

Notice of Proposed Rule

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

[14-10.00401](#): Administration of Outdoor Advertising Permits

PURPOSE AND EFFECT: To provide criteria for the transfer, cancellation, reestablishment, and relocation of outdoor advertising permits.

SUMMARY: Provisions for administration of outdoor advertising permits previously found in rule 14-10.004 have been transferred to this new rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The rule does not increase regulatory costs.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: [334.044\(2\)](#), [479.02\(7\)](#), FS.

LAW IMPLEMENTED: [334.044\(28\)](#), [479.02](#), [479.07](#), [479.15](#), FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-10.00401 Administration of Outdoor Advertising Permits.

(1) 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. 06/15, incorporated herein by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05480>.

(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 issued a notice of violation, 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 a notice 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.

(2) Cancellation of Permits. Permit cancellation notification must be submitted on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 06/15, incorporated herein by reference at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05478>. All canceled tags must be returned to the Department

with the certification, or otherwise be accounted for in writing.

(3) 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. The Outdoor Advertising Permit Cancellation Certification incorporated in above subparagraph (2), and the Application for Outdoor Advertising Permit incorporated in Rule 14-10.004(1) 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.

(4) 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 \$300.00 per permitted sign.

(5) 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 Section 479.15(3)(4) and (6), the permittee may reestablish the sign at a location that conforms with Chapter 479, F.S. and this rule chapter and meets all current requirements for permitting by submitting a completed Application for Outdoor Advertising Permit, incorporated in Rule 14-10.004(1). Initial application fees are not required with an application for reestablishment.

(6) Relocation. Where a Department project causes a 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), and (6), F.S., are met. A sign relocation shall be by agreement between the permit holder and the Department. The sign permit will be amended to reflect the relocated location in the outdoor advertising database.

Rulemaking Authority 334.044(2), 479.02(7) FS. Law Implemented 334.044(28), 479.02, 479.07, 479.15, FS. History—(Formerly part of Rule 14-10.004), New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Jessee, Manager, Outdoor Advertising

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim Boxold, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 25, 2014