

**CHAPTER 14-10
OUTDOOR ADVERTISING SIGN REGULATION AND HIGHWAY BEAUTIFICATION PROGRAM**

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14-10.0011 General Provisions.

(1) Definitions. All terms in this rule chapter shall have the same meanings as those in Section 479.01, F.S. Additionally, the following terms are defined:

(a) “Applicant” means the person or entity seeking permission for an outdoor advertising sign under this rule chapter.

(b) “Completed Sign,” for purposes of Section 479.07(5)(a), F.S., means an erected sign structure with attached facing, and a posted message.

(c) “Crown” means the highest point of elevation on the road pavement of the main traveled way immediately adjacent to the sign.

(d) “Embellishment” means a temporary extension of a sign face which contains a portion of the message or informative contents, and which is added, modified, or removed when the message is changed.

(e) “Height Above Ground Level (HAGL)” means the distance between the ground and the bottom of the sign face, excluding any border and trim, as measured from the point on the sign facing closest to the main-traveled way.

(f) “Location or site” means the specific place or position of a proposed or existing sign. Location is generally identified by specifying a milepost on the Roadway Characteristics Inventory (RCI) system together with a distance from the edge of the pavement or the right of way line by specifying the State Plane Coordinates or by specifying the latitude and longitude.

(g) “Permitted Sign” means a sign, whether erected or not, for which an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, incorporated herein by reference, has been issued, which permit has not been revoked, canceled, expired, or declared void.

(h) “Public or Court Officer” means as described in Section 112.3173, F.S.

(i) “Rest Area” means a publicly owned, controlled, and designated place for emergency stops, relaxation, and recreation, including sanitary and other facilities within or adjacent to the highway right of way.

(j) “Sign Structure Height” means the total vertical distance from the crown of the main-traveled way to the top of the highest sign face, including any border or trim, excluding embellishments.

(2) Names and Addresses.

(a) For consideration of a license or sign permit under this rule chapter, completed forms must be sent to:
Outdoor Advertising License and Permit Office
Florida Department of Transportation
605 Suwannee Street, MS 22
Tallahassee, Florida 32399-0450

Forms referenced in this rule may be obtained at the above address or at the website:

<http://www.dot.state.fl.us/rightofway/Documents.shtm>[dot.state.fl.us/rightofway](http://www.dot.state.fl.us/rightofway).

(b) Licenses and sign permits may only be issued in the current legal name or registered fictitious name of the applicant,

whether an individual, business, or corporation. Any notice issued by the Department to a fictitious name filed with the Department shall have the same effect as if issued in the legal name of the permittee or licensee.

(c) All correspondence from the Department to the licensee or permittee including billing, notices of violation, or other information issued by the Department will be electronic unless the licensee or permittee notifies the Department in writing that the mailing address is the preferred method of receipt. ~~will be sent to the address provided on the application, unless the licensee or permittee has updated the information in accordance with paragraph (d) below.~~

(d) A licensee or permittee shall notify the Department, in writing, within 30 calendar days of any change in address. This notification shall include:

1. The date the change of name or address (mailing or e-mail) becomes effective;
2. The account name as listed on the Department billing;
3. The name of the individual authorized to sign the notice; and
4. ~~The authorized signature.~~ Certification from the person with authority to update this information.

(e) Notices or any other correspondence issued by the Department to the address on file prior to receipt of such written notification of an address change are valid and shall be considered received by the licensee or permittee.

(f) License Applications, Permit Applications, Replacement Requests, Transfer Requests, and Cancellation Certifications must contain a statement by the signatory that he/she is the authorized representative and has the authority to sign for the applicant.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 334.044(28), 479.02 FS. History—New 6-28-98, Amended 8-19-01, 10-3-10.

14-10.0022 Outdoor Advertising Sign Inventory.

Pursuant to Section 479.02(8), F.S., the Department shall update its outdoor advertising database inventory information for all permitted signs no less than every two years. This inventory shall provide, as a minimum, the following current information derived from field review and historical information contained in the Department's files:

- (1) Location of the sign;
- (2) Original sign permit issue date;
- (3) Date the sign was erected;
- (4) Height, width and square footage of each sign facing;
- (5) Number and type of support structures used;
- (6) Height above ground level of the sign facing;
- (7) Sign structure height;
- (8) Whether the sign is lighted;
- (9) Whether the sign is a changeable message;
- ~~(10)~~ Whether the sign is in conformance with local land use requirements;
- ~~(11)~~ Whether the sign is in an urban area;
- ~~(12)~~ Whether the sign is in an incorporated area;
- ~~(13)~~ Status of the sign, whether conforming, nonconforming, or illegal;
- ~~(14)~~ Permittee's name and address;
- ~~(15)~~ Sign permit number(s), current and previous, assigned to the sign facing;
- ~~(16)~~ Status of the sign permit, whether active or canceled, revoked, expired, or void; and
- ~~(17)~~ Date the sign was removed, when applicable.

Changes made to the Department's previous inventory records to reflect physical characteristics of a sign or sign facing existing at the time of an inventory update shall not create a waiver or constitute forgiveness of any violation of the provisions of Chapter 479, F.S.

Rulemaking Authority 334.044(2), 479.02(7), (8) FS. Law Implemented 339.05, 479.01, 479.02, 479.03, 479.07(9) FS. History—New 6-28-98, Amended 10-3-10.

14-10.003 Licenses.

(1) Outdoor Advertising License Required.

(a) A person or entity is considered to be in the business of outdoor advertising and is required to have an outdoor advertising license if that person or entity is receives compensation from constructing, erecting, operating, using, maintaining, leasing, or selling

outdoor advertising structures, outdoor advertising signs, or outdoor advertisements.

~~(b) Persons or entities solely engaging in the following solely advertising their own businesses and contractors who construct signs under contract to outdoor advertising licensees or permittees, are exempt from the licensing requirement;~~

~~1. Advertising their own business or businesses; and~~

~~2. Erecting or constructing signs.~~

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on an Outdoor Advertising License Application, Form 575-070-02, Rev. 10/06, incorporated herein by reference.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 120.60, 215.34(2), 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07 FS. History—(Formerly part of Rule 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 1-1-86, Formerly 14-10.03, Amended 6-28-98, 8-19-01, 1-25-04, 12-31-06, 10-3-10.

14-10.004 Outdoor Advertising Permit Applications, Criteria, and Permit Issuance.

(1) Applications. An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~02/0908/14~~, incorporated herein by reference, to the address listed in paragraph 14-10.0011(2)(a), F.A.C. Each application for a sign permit shall meet the requirements of Chapter 479, FS. In addition, each application must comply with the requirements of the 1972 agreement between the state and the United States Department of Transportation pursuant to Section 479.02(1), F.S.

(a) A separate application is required for each sign permit requested (i.e. a back to back sign will require two applications). Separate payment for each application is recommended to avoid denial of multiple applications should one application be denied.

(b) Prior to issuing a sign permit, the Department will inspect the proposed sign site for compliance with Chapter 479, F.S., and this rule chapter. To ensure that the site being inspected is the same site specified in the application, the applicant shall mark the proposed site in such a manner that the markings are visible from the main-traveled way. The markings shall be displayed upon submission of the application, and shall be maintained by the applicant until the Department has approved or denied the application.

(c) The Department will act on sign permit applications in order of the date and time of receipt of complete applications.

1. An application will be considered complete when all items on the application form have been filled in, all required attachments have been received, and the correct permit fees have been submitted. All information provided on the application must be certified as being true and correct. Information required on the application from the local zoning official providing allowable land use and local government approval, must be current as of the date the complete application is received by the Department and the applicant must demonstrate that the conditions are still in effect.

2. Applications submitted with payment that will become void within 30 days from Department receipt will be returned as incomplete.

~~3.~~ Applications containing incorrect information will be denied.

~~4.~~ Incomplete sign permit applications will be returned to the applicant along with any sign permit fees submitted with the application.

~~5.~~ Completion of, or corrections to, the original submitted document must be initialed by the applicant on the original application.

~~6.~~ Pursuant to Section 479.07(3)(b), F.S., the written statement from the landowner must have been issued to the applicant, or on behalf of the applicant. If a lease document is submitted as the statement from the landowner, the applicant must be the named lessee, or the document must be accompanied by a properly executed transfer of the leasehold rights to the applicant. The written statement must:

a. Identify the property on which the sign is to be located;

b. Indicate that the person authorizing placement of the sign on the property is the owner or the person in lawful control of the property. If the person authorizing placement of the sign is not the owner of the property, the legal status which gives him or her lawful control of the property must be indicated;

c. Grant the permission to or on behalf of the applicant; and

d. Authorize placement of the sign on the subject property.

(2) Application status. Complete applications will be either approved or denied within 30 calendar days of receipt by the Department unless an earlier application for that site or a competing site is under review, the applicant is seeking a vegetation management permit, or removal of a conflicting sign is pending.

(a) A denied application will remain in a pending status until the time to request an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., has elapsed. If a hearing is requested, the application shall remain in a pending status until a final order has been issued and the time to request an appeal of the order has elapsed. If an appeal is taken, the application will remain in a pending status until the mandate is issued by the appellate court. Subsequent applications for conflicting sites shall be held without action until the pending status of the earlier application is resolved.

(b) If an application is approved, all subsequently received applications for conflicting sites shall be denied.

(c) When a permit application is received for a new sign site where vegetation management is required pursuant to Section 479.106, F.S., the permit will not be issued until the applicant has been issued a vegetation management permit by the Department in accordance with Rule ~~14-40.030~~14-10.057, F.A.C., ~~and has removed two nonconforming signs.~~ A permit shall not be issued to an applicant for a location at which unpermitted cutting, removal, or trimming of vegetation has occurred until such time as payment of the administrative penalty and mitigation as required by Rule ~~14-40.030~~14-10.057, F.A.C., and Section 479.106(7), F.S., respectively, have been ~~accomplished~~ collected and the applicant has surrendered two nonconforming signs ~~for surrender~~ in accordance with Section 479.106(5), F.S. ~~If a permit is granted where the applicant has stated that no cutting, removal, or trimming of vegetation is required to create a view zone for the sign, the permittee may only maintain the view existing at the time the sign permit is issued.~~

(d) Applications for sign permits at locations which conflict with spacing requirements relating to the location of an expired or canceled sign permit will not be processed until the sign for which the expired or canceled permit was issued is removed, except for a sign permit being canceled as a condition for issuance of a new sign permit.

(3) Reduced Spacing on Interstates. For applications to be considered under the reduced spacing defined in Section 479.07(9)(c), F.S., the applicant must submit the following information in addition to the requirements of subsections (1) & (2) of this section:

(a) A copy of the local government adopted policy, ordinance, or other official document authorizing the placement of a new outdoor advertising sign on an interstate highway, in exchange for the removal of an existing sign from areas specifically designated by the local government; and

(b) A copy of the agreement between the local government and the affected sign owner allowing such removal and replacement.

(4) Size. The area of a sign facing shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire sign facing including all embellishments.

(a) The maximum allowable height of a sign facing is 30 feet.

(b) The maximum allowable length of a sign facing is 60 feet.

(c) The maximum area limitations shall apply to each sign facing.

(d) Embellishments shall not extend more than five feet beyond the permanent sign face, and are included in any measurement of the height, width, or area of the sign facing.

(e) ~~a~~Advertising copy shall not exceed 950 square feet, including all sign faces.

(5) Number of Sign Faces. There shall be no more than two faces showing at one time for each sign facing.

(6) Location. Signs shall not be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device.

(7) Spacing. The minimum required distance between the location for which a permit is sought and the nearest permitted sign shall be measured along the edge of pavement of the main-traveled way from the location marked by the applicant in accordance with this section, to the location of the permitted sign. In the case of a permitted sign that has not been constructed, the milepost location reflected on the application shall be used as the location of the permitted sign. Measurement along the edge of pavement shall be based on the point perpendicular to a tangent to the edge of the main-traveled way nearest the location of the sign.

(a) For V-type, or back-to-back signs, to be counted as one sign for spacing purposes, the sign facings on such signs shall be connected by the same sign structure or cross-bracing, or the sign structures shall not be located not more than 15 feet apart, at their nearest point.

(b) Official signs, signs exempt under Section 479.16, F.S., and structures that are not permitted signs shall not be considered for purposes of determining compliance with spacing requirements.

(c) When an intersection is encountered in determining measurements for spacing compliance, the width of such intersection is included in the measured distance. This distance is measured in a direct line from the points of intersection of the edges of the main-traveled ways.

(d) No sign permit shall be issued for a sign located on any portion of the interstate highway system, which is outside the boundaries of an incorporated municipality, and which is within 500 feet of an interchange, intersection at grade, or rest area. The 500 feet shall be measured along the interstate in the direction leading away from the interchange, intersection at grade, or rest area, beginning at the pavement widening of the exit from the main-traveled way, or the end of pavement widening of the entrance to the main-traveled way on an interstate highway. For the purposes of this subsection, all portions of the entrance and exit ramps shall be considered part of an interchange.

(e) When a sign or proposed sign is, or would be located within the controlled area and visible from any portion of the main-traveled way of more than one highway subject to the jurisdiction of the Department, pursuant to Section 479.07(1), F.S., the sign shall meet the permitting requirements of all highways, and be permitted to the roadway with the stricter controls.

(8) Sign Structure Height. The height of a sign structure shall be measured from a point on the sign structure which is at the same elevation as the crown of the main-traveled way to which the sign is permitted to the top of the highest sign face, excluding embellishments.

(9) Lighting. Signs may be illuminated except those which are illuminated in any way by any flashing, intermittent, or moving light. No sign shall be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.

(310) Changeable messages. — A permit shall be granted for an Signs may have an automatic changeable facing provided:

(a) The static display time for each message is at least six seconds;

(b) The time to completely change from one message to the next is a maximum of two seconds or, if messages are displayed digitally, the message must change instantaneously;

(c) The change of message occurs simultaneously for the entire sign face; and

~~(d) The application meets all other permitting requirements.~~

(ed) All signs with changeable messages shall contain a default design that will ensure no flashing, intermittent message, or any other apparent movement is displayed should a malfunction occur.

(11) For purposes of compliance with Section 479.11(4), F.S., the 100 feet shall be measured from the property line. When a school or church is the applicant for a permit, or has given written permission for the placement of a sign, the 100 foot required distance shall be measured from the outer edges of the primary building or primary building complex when the individual units of the complex are connected by covered walkways.

(412) Changes to Roadway Designations.

(a) A sign existing at a location which was not previously subject to the permitting requirements of Chapter 479, F.S. and this rule chapter, but has subsequently become subject to the requirements due to changes in the jurisdictional designation of highways, shall be granted a conforming or nonconforming state permit in accordance with the process outlined below:

1. The Department shall conduct an inventory of outdoor advertising signs on the highway section subject to jurisdictional change and, within 60 calendar days of the effective date of the proposed change, advise all affected sign owners and local governments that the change is being considered, the regulatory effect of the change, and when the change may become effective.

2. Upon approval of the jurisdictional change, the Department will provide a second notice to sign owners and local governments advising that the change in jurisdiction has become effective and that sign owners have 30 calendar days from receipt of the second notice to submit an application for a sign permit.

3. When the Department is unable to provide the advance notice referenced in paragraph (a), the Department will advise the affected sign owners that they have 90 calendar days from receipt of the notice, that the change in jurisdiction has become effective and to submit an application for a sign permit.

4. ~~The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09~~ The sign owner shall submit a completed application, together with all items required pursuant to Section 479.07(3)(b), F.S. ~~For existing signs, the~~ The written statement required by Section 479.07(3)(b), F.S., shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant ~~shall certify in writing~~ is certifying that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed. If land use information required by Section 479.024, F.S., is not included with an application package submitted under this subsection, the

Department must classify the permit as nonconforming upon issuance.

(b) When a change in the designation of a highway removes that highway from the Department's regulatory jurisdiction, a notice will be provided to all permittees on the affected roadway informing them their sign is no longer subject to the Department's jurisdiction and their permit will not be renewed.

(c) When a controlled road, or any portion of a controlled road, is designated as a scenic highway or scenic byway pursuant to Section 335.093, F.S., new permits will not be issued for signs visible from the portion of the highway designated as a scenic highway or byway.

(13) Upon Department verification that an application meets the requirements in Chapter 479, F.S. and this rule chapter for issuance of a permit, the Department shall issue an Outdoor Advertising Permit, Form 575-070030, Rev. 07/01, and a separate permanent metal permit tag to the applicant.

(514) Posting of Tags. The permanent metal permit tag issued by the Department must be posted at the sign site within 30 calendar days of issuing the sign permit and must remain in place at all times, whether or not a sign has been erected, or a previously erected sign has been removed. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request, Form 575-070-01, Rev. 06/09, incorporated herein by reference, and shall include a replacement fee of \$12.00 per tag. ~~Alternatively, the permittee may provide its own replacement tags pursuant to Section 479.07(5)(b), F.S., provided all of the fabrication specifications listed below are met.~~

~~(a) 6 inch x 12 inch constructed of durable material;~~

~~(b) Coated with 5 year white reflective sheeting;~~

~~(c) Embossed black text as follows:~~

~~1. The left vertical edge of the tag shall read FLA SIGN PERMIT in 5/8 inch characters;~~

~~2. The top horizontal alpha characters shall be embossed toward the FLA text and will be in 2 and 15/16 inch characters;~~

~~3. The vertical legend of three numbers located under the alpha characters shall be 2 and 15/16 inch characters.~~

~~(d) The letters and numbers of the replacement tag must be identical to the tag being replaced.~~

~~(e) When a permittee elects to provide its own tag, the permittee shall notify the Department that they will replace the tag within 30 days of notification that the tag is not properly displayed. The new tag shall be posted at the permitted location within 60 days of the department's notification.~~

14-10.00401 Administration of Outdoor Advertising Permits.

~~(6231)~~ Transfer of Permits. Requests to transfer a permit pursuant to Section 479.07(6), F.S., shall be submitted on an Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 10/06, incorporated herein by reference.

(a) The recipient of the transferred permit shall certify that written permission from the landowner, or other person in lawful control of the sign site, to maintain the sign on the site pursuant to Section 479.07(2), F.S., has been secured.

(b) If a transfer of permit is made when the permit has been determined to be in violation of Chapter 479, F.S., or this rule chapter, or if a revocation proceeding is pending, the permit is subject to conditions existing at the time of transfer. The Department's approval of a permit transfer shall not constitute a waiver of rights on the part of the Department, nor shall a permit transfer in any way prohibit the issuance of notices of violation, or preclude the Department from revoking the transferee's permit pursuant to Section 479.08, F.S., or this rule chapter.

(c) If a transfer of sign permit is made during the initial 270 days from the date of permit issuance, the permit transferee receives the sign permit subject to all conditions which were applicable to the original applicant.

~~(7342)~~ Cancellation of Permits. Permit cancellation notification must be submitted on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing.

~~(8453)~~ Conditional Permit Cancellation. When an applicant requests cancellation of one permit in order to obtain a new permit, the existing permit shall be canceled simultaneously with the issuance of the new permit. Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09, shall be submitted simultaneously to the Department. If a new permit does not meet current permitting requirements and cannot be issued, the existing permit will not be canceled.

~~(9564)~~ Permits Canceled, or Not Renewed, in Error – Petition for Reinstatement. Pursuant to Section 479.07(8)(b), F.S., a petition for reinstatement of permits canceled, or not renewed, in error shall be submitted to the State Outdoor Advertising License

and Permit Office. The petition must be in writing, list the affected permit(s), and shall certify that:

- (a) The permit was canceled, or not renewed, in error by the permittee;
- (b) The permit tag for the canceled or expired permit was returned to the Department or otherwise accounted for;
- (c) The sign has not been disassembled; and
- (d) The local government has not declared the sign illegal or taken any other action to have it removed.

If the Reinstatement Petition is denied by the Department, a new permit may be issued for a sign only if the sign meets all current permitting requirements. The reinstatement fee is ~~\$200.00 for a sign facing of 200 square feet or less, and \$300.00 for a sign facing greater than 200 square feet per permit.~~

~~(10675)~~ Reestablishment. Where the expansion or relocation of a transportation facility causes a sign to be located in the right of way, or within fifteen feet of the right of way, and the sign cannot be relocated pursuant to Sections 479.15(3), (4), & (6), the permittee desires to may reestablish the sign at a conforming location that conforms with Chapter 479, F.S. and this rule chapter by; the Department shall allow the reestablishment of the sign in conformance with the following:

(a) ~~The permittee must submit~~ Submitting a completed application for the reestablished sign site pursuant to Section s. 479.07(3), F.S. and s. 14-10.004(1) & (2) of this rule chapter.

(b) The reestablished sign site shall meet all current requirements for permitting.

(c) Initial permit fees are not required to be submitted with an application for reestablishment.

~~(448)~~ Relocation. Where a Department project causes a ~~nonconforming~~ sign lawfully permitted by the Department to be located in the right of way, the Department shall allow the relocation of the sign provided all requirements of Sections 479.15(3), (4), (5), (6), F.S., are met. The relocated sign must be of the same materials, size and configuration as the original. A sign relocation shall be by agreement between the permit holder and the Department, and the existing permit shall reflect the relocated location in the outdoor advertising database.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 215.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, 1-25-04, 3-15-05, 12-31-06, 4-2-09, 10-3-10.

14-10.0041 Annual Renewal Billing – Licenses and Permits.

(1) All licenses and sign permits expire annually and shall be renewed pursuant to Section 479.07(8), F.S.

(2) Annual renewal of a license shall include the annual license fee, and the fees for all sign permits being renewed by the licensee. Acceptance by the Department of renewal fees for a suspended license or a sign permit against which a violation notice has been issued, or which may be issued, shall not constitute waiver by the Department of any right to pursue remedies for the violation.

(a) Any of the following shall result in the return of submitted fees to the applicant, and shall constitute nonpayment:

1. Payment of renewal fees for any amount less than the amount shown as due on the Department's billing statement (or its adjusted billing statement prepared in response to a timely notice from the permittee of corrections, additions, or deletions). When an overpayment of renewal fees is submitted, the Department shall accept the fees due amount as shown on the billing statement (or the adjusted billing statement), and provide for the issuance of a refund to the payor in the amount of the overpayment. Acceptance of payment in an amount greater than the amount due shall not constitute acceptance of renewal fees for sign permits which have been declared invalid.

2. Failure to return or provide an accounting for the nonrenewed sign permit tags on the Cancellation Certification.

3. Failure to submit affidavits and transfer fees for any sign permits being transferred.

(b) Payment for sign permits being transferred at the time of permit renewal shall be submitted with the sign permit renewal payment, but must be in a separate payment instrument.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 479.02, 479.07 FS. History—New 6-28-98, Amended 8-19-01, 10-3-10.

14-10.0042 Denial, Suspension, or Revocation of Licenses, or Denial or Revocation of Permits.

(1) If the Department intends to deny an application for a license or sign permit, deny reinstatement of a sign permit cancelled or not renewed in error, revoke a sign permit, or intends to suspend or revoke a license ~~or sign permit~~, the Department shall provide, ~~by certified mail, return receipt requested, or by personal delivery with receipt~~, notice of the facts which warrant the action. The written notice shall contain:

(a) The particular facts or basis for the Department's action;

(b) The statute or rule relied upon;

(c) A statement that the applicant, licensee, or permittee has the right to an administrative hearing pursuant to Section 120.57, F.S.

(d) A statement that the Department's action shall become conclusive and the final agency action and that the sign permit ~~or license~~ shall be denied or revoked, or that the license shall be denied, suspended, or revoked if no request for a hearing is filed within 30 calendar days of receipt of the notice of the Department's intended action.

(2) If a licensee fails to renew its license, or its license is revoked, any sign permits owned by the licensee shall become subject to revocation, pursuant to Section 479.08, F.S.

Rulemaking Authority 334.044(2), 479.02 FS. Law Implemented 120.60, 479.05, 479.08 FS. History—New 6-28-98, Amended 10-3-10.

14-10.0043 Outdoor Advertising License and Permit Fees.

(1) The annual fee for an Outdoor Advertising License is \$300.00. Licenses expire on January 15 of each year. Licenses issued after October 1 shall not expire in the calendar year directly subsequent to the approval date.

(2) The annual permit fee for each sign facing is ~~\$51.00 for 200 square feet or less, and \$71.00 for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.~~

(3) Permit fees for the year in which application is made may be prorated by paying one-fourth of the annual fee for each whole or partial quarter remaining in that year. Applications received after September 30 must include fees for the last quarter plus fees for the following year. The fee schedule is based on the date the application is received by the Department as follows:

(a) January 16 through April 15: ~~\$51.00 for each sign facing of 200 square feet or less; \$71.00 for each facing greater than 200 square feet;~~

(b) April 16 through July 15: ~~\$38.25 for each sign facing of 200 square feet or less; \$53.25 for each facing greater than 200 square feet;~~

(c) July 16 through September 30: ~~\$25.50 for each sign facing of 200 square feet or less; \$35.50 for each facing greater than 200 square feet;~~

(d) October 1 through January 15: ~~\$63.75 for each sign facing of 200 square feet or less; \$88.75 for each facing greater than 200 square feet.~~

(4) All payment instruments must be made out to the Department of Transportation. Payment of fees may be made by cash, postal money order, bank draft, cashier's check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00 or five percent of the amount payable, whichever is greater will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.

Rulemaking Authority 334.044(2), 479.02(7), 479.07(3)(c) FS. Law Implemented 215.34, 479.04, 479.07 FS. History—New 1-25-04, Amended 4-2-09.

14-10.0052 Zoning Enacted Primarily to Permit Outdoor Advertising Signs.

(1) "Comprehensively ~~Enacted Zoning~~Zoned" means a county or municipal government has adopted ordinances or other laws ~~adopted by the county or municipal government~~ pertaining to and designating the ~~currently~~ allowable uses of a property within its jurisdiction, pursuant to and consistent with a comprehensive plan enacted in accordance with Chapter 163, F.S.

(2) If Even if comprehensively enacted a parcel is comprehensively zoned, the following criteria, including public records related thereto, shall be considered in determining whether such zoning is enacted primarily to permit signs:

(a) The land use or zoning designation provides for limited commercial or industrial activity only as an incident ~~accessory, ancillary, or incidental uses~~ to ~~other primary land the allowable~~ uses.;

(b) The commercial and industrial activities, separately or together, are permitted only by variance or ~~special exceptions/waiver~~;

(c) The ~~physical dimensions or other attributes of the affected~~ parcel ~~would will~~ not reasonably accommodate ~~traditional~~ commercial or industrial uses pursuant to s. 479.024(2)(b), Florida Statutes, and the area surrounding the affected parcel is not predominantly commercial or industrial-;

~~(d) The parcel is within, or surrounded by, a larger area with non commercial/non industrial allowable uses; or~~

~~(e) The parcel is part of a larger strip of comprehensively zoned land that is parallel to the highway with no active commercial or industrial activities, or no existing plans for commercial or industrial development.~~

~~(3) A parcel that meets at least one of the criterion of subsection (2) of this section will not qualify as a commercial or industrial parcel pursuant to s. 479.024, Florida Statutes.~~

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 479.07(10) FS. History—New 3-16-04, Amended 5-5-05.

14-10.006 Permitting Criteria-

~~Each application for a sign permit shall meet the requirements of Sections 479.07(9) and 479.11, F.S. In addition, each application must comply with the requirements of the agreement between the State of Florida and the United States Department of Transportation pursuant to Section 479.02(1), F.S. The requirements are:~~

~~(1) Size-~~

~~(a) The area of a sign facing shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire sign facing including all embellishments.~~

~~(b) The maximum allowable height of a sign facing is 30 feet.~~

~~(c) The maximum allowable length of a sign facing is 60 feet.~~

~~(d) The maximum area limitations shall apply to each sign facing.~~

~~(e) Embellishments shall not extend more than five feet beyond the permanent sign face, and are included in any measurement of the height, width, or area of the sign facing.~~

~~(f) Signs containing both on-premise and off-premise advertising shall not exceed 950 square feet, including all sign faces.~~

~~(2) Number of Sign Faces. There shall be no more than two faces showing at one time for each sign facing.~~

~~(3) Location. Signs shall not be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device.~~

~~(4) Spacing. The minimum required distance between the location for which a permit is sought and the nearest permitted sign shall be measured along the edge of pavement of the main traveled way from the location marked by the applicant in accordance with Rule 14-10.004, F.A.C., to the location of the permitted sign. In the case of a permitted sign that has not been constructed, the milepost location reflected on the application shall be used as the location of the permitted sign. Measurement along the edge of pavement shall be based on the point perpendicular to a tangent to the edge of the main traveled way nearest the location of the sign.~~

~~(a) For V type, or back-to-back signs, to be counted as one sign for spacing purposes, the sign facings on such signs shall be connected by the same sign structure or cross-bracing, or the sign structures shall not be located not more than 15 feet apart, at their nearest point.~~

~~(b) Official signs, signs exempt under Section 479.16, F.S., and structures that are not permitted signs shall not be considered for purposes of determining compliance with spacing requirements.~~

~~(c) When an intersection is encountered in determining measurements for spacing compliance, the width of such intersection is included in the measured distance. This distance is measured in a direct line from the points of intersection of the edges of the main-traveled ways.~~

~~(d) No sign permit shall be issued for a sign located on any portion of the interstate highway system, which is outside the boundaries of an incorporated municipality, and which is within 500 feet of an interchange, intersection at grade, or rest area. The 500 feet shall be measured along the interstate in the direction leading away from the interchange, intersection at grade, or rest area, beginning at the pavement widening of the exit from the main traveled way, or the end of pavement widening of the entrance to the main traveled way on an interstate highway. For the purposes of this subsection, all portions of the entrance and exit ramps shall be considered part of an interchange.~~

~~(e) When a sign or proposed sign is, or would be located within the controlled area and visible from any portion of the main-traveled way of more than one highway subject to the jurisdiction of the Department, pursuant to Section 479.07(1), F.S., the sign~~

~~shall meet the permitting requirements of, and be permitted to, the roadway with the stricter controls. If the sign is visible to more than one roadway with the same level of control, the location must meet the permitting requirements of each roadway.~~

~~(5) Sign Structure Height. The height of a sign structure shall be measured from a point on the sign structure which is at the same elevation as the crown of the main traveled way to the top of the highest sign face, excluding embellishments.~~

~~(6) Lighting. Signs may be illuminated except those which are illuminated in any way by any flashing, intermittent, or moving light. Flashing, intermittent, or moving light or lights embodied in a sign may be used to provide public service information. No sign shall be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.~~

~~(7) For purposes of compliance with Section 479.11(4), F.S., the 100 feet shall be measured from the property line. When a school or church is the applicant for a permit, or has given written permission for the placement of a sign, the 100 foot required distance shall be measured from the outer edges of the primary building or primary building complex when the individual units of the complex are connected by covered walkways.~~

~~(8) For applications to be considered under the pilot program defined in Section 479.07(9)(c), F.S., the applicant must submit the following information in addition to the requirements of above Rule 14-10.004, F.A.C.:~~

~~(a) A copy of the local government adopted policy, ordinance, or other official document authorizing the placement of a new outdoor advertising sign on an interstate highway, in exchange for the removal of an existing sign from areas specifically designated by the local government; and~~

~~(b) A copy of the agreement between the local government and the affected sign owner allowing such removal and replacement.~~

~~(9) Copies of the agreement between the State of Florida and the United States Department of Transportation, referenced in Section 479.02(1), F.S., may be obtained from the address listed in subsection 14-10.003(2), F.A.C.~~

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9), 479.08, 479.11 FS. History—New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.06, Amended 12-26-95, 6-28-98, 8-19-01, 12-31-06, 10-3-10.

14-10.007 Maintenance of Nonconforming Signs.

(1) A nonconforming sign must remain substantially the same as it was as of the date it became nonconforming.

(2) Reasonable repair and maintenance of nonconforming signs, including change of advertising message, is permitted and is not a change which would terminate the nonconforming status. Reasonable repair and maintenance means the work necessary to keep the sign structure in a state of good repair, including the replacement in kind of materials in the sign structure. Where the replacement of materials is involved, such replacement may not exceed 50% of the structural materials in the sign within any 24 month period. "Structural materials" are all those materials incorporated into the sign as load-bearing parts, including vertical supports, horizontal stringers, braces, bracing wires, brackets, and catwalks. Structural materials do not include the sign face, any skirt, any electrical service, or electric lighting, except in cases where such items have been incorporated into the sign as load-bearing parts. The following are examples of modifications which do not constitute reasonable repair or maintenance, and which constitute substantial changes to a nonconforming sign that will result in the loss of nonconforming status:

(a) Modification that changes the structure of, or the type of structure of, the sign, such as conversion of a back-to-back sign to a V-type, or conversion of a wooden sign structure to a metal structure;

1. The Department will authorize structural alterations to a nonconforming sign in instances where the Occupational Safety and Health Administration (OSHA) requirements or other safety related requirements necessitate alterations, provided that the reconstruction shall not be authorized primarily for the purpose of replacement of deteriorated materials. The Department will accept a notice or other writing from OSHA or other regulatory body to the permittee requiring the intended alteration as documentation of safety requirements. If the structural alterations are intended to be made to comply with OSHA regulations, the permittee must submit to the Department a statement in writing citing the OSHA regulation with which it is intending to comply and explaining how the intended alteration is required by the cited OSHA regulation. If the structural alterations are required to be made to comply with building codes applicable to existing structures, the permittee must submit to the Department a statement in writing citing the specific requirement of the building code which the alterations are intended to meet. Structural alterations are allowed only if no alternatives are available which address safety requirements. Documentation of the requirements must be submitted to, and approved by, the Department prior to making any structural alterations. The location, structural configuration, number of faces, size of the sign faces, sign structure height, and the materials used in the sign structure and sign faces must be the same type as those used in the sign prior to approval of the alterations. Structural configuration means the physical arrangement of a sign whether arranged as a single-faced, V-type, back-to-back, side-to-side, or stacked sign. During the period of temporary removal for those approved

structural alterations, the permittee must permanently display the permit tag at the sign location.

2. The addition of a catwalk or other fall protection device for safety reasons, where the device does not increase the structural integrity of the sign or prolong the life of the sign, is allowed without obtaining prior approval from the Department;

(b) Modification that changes the area of the sign facing or the HAGL of the sign, however:

1. Reduction in the area of the sign facing or the HAGL of the sign, which reduction is required by an ordinance adopted by a local governmental entity with jurisdiction over the sign, is not a change which would terminate the nonconforming status of the sign, provided like materials are used and no enhancements are made to the visibility of the sign.

2. Embellishments may be added to nonconforming signs subject to the limitations regarding size of sign facing, and provided they do not exceed 10% of the area of the sign facing prior to the addition of the embellishment;

(c) Modification that enhances the visibility of the sign's message, or the period of time that the sign's message is visible;

(d) Modification that adds automatic changeable faces; or

(e) Modification that adds artificial lighting, or changes the existing lighting such that the illumination to the sign facing is substantially increased.

(3) Prohibited modifications need not be physically part of the sign if they have the effect of enhancing the sign's message, the visibility of the message, or the period of time that the message is visible. However, in such cases, the modifications will not be considered a modification to the sign if:

(a) The modification is the result of removal, cutting, or trimming of vegetation in front of the sign pursuant to a permit for such removal, cutting, or trimming from the Department; or

(b) The modification only incidentally affects the visibility of the sign's message, and the bona fide purpose of the modification is unrelated to the sign.

(4) A nonconforming sign may not be disassembled, collapsed, or in a state of being no longer erect and then re-erected at the same location, except as provided in paragraph (6)(a), below.

~~(5) A nonconforming sign may not be relocated, except to a conforming location.~~

(6) A nonconforming sign may continue to exist so long as it is not destroyed, abandoned, or discontinued. "Destroyed," "abandoned," and "discontinued" have the following meanings:

(a) "Destroyed" means more than 60% of the upright supports of a sign structure are physically damaged such that normal repair practices of the industry would call for, in the case of wooden sign structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least 25% of the length above ground of each broken, bent, or twisted support. A sign will not be considered "destroyed" within the meaning of this section where the destruction is caused by vandalism or other criminal or tortious act.

(b) A nonconforming sign is "abandoned" or "discontinued" when a sign structure no longer exists at the permitted location or the sign owner fails to operate and maintain the sign for a period of 12 months or longer. Signs displaying bona fide public interest messages are not "abandoned" or "discontinued" within the meaning of this section. The following conditions shall be considered failure to operate and maintain the sign:

1. Signs displaying only an "available for lease" or similar message,
2. Signs displaying advertising for a product or service which is no longer available,
3. Signs which are blank or do not identify a particular product, service, or facility.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9) FS. History—New 3-28-77, Amended 12-18-77, 1-1-86, Formerly 14-10.07, Amended 6-28-98, 8-10-99, 8-19-01, 11-27-07.

14-10.047 Jurisdiction.

Rulemaking Authority 334.044(2) FS. Law Implemented 339.05, 339.241 FS. History—New 12-10-77, Formerly 14-10.47, Amended 6-28-98, Repealed 11-30-11.

14-10.049 Screening Criteria.

Rulemaking Authority 334.044(2) FS. Law Implemented 339.05, 339.241(3), (4), (6), (7) FS. History—New 12-10-77, Amended 6-26-78, Formerly 14-10.49, Amended 6-28-98, Repealed 11-30-11.

14-10.050 Nonconforming Junkyards.

Rulemaking Authority 334.044(2) FS. Law Implemented 339.05, 339.241(3) FS. History—New 12-10-77, Formerly 14-10.50, Amended 6-28-98, Repealed 11-30-11.

14-10.051 Violations.

Rulemaking Authority 334.044(2) FS. Law Implemented 339.05, 339.241 FS. History—New 12-10-72, Amended 6-26-78, Formerly 14-10.51, Amended 6-28-98, Repealed 11-30-11.

14-10.057 Vegetation Management Application and Permit Issuance.

(1) Permit Required.

(a) No person or entity may remove, cut, or trim trees, shrubs, or herbaceous plants on the Department's right of way to make visible or to ensure future visibility of off-premise outdoor advertising signs without Department approval of an Application to Permit Vegetation Management at Outdoor Advertising Sign, Form ~~650-050-06575-070-055~~, Rev. ~~09/08/08/14~~, which is incorporated herein by reference, pursuant to this rule chapter. For purposes of this rule, the use of chemical control constitutes removing, cutting, or trimming, depending on the impact on the tree, shrub, or herbaceous plant. Department approval is requested by submitting a completed Application to Permit Vegetation Management at Outdoor Advertising Sign to the Department ~~District Maintenance Engineer or designee with responsibility for the segment of state road to which the subject sign is permitted~~ Administrator at the address referenced in s. 14-10.0011(2) of this rule chapter. ~~Alternatively, the Application may be submitted to the State Outdoor Advertising Administrator, with an application for a new sign permit.~~ Form ~~650-050-06575-070-055, Rev. 08/14~~ is available at any Department Office or on the Department website at: <http://www.dot.state.fl.us/rightofway/Documents.shtmwww.dot.state.fl.us/emo>. This rule does not apply to requests to trim or remove vegetation that screens ~~on-premise~~ signs that are not permitted by the Department pursuant to s. 479.07, F.S.

(b) An Application must be submitted by the outdoor advertising sign permit holder. A separate ~~Application~~ application is required for each sign facing. The vegetation management plan and appraisal, described in paragraph (c), shall both be prepared by an International Society of Arboriculture (ISA) Certified Arborist[®] with Advanced Training in Roadside Vegetation, or an individual with equivalent credentials from a nationally recognized arboricultural organization, or a landscape architect registered pursuant to Chapter 481, Part II, F.S.

(c) The Application Package shall contain:

1. ~~A completed Application to Permit Vegetation Management at Outdoor Advertising Sign, Form 575-070-055, Rev. 08/14~~ The name, address, telephone number, facsimile number, and E-Mail address if available, of the applicant; the Department's current outdoor advertising sign tag number; the sign permit holder's sign face number; and the notarized signature of the applicant's authorized representative.

2. The applicant's vegetation management plan (plan), which shall be for a period of not less than two years and not greater than five years. The plan shall include a plan for removing vegetation within the view zone, cutting (removing or altering more than one quarter of any plant's height, spread, or density of branches), or trimming (the shaping or pruning of less than one quarter of any plant's height, spread, or density of branches) within the right of way of the roadway to which the sign is permitted or is proposed to be permitted. The plan shall be a graphic and written document that describes the removal, cutting, trimming, planting, fertilizing, mulching, irrigation, and desired condition and appearance of existing and proposed vegetation, including a plan for disposal of debris, and a schedule and description of the intended vegetation management method(s). All vegetation management proposed in the plan shall be in accordance with this rule and Rule 14-40.003, F.A.C. A vegetation management plan will not be required for applications submitted exclusively to establish the location of a view zone or to cut, trim, or remove vegetation that would be removed as part of the Department's routine maintenance.

3. Color photographs of the sign and entire view zone taken within six weeks prior to the application being made to the Department. The photographs and accompanying drawings must depict a clear representative overview of the vegetation to be removed, cut, or trimmed.

4. A photocopy of the qualifying credentials of the person preparing the vegetation management plan, and appraisal for mitigation, if mitigation is required. If herbicides will be used, the application must include a photocopy of the applicator's license in three categories (core curriculum, right of way, and aquatic) by the Florida Department of Agriculture and Consumer Services.

5. An itemized appraisal of the mitigation value of vegetation to be removed, cut, or trimmed, if mitigation is required.

6. A non-refundable application fee of \$25.00. The non-refundable application fee shall be a total of \$200.00 for more than eight applications submitted simultaneously, ~~providing that they are within the same Department District~~. If payment is by check, the fee submitted with an ~~Application-application~~ must be paid separately from fees for other types of permits.

7. For a proposed sign, or a sign originally permitted after July 1, 1996, the designation of two approximate comparable size nonconforming permits issued pursuant to Section 479.07, F.S., to be cancelled and removed within 30 days of the Department's issuance of an a Notice of Intent to Approve Application to Permit Vegetation Management at Outdoor Advertising Sign.

(d) An approved ~~Application to Permit Vegetation Management at Outdoor Advertising Sign~~Application will serve as a permit, and authorizes the permittee to remove, cut, or trim trees, shrubs, or herbaceous plants only as provided in the approved plan, and only within an approved view zone, which will be determined as follows:

1. The approved view zone shall meet the requirements of Section ~~479.107~~479.106(6)(a) & (b), F.S. (see Figures 2 and 3).

2. A sign facing shall have only one view zone, and only within the Department's right of way of the roadway to which the sign is permitted.

a. The view zone for a right-view sign (see Figure 2) is a four sided area with the critical dimensions of 350 feet for posted speed limits of 35 miles per hour or less, or 500 feet for posted speed limits over 35 miles per hour measured along the right edge of the nearest travel lane on the same side of the highway to which the sign is permitted.

b. The view zone for a left-view sign (see Figure 3) is a four sided area with the critical dimension of 350 feet for posted speed limits of 35 miles per hour or less or 500 feet for posted speed limits over 35 miles per hour is measured along the left edge of the nearest travel lane on the other side of the highway centerline.

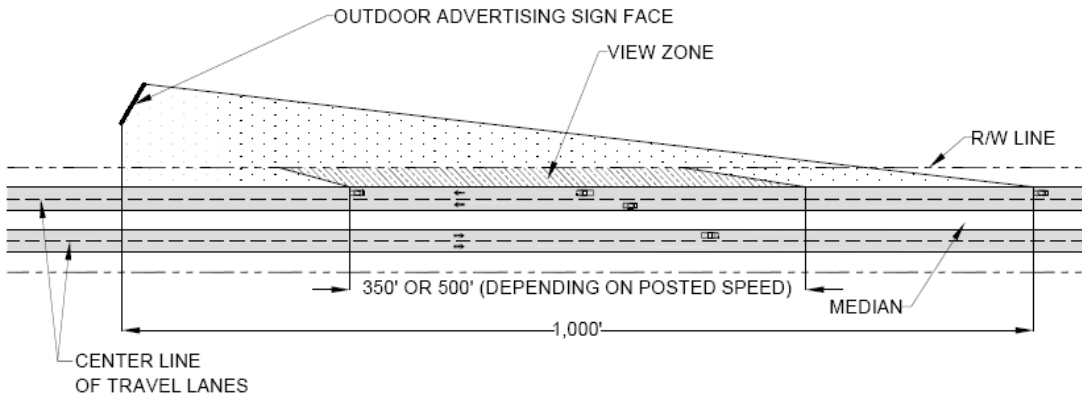
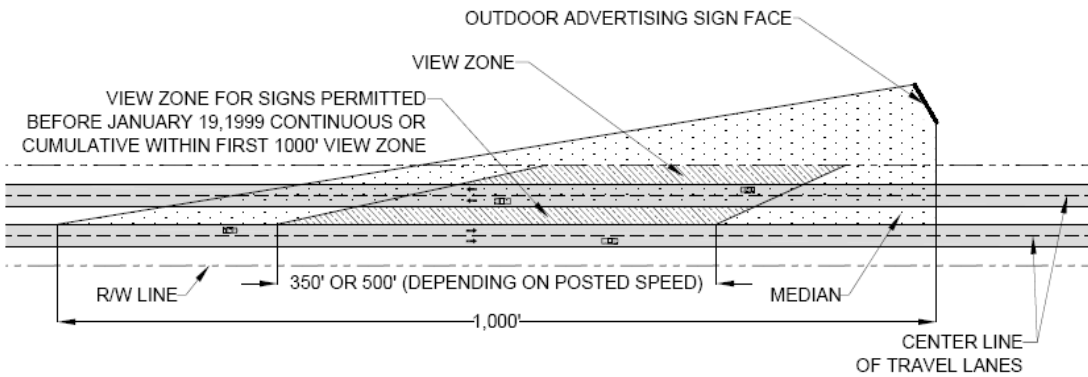


FIGURE 2
VIEW ZONE



c. Areas within the median will be approved for vegetation management zone only for left-read signs legally erected before January 19, 1999, and only as necessary to maintain the view of that sign across the median as it existed before January 19, 1999.

(e) An Application will not be approved:

1. For applications that are incomplete;
2. For vegetation control to enhance the view of an outdoor advertising sign which does not have a currently valid state permit.
3. For mowing (nonselective mechanical or chemical control of vegetation) of grass or other vegetation. Mechanical mowing, to a minimum height of 6 inches, will be permitted when no other means of vegetation management is practicable to control vegetation

that screens or is likely to screen a sign face.

4. To make a sign visible for more than the distance allowed by Section 479.106(6)(a), F.S.

5. To remove, cut, or trim, vegetation that has established historic, cultural, economic, environmental, or aesthetic significance.

Such vegetation would:

- a. Form an important part of the setting or landscaping for an historic structure;
 - b. Possess historic significance through a direct association with an event or person important in history;
 - c. Contribute strongly to the historic character as well as visual appeal of an historic structure or district;
 - d. Screen historic structures or residential property from traffic congestion;
 - e. Serve as memorials;
 - f. Be directly descended from historically significant trees or plants;
 - g. Be listed on the National Register of Historic Places, the State Register of Historic Sites, or local historical registries;
 - h. Be the only vegetation in the immediate vicinity, such that removal would leave the area barren of any substantial trees;
 - i. Have reached an age, size, or shape that it is known to be a local landmark; or
 - j. Be in the immediate vicinity of a roadway that has been lined with trees for a lengthy period of time where removal of such vegetation would significantly diminish the "tree lined" character of the roadway;
6. To remove, cut, or trim trees, shrubs, or herbaceous plants that are protected by state law.
7. To remove, cut, or trim trees, shrubs, or herbaceous plants, when the Department has determined that the proposed vegetation management will significantly disrupt natural systems, roadside aesthetics, or have other negative impacts on the operation of the highway.
8. To create a new view zone by removing, cutting, or trimming existing vegetation for any sign originally permitted after July 1, 1996, unless the applicant removes at least two approximate comparable size nonconforming signs under valid permits issued pursuant to Section 479.07, Florida Statutes, and surrender the permits to the Department.
9. To remove, cut, or trim trees that have a circumference, measured at 4 1/2 feet above grade, equal to or greater than 70% of the circumference of the Florida Champion of the same species as listed in the Big Trees, The Florida Register, Florida Native Plant Society, 1997, which is incorporated herein by reference, and available at many public libraries in Florida, and at on-line bookstores.
10. To remove, cut, or trim trees, shrubs, or herbaceous plants in violation of provisions of Section 479.106(5), F.S. This applies to vegetation that is part of a beautification project, when the project was approved prior to the permitting of any sign originally permitted after July 1, 1996. For the purpose of this rule, beautification projects include landscape projects, mitigation projects, and restoration projects. For the purpose of this rule, a beautification project is approved when it is specifically identified in the Department's five-year work program, or is a permitted landscape project, or is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

11. To remove, cut, or trim trees, shrubs, or herbaceous plants within the right of way of a roadway to which a sign is not permitted, or proposed to be permitted, or to remove, cut, or trim trees, shrubs, or herbaceous plants within the right of way outside of the first 1,000 feet defined in s. 479.106(6)(b), F.S.

(f) Applications will be reviewed and approved or denied within 90 days of receipt of a completed application. The Department will notify the applicant of any apparent errors or omissions and request any additional information within 30 days of the receipt of an application. When an application is denied, no application fee will be charged for a revised application submitted within 90 days after the date shown on the notice of denial.

(g) An approved Application (permit) is valid for the term of the proposed vegetation management plan (two to five years) as represented in the plan unless the Department establishes a different expiration date on the permit based on the safety of all users of the Department's right of way, and the need to avoid conflict with other permitted activities on the Department's right of way, or changes in roadside conditions.

(h) After approval, the permittee must give the Local Maintenance Engineer a minimum of two working days notification prior to all permitted vegetation management activity on the Department's right of way, unless a different time period is listed as a special condition of the permit.

(2) Renewal Applications.

(i) Permit holders are responsible to track the expiration date of the permit. When a permit has expired for over 30 calendar days, changes are proposed, or previous permit conditions were not met, a new permit may be requested by submitting a new

complete Application to Permit Vegetation Management at Outdoor Advertising Sign Application. When a permit is about to expire, or has expired within 30 calendar days of an application for a new permit at the same location, the conditions of the previous permit have been met, and there are no proposed changes to the previously approved vegetation plan; only the following will be required from the applicant:

1. Cover letter to the Department Administrator, which ~~District Maintenance Engineer in the Department District Office where existing permit was secured.~~ The cover letter must include a statement that the applicant will adhere to the conditions of the original permit and vegetation management plan.

2. Completed Application to Permit Vegetation Management at Outdoor Advertising Sign, Form 575-070-055, Rev. 08/14 application.

3. Copy of the previous application and all attachments that shows the District's-Department's approval.

4. Application fee.

5. Color photographs of the sign and entire view zone taken within six weeks prior to submission of the renewal application. The photographs must depict a clear representative overview that the conditions of the previous permit were adhered to demonstrating that the conditions of the previous permit were met.

(23) Vegetation Management on the Right of Way.

(a) A copy of the entire approved Application application and vegetation management plan must be on site and available for review by the Department when vegetation management is in progress.

(b) All work performed pursuant to an an Permit for approved Application to Permit Vegetation Management at Outdoor Advertising Sign shall follow the approved vegetation management plan.

(c) Chemical control of vegetation is limited to the use of United States Environmental Protection Agency approved selective herbicides. Foliar application of herbicides is limited to the control of invasive exotic plants.

(d) Within 10 working days after completion of the removal, cutting, or trimming of vegetation, a qualified individual, as described in paragraph (1)(b) above, must inspect the view zone and adjoining right of way, and submit written notification to the District Maintenance Engineer or Department designee Administrator that the work is complete. The correspondence must indicate the extent and nature of any unauthorized removal, cutting, or trimming.

(34) Mitigation. An applicant shall mitigate in accordance with this rule chapter for the impact to vegetation from removal, cutting, trimming, or accidental damage of vegetation on the Department's right of way.

(a) Mitigation is required:

1. Where cutting or trimming of, or damage to vegetation permanently detracts from the appearance or health of trees (including palm trees), shrubs, or herbaceous plants, or where cutting and trimming of trees or shrubs is not done in accordance with the standards set forth in the following documents: American National Standards Institute Tree Shrub and Other Woody Plant Maintenance-Standard Practices, 1995, and Fertilization, 1998, Publication #A300 (Part 2), and Tree-Pruning Guidelines authored and published by the International Society of Arboriculture, 1995, which are hereby incorporated by reference. Copies of these publications are available for purchase from the International Society of Arboriculture, Post Office Box GG, Savoy, Illinois 61874-9902, phone (217) 355-9411, Fax (217) 355-9516, or on the Internet at www.flaisa.org. This requirement does not apply to the cutting or trimming of, or damage to invasive exotic plants (plants listed by the Florida Department of Environmental Protection Rule Chapter 62C-52, F.A.C., Aquatic Plant Importation, Transportation, Non-Nursery Cultivation, Possession, and Collection, and plants listed by the Florida Department of Agriculture and Consumer Services, Rule Chapter 5B-57, F.A.C., Introduction or Release of Plant Pests, Noxious Weeds, Arthropods, and Biological Control Agents, or other plant species determined by the Department to be a nuisance to natural habitats or agriculture, or to have an adverse effect on the maintenance or safety of the Department's right of way).

2. Where trees taller than the surrounding shrubs and herbaceous plants are permanently damaged or removed.

3. Where trees or shrubs of a species that are not likely to grow to interfere with the visibility of displays are damaged or removed.

4. Where trees or shrubs of a species that are likely to grow to interfere with the visibility of displays are trimmed improperly, permanently damaged, or removed.

5. Where herbaceous plants are permanently damaged.

(b) Where mitigation is necessary, the applicant will provide with the Application for Vegetation Management an appraisal prepared by a qualified individual as defined in paragraph (1)(b) using the appropriate appraisal method found in Determining the

Mitigation Value of Roadside Vegetation, Florida Chapter of the International Society of Arboriculture, 2000, which is incorporated herein by reference. Copies of this document can be obtained by contacting the International Society of Arboriculture as listed in subparagraph (34)(a)1., above. Pending approval by the Department, the appraised value of the vegetation to be cut and removed will be the required mitigation. Approval is based on completeness and accuracy of mitigation calculations.

1. The mitigation may be paid as a fee (Option 1) equal to the amount of the mitigation appraisal prepared in accordance with paragraph (b) of this rule. Mitigation fees must be paid to the Department prior to approval of an Application.

2. The permittee may design and build a mitigation project equal to the appraised value, at an approved location within the right of way (Option 2). Applicants must contact the District Landscape Architect when preparing to develop a mitigation plan. For mitigation projects, the applicant must submit a mitigation plan which, in addition to the requirements of this rule, meets the requirements for landscape plans in Rule 14-40.003, F.A.C., to the Department for approval. Mitigation projects must be designed to avoid additional maintenance costs by the Department. The mitigation plan shall include a landscape plan, maintenance plan (including watering for establishment for a period of one year from the date of planting), and an estimated budget of all expenses to install, establish, and maintain the replacement vegetation. The value of the completed mitigation project must be equal to or greater than the appraised value of the cut and removed vegetation. When a mitigation project does not meet the required mitigation value, the balance is due to the Department as a mitigation fee. When the mitigation plan is approved, the applicant may proceed to construct the mitigation project. Failure to complete the mitigation project within six months after the vegetation is cut or removed will result in a penalty for unauthorized removal, cutting, or trimming as described in subsection (4) of this rule. The permittee is required, at the permittee's expense, to remove and replace any mitigation materials that have not survived in a healthy condition for the first full year after planting. The replacement materials shall be of like size and variety as the replaced material, or may be other material proposed by the permittee, and determined by the Department, to be more likely to survive. If the mitigation project is not restored to meet the permit requirements, the permittee is subject to enforcement of required mitigation and the penalty for unauthorized removal, cutting, or trimming.

(c) Mitigation is not required when trimming maintains a plant's natural habit of growth, and is performed in accordance with professionally accepted arboricultural standards, cited in the documents previously referenced in subparagraph (34)(a)1. of this rule. Young trees (immature trees that are no taller than the surrounding shrubs and herbaceous plants) of species that upon their maturity are likely to interfere with the visibility of displays may be removed without mitigation. Invasive exotic plants may be removed without mitigation. Where the Department has determined that vegetation is diseased, or structurally damaged through no fault of the applicant, beyond a point where restoration is practicable, the vegetation may be removed without mitigation.

(d) Special Conditions Affecting Mitigation. The following additional provisions apply only to vegetation management pursuant to a permit issued under this rule:

1. Mitigation is not required for vegetation that the Department normally cuts or removes pursuant to its regular maintenance of the Department's right of way.

2. Mitigation is not required for vegetation when the Department's roadway plans explicitly show that the vegetation will be removed as part of the clearing and grubbing for a construction project designed and included in the Department's five-year work program.

3. Mitigation is not required for vegetation that was installed within the approved view zone after July 1, 1996, so long as the sign was permitted prior to the installation of the vegetation.

(45) Unauthorized Removal, Cutting, or Trimming of Vegetation. Any person engaged in unauthorized removal cutting, or trimming of vegetation in violation of Section 479.106, F.S., or who benefits from such action, is subject to a penalty of \$1,000 per incident per sign facing and shall provide mitigation as required by subsection (34). For purposes of this subsection, the application of any chemical compound that kills or injures a tree, shrub, or herbaceous plant constitutes removal, cutting, or trimming.

Rulemaking Authority 334.044(2), 337.2505(1), 479.02(7), 479.106(8) FS. Law Implemented 334.044(26), 335.167, 337.405, 479.106 FS. History—New 1-19-99, Amended 2-7-02, 2-8-06, 12-24-08, Formerly 14-40.030.