

CHAPTER 2014-215

Committee Substitute for Committee Substitute for House Bill No. 1161

An act relating to the Department of Transportation; creating s. 339.041, F.S.; providing legislative findings and intent; authorizing the department to seek certain investors for certain leases; prohibiting the department from pledging the credit, general revenues, or taxing power of the state or any political subdivision of the state; specifying the collection and deposit of lease payments by agreement with the department; amending s. 373.618, F.S.; revising provisions relating to public service warning signs; amending s. 479.01, F.S., relating to outdoor advertising signs; revising and deleting definitions; amending s. 479.02, F.S.; revising duties of the Department of Transportation relating to signs; deleting a requirement that the department adopt certain rules; creating s. 479.024, F.S.; limiting the placement of signs to commercial or industrial zones; defining the terms “parcel” and “utilities”; requiring a local government to use specified criteria to determine zoning for commercial or industrial parcels; providing that certain parcels are considered unzoned commercial or industrial areas; authorizing a permit for a sign in an unzoned commercial or industrial area in certain circumstances; prohibiting specified uses and activities from being independently recognized as commercial or industrial; providing an appeal process for an applicant whose permit is denied; requiring an applicant whose application is denied to remove an existing sign pertaining to the application; requiring the department to reduce certain transportation funding in certain circumstances; amending s. 479.03, F.S.; requiring notice to owners of intervening privately owned lands before the department enters upon such lands to remove an illegal sign; amending s. 479.04, F.S.; providing that an outdoor advertising license is not required solely to erect or construct outdoor signs or structures; amending s. 479.05, F.S.; authorizing the department to suspend a license for certain offenses and specifying activities that the licensee may engage in during the suspension; prohibiting the department from granting a transfer of an existing permit or issuing an additional permit during the suspension; amending s. 479.07, F.S.; revising requirements for obtaining sign permits; conforming and clarifying provisions; revising permit tag placement requirements for signs; deleting a provision that allows a permittee to provide its own replacement tag; revising requirements for permitting certain signs visible to more than one highway; deleting provisions limiting a pilot program to specified locations; deleting redundant provisions relating to certain new or replacement signs; deleting provisions requiring maintenance of statistics on the pilot program; amending s. 479.08, F.S.; revising provisions relating to the denial or revocation of a permit because of false or misleading information in the permit application; amending s. 479.10, F.S.; authorizing the cancellation of a permit; amending s. 479.105, F.S.; revising notice requirements to owners and advertisers relating to

signs erected or maintained without a permit; revising procedures for the department to issue a permit as a conforming or nonconforming sign to the owner of an unpermitted sign; providing a penalty; amending s. 479.106, F.S.; revising provisions relating to the removal, cutting, or trimming of trees or vegetation to increase sign face visibility; providing that a specified penalty is applied per sign facing; amending s. 479.107, F.S.; deleting a fine for specified violations; amending s. 479.11, F.S.; prohibiting signs on specified portions of the interstate highway system; amending s. 479.111, F.S.; clarifying a reference to a certain agreement; amending s. 479.15, F.S.; deleting a definition; revising provisions relating to relocation of certain signs on property subject to public acquisition; amending s. 479.156, F.S.; clarifying provisions relating to the regulation of wall murals; amending s. 479.16, F.S.; exempting certain signs from ch. 479, F.S.; exempting from permitting certain signs placed by tourist-oriented businesses, certain farm signs placed during harvest seasons, certain acknowledgment signs on publicly funded school premises, and certain displays on specific sports facilities; prohibiting certain permit exemptions from being implemented or continued if the implementations or continuations will adversely impact the allocation of federal funds to the Department of Transportation; directing the department to notify a sign owner that the sign must be removed if federal funds are adversely impacted; authorizing the department to remove the sign and assess costs to the sign owner under certain circumstances; amending s. 479.24, F.S.; clarifying provisions relating to compensation paid for the department's acquisition of lawful signs; amending s. 479.25, F.S.; revising provisions relating to local government action with respect to erection of noise-attenuation barriers that block views of lawfully erected signs; deleting provisions to conform to changes made by the act; amending s. 479.261, F.S.; expanding the logo program to the limited access highway system; conforming provisions related to a logo sign program on the limited access highway system; amending s. 479.262, F.S.; clarifying provisions relating to the tourist-oriented directional sign program; limiting the placement of such signs to intersections on certain rural roads; prohibiting such signs in urban areas or at interchanges on freeways or expressways; amending s. 479.313, F.S.; requiring a permittee to pay the cost of removing certain signs following the cancellation of the permit for the sign; establishing a pilot program for the School District of Palm Beach County authorizing signage on certain school district property to recognize the names of the school district's business partners; providing for expiration of the program; repealing s. 76 of chapter 2012-174, Laws of Florida, relating to authorizing the department to seek Federal Highway Administration approval of a tourist-oriented commerce sign pilot program and directing the department to submit the approved pilot program for legislative approval; amending s. 335.065, F.S.; authorizing the department to enter into certain concession agreements; providing for use of agreement revenues; providing that the agreements are subject to applicable federal laws; requiring that a concession agreement be administered by the department and meet certain requirements; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

373.618 Public service warnings, alerts, and announcements.—The Legislature believes it is in the public interest that all water management districts created pursuant to s. 373.069 own, acquire, develop, construct, operate, and manage public information systems. Public information systems may be located on property owned by the water management district, upon terms and conditions approved by the water management district, and must display messages to the general public concerning water management services, activities, events, and sponsors, as well as other public service announcements, including watering restrictions, severe weather reports, amber alerts, and other essential information needed by the public. Local government review or approval is not required for a public information system owned or hereafter acquired, developed, or constructed by the water management district on its own property. A public information system is subject to exempt from the requirements of the Highway Beautification Act of 1965 and all federal laws and agreements, when applicable chapter 479. Water management district funds may not be used to pay the cost to acquire, develop, construct, operate, or manage a public information system. Any necessary funds for a public information system shall be paid for and collected from private sponsors who may display commercial messages.

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

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

(1) “Allowable uses” means the intended uses identified in a local government’s land development regulations which those uses that are authorized within a zoning category as a use by right, without the requirement to obtain a variance or waiver. The term includes conditional uses and those allowed by special exception if such uses are a present and actual use, but does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis.

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

(3) “Business of outdoor advertising” means the business of ~~constructing, erecting, operating, using,~~ maintaining, leasing, or selling outdoor advertising structures, outdoor advertising signs, or outdoor advertisements.

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

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

(5)(6) “Controlled area” means 660 feet or less from the nearest edge of the right-of-way of any portion of the State Highway System, interstate, or federal-aid primary highway system and beyond 660 feet of the nearest edge of the right-of-way of any portion of the State Highway System, interstate highway system, or federal-aid primary system outside an urban area.

(6)(7) “Department” means the Department of Transportation.

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

(8)(9) “Federal-aid primary highway system” means the federal-aid primary highway system in existence on June 1, 1991, and any highway that was not a part of such system as of that date but that is, or became after June 1, 1991, a part of the National Highway System, including portions that

have been accepted as part of the National Highway System but are unbuilt or unopened existing, unbuilt, or unopened system of highways or portions thereof, which shall include the National Highway System, designated as the federal-aid primary highway system by the department.

(9)(10) “Highway” means any road, street, or other way open or intended to be opened to the public for travel by motor vehicles.

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

(11)(12) “Interstate highway system” means the existing, unbuilt, or unopened system of highways or portions thereof designated as the national system of interstate and defense highways by the department.

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

(13)(14) “Maintain” means to allow to exist.

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

(15)(16) “New highway” means the construction of any road, paved or unpaved, where no road previously existed or the act of paving any previously unpaved road.

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

(17)(18) “Premises” means all the land areas under ownership or lease arrangement to the sign owner which are contiguous to the business conducted on the land except for instances where such land is a narrow strip contiguous to the advertised activity or is connected by such narrow

strip, the only viable use of such land is to erect or maintain an advertising sign. ~~If~~ When the sign owner is a municipality or county, the term means “premises” shall mean all lands owned or leased by the such municipality or county within its jurisdictional boundaries as ~~set forth~~ by law.

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

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

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

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

~~(22)~~(23) “Sign facing” includes all sign faces and automatic changeable faces displayed at the same location and facing the same direction.

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

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

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

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

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

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

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

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

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

~~1.—Signs.~~

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

~~3.—Transient or temporary activities.~~

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

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

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

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

~~8.—Communication towers.~~

~~(25)(27) “Urban area” has the same meaning as defined in s. 334.03(31).~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) ~~Prior to July 1, 1998,~~ Inventory and determine the location of all signs on the state highway system, interstate highway system, and federal-aid

~~primary highway system to be used as systems. Upon completion of the inventory, it shall become the database and permit information for all permitted signs permitted at the time of completion, and the previous records of the department shall be amended accordingly. The inventory shall be updated at least no less than every 2 years. The department shall adopt rules regarding what information is to be collected and preserved to implement the purposes of this chapter. The department may perform the inventory using department staff, or may contract with a private firm to perform the work, whichever is more cost efficient. The department shall maintain a database of sign inventory information such as sign location, size, height, and structure type, the permittee's permitholder's name, and any other information the department finds necessary to administer the program.~~

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

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

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

(a) “Parcel” means the property where the sign is located or is proposed to be located.

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

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

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

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

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

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

abutting commercial or industrial property that meets the criteria of this subsection.

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

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

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

(a) Signs.

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

(c) Transient or temporary activities.

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

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

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

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

(h) Communication towers.

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

(5) If the local government has indicated that the proposed sign location is on a parcel that is in a commercial or industrial zone but the department

finds that it is not, the department shall notify the sign applicant in writing of its determination.

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

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

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

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

479.03 Jurisdiction of the Department of Transportation; entry upon privately owned lands.—The territory under the jurisdiction of the department for the purpose of this chapter includes ~~shall include~~ all the state. Employees, agents, or independent contractors working for the department, in the performance of their functions and duties under the provisions of this chapter, may enter into and upon any land upon which a sign is displayed, is proposed to be erected, or is being erected and make such inspections, surveys, and removals as may be relevant. Upon written notice to ~~After receiving consent by~~ the landowner, operator, or person in charge of an intervening privately owned land that ~~or appropriate inspection warrant issued by a judge of any county court or circuit court of this state which has jurisdiction of the place or thing to be removed,~~ that the removal of an illegal outdoor advertising sign is necessary and has been authorized by a final order or results from an uncontested notice to the sign owner, the department may ~~shall be authorized to~~ enter upon any intervening privately owned lands for the purposes of effectuating removal of illegal signs, provided that The department may enter intervening privately owned lands shall only do so in circumstances where it has determined that no other legal or economically feasible means of entry to the sign site are not reasonably available. Except as otherwise provided by this chapter, the department is ~~shall be~~ responsible for the repair or replacement in a like manner for any physical damage or destruction of private property, other than the sign, incidental to the department's entry upon such intervening privately owned lands.

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

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

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

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

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

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

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

479.07 Sign permits.—

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

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

control of the site designated as the location of the sign is required for issuance of a ~~in the application for the permit.~~

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

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

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

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

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

completed sign on the permitted site within 270 days after the date on which the permit was issued, the permit will be void, and the department may not issue a new permit to that permittee for the same location for 270 days after the date on which the permit becomes ~~became~~ void.

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

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

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

(8)(a) In order to reduce peak workloads, the department may adopt rules providing for staggered expiration dates for licenses and permits. Unless otherwise provided for by rule, all licenses and permits expire annually on January 15. All license and permit renewal fees are required to be submitted to the department by no later than the expiration date. At least 105 days before ~~prior to~~ the expiration date of licenses and permits, the department shall send to each permittee a notice of fees due for all licenses and permits that ~~which~~ were issued to him or her before ~~prior to~~ the date of the notice. Such notice must ~~shall~~ list the permits and the permit fees due for each sign facing. The permittee shall, no later than 45 days before ~~prior to~~ the expiration date, advise the department of any additions, deletions, or errors contained in the notice. Permit tags that ~~which~~ are not renewed shall be returned to the department for cancellation by the expiration date. Permits that ~~which~~ are not renewed or are canceled shall be certified in writing at that ~~the~~ time as canceled or not renewed by the permittee, and permit tags for such permits shall be returned to the department or shall be accounted for by the permittee in writing, which writing shall be submitted with the renewal fee payment or the cancellation certification. However, failure of a permittee to submit a permit cancellation does ~~shall~~ not affect the nonrenewal of a permit. Before ~~Prior to~~ cancellation of a permit, the permittee shall provide written notice to all persons or entities having a right to advertise on the sign that the permittee intends to cancel the permit.

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

1. The permit reinstatement fee of up to \$300 based on the size of the sign is paid;
2. All other permit renewal and delinquent permit fees due as of the reinstatement date are paid; and
3. The permittee reimburses the department for all actual costs resulting from the permit cancellation or nonrenewal.

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

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

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

1. One thousand five hundred feet from any other permitted sign on the same side of the highway, if on an interstate highway.
2. One thousand feet from any other permitted sign on the same side of the highway, if on a federal-aid primary highway.

The minimum spacing provided in this paragraph does not preclude the permitting of V-type, back-to-back, side-to-side, stacked, or double-faced signs at the permitted sign site. If a sign is visible to more than one highway subject to the jurisdiction of the department and within the controlled area of

~~the highways from the controlled area of more than one highway subject to the jurisdiction of the department, the sign must shall meet the permitting requirements of all highways, and, if the sign meets the applicable permitting requirements, be permitted to, the highway having the more stringent permitting requirements.~~

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

1. Exceeds 50 feet in sign structure height above the crown of the main-traveled way to which the sign is permitted, if outside an incorporated area;
2. Exceeds 65 feet in sign structure height above the crown of the main-traveled way to which the sign is permitted, if inside an incorporated area; or
3. Exceeds 950 square feet of sign facing including all embellishments.

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

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

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

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

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

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

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

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

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

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

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

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

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

479.105 Signs erected or maintained without required permit; removal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

479.106 Vegetation management.—

(5) The department may only grant a permit pursuant to s. 479.07 for a new sign ~~that which~~ requires the removal, cutting, or trimming of existing trees or vegetation on public right-of-way for the sign face to be visible from the highway the sign will be permitted to when the sign owner has removed at least two nonconforming signs of approximate comparable size and surrendered the permits for the nonconforming signs to the department for cancellation. For signs originally permitted after July 1, 1996, the first application, or application for a change of view zone, no permit for the removal, cutting, or trimming of trees or vegetation along the highway the sign is permitted to shall require the removal of two nonconforming signs, in addition to mitigation or contribution to a plan of mitigation. The department may not grant a permit for the removal, cutting, or trimming of trees for a sign permitted after July 1, 1996, if the shall be granted where such trees are or the vegetation is are part of a beautification project implemented ~~before~~ prior to the date of the original sign permit application and if, when the beautification project is specifically identified in the department's construction plans, permitted landscape projects, or agreements.

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

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

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

(5) The cost of removing a sign, ~~whether~~ by the department or an independent contractor, shall be assessed by the department against the owner of the sign. ~~Furthermore, the department shall assess a fine of \$75~~

against the sign owner for any sign which violates the requirements of this section.

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

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

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

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

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

Section 16. Section 479.15, Florida Statutes, is amended to read:

479.15 Harmony of regulations.—

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

(2) A municipality, county, local zoning authority, or other local governmental entity may not remove, or cause to be removed, a ~~any~~ lawfully erected sign along any portion of the interstate or federal-aid primary highway system without first paying just compensation for such removal. A local governmental entity may not cause in any way the alteration of a ~~any~~ lawfully erected sign located along any portion of the interstate or federal-aid primary highway system without payment of just compensation if such alteration constitutes a taking under state law. The municipality, county, local zoning authority, or other local governmental ~~government~~ entity that adopts requirements for such alteration shall pay just compensation to the sign owner if such alteration constitutes a taking under state law. This subsection applies only to a lawfully erected sign the subject matter of which relates to premises other than the premises on which it is located or to merchandise, services, activities, or entertainment not sold, produced, manufactured, or furnished on the premises on which the sign is located. ~~As used in this subsection, the term "federal-aid primary highway system" means the federal-aid primary highway system in existence on June 1, 1991, and any highway that was not a part of such system as of that date but that is or becomes after June 1, 1991, a part of the National Highway System. This~~

subsection may shall not be interpreted as explicit or implicit legislative recognition that alterations do or do not constitute a taking under state law.

(3) It is the express intent of the Legislature to limit the state right-of-way acquisition costs on state and federal roads in eminent domain proceedings, ~~the provisions of ss. 479.07 and 479.155 notwithstanding.~~ Subject to approval by the Federal Highway Administration, if whenever public acquisition of land upon which is situated a lawful ~~permitted nonconforming~~ sign occurs, as provided in this chapter, the sign may, at the election of its owner and the department, be relocated or reconstructed adjacent to the new right-of-way and in close proximity to the current site if along the roadway within 100 feet of the current location, provided the nonconforming sign is not relocated in an area inconsistent with s. 479.024, on a parcel zoned residential, and provided further that Such relocation is shall be subject to the applicable setback requirements in the 1972 agreement between the state and the United States Department of Transportation. The sign owner shall pay all costs associated with relocating or reconstructing a any sign under this subsection, and neither the state or nor any local government may not shall reimburse the sign owner for such costs, unless part of such relocation costs is are required by federal law. If no adjacent property is not available for the relocation, the department is shall be responsible for paying the owner of the sign just compensation for its removal.

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

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

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

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

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

479.156 Wall murals.—Notwithstanding any other provision of this chapter, a municipality or county may permit and regulate wall murals within areas designated by such government. If a municipality or county permits wall murals, a wall mural that displays a commercial message and is within 660 feet of the nearest edge of the right-of-way within an area adjacent to the interstate highway system or the federal-aid primary highway system shall be located only in an area that is zoned for industrial or commercial use pursuant to s. 479.024. ~~and~~ The municipality or county shall establish and enforce regulations for such areas which ~~that~~, at a minimum, set forth criteria governing the size, lighting, and spacing of wall murals consistent with the intent of 23 U.S.C. s. 131 ~~the Highway Beautification Act of 1965~~ and with customary use. If ~~Whenever~~ a municipality or county exercises such control and makes a determination of customary use pursuant to 23 U.S.C. s. 131(d), such determination shall be accepted in lieu of controls in the agreement between the state and the United States Department of Transportation, and the department shall notify the Federal Highway Administration pursuant to the agreement, 23 U.S.C. s. 131(d), and 23 C.F.R. s. 750.706(c). A wall mural that is subject to municipal or county regulation and 23 U.S.C. s. 131 ~~the Highway Beautification Act of 1965~~ must be approved by the Department of Transportation and the Federal Highway Administration when required by federal law and federal regulation under the agreement between the state and the United States Department of Transportation and federal regulations enforced by the Department of Transportation under s. 479.02(1). The existence of a wall mural as defined in s. 479.01(30) must ~~shall~~ not be considered in determining whether a sign as defined in s. 479.01(20), ~~either~~ existing or new, is in compliance with s. 479.07(9)(a).

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

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

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

municipality or a county located on the premises of such municipality or such county which display information regarding governmental ~~government~~ services, activities, events, or entertainment. For purposes of this section, the following types of messages are ~~shall~~ not be considered information regarding governmental ~~government~~ services, activities, events, or entertainment:

- (a) Messages that ~~which~~ specifically reference any commercial enterprise.
- (b) Messages that ~~which~~ reference a commercial sponsor of any event.
- (c) Personal messages.
- (d) Political campaign messages.

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) Signs relating exclusively to political campaigns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Just compensation shall be paid by the department upon the department’s acquisition ~~removal~~ of a lawful conforming or nonconforming sign along any portion of the interstate or federal-aid primary highway system. This section does not apply to a sign that ~~which~~ is illegal at the time of its removal. A sign loses ~~will lose~~ its nonconforming status and becomes ~~become~~ illegal at such time as it fails to be permitted or maintained in accordance with all applicable laws, rules, ordinances, or regulations other than the provision that ~~which~~ makes it nonconforming. A legal nonconforming sign under state law or rule does ~~will~~ not lose its nonconforming status solely because it additionally becomes nonconforming under an ordinance or

regulation of a local governmental entity passed at a later date. The department shall make every reasonable effort to negotiate the purchase of the signs to avoid litigation and congestion in the courts.

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

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

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

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

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

(1) The owner of a lawfully erected sign that is governed by and conforms to state and federal requirements for land use, size, height, and spacing may increase the height above ground level of such sign at its permitted location if a noise-attenuation barrier is permitted by or erected by any governmental entity in such a way as to screen or block visibility of the sign. Any increase in height permitted under this section may only be the increase in height which is required to achieve the same degree of visibility from the right-of-way which the sign had ~~before~~ prior to the construction of the noise-attenuation barrier, notwithstanding the restrictions contained in s. 479.07(9)(b). A sign reconstructed under this section must ~~shall~~ comply with the building standards and wind load requirements provided ~~set forth~~ in the Florida Building Code. If construction of a proposed noise-attenuation barrier will screen a sign lawfully permitted under this chapter, the department shall provide notice to the local government or local jurisdiction within which the sign is located before construction ~~prior to erection of the noise-attenuation barrier~~. Upon a determination that an increase in the height of a sign as permitted under this section will violate ~~a provision contained in an ordinance or a land development regulation of the local government or local jurisdiction~~, the local government or local jurisdiction shall, before construction ~~so notify the department~~. ~~When notice has been received from the local government or local jurisdiction prior to erection of the noise-attenuation barrier, the department shall:~~

(a) Provide a variance or waiver to the local ordinance or land development regulations to ~~Conduct a written survey of all property owners identified as impacted by highway noise and who may benefit from the proposed noise-attenuation barrier. The written survey shall inform the property owners of the location, date, and time of the public hearing~~

~~described in paragraph (b) and shall specifically advise the impacted property owners that:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

479.261 Logo sign program.—

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

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

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

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

479.262 Tourist-oriented directional sign program.—

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

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

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

Section 24. There is established a pilot program for the School District of Palm Beach County to recognize its business partners. The school district may recognize its business partners by publicly displaying the names of the business partners on school district property in the unincorporated areas of the county. Recognitions of Project Graduation and athletic sponsorships are examples of appropriate recognitions. The school district shall make every

effort to display the names of its business partners in a manner that is consistent with the county standards for uniformity in size, color, and placement of the signs. If the provisions of this section are inconsistent with county ordinances or regulations relating to signs in the unincorporated areas of the county or inconsistent with chapter 125 or chapter 166, Florida Statutes, the provisions of this section shall prevail. If the Federal Highway Administration determines that the Department of Transportation is not providing effective control of outdoor advertising as a result of a business partner recognition by the school district under this pilot program, the department shall notify the school district by certified mail of any nonconforming recognition, and the school district shall remove the recognition specified in the notice within 30 days after receiving the notification. The pilot program expires June 30, 2015.

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

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

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

(3) The department, in cooperation with the Department of Environmental Protection, shall establish a statewide integrated system of bicycle and pedestrian ways in such a manner as to take full advantage of any such ways which are maintained by any governmental entity. The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship displays on multiuse trails and related facilities and use any concession agreement revenues for the maintenance of the multiuse trails and related facilities. Commercial sponsorship displays are subject to the requirements of the Highway Beautification Act of 1965, and all federal laws and agreements, when applicable. For the purposes of this section, bicycle facilities may be established as part of or separate from the actual roadway and may utilize existing road rights-of-way or other rights-of-way or easements acquired for public use.

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

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

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

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

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

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

...(Name of the sponsor)... proudly sponsors the costs of maintaining the
...(Name of the greenway or trail)....

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

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

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

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.