

A bill to be entitled

An act relating to public roadways and rail corridors; amending s. 337.403, F.S.; providing for payment of certain utility work necessitated by a transportation project under certain circumstances; amending s. 479.11, F.S.; conforming a cross-reference; amending s. 479.16, F.S.; revising exemptions from requirements for permits to erect signs along public roadways; providing exemptions to permit requirements for certain signs in certain areas; providing procedures for removal of such signs under certain circumstances; amending s. 479.262, F.S.; prohibiting placement of tourist-oriented directional signs on certain roads and interchanges; providing an effective date.

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

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

337.403 Interference caused by relocation of utility; expenses.—

(1) If a utility ~~that is~~ placed upon, under, over, or along any public road or publicly owned rail corridor is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use~~7~~ or the maintenance, improvement, extension, or expansion~~7~~ of the ~~such~~ public road or

27 publicly owned rail corridor, the utility owner shall, upon 30
28 days' written notice to the utility or its agent by the
29 authority, initiate the work necessary to alleviate the
30 interference at its own expense except as provided in paragraphs
31 (a)-(h) ~~(a)-(g)~~. The work must be completed within such
32 reasonable time as stated in the notice or such time as agreed
33 to by the authority and the utility owner.

34 (a) If the relocation of utility facilities, as referred
35 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
36 627 of the 84th Congress, is necessitated by the construction of
37 a project on the federal-aid interstate system, including
38 extensions thereof within urban areas, and the cost of the
39 project is eligible and approved for reimbursement by the
40 Federal Government to the extent of 90 percent or more under the
41 Federal Aid Highway Act, or any amendment thereof, then ~~in that~~
42 ~~event~~ the utility owning or operating the ~~such~~ facilities shall
43 perform any necessary work upon notice from the department, and
44 the state shall pay the entire expense properly attributable to
45 such work after deducting therefrom any increase in the value of
46 a new facility and any salvage value derived from an old
47 facility.

48 (b) When a joint agreement between the department and the
49 utility is executed for utility work to be accomplished as part
50 of a contract for construction of a transportation facility, the
51 department may participate in those utility work costs that
52 exceed the department's official estimate of the cost of the

53 work by more than 10 percent. The amount of such participation
54 shall be limited to the difference between the official estimate
55 of all the work in the joint agreement plus 10 percent and the
56 amount awarded for this work in the construction contract for
57 such work. The department may not participate in any utility
58 work costs that occur as a result of changes or additions during
59 the course of the contract.

60 (c) When an agreement between the department and utility
61 is executed for utility work to be accomplished in advance of a
62 contract for construction of a transportation facility, the
63 department may participate in the cost of clearing and grubbing
64 necessary to perform such work.

65 (d) If the utility facility was initially installed to
66 exclusively serve the authority or its tenants, or both, the
67 authority shall bear the costs of the utility work. However, the
68 authority is not responsible for the cost of utility work
69 related to any subsequent additions to that facility for the
70 purpose of serving others.

71 (e) If, under an agreement between a utility and the
72 authority entered into after July 1, 2009, the utility conveys,
73 subordinates, or relinquishes a compensable property right to
74 the authority for the purpose of accommodating the acquisition
75 or use of the right-of-way by the authority, without the
76 agreement expressly addressing future responsibility for the
77 cost of necessary utility work, the authority shall bear the
78 cost of removal or relocation. This paragraph does not impair or

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

81 (f) If the utility is an electric facility being relocated
 82 underground in order to enhance vehicular, bicycle, and
 83 pedestrian safety and in which ownership of the electric
 84 facility to be placed underground has been transferred from a
 85 private to a public utility within the past 5 years, the
 86 department shall incur all costs of the necessary utility work.

87 (g) An authority may bear the costs of utility work
 88 required to eliminate an unreasonable interference when the
 89 utility is not able to establish that it has a compensable
 90 property right in the particular property where the utility is
 91 located if:

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

94 2. The utility demonstrates that it has a compensable
 95 property right in all adjacent properties along the alignment of
 96 the utility; and

97 3. The information available to the authority does not
 98 establish the relative priorities of the authority's and the
 99 utility's interests in the particular property.

100 (h) If a city-owned or county-owned utility is located in
 101 a rural area of critical economic concern designated pursuant to
 102 s. 288.0656 and the department's comptroller determines that the
 103 utility is not able and will not be able within the following 10
 104 years to pay for the cost of utility work necessitated by a

105 department project on the State Highway System, the department
 106 may pay the cost of such utility work performed by the
 107 department or the department's contractor, in whole or in part.

108 Section 2. Paragraph (b) of subsection (5) of section
 109 479.11, Florida Statutes, is amended to read:

110 479.11 Specified signs prohibited.—No sign shall be
 111 erected, used, operated, or maintained:

112 (5)

113 (b) If the sign is on the premises of an establishment as
 114 provided in s. 479.16(2)(a) ~~s. 479.16(1)~~, the local government
 115 authority with jurisdiction over the location of the sign shall
 116 enforce the provisions of this section as provided in chapter
 117 162 and this section.

118 Section 3. Section 479.16, Florida Statutes, is amended to
 119 read:

120 479.16 Signs for which permits are not required.—

121 (1) Signs placed on benches, transit shelters, modular
 122 news racks, street light poles, public pay telephones, and waste
 123 receptacles, within the right-of-way, as provided for in s.
 124 337.408 are exempt from the provisions of this chapter.

125 (2) The following signs are exempt from the requirement
 126 that a permit for a sign be obtained under the provisions of
 127 this chapter but are required to comply with the provisions of
 128 s. 479.11(4)-(8):

129 (a) ~~(1)~~ Signs erected on the premises of an establishment,
 130 which signs consist primarily of the name of the establishment

131 or which identify the principal or accessory merchandise,
 132 services, activities, or entertainment sold, produced,
 133 manufactured, or furnished on the premises of the establishment
 134 and which comply with the lighting restrictions ~~under department~~
 135 ~~rule adopted~~ pursuant to s. 479.11(5), or signs owned by a
 136 municipality or a county located on the premises of such
 137 municipality or such county which display information regarding
 138 government services, activities, events, or entertainment.

139 1. For purposes of this section, the following types of
 140 messages are ~~shall not be considered~~ information regarding
 141 government services, activities, events, or entertainment:

142 a.(a) A message that ~~Messages which~~ specifically
 143 references a ~~reference any~~ commercial enterprise.

144 b.(b) A message that references ~~Messages which~~ reference a
 145 commercial sponsor of an ~~any~~ event.

146 c.(c) A personal message ~~Personal messages~~.

147 d.(d) A political campaign message ~~Political campaign~~
 148 ~~messages~~.

149
 150 2. If a sign located on the premises of an establishment
 151 consists principally of brand name or trade name advertising and
 152 the merchandise or service is only incidental to the principal
 153 activity, or if the owner of the establishment receives rental
 154 income from the sign, then the sign is not exempt under this
 155 subsection.

156 (b)(2) Signs erected, used, or maintained on a farm by the

157 owner or lessee of such farm and relating solely to farm
 158 produce, merchandise, service, or entertainment sold, produced,
 159 manufactured, or furnished on such farm.

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

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

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

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

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

183 (h)~~(8)~~ Signs or notices erected or maintained upon
 184 property stating only the name of the owner, lessee, or occupant
 185 of the premises and not exceeding 16 & square feet in area.

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

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

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

192 (l)~~(12)~~ Signs not in excess of 16 & square feet that are
 193 owned by and relate to the facilities and activities of
 194 churches, civic organizations, fraternal organizations,
 195 charitable organizations, or units or agencies of government.

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

199 (m)~~(14)~~ Signs relating exclusively to political campaigns.

200 (n)~~(15)~~ Signs not in excess of 16 square feet placed at a
 201 road junction with the State Highway System denoting only the
 202 distance or direction of a residence or farm operation, or,
 203 outside an incorporated ~~in a rural~~ area where a hardship is
 204 created because a small business is not visible from the road
 205 junction with the State Highway System, one sign not in excess
 206 of 16 square feet, denoting only the name of the business and
 207 the distance and direction to the business. ~~The small-business-~~
 208 ~~sign provision of this subsection does not apply to charter~~

209 ~~counties and may not be implemented if the Federal Government~~
 210 ~~notifies the department that implementation will adversely~~
 211 ~~affect the allocation of federal funds to the department.~~

212 (o)1. Signs placed by a local tourist-oriented business
 213 located within a rural area of critical economic concern, as
 214 defined in s. 288.0656(2) (d) and (e), and are:

215 a. Not in excess of 8 square feet in size or more than 4
 216 feet in height;

217 b. Located only in rural areas, along non-limited access
 218 highways;

219 c. Located within 2 miles of the business location and are
 220 at least 500 feet apart;

221 d. Located only in two directions leading to the business;
 222 and

223 e. Not located within the road right-of-way.

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

227 (p) Signs not in excess of 32 square feet placed
 228 temporarily during harvest season of a farm operation for a
 229 period of no more than 4 months at a road junction with the
 230 State Highway System denoting only the distance or direction of
 231 the farm operation.

232 (q) Acknowledgement signs erected upon publicly funded
 233 school premises relating to a specific public school club, team,
 234 or event placed no closer than 1,000 feet from another

235 acknowledgement sign on the same side of the roadway. The
236 sponsor information on an acknowledgement sign may constitute no
237 more than 100 square feet of the sign. As used in this
238 subsection, the term "acknowledgement signs" means signs that
239 are intended to inform the traveling public that a public school
240 club, team, or event has been sponsored by a person, firm, or
241 other entity.

242 (r) Displays erected on a sports facility directly
243 relating to the facility's activities or location of the
244 products or services offered on the property. Displays must be
245 mounted flush to the surface of the sports facility and must
246 rely upon the building facade for structural support. As used in
247 this subsection, the term "sports facility" means an athletic
248 complex, athletic arena, or athletic stadium, including
249 physically connected parking facilities, which is open to the
250 public and has a permanent installed seating capacity of 15,000
251 or more.

252 (3) If the exemptions in paragraphs (1) (n)-(r) are not
253 implemented or continued due to Federal Government notification
254 to the department that the allocation of federal funds to the
255 department will be adversely impacted, the department shall
256 provide notice to the sign owner that the sign must be removed
257 within 30 days after receiving notice. If the sign is not
258 removed within 30 days, the department may remove the sign, and
259 the costs incurred in connection with the sign removal shall be
260 assessed against and collected from the sign owner.

261 Section 4. Subsection (1) of section 479.262, Florida
 262 Statutes, is amended to read:

263 479.262 Tourist-oriented directional sign program.—

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

280 Section 5. This act shall take effect July 1, 2014.