CHAPTER 2014-223

House Bill No. 7175

An act relating to Department of Transportation; amending s. 11.45, F.S., deleting a provision authorizing the Auditor General to conduct audits of transportation corporations authorized under the Florida Transportation Corporation Act; amending s. 20.23, F.S.; providing for the Florida Transportation Commission to monitor certain aspects of the Mid-Bay Bridge Authority; repealing provisions for the Florida Statewide Passenger Rail Commission; amending s. 316.530, F.S.; deleting a provision relating to load limits for certain towed vehicles; amending s. 316.545, F.S.; revising the weight reduction used to determine unlawful weight of certain vehicles equipped with idle-reduction technology; amending s. 332.007, F.S.; authorizing the department to fund strategic airport investments; providing criteria; amending s. 334.044, F.S.; prohibiting the department from entering into a lease-purchase agreement; providing that certain lease-purchase agreements are not invalidated; providing an exception from a requirement to purchase all plant materials from Florida commercial nursery stock; amending s. 335.06, F.S.; providing for improvement and maintenance of certain roads that provide access to the state park system; 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; amending s. 337.11, F.S.; removing the requirement that a contractor provide a notarized affidavit as proof of motor vehicle registration; amending s. 337.14, F.S.; providing an exception to a provision that prohibits certain contractors and affiliates from qualifying to provide certain services to the department; providing construction; amending s. 337.168, F.S., relating to confidentiality of bid information; providing that a document that reveals the identity of a person who has requested or received certain information before a certain time is a public record; amending s. 337.25, F.S.; revising provisions for disposition of property by the department; authorizing the department to contract for auction services for conveyance of property; amending s. 337.251, F.S.; revising criteria for leasing certain department property; revising the time for the department to accept proposals for lease after a notice is published; directing the department to establish an application fee by rule; providing criteria for the fee and for the proposed lease; amending s. 338.161, F.S.; revising provisions authorizing the department to use its electronic toll collection and video billing systems to collect certain charges for an owner of a transportation facility; amending s. 338.26, F.S.; revising the uses of fees generated from Alligator Alley tolls to include the cost of design and construction of a fire station that may be used by certain local governments and certain related operating costs; providing that excess tolls, after payment of certain expenses, be transferred to the Everglades Trust Fund; creating s. 339.041, F.S.; providing legislative intent; describing the types of department property eligible for factoring future revenues

received by the department from leases for wireless communication facilities on department property; authorizing the department to enter into agreements with investors to purchase the revenue streams from department leases of wireless communication facilities on such property pursuant to an invitation to negotiate; prohibiting the department from pledging state credit; allowing the department to make certain covenants; providing for the appropriation and payment of moneys received from such agreements to investors; requiring the proceeds from such leases to be used for certain fixed capital expenditures; amending s. 339.175, F.S.; revising membership and governance of a metropolitan planning organization; revising powers and duties of the Metropolitan Planning Organization Advisory Council; amending s. 339.2821, F.S.; authorizing Enterprise Florida, Inc., to be a consultant to the department for consideration of expenditures associated with and contracts for transportation projects; revising the requirements for economic development transportation project contracts between the Department of Transportation and a governmental entity; repealing the Florida Transportation Corporation Act; repealing ss. 339.401, 339.402, 339.403, 339.404, 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411, 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419, 339.420, and 339.421, F.S.; removing provisions for corporations to be authorized by and to act on behalf of the department for promotion and development of transportation facilities and systems; amending s. 343.82, F.S., relating to the Northwest Florida Transportation Corridor Authority and s. 343.922, F.S., relating to Tampa Bay Area Regional Transportation Authority; removing provisions for certain funding and assistance sources; amending s. 373.4137, F.S.; revising legislative intent for implementation of mitigation to offset environmental impact of department projects; revising provisions for environmental impact inventories for transportation projects proposed by the department or a transportation authority; revising criteria for mitigation of projected impacts; requiring the Department of Transportation to include funding for environmental mitigation for projects in its work program; revising the process and criteria for the payment by the department or participating transportation authorities of mitigation implemented by water management districts or the Department of Environmental Protection; revising the requirements for the payment to a water management district or the Department of Environmental Protection of the costs of mitigation planning and implementation of the mitigation required by a permit; revising the payment criteria for preparing and implementing mitigation plans adopted by water management districts for transportation impacts based on the environmental impact inventory; adding federal requirements for the development of a mitigation plan; providing for transportation projects in the environmental mitigation plan for which mitigation has not been specified; revising a water management district's responsibilities relating to a mitigation plan; amending s. 373.618, F.S.; revising provisions related 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 specified provisions; 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 sign 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; 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; 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; requiring the Florida Transportation Commission to study the potential for state revenue from parking meters and other parking time-limit devices; authorizing to commission to retain experts; requiring the department to pay for the experts; requiring certain information from municipalities and counties; requiring certain information to be considered in the study; requiring a written report; providing for the removal of parking meters and parking time-limit devices under certain circumstance; providing for municipalities and counties to pay the cost of removal; providing for a moratorium on new parking meters of other parking time-limit devices on the state right-of-way; providing an exception; amending s. 2 of chapter 85-364, Laws of Florida, relating to the Department of Transportation; authorizing tolls from the Pinellas Bayway to be used for maintenance costs; removing provisions for funding of certain projects; amending s. 110.205, F.S.; conforming cross-references; providing effective dates.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~3. A vacancy occurring during a term shall be filled by the respective appointing authority in the same manner as the original appointment and~~

~~only for the balance of the unexpired term. An appointment to fill a vacancy shall be made within 60 days after the occurrence of the vacancy.~~

~~4. The commission shall elect one of its members as chair of the commission. The chair shall hold office at the will of the commission. Five members of the commission shall constitute a quorum, and the vote of five members shall be necessary for any action taken by the commission. The commission may meet upon the constitution of a quorum. A vacancy in the commission does not impair the right of a quorum to exercise all rights and perform all duties of the commission.~~

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

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

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

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

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

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

~~1. The awarding of contracts.~~

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

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

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

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

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

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

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

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

316.530 Towing requirements.—

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

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

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

(3)(a) A ~~Any~~ person who violates the overloading provisions of this chapter is ~~shall be~~ conclusively presumed to have damaged the highways of this state by reason of such overloading, and a fine shall be assessed ~~which damage is hereby fixed~~ as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16)(a) To plan, acquire, lease, construct, maintain, and operate toll facilities; to authorize the issuance and refunding of bonds; and to fix and collect tolls or other charges for travel on any such facilities.

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

(26) To provide for the enhancement of environmental benefits, including air and water quality; to prevent roadside erosion; to conserve the natural roadside growth and scenery; and to provide for the implementation and maintenance of roadside conservation, enhancement, and stabilization programs. At least ~~No less than~~ 1.5 percent of the amount contracted for construction projects shall be allocated by the department on a statewide basis for the purchase of plant materials. Department districts may not expend funds for landscaping in connection with any project that is limited to resurfacing existing lanes unless the expenditure has been approved by the department's secretary or the secretary's designee. To the greatest extent practical, at least ~~a minimum of~~ 50 percent of the funds allocated under this subsection shall be allocated for large plant materials and the remaining funds for other plant materials. Except as prohibited by applicable federal law or regulation, all plant materials shall be purchased from Florida commercial nursery stock in this state on a uniform competitive bid basis. The department shall develop grades and standards for landscaping materials purchased through this process. To accomplish these activities, the department may contract with nonprofit organizations having the primary purpose of developing youth employment opportunities.

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

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

Section 8. 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.

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

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

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

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

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

(7) A ~~No~~ "contractor" as defined in s. 337.165(1)(d) or his or her "affiliate" as defined in s. 337.165(1)(a) qualified with the department under this section may not also qualify under s. 287.055 or s. 337.105 to provide testing services, construction, engineering, and inspection services to the department. This limitation does ~~shall~~ not apply to any design-build prequalification under s. 337.11(7) and does not apply when the department otherwise determines by written order entered at least 30 days before advertisement that the limitation is not in the best interests of the public with respect to a particular contract for testing services, construction, engineering, and inspection services. This subsection does not authorize a contractor to provide testing services, or provide construction, engineering, and inspection services, to the department in connection with a construction contract under which the contractor is performing any work.

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

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

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

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

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

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

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

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

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

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

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

(4) The department may convey ~~sell~~, in the name of the state, any land, building, or other property, real or personal, which was acquired under ~~the provisions of~~ subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility. ~~With the exception of any parcel governed by paragraph (c), paragraph (d), paragraph (f), paragraph (g), or paragraph (i), the department shall afford first right of refusal to the local government in the jurisdiction of which the parcel is situated.~~ When such a determination has been made, property may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest, with due advertisement for property valued by the department at greater than $10,000. A sale may not occur at a price less than the department's current estimate of value, except as provided in paragraphs (a)-(d). The department may afford a right of first refusal to the local government or other political subdivision in the jurisdiction in which the parcel is situated, except in a conveyance transacted under paragraph (a), paragraph (c), or paragraph (e). ~~in the following manner:~~

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

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

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

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

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

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

~~(f) Any property which was acquired by a county or by the department using constitutional gas tax funds for the purpose of a right-of-way or borrow pit for a road on the State Highway System, State Park Road System, or~~

~~county road system and which is no longer used or needed by the department may be conveyed without consideration to that county. The county may then sell such surplus property upon receipt of competitive bids in the same manner prescribed in this section.~~

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

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

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

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

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

(a) A lease may be accomplished through negotiations, sealed competitive bids, auction, or any other means the department deems to be in its best interest ~~The department may negotiate such a lease at the prevailing market value with the owner from whom the property was acquired; with the holders of leasehold estates existing at the time of the department's acquisition; or, if public bidding would be inequitable, with the owner holding title to privately owned abutting property, if reasonable notice is provided to all other owners of abutting property~~. The department may allow an outdoor advertising sign to remain on the property acquired~~,~~ or be relocated on department property.

This subsection shall not cause a sign to~~, and such sign shall not~~ be considered a nonconforming sign pursuant to chapter 479.

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

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

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

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

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

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

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

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

(7) The department shall prepare the estimate of value provided under subsection (4) in accordance with department procedures, guidelines, and rules for valuation of real property. If the value of the property is greater than $50,000, as determined by the department estimate, the sale must be at a negotiated price of at least the estimate of value as determined by an appraisal prepared in accordance with department procedures, guidelines, and rules for valuation of real property, the cost of which shall be paid by the party seeking the purchase of the property. If the estimated value is $50,000 or less, the department may use a department staff appraiser or obtain an independent appraisal ~~required by paragraphs (4)(c) and (d) shall be prepared in accordance with department guidelines and rules by an~~

~~independent appraiser who has been certified by the department. If federal funds were used in the acquisition of the property, the appraisal shall also be subject to the approval of the Federal Highway Administration.~~

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

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

(10) The department may ~~is authorized to~~ purchase title insurance if ~~in those instances where~~ it determines ~~is determined~~ that such insurance is necessary to protect the public's investment in property being acquired for transportation purposes. The department shall adopt procedures to be followed in making the determination to purchase title insurance for a particular parcel or group of parcels which, at a minimum, shall specify ~~set forth~~ criteria that ~~which~~ the parcels must meet.

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

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

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

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

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

(b) Does not require that state funds be used; and

(c) Has adequate safeguards in place to ensure that additional costs are not borne and service disruptions are not experienced by the traveling public

and residents of the state in the event of default by the private lessee or upon termination or expiration of the lease.

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

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

(5) If the department finds that it can increase nontoll revenues or add convenience or other value for its customers, and if a public or private transportation facility owner agrees that its facility will become interoperable with the department's electronic toll collection and video billing systems, the department may ~~is authorized to~~ enter into an agreement with the owner of such facility under which the department uses ~~private or public entities for the department's use of~~ its electronic toll collection and video billing systems to collect and enforce for the owner tolls, fares, administrative fees, and other applicable charges due ~~imposed~~ in connection with use of the owner's facility ~~transportation facilities of the private or public entities that become interoperable with the department's electronic toll collection system~~. The department may modify its rules regarding toll collection procedures and the imposition of ~~administrative~~ charges to be applicable to toll facilities that are not part of the turnpike system or otherwise owned by the department. This subsection does ~~may~~ not ~~be construed to~~ limit the authority of the department under any other ~~provision of~~ law or under any agreement entered into before ~~prior to~~ July 1, 2012.

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

338.26 Alligator Alley toll road.—

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

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

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

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

4. To design ~~develop~~ and construct ~~operate~~ a fire station at mile marker 63 on Alligator Alley, which may be used by a county or another local

governmental entity to provide fire, rescue, and emergency management services to the public on ~~adjacent counties along~~ Alligator Alley; and

5. By interlocal agreement effective July 1, 2014, through no later than June 30, 2018, to reimburse a county or another local governmental entity for the direct actual costs of operating such fire station.

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

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

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

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

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

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

Section 16. 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. It is, therefore, 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 revenues under this section, department property includes real property located within the department's limited access rights-of-way, 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 the state or any state agency does not have 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 revenues actually 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 will be lower than anticipated shall be borne exclusively by investors.

(6) Subject to annual appropriation, the investors shall collect the lease payments on a schedule and in a manner established in the agreements entered into pursuant to this section between the department and the investors. 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 17. Paragraphs (a) and (b) of subsection (3), paragraph (a) of subsection (4), and paragraph (c) of subsection (11) of section 339.175, Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(3) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of at least ~~not fewer than~~ 5 but not ~~or~~ more than 25 ~~19~~ apportioned members, with the exact number ~~to be~~ determined on an equitable geographic-population ratio basis ~~by the Governor~~, based on an agreement among the affected units of general-purpose local government and the Governor, as required by federal ~~rules and~~ regulations. ~~The Governor,~~ In accordance with 23 U.S.C. s. 134, the Governor may also allow ~~provide for~~ M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area which ~~that~~ do not have members on the M.P.O. With the exception of instances in which all of the county commissioners in a single-county M.P.O. are members of the M.P.O. governing board, county commissioners ~~commission members~~ shall compose at least ~~not less than~~ one-third of the M.P.O. governing board membership. A multicounty M.P.O. may satisfy this requirement by any combination of county commissioners from each of the counties constituting the M.P.O., ~~except for an M.P.O. with more than 15 members located in a county with a 5-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All~~ Voting members shall be elected officials of general-purpose local governments, one of whom may represent a group of general-purpose local governments through an entity created by an M.P.O. for that purpose. ~~except that~~ An M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of Space Florida. As used in this section, the term "elected officials of a general-purpose local government" excludes ~~shall exclude~~ constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials. County commissioners shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are or will be performing transportation functions that are not under the

jurisdiction of a general-purpose local government represented on the M.P.O., such authorities or other agencies may ~~they shall~~ be provided voting membership on the M.P.O. In all other M.P.O.'s in which ~~where~~ transportation authorities or agencies are to be represented by elected officials from general-purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(4) APPORTIONMENT.—

(a) Each M.P.O. shall review the composition of its membership in conjunction with the decennial census, as prepared by the United States Department of Commerce, Bureau of the Census, and with the agreement of the Governor and the affected general-purpose local government units that constitute the existing M.P.O., reapportion the membership as necessary to comply with subsection (3) ~~The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area~~. At the request of a majority of the affected units of general-purpose local government comprising an M.P.O., the Governor and a majority of units of general-purpose local government serving on an M.P.O. shall cooperatively agree upon and prescribe who may serve as an alternate member and a method for appointing alternate members, who may vote at any M.P.O. meeting that he or she ~~an alternate member~~ attends in place of a regular member. The method must ~~shall~~ be set forth as a part of the interlocal agreement describing the M.P.O. ~~M.P.O.'s~~ membership or in the ~~M.P.O.'s~~ operating procedures and bylaws of the M.P.O. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting advisers to the M.P.O. governing board. Additional nonvoting advisers may be appointed by the M.P.O. as deemed necessary; however, to the maximum extent feasible, each M.P.O. shall seek to appoint nonvoting representatives of various multimodal forms of transportation not otherwise represented by voting members of the M.P.O. An M.P.O. shall appoint nonvoting advisers representing major military installations located within the jurisdictional boundaries of the M.P.O. upon the request of the aforesaid major military installations and subject to the agreement of the M.P.O. All nonvoting advisers may attend and participate fully in governing board meetings but may not vote or be members of the governing board. ~~The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (3).~~

(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

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

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, ~~and~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.

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

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

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

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

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

339.2821 Economic development transportation projects.—

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

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

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

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

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

1. A narrative description of the work completed and whether the work is proceeding according to the transportation project schedule;

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

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

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

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

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

(f) Specify that ~~the department transfer~~ funds will not be transferred to the governmental body unless construction has begun on the facility of the ~~not more often than quarterly, upon receipt of a request for funds from the governmental body and consistent with the needs of the transportation project. The governmental body shall expend funds received from the department in a timely manner. The department may not transfer funds unless construction has begun on the facility of a~~ business on whose behalf the award was made. The grant award shall be terminated if construction of the transportation project does not begin within 4 years after the date of the initial grant award ~~A contract totaling less than $200,000 is exempt from the transfer requirement~~.

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

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

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

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

Section 20. Paragraph (d) of subsection (3) of section 343.82, Florida Statutes, is amended to read:

343.82 Purposes and powers.—

(3)

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

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

343.922 Powers and duties.—

(4) The authority may undertake projects or other improvements in the master plan in phases as particular projects or segments become feasible, as determined by the authority. The authority shall coordinate project planning, development, and implementation with the applicable local governments. The authority's projects that are transportation oriented must ~~shall~~ be consistent to the maximum extent feasible with the adopted local government comprehensive plans at the time such projects ~~they~~ are funded for construction. Authority projects that are not transportation oriented and meet the definition of development pursuant to s. 380.04 must ~~shall~~ be consistent with the local comprehensive plans. In carrying out its purposes and powers, the authority may request funding and technical assistance from the department and appropriate federal and local agencies, including, but not limited to, state infrastructure bank loans~~, advances from the Toll~~

~~Facilities Revolving Trust Fund, and funding and technical assistance from any other source~~.

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

373.4137 Mitigation requirements for specified transportation projects.

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

(2) Environmental impact inventories for transportation projects proposed by the Department of Transportation or a transportation authority established pursuant to chapter 348 or chapter 349 shall be developed as follows:

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

(b) The environmental impact inventory must ~~shall~~ include a description of ~~these~~ habitat impacts, including ~~their~~ location, acreage, and type; the anticipated mitigation needed based on the functional loss as determined through the uniform mitigation assessment method adopted by the Department of Environmental Protection by rule pursuant to s. 373.414(18); identification of the proposed mitigation option; state water quality classification of impacted wetlands and other surface waters; any other state or regional designations for these habitats; and a list of threatened

species, endangered species, and species of special concern affected by the proposed project.

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

(3)(a) To implement the mitigation option ~~fund development and implementation of the mitigation plan for the projected impacts~~ identified in the environmental impact inventory described in subsection (2), the Department of Transportation may purchase credits for current and future use directly from a mitigation bank, purchase mitigation services through the water management districts or the Department of Environmental Protection, conduct its own mitigation, or use other mitigation options that meet state and federal requirements. Funding for the identified mitigation option as described in the environmental impact inventory must be included in ~~shall identify funds quarterly in an escrow account within the State Transportation Trust Fund for the environmental mitigation phase of projects budgeted by~~ the Department of Transportation's work program developed pursuant to s. 339.135 ~~Transportation for the current fiscal year~~. The amount programmed each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 must correspond to an estimated cost to mitigate for the functional loss identified in the environmental impact inventory described in subsection (2) ~~The escrow account shall be maintained by the Department of Transportation for the benefit of the water management districts. Any interest earnings from the escrow account shall remain with the Department of Transportation.~~

(b) Each transportation authority established pursuant to chapter 348 or chapter 349 which ~~that~~ chooses to participate in this program shall create an escrow account within its financial structure and deposit funds in the account to pay for the environmental mitigation phase of projects budgeted for the current fiscal year. The escrow account shall be maintained by the authority for the benefit of the water management districts. Any interest earnings from the escrow account must ~~shall~~ remain with the authority.

(c) For mitigation implemented by the water management district or the Department of Environmental Protection, as appropriate, the amount paid each year must be based on mitigation services provided by the water management districts or the Department of Environmental Protection

pursuant to an approved water management district mitigation plan, as described in subsection (4). ~~Except for current mitigation projects in the monitoring and maintenance phase and except as allowed by paragraph (d),~~ The water management districts or the Department of Environmental Protection, as appropriate, may request payment ~~a transfer of funds from an escrow account~~ no sooner than 30 days before the date the funds are needed to pay for activities associated with development or implementation of permitted mitigation that meets the requirements of this part, 33 U.S.C. s. 1344, and 33 C.F.R. part 332, in the approved water management district mitigation plan described in subsection (4) for the current fiscal year~~,~~ ~~including, but not limited to, design, engineering, production, and staff support. Actual conceptual plan preparation costs incurred before plan approval may be submitted to the Department of Transportation or the appropriate transportation authority each year with the plan. The conceptual plan preparation costs of each water management district will be paid from mitigation funds associated with the environmental impact inventory for the current year. The amount transferred to the escrow accounts each year by the Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 shall correspond to a cost per acre of $75,000 multiplied by the projected acres of impact identified in the environmental impact inventory described in subsection (2). However, the $75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions and is not admissible as evidence of full compensation for any property acquired by eminent domain or through inverse condemnation. Each July 1, the cost per acre shall be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. Each quarter,~~ The projected amount of mitigation ~~acreage of impact~~ shall be reconciled each quarter with the actual amount of mitigation needed for ~~acreage of impact of~~ projects as permitted, including permit modifications, pursuant to this part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The subject year's programming ~~transfer~~ of funds shall be adjusted ~~accordingly~~ to reflect the mitigation ~~acreage of impacts~~ as permitted. If the water management district excludes a project from an approved water management district mitigation plan, if the water management district cannot timely permit a mitigation site to offset the impacts of a Department of Transportation project identified in the environmental impact inventory, or if the proposed mitigation does not meet state and federal requirements, the Department of Transportation may use the associated funds for the purchase of mitigation bank credits or any other mitigation option that satisfies state and federal requirements. ~~The Department of Transportation and participating transportation authorities established pursuant to chapter 348 or chapter 349 are authorized to transfer such funds from the escrow accounts to the water management districts to carry out the mitigation programs. Environmental mitigation funds that are identified for or maintained in an escrow account for the benefit of a water management district may be released if the associated transportation project~~

~~is excluded in whole or part from the mitigation plan. For a mitigation project that is in the maintenance and monitoring phase, the water management district may request and receive a one-time payment based on the project's expected future maintenance and monitoring costs.~~ Upon final ~~disbursement of the final maintenance and monitoring~~ payment for mitigation of a transportation project as permitted, the obligation of the Department of Transportation or the participating transportation authority is satisfied, and the water management district or the Department of Environmental Protection, as appropriate, has continuing responsibility for the mitigation project, ~~the escrow account for the project established by the Department of Transportation or the participating transportation authority may be closed~~. ~~Any interest earned on these disbursed funds shall remain with the water management district and must be used as authorized under this section.~~

(d) Beginning with the March 2015 water management district mitigation plans ~~in the 2005-2006 fiscal year~~, each water management district or the Department of Environmental Protection, as appropriate, shall invoice the Department of Transportation for mitigation services to offset only the impacts of a Department of Transportation project identified in the environmental impact inventory, including planning, design, construction, maintenance and monitoring, and other costs necessary to meet the requirements of this section, 33 U.S.C. s. 1344, and 33 C.F.R. part 332 ~~be paid a lump-sum amount of $75,000 per acre, adjusted as provided under paragraph (c), for federally funded transportation projects that are included on the environmental impact inventory and that have an approved mitigation plan~~. If the water management district identifies the use of mitigation bank credits to offset a Department of Transportation impact, the water management district shall exclude that purchase from the mitigation plan, and the Department of Transportation shall purchase the bank credits. ~~Beginning in the 2009-2010 fiscal year, each water management district shall be paid a lump-sum amount of $75,000 per acre, adjusted as provided under paragraph (c), for federally funded and nonfederally funded transportation projects that have an approved mitigation plan. All mitigation costs, including, but not limited to, the costs of preparing conceptual plans and the costs of design, construction, staff support, future maintenance, and monitoring the mitigated acres shall be funded through these lump-sum amounts.~~

(e) For mitigation activities occurring on existing water management district or Department of Environmental Protection mitigation sites initiated with Department of Transportation mitigation funds before July 1, 2013, the water management district or the Department of Environmental Protection, as appropriate, shall invoice the Department of Transportation or a participating transportation authority at a cost per acre of $75,000 multiplied by the projected acres of impact as identified in the environmental impact inventory. The cost per acre must be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for

the 12-month period ending September 30, 1996. When implementing the mitigation activities necessary to offset the permitted impacts as provided in the approved mitigation plan, the water management district shall maintain records of the costs incurred in implementing the mitigation. The records must include, but are not limited to, costs for planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332.

(f) For purposes of preparing and implementing the mitigation plans to be adopted by the water management districts on or before March 1, 2014, for impacts based on the July 1, 2013, environmental impact inventory, the funds identified in the Department of Transportation's work program or participating transportation authorities' escrow accounts must correspond to a cost per acre of $75,000 multiplied by the projected acres of impact as identified in the environmental impact inventory. The cost per acre must be adjusted by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 1996. Payment under this paragraph is limited to mitigation activities that are identified in the first year of the 2013 mitigation plan and for which the transportation project is permitted and are in the Department of Transportation's adopted work program, or equivalent for a transportation authority. When implementing the mitigation activities necessary to offset the permitted impacts as provided in the approved mitigation plan, the water management district shall maintain records of the costs incurred in implementing the mitigation. The records must include, but are not limited to, costs for planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the extent moneys paid to a water management district by the Department of Transportation or a participating transportation authority are greater than the amount spent by the water management districts in implementing the mitigation to offset the permitted impacts, these funds must be refunded to the Department of Transportation or participating transportation authority. This paragraph expires June 30, 2015.

(4) Before March 1 of each year, each water management district shall develop a mitigation plan to offset only the impacts of transportation projects in the environmental impact inventory for which a water management district is implementing mitigation that meets the requirements of this section, 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management district mitigation plan must be developed~~,~~ in consultation with the Department of Environmental Protection, the United States Army Corps of Engineers, the Department of Transportation, participating transportation authorities established pursuant to chapter 348 or chapter 349, ~~and~~ other appropriate federal, state, and local governments, and other interested parties, including entities operating mitigation banks~~, shall develop a plan~~

~~for the primary purpose of complying with the mitigation requirements adopted pursuant to this part and 33 U.S.C. s. 1344~~. In developing such plans, the water management districts shall use sound ecosystem management practices to address significant water resource needs and consider ~~shall focus on~~ activities of the Department of Environmental Protection and the water management districts, such as surface water improvement and management (SWIM) projects and lands identified for potential acquisition for preservation, restoration, or enhancement, and the control of invasive and exotic plants in wetlands and other surface waters, to the extent that the activities comply with the mitigation requirements adopted under this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management district mitigation plan must identify each site where the water management district will mitigate for a transportation project. For each mitigation site, the water management district shall provide the scope of the mitigation services; provide the functional gain as determined through the uniform mitigation assessment method adopted by the Department of Environmental Protection by rule pursuant to s. 373.414(18); describe how the mitigation offsets the impacts of each transportation project as permitted; and provide a schedule for the mitigation services. The water management districts shall maintain records of costs incurred and payments received for providing these services. Records must include, but are not limited to, planning, land acquisition, design, construction, staff support, long-term maintenance and monitoring of the mitigation site, and other costs necessary to meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the extent moneys paid to a water management district by the Department of Transportation or a participating transportation authority are greater than the amount spent by the water management districts in providing the mitigation services to offset the permitted transportation project impacts, these moneys must be refunded to the Department of Transportation or participating transportation authority ~~In determining the activities to be included in the plans, the districts shall consider the purchase of credits from public or private mitigation banks permitted under s. 373.4136 and associated federal authorization and shall include the purchase as a part of the mitigation plan when the purchase would offset the impact of the transportation project, provide equal benefits to the water resources than other mitigation options being considered, and provide the most cost-effective mitigation option~~. The mitigation plan shall be submitted to the water management district governing board, ~~,~~ or its designee, ~~,~~ for review and approval. At least 14 days before approval by the governing board, the water management district shall provide a copy of the draft mitigation plan to the Department of Environmental Protection and any person who has requested a copy. Subsequent to the governing board approval, the mitigation plan shall be submitted to the Department of Environmental Protection for approval. The plan may not be implemented until it is submitted to, and approved, ~~,~~ in part or in its entirety, ~~,~~ by, the Department of Environmental Protection.

~~(a) For each transportation project with a funding request for the next fiscal year, the mitigation plan must include a brief explanation of why a~~

~~mitigation bank was or was not chosen as a mitigation option, including an estimation of identifiable costs of the mitigation bank and nonbank options and other factors such as time saved, liability for success of the mitigation, and long-term maintenance.~~

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

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

(5) The water management district shall ensure that mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33 C.F.R. part 332 are met for the impacts identified in the environmental impact inventory for which the water management district will implement mitigation described in subsection (2), by implementation of the approved mitigation plan described in subsection (4) to the extent funding is provided by the Department of Transportation, or a transportation authority established pursuant to chapter 348 or chapter 349, if applicable. In developing and implementing the mitigation plan, the water management district shall comply with federal permitting requirements pursuant to 33 U.S.C. s. 1344 and 33 C.F.R. part 332. During the federal permitting process, the water management district may deviate from the approved mitigation plan in order to comply with federal permitting requirements upon notice and coordination with the Department of Transportation or participating transportation authority.

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

(7) Upon approval by the governing board of the water management district and the Department of Environmental Protection ~~or its designee~~, the mitigation plan shall ~~be deemed to~~ satisfy the mitigation requirements under this part for impacts specifically identified in the environmental impact inventory described in subsection (2) and any other mitigation requirements imposed by local, regional, and state agencies for these same impacts. The approval of the governing board of the water management district and the Department of Environmental Protection authorizes ~~or its designee shall authorize~~ the activities proposed in the mitigation plan, and no other state, regional, or local permit or approval is ~~shall be~~ necessary.

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

~~(9) The process for environmental mitigation for the impact of transportation projects under this section shall be available to an expressway, bridge, or transportation authority established under chapter 348 or chapter 349. Use of this process may be initiated by an authority depositing the requisite funds into an escrow account set up by the authority and filing an environmental impact inventory with the appropriate water management district. An authority that initiates the environmental mitigation process established by this section shall comply with subsection (6) by timely providing the appropriate water management district with the requisite work program information. A water management district may draw down funds from the escrow account as provided in this section.~~

Section 23. 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 24. 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 provided 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 provided ~~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 25. 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 26. 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 27. 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 28. 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 29. 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~~ 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 30. 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 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 31. 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 32. 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 33. 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)~~(c)~~ 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 34. 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 to which the sign will be permitted 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 to which the sign is permitted 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 35. 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 36. 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 37. 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 lawfully permitted ~~lawful 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 38. 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)~~ may ~~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 39. 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 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 40. 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 41. 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.~~c.~~ 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 permittable 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 42. 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 43. 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 44. 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 45. Section 76 of chapter 2012-174, Laws of Florida, is repealed.

Section 46. 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 47. (1) The Florida Transportation Commission shall conduct a study of the potential for the state to obtain revenue from any parking meters or other parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road. The commission may retain such experts as are reasonably necessary to complete the study, and the department shall pay the expenses of such experts. On or before August 31, 2014, each municipality and county that receives revenue from any parking meters or other parking time-limit devices that regulate designated parking spaces located within or along the right-of-way limits of a state road shall provide the commission a written inventory of the location of each such meter or device and the total revenue collected from such locations during the last 3 fiscal years. Each municipality and county shall at the same

time inform the commission of any pledge or commitment by the municipality or county of such revenues to the payment of debt service on any bonds or other debt issued by the municipality or county. The commission shall consider the information provided by the municipalities and counties, together with such other matters as it deems appropriate, and shall develop policy recommendations regarding the manner and extent that revenues generated by regulating parking within the right-of-way limits of a state road may be allocated between the department and municipalities and counties. The commission shall develop specific recommendations concerning the allocation of revenues generated by meters or devices regulating such parking that were installed before July 1, 2014, and the allocation of revenues that may be generated by meters or devices installed thereafter. The commission shall complete the study and provide a written report of its findings and conclusions to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of each of the appropriations committees of the Legislature by October 31, 2014.

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

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

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

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

Section 2. All tolls collected shall ~~first~~ be used first for the payment of annual operating and maintenance costs and second to discharge the current bond indebtedness related to the Pinellas Bayway. Thereafter, tolls collected shall be used to establish a reserve construction account to be used, together with interest earned thereon, by the department ~~for the construction of Blind Pass Road, State Road 699 improvements, and~~ for Phase II of the Pinellas Bayway improvements. ~~A portion of the tolls collected shall first be used specifically for the construction of the Blind Pass Road improvements, which improvements consist of widening to four lanes the Blind Pass Road, State Road 699, from 75th Avenue north to the approach of the Blind Pass Bridge, including necessary right-of-way acquisition along said portion of Blind Pass Road, and intersection improvements at 75th Avenue and Blind Pass Road in~~

~~Pinellas County. Said improvements shall be included in the department's current 5-year work program. Upon completion of the Blind Pass Road improvements, the tolls collected shall be used, together with interest earned thereon, by the department for~~ Phase II of the Pinellas Bayway improvements~~, which improvements~~ consists of widening to four lanes the Pinellas Bayway from State Road 679 west to Gulf Boulevard, including necessary approaches, bridges, and avenues of access. Upon completion of the Phase II improvements, the department shall continue to collect tolls on the Pinellas Bayway for purposes of reimbursing the department for all accrued maintenance costs for the Pinellas Bayway.

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

110.205 Career service; exemptions.—

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

(j) The appointed secretaries and the State Surgeon General, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Families ~~Family Services~~, the State Transportation Development Administrator, the State Public Transportation and Modal Administrator, district secretaries, district directors of transportation development, transportation operations, transportation support, and the managers of the offices of the Department of Transportation specified in s. 20.23(3)(b) ~~s. 20.23(4)(b), of the Department of Transportation~~. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions ~~in accordance with the rules of the Senior Management Service;~~ and the positions of county health department directors and county health department administrators of the Department of Health in accordance with the rules of the Senior Management Service.

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

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

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

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

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

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

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

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

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

Section 50. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2014.

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.