necessary for the  
 2823 direction or safety of the public.

2824 (7) Signs, notices, or symbols for the information of  
 2825 aviators as to location, directions, and landings and conditions  
 2826 affecting safety in aviation erected or authorized by the  
 2827 department.

2828 (8) Signs or notices measuring up to 8 square feet in area  
 2829 which are erected or maintained upon property and which state  
 2830 ~~stating~~ only the name of the owner, lessee, or occupant of the  
 2831 premises ~~and not exceeding 8 square feet in area.~~

2832 (9) Historical markers erected by ~~duly constituted and~~  
 2833 authorized public authorities.

2834 (10) Official traffic control signs and markers erected,

HB 7175

2014

2835 caused to be erected, or approved by the department.

2836 (11) Signs erected upon property warning the public  
2837 against hunting and fishing or trespassing ~~thereon~~.

2838 (12) Signs ~~not in excess~~ of up to 8 square feet which ~~that~~  
2839 are owned by and relate to the facilities and activities of  
2840 churches, civic organizations, fraternal organizations,  
2841 charitable organizations, or units or agencies of government.

2842 (13) ~~Except that~~ Signs placed on benches, transit  
2843 shelters, modular news racks, street light poles, public pay  
2844 telephones, and waste receptacles, within the right-of-way, as  
2845 provided for in s. 337.408 are exempt from ~~all provisions of~~  
2846 this chapter.

2847 (14) Signs relating exclusively to political campaigns.

2848 (15) Signs measuring up to ~~not in excess of~~ 16 square feet  
2849 placed at a road junction with the State Highway System denoting  
2850 only the distance or direction of a residence or farm operation,  
2851 or, outside an incorporated ~~in a rural~~ area where a hardship is  
2852 created because a small business is not visible from the road  
2853 junction with the State Highway System, one sign measuring up to  
2854 ~~not in excess of~~ 16 square feet, denoting only the name of the  
2855 business and the distance and direction to the business. ~~The~~  
2856 ~~small-business-sign provision of this subsection does not apply~~  
2857 ~~to charter counties and may not be implemented if the Federal~~  
2858 ~~Government notifies the department that implementation will~~  
2859 ~~adversely affect the allocation of federal funds to the~~  
2860 ~~department.~~

2861 (16) Signs placed by a local tourist-oriented business  
 2862 located within a rural area of critical economic concern as  
 2863 defined in s. 288.0656(2) which are:

2864 (a) Not more than 8 square feet in size or more than 4  
 2865 feet in height;

2866 (b) Located only in rural areas on a facility that does  
 2867 not meet the definition of a limited access facility, as defined  
 2868 in s. 334.03;

2869 (c) Located within 2 miles of the business location and at  
 2870 least 500 feet apart;

2871 (d) Located only in two directions leading to the  
 2872 business; and

2873 (e) Not located within the road right-of-way.

2874  
 2875 A business placing such signs must be at least 4 miles from any  
 2876 other business using this exemption and may not participate in  
 2877 any other directional signage program by the department.

2878 (17) Signs measuring up to 32 square feet denoting only  
 2879 the distance or direction of a farm operation which are erected  
 2880 at a road junction with the State Highway System, but only  
 2881 during the harvest season of the farm operation for up to 4  
 2882 months.

2883 (18) Acknowledgment signs erected upon publicly funded  
 2884 school premises which relate to a specific public school club,  
 2885 team, or event and which are placed at least 1,000 feet from any  
 2886 other acknowledgment sign on the same side of the roadway. The

HB 7175

2014

2887 sponsor information on an acknowledgment sign may constitute no  
2888 more than 100 square feet of the sign. As used in this  
2889 subsection, the term "acknowledgment sign" means a sign that is  
2890 intended to inform the traveling public that a public school  
2891 club, team, or event has been sponsored by a person, firm, or  
2892 other entity.

2893 (19) Displays erected upon a sports facility, the content  
2894 of which is directly related to the facility's activities or to  
2895 the facility's products or services. Displays must be mounted  
2896 flush to the surface of the sports facility and must rely upon  
2897 the building facade for structural support. As used in this  
2898 subsection, the term "sports facility" means an athletic  
2899 complex, athletic arena, or athletic stadium, including  
2900 physically connected parking facilities, which is open to the  
2901 public and has a seating capacity of 15,000 or more permanently  
2902 installed seats.

2903  
2904 If the exemptions in subsections (15)-(19) are not implemented  
2905 or continued due to notification from the Federal Government  
2906 that the allocation of federal funds to the department will be  
2907 adversely impacted, the department shall provide notice to the  
2908 sign owner that the sign must be removed within 30 days after  
2909 receipt of the notice. If the sign is not removed within 30 days  
2910 after receipt of the notice by the sign owner, the department  
2911 may remove the sign, and the costs incurred in connection with  
2912 the sign removal shall be assessed against and collected from



HB 7175

2014

2913 the sign owner.

2914 Section 40. Section 479.24, Florida Statutes, is amended  
2915 to read:

2916 479.24 Compensation for ~~removal of~~ signs; eminent domain;  
2917 exceptions.—

2918 (1) Just compensation shall be paid by the department upon  
2919 the department's acquisition ~~removal~~ of a lawful conforming or  
2920 nonconforming sign along any portion of the interstate or  
2921 federal-aid primary highway system. This section does not apply  
2922 to a sign that ~~which~~ is illegal at the time of its removal. A  
2923 sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~  
2924 illegal at such time as it fails to be permitted or maintained  
2925 in accordance with all applicable laws, rules, ordinances, or  
2926 regulations other than the provision that ~~which~~ makes it  
2927 nonconforming. A legal nonconforming sign under state law or  
2928 rule does ~~will~~ not lose its nonconforming status solely because  
2929 it additionally becomes nonconforming under an ordinance or  
2930 regulation of a local governmental entity passed at a later  
2931 date. The department shall make every reasonable effort to  
2932 negotiate the purchase of the signs to avoid litigation and  
2933 congestion in the courts.

2934 (2) The department is not required to remove any sign  
2935 under this section if the federal share of the just compensation  
2936 to be paid upon removal of the sign is not available to make  
2937 such payment, unless an appropriation by the Legislature for  
2938 such purpose is made to the department.

2939 (3) (a) The department may ~~is authorized to~~ use the power  
 2940 of eminent domain when necessary to carry out ~~the provisions of~~  
 2941 this chapter.

2942 (b) If eminent domain procedures are instituted, just  
 2943 compensation shall be made pursuant to the state's eminent  
 2944 domain procedures, chapters 73 and 74.

2945 Section 41. Section 479.25, Florida Statutes, is amended  
 2946 to read:

2947 479.25 Erection of noise-attenuation barrier blocking view  
 2948 of sign; procedures; application.—

2949 (1) The owner of a lawfully erected sign that is governed  
 2950 by and conforms to state and federal requirements for land use,  
 2951 size, height, and spacing may increase the height above ground  
 2952 level of such sign at its permitted location if a noise-  
 2953 attenuation barrier is permitted by or erected by any  
 2954 governmental entity in such a way as to screen or block  
 2955 visibility of the sign. Any increase in height permitted under  
 2956 this section may only be the increase in height which is  
 2957 required to achieve the same degree of visibility from the  
 2958 right-of-way which the sign had before ~~prior to~~ the construction  
 2959 of the noise-attenuation barrier, notwithstanding the  
 2960 restrictions contained in s. 479.07(9)(b). A sign reconstructed  
 2961 under this section must ~~shall~~ comply with the building standards  
 2962 and wind load requirements provided ~~set forth~~ in the Florida  
 2963 Building Code. If construction of a proposed noise-attenuation  
 2964 barrier will screen a sign lawfully permitted under this

2965 chapter, the department shall provide notice to the local  
 2966 government or local jurisdiction within which the sign is  
 2967 located before construction ~~prior to erection of the noise-~~  
 2968 ~~attenuation barrier~~. Upon a determination that an increase in  
 2969 the height of a sign as permitted under this section will  
 2970 violate ~~a provision contained in~~ an ordinance or a land  
 2971 development regulation of the local government or local  
 2972 jurisdiction, the local government or local jurisdiction shall,  
 2973 before construction ~~so notify the department~~. When notice has  
 2974 ~~been received from the local government or local jurisdiction~~  
 2975 ~~prior to erection of the noise-attenuation barrier, the~~  
 2976 ~~department shall:~~

2977 (a) Provide a variance or waiver to the local ordinance or  
 2978 land development regulations to ~~Conduct a written survey of all~~  
 2979 ~~property owners identified as impacted by highway noise and who~~  
 2980 ~~may benefit from the proposed noise-attenuation barrier. The~~  
 2981 ~~written survey shall inform the property owners of the location,~~  
 2982 ~~date, and time of the public hearing described in paragraph (b)~~  
 2983 ~~and shall specifically advise the impacted property owners that:~~

2984 1. ~~Erection of the noise-attenuation barrier may block the~~  
 2985 ~~visibility of an existing outdoor advertising sign;~~

2986 2. ~~The local government or local jurisdiction may restrict~~  
 2987 ~~or prohibit increasing the height of the existing outdoor~~  
 2988 ~~advertising sign to make it visible over the barrier; and~~

2989 3. ~~If a majority of the impacted property owners vote for~~  
 2990 ~~construction of the noise-attenuation barrier, the local~~

2991 ~~government or local jurisdiction will be required to:~~  
 2992       ~~a.~~ allow an increase in the height of the sign ~~in~~  
 2993 ~~violation of a local ordinance or land development regulation;~~  
 2994       **(b)**~~b.~~ Allow the sign to be relocated or reconstructed at  
 2995 another location if the sign owner agrees; or  
 2996       **(c)**~~c.~~ Pay the fair market value of the sign and its  
 2997 associated interest in the real property.  
 2998       **(2)**~~(b)~~ The department shall hold a public hearing within  
 2999 the boundaries of the affected local governments or local  
 3000 jurisdictions to receive input on the proposed noise-attenuation  
 3001 barrier and its conflict with the local ordinance or land  
 3002 development regulation and to suggest or consider alternatives  
 3003 or modifications ~~to the proposed noise-attenuation barrier~~ to  
 3004 alleviate or minimize the conflict with the local ordinance or  
 3005 land development regulation or minimize any costs that may be  
 3006 associated with relocating, reconstructing, or paying for the  
 3007 affected sign. The public hearing may be held concurrently with  
 3008 other public hearings scheduled for the project. The department  
 3009 shall provide a written notification to the local government or  
 3010 local jurisdiction of the date and time of the public hearing  
 3011 and shall provide general notice of the public hearing in  
 3012 accordance with the notice provisions of s. 335.02(1). The  
 3013 notice may ~~shall~~ not be placed in that portion of a newspaper in  
 3014 which legal notices or classified advertisements appear. The  
 3015 notice must ~~shall~~ specifically state that:  
 3016       **(a)**~~1.~~ Erection of the proposed noise-attenuation barrier

3017 may block the visibility of an existing outdoor advertising  
 3018 sign;

3019 ~~(b)2.~~ The local government or local jurisdiction may  
 3020 restrict or prohibit increasing the height of the existing  
 3021 outdoor advertising sign ~~to make it visible over the barrier;~~  
 3022 and

3023 ~~(c)3.~~ Upon ~~If a majority of the impacted property owners~~  
 3024 ~~vote for~~ construction of the noise-attenuation barrier, the  
 3025 local government or local jurisdiction shall ~~will be required~~  
 3026 ~~to:~~

3027 1.a. Allow an increase in the height of the sign through a  
 3028 waiver or variance to ~~in violation of~~ a local ordinance or land  
 3029 development regulation;

3030 2.b. Allow the sign to be relocated or reconstructed at  
 3031 another location if the sign owner agrees; or

3032 3.c. Pay the fair market value of the sign and its  
 3033 associated interest in the real property.

3034 ~~(3)(2)~~ The department may ~~shall~~ not permit erection of the  
 3035 noise-attenuation barrier to the extent the barrier screens or  
 3036 blocks visibility of the sign until after the public hearing is  
 3037 held ~~and until such time as the survey has been conducted and a~~  
 3038 ~~majority of the impacted property owners have indicated approval~~  
 3039 ~~to erect the noise-attenuation barrier.~~ When the impacted  
 3040 property owners approve of the noise-attenuation barrier  
 3041 construction, the department shall notify the local governments  
 3042 or local jurisdictions. ~~The local government or local~~

3043 ~~jurisdiction shall, notwithstanding the provisions of a~~  
 3044 ~~conflicting ordinance or land development regulation:~~  
 3045 ~~(a) Issue a permit by variance or otherwise for the~~  
 3046 ~~reconstruction of a sign under this section;~~  
 3047 ~~(b) Allow the relocation of a sign, or construction of~~  
 3048 ~~another sign, at an alternative location that is permissible~~  
 3049 ~~under the provisions of this chapter, if the sign owner agrees~~  
 3050 ~~to relocate the sign or construct another sign; or~~  
 3051 ~~(c) Refuse to issue the required permits for~~  
 3052 ~~reconstruction of a sign under this section and pay fair market~~  
 3053 ~~value of the sign and its associated interest in the real~~  
 3054 ~~property to the owner of the sign.~~  
 3055 (4)~~(3)~~ This section does ~~shall~~ not apply to ~~the provisions~~  
 3056 ~~of~~ any existing written agreement executed before July 1, 2006,  
 3057 between any local government and the owner of an outdoor  
 3058 advertising sign.  
 3059 Section 42. Subsection (1) of section 479.261, Florida  
 3060 Statutes, is amended to read:  
 3061 479.261 Logo sign program.—  
 3062 (1) The department shall establish a logo sign program for  
 3063 the rights-of-way of the limited access ~~interstate~~ highway  
 3064 system to provide information to motorists about available gas,  
 3065 food, lodging, camping, attractions, and other services, as  
 3066 approved by the Federal Highway Administration, at interchanges  
 3067 through the use of business logos and may include additional  
 3068 interchanges under the program.

3069 (a) As used in this chapter, the term "attraction" means  
 3070 an establishment, site, facility, or landmark that is open a  
 3071 minimum of 5 days a week for 52 weeks a year; that has as its  
 3072 principal focus family-oriented entertainment, cultural,  
 3073 educational, recreational, scientific, or historical activities;  
 3074 and that is publicly recognized as a bona fide tourist  
 3075 attraction.

3076 (b) The department shall incorporate the use of RV-  
 3077 friendly markers on specific information logo signs for  
 3078 establishments that cater to the needs of persons driving  
 3079 recreational vehicles. Establishments that qualify for  
 3080 participation in the specific information logo program and that  
 3081 also qualify as "RV-friendly" may request the RV-friendly marker  
 3082 on their specific information logo sign. An RV-friendly marker  
 3083 must consist of a design approved by the Federal Highway  
 3084 Administration. The department shall adopt rules ~~in accordance~~  
 3085 ~~with chapter 120~~ to administer this paragraph. Such rules must  
 3086 establish minimum requirements for parking spaces, entrances and  
 3087 exits, and overhead clearance which must be met by, ~~including~~  
 3088 ~~rules setting forth the minimum requirements that establishments~~  
 3089 ~~that wish must meet in order to qualify as RV-friendly. These~~  
 3090 ~~requirements shall include large parking spaces, entrances, and~~  
 3091 ~~exits that can easily accommodate recreational vehicles and~~  
 3092 ~~facilities having appropriate overhead clearances, if~~  
 3093 ~~applicable.~~

3094 Section 43. Subsection (1) of section 479.262, Florida

3095 Statutes, is amended to read:

3096 479.262 Tourist-oriented directional sign program.—

3097 (1) A tourist-oriented directional sign program to provide  
 3098 directions to rural tourist-oriented businesses, services, and  
 3099 activities may be established at intersections on rural and  
 3100 conventional state, county, or municipal roads only ~~in rural~~  
 3101 ~~counties identified by criteria and population in s. 288.0656~~  
 3102 when approved and permitted by county or local governmental  
 3103 ~~government~~ entities within their respective jurisdictional areas  
 3104 ~~at intersections on rural and conventional state, county, or~~  
 3105 ~~municipal roads~~. A county or local government ~~that~~ which issues  
 3106 permits for a tourist-oriented directional sign program ~~is~~ shall  
 3107 ~~be~~ responsible for sign construction, maintenance, and program  
 3108 operation in compliance with subsection (3) for roads on the  
 3109 state highway system and may establish permit fees sufficient to  
 3110 offset associated costs. A tourist-oriented directional sign may  
 3111 not be used on roads in urban areas or at interchanges on  
 3112 freeways or expressways.

3113 Section 44. Section 479.313, Florida Statutes, is amended  
 3114 to read:

3115 479.313 Permit revocation and cancellation; cost of  
 3116 removal.—All costs incurred by the department in connection with  
 3117 the removal of a sign located within a controlled area adjacent  
 3118 to the State Highway System, interstate highway system, or  
 3119 federal-aid primary highway system following the revocation or  
 3120 cancellation of the permit for such sign shall be assessed



3121 against and collected from the permittee.

3122       Section 45. Section 76 of chapter 2012-174, Laws of  
3123 Florida, is repealed.

3124       Section 46. There is established a pilot program for the  
3125 School District of Palm Beach County to recognize its business  
3126 partners. The school district may recognize its business  
3127 partners by publicly displaying the names of the business  
3128 partners on school district property in the unincorporated areas  
3129 of the county. Recognitions of Project Graduation and athletic  
3130 sponsorships are examples of appropriate recognitions. The  
3131 school district shall make every effort to display the names of  
3132 its business partners in a manner that is consistent with the  
3133 county standards for uniformity in size, color, and placement of  
3134 the signs. If the provisions of this section are inconsistent  
3135 with county ordinances or regulations relating to signs in the  
3136 unincorporated areas of the county or inconsistent with chapter  
3137 125 or chapter 166, Florida Statutes, the provisions of this  
3138 section shall prevail. If the Federal Highway Administration  
3139 determines that the Department of Transportation is not  
3140 providing effective control of outdoor advertising as a result  
3141 of a business partner recognition by the school district under  
3142 this pilot program, the department shall notify the school  
3143 district by certified mail of any nonconforming recognition, and  
3144 the school district shall remove the recognition specified in  
3145 the notice within 30 days after receiving the notification. The  
3146 pilot program expires June 30, 2015.

HB 7175

2014

3147           Section 47. (1) The Florida Transportation Commission  
3148 shall conduct a study of the potential for the state to obtain  
3149 revenue from any parking meters or other parking time-limit  
3150 devices that regulate designated parking spaces located within  
3151 or along the right-of-way limits of a state road. The commission  
3152 may retain such experts as are reasonably necessary to complete  
3153 the study, and the department shall pay the expenses of such  
3154 experts. On or before August 31, 2014, each municipality and  
3155 county that receives revenue from any parking meters or other  
3156 parking time-limit devices that regulate designated parking  
3157 spaces located within or along the right-of-way limits of a  
3158 state road shall provide the commission a written inventory of  
3159 the location of each such meter or device and the total revenue  
3160 collected from such locations during the last 3 fiscal years.  
3161 Each municipality and county shall at the same time inform the  
3162 commission of any pledge or commitment by the municipality or  
3163 county of such revenues to the payment of debt service on any  
3164 bonds or other debt issued by the municipality or county. The  
3165 commission shall consider the information provided by the  
3166 municipalities and counties, together with such other matters as  
3167 it deems appropriate, and shall develop policy recommendations  
3168 regarding the manner and extent that revenues generated by  
3169 regulating parking within the right-of-way limits of a state  
3170 road may be allocated between the department and municipalities  
3171 and counties. The commission shall develop specific  
3172 recommendations concerning the allocation of revenues generated

3173 by meters or devices regulating such parking that were installed  
 3174 before July 1, 2014, and the allocation of revenues that may be  
 3175 generated by meters or devices installed thereafter. The  
 3176 commission shall complete the study and provide a written report  
 3177 of its findings and conclusions to the Governor, the President  
 3178 of the Senate, the Speaker of the House of Representatives, and  
 3179 the chairs of each of the appropriations committees of the  
 3180 Legislature by October 31, 2014.

3181 (2) If, by August 31, 2014, a municipality or county does  
 3182 not provide the information requested by the commission, the  
 3183 department is authorized to remove the parking meters or parking  
 3184 time-limit devices that regulate designated parking spaces  
 3185 located within or along the right-of-way limits of a state road,  
 3186 and all costs incurred in connection with the removal shall be  
 3187 assessed against and collected from the municipality or county.

3188 (3) The Legislature finds that preservation of the status  
 3189 quo pending the commission's study and the Legislature's review  
 3190 of the commission's report is appropriate and desirable. From  
 3191 July 1, 2014, through July 1, 2015, no county or municipality  
 3192 shall install any parking meters or other parking time-limit  
 3193 devices that regulate designated parking spaces located within  
 3194 or along the right-of-way limits of a state road. This  
 3195 subsection does not prohibit the replacement of meters or  
 3196 similar devices installed before July 1, 2014, with new devices  
 3197 that regulate the same designated parking spaces.

3198 (4) This section shall take effect upon this act becoming

3199 law.

3200 Section 48. Section 2 of chapter 85-364, Laws of Florida,  
 3201 as amended by chapter 95-382, Laws of Florida, is amended to  
 3202 read:

3203 Section 2. All tolls collected shall ~~first~~ be used first  
 3204 for the payment of annual operating and maintenance costs and  
 3205 second to discharge the current bond indebtedness related to the  
 3206 Pinellas Bayway. Thereafter, tolls collected shall be used to  
 3207 establish a reserve construction account to be used, together  
 3208 with interest earned thereon, by the department ~~for the~~  
 3209 ~~construction of Blind Pass Road, State Road 699 improvements,~~  
 3210 ~~and for Phase II of the Pinellas Bayway improvements. A portion~~  
 3211 ~~of the tolls collected shall first be used specifically for the~~  
 3212 ~~construction of the Blind Pass Road improvements, which~~  
 3213 ~~improvements consist of widening to four lanes the Blind Pass~~  
 3214 ~~Road, State Road 699, from 75th Avenue north to the approach of~~  
 3215 ~~the Blind Pass Bridge, including necessary right-of-way~~  
 3216 ~~acquisition along said portion of Blind Pass Road, and~~  
 3217 ~~intersection improvements at 75<sup>th</sup> Avenue and Blind Pass Road in~~  
 3218 ~~Pinellas County. Said improvements shall be included in the~~  
 3219 ~~department's current 5-year work program. Upon completion of the~~  
 3220 ~~Blind Pass Road improvements, the tolls collected shall be used,~~  
 3221 ~~together with interest earned thereon, by the department for~~  
 3222 ~~Phase II of the Pinellas Bayway improvements, which improvements~~  
 3223 ~~consists of widening to four lanes the Pinellas Bayway from~~  
 3224 ~~State Road 679 west to Gulf Boulevard, including necessary~~

3225 approaches, bridges, and avenues of access. Upon completion of  
 3226 the Phase II improvements, the department shall continue to  
 3227 collect tolls on the Pinellas Bayway for purposes of reimbursing  
 3228 the department for all accrued maintenance costs for the  
 3229 Pinellas Bayway.

3230 Section 49. Paragraphs (j), (m), and (q) of subsection (2)  
 3231 of section 110.205, Florida Statutes, are amended to read:

3232 110.205 Career service; exemptions.—

3233 (2) EXEMPT POSITIONS.—The exempt positions that are not  
 3234 covered by this part include the following:

3235 (j) The appointed secretaries and the State Surgeon  
 3236 General, assistant secretaries, deputy secretaries, and deputy  
 3237 assistant secretaries of all departments; the executive  
 3238 directors, assistant executive directors, deputy executive  
 3239 directors, and deputy assistant executive directors of all  
 3240 departments; the directors of all divisions and those positions  
 3241 determined by the department to have managerial responsibilities  
 3242 comparable to such positions, which positions include, but are  
 3243 not limited to, program directors, assistant program directors,  
 3244 district administrators, deputy district administrators, the  
 3245 Director of Central Operations Services of the Department of  
 3246 Children and Families ~~Family Services~~, the State Transportation  
 3247 Development Administrator, the State Public Transportation and  
 3248 Modal Administrator, district secretaries, district directors of  
 3249 transportation development, transportation operations,  
 3250 transportation support, and the managers of the offices of the

3251 Department of Transportation specified in s. 20.23(3)(b) ~~s.~~  
 3252 ~~20.23(4)(b)~~, of the Department of Transportation. Unless  
 3253 otherwise fixed by law, the department shall set the salary and  
 3254 benefits of these positions ~~in accordance with the rules of the~~  
 3255 ~~Senior Management Service~~; and the positions of county health  
 3256 department directors and county health department administrators  
 3257 of the Department of Health in accordance with the rules of the  
 3258 Senior Management Service.

3259 (m) All assistant division director, deputy division  
 3260 director, and bureau chief positions in any department, and  
 3261 those positions determined by the department to have managerial  
 3262 responsibilities comparable to such positions, which include,  
 3263 but are not limited to:

3264 1. Positions in the Department of Health and the  
 3265 Department of Children and Families ~~which Family Services that~~  
 3266 are assigned primary duties of serving as the superintendent or  
 3267 assistant superintendent of an institution.

3268 2. Positions in the Department of Corrections which ~~that~~  
 3269 are assigned primary duties of serving as the warden, assistant  
 3270 warden, colonel, or major of an institution or that are assigned  
 3271 primary duties of serving as the circuit administrator or deputy  
 3272 circuit administrator.

3273 3. Positions in the Department of Transportation which  
 3274 ~~that~~ are assigned primary duties of serving as regional toll  
 3275 managers and managers of offices, as specified ~~defined~~ in s.  
 3276 20.23(3)(b) and (4)(c) ~~s. 20.23(4)(b) and (5)(c)~~.

3277 4. Positions in the Department of Environmental Protection  
 3278 which ~~that~~ are assigned the duty of an Environmental  
 3279 Administrator or program administrator.

3280 5. Positions in the Department of Health which ~~that~~ are  
 3281 assigned the duties of Environmental Administrator, Assistant  
 3282 County Health Department Director, and County Health Department  
 3283 Financial Administrator.

3284 6. Positions in the Department of Highway Safety and Motor  
 3285 Vehicles which ~~that~~ are assigned primary duties of serving as  
 3286 captains in the Florida Highway Patrol.

3287  
 3288 Unless otherwise fixed by law, the department shall set the  
 3289 salary and benefits of the positions listed in this paragraph in  
 3290 accordance with the rules established for the Selected Exempt  
 3291 Service.

3292 (q) The staff directors, assistant staff directors,  
 3293 district program managers, district program coordinators,  
 3294 district subdistrict administrators, district administrative  
 3295 services directors, district attorneys, and the Deputy Director  
 3296 of Central Operations Services of the Department of Children and  
 3297 Families ~~Family Services~~. Unless otherwise fixed by law, the  
 3298 department shall establish the salary ~~pay band~~ and benefits for  
 3299 these positions in accordance with the rules of the Selected  
 3300 Exempt Service.

3301 Section 50. Except as otherwise expressly provided in this  
 3302 act and except for this section, which shall take effect upon

HB 7175

2014

3303 | this act becoming a law, this act shall take effect July 1,  
3304 | 2014.