

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RBP 10-03 Outdoor Advertising

SPONSOR(S): Roads, Bridges & Ports Policy Committee

TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Roads, Bridges & Ports Policy Committee		Johnson	Miller
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

In 1978, the Legislature passed SB 212, relating to outdoor advertising, which was codified in ch. 78-8, Laws of Florida.(L.O.F.) This law addressed directional signs for various motorist services. Section 5 created an undesignated section of Florida Statutes to authorize counties and municipalities to enact sign ordinances not in conflict with any applicable state or federal law. The intent of this section was to ensure that ch. 78-8, L.O.F., did not supersede the rights and powers and counties to enact sign ordinances. This section was codified as ss. 125.0102 and 166.0425, F.S.

Subsequently, various portions of ch. 78-8, L.O.F., have been repealed, and the only portion of that law that remains in effect is a definition.

These sections of statute are duplicative of s. 479.155, F.S., which provides that nothing in ch. 479, F.S., which relates to outdoor advertising, is deemed to supersede the rights and powers of counties and municipalities to enact outdoor advertising or sign ordinances. Further, the requirements in s. 479.15, F.S., address the relationship between state and local laws as it relates to outdoor advertising.

The bill repeals ss. 125.0102 and 166.0425, F.S., relating to sign ordinances.

The bill does not have a fiscal impact.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 1978, the Legislature passed SB 212, relating to outdoor advertising, which was codified in ch. 78-8, L.O.F. This law addressed directional signs for various motorist services. Section 5 created an undesignated section of Florida Statutes to authorize counties and municipalities to enact sign ordinances not in conflict with any applicable state or federal law. The intent was to ensure that ch. 78-8, L.O.F., did not supersede the rights and powers and counties to enact sign ordinances. This section was codified as s. 125.0102 and s. 166.0425, F.S.¹

Subsequently, various portions of ch. 78-8, L.O.F., have been repealed, and the only portion of that law that remains in effect is a definition.

These sections of statute are duplicative of s. 479.155, F.S., which provides that nothing in ch. 479, F.S., which relates to outdoor advertising, is deemed to supersede the rights and powers of counties and municipalities to enact outdoor advertising or sign ordinances. Further, the requirements in s. 479.15, F.S., address the relationship between state and local laws as it relates to outdoor advertising.

Proposed Changes

The bill repeals ss. 125.0102 and 166.0425, F.S., relating to sign ordinances. As stated above these sections are duplicative of s. 479.155, F.S., which remains in effect.

The bill has an effective date of July 1, 2010.

B. SECTION DIRECTORY:

Section 1 Repeals s. 125.0102, F.S., relating to sign ordinances; removing provisions specifying that a specified law relating to signs that display information directing motorists to goods and services does not supersede the rights and powers of counties and municipalities to establish sign ordinances.

Section 2 Repeals s. 166.0425, F.S., relating to sign ordinances; removing provisions specifying that a specified law relating to signs that display information directing motorists to goods

¹ Chapter 125, F.S., relates to county government and ch. 166, F.S., relates to municipalities.

and services does not supersede the rights and powers of counties and municipalities to establish sign ordinances.

Section 3 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES