

## **Internet Access – Outdoor Advertising Database**

You may access the Department's outdoor advertising database over the Internet. All data displayed are current. The web page does not allow access to any accounting information, nor does it allow changes to be made to any of the information displayed.

The Internet address is:

<http://www2.dot.state.fl.us/rightofway/>

## **INTRODUCTION**

This document is intended to provide general guidelines required for the administration of the Outdoor Advertising Control Program in the State of Florida. **PLEASE NOTE:** While this document is intended to be a plain language explanation of the program requirements, the final authority for regulatory issues is the applicable law and rules. Should a conflict arise, the law and rules will control over any statements contained in this document.

On the following pages you will find pertinent information to help you determine if you need to obtain a license or permit for outdoor advertising signs and the requirements for obtaining and maintaining a permit.

In addition, you will find information on the Department's Dispute Resolution process for the Outdoor Advertising Control Program.

The outdoor advertising regulatory program is based on federal law and regulations as well as state statutes and administrative rules. The Highway Beautification Act is the federal law governing outdoor advertising; federal regulations are found at Title 23 of the Code of Federal Regulations. State laws are adopted by the State Legislature, and are found in Chapter 479, Florida Statutes. In addition to state statutes, the Department writes administrative rules to interpret the intent to the statute for the general public. Chapter 14-10, Florida Administrative Code, is the Department's rule chapter which governs outdoor advertising. All of these documents are available from our Internet web site at:  
<http://www.dot.state.fl.us/rightofway/Documents.shtm>.

Local governments often have their own ordinances which regulate outdoor advertising in their community. The Department cannot issue a permit for an outdoor advertising sign which is not allowed by local ordinances.

Specific information regarding the permitting of outdoor advertising signs as well as contact information is available through our web site at:  
<http://www.dot.state.fl.us/rightofway/OutdoorAdvertising.shtm>

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## I. DEFINITIONS

The following terms are used frequently throughout this booklet:

A **Permanent Metal Permit Tag** is issued for each permit approved. This numbered tag must be displayed at the sign location within 30 days of the date the permit is issued, and at all times thereafter so that it is visible from the highway the sign is permitted to.

An **Outdoor Advertising Permit** represents the legal right to have an outdoor advertising sign at a specific location along the Interstate, Primary or Secondary highway system. The permit identifies the sign as to location, size, configuration, lighting, and height above the level of the highway.

An **Outdoor Advertising License** is issued for persons who are in the business of outdoor advertising, which is, essentially anyone advertising a business other than their own.

An **Outdoor Advertising Account** is set up for each entity holding either an outdoor advertising permit or license. (No more than 35 characters, including spaces, are used for the Account Name.) Each account is assigned a number which is required on all forms and should be listed as a reference on any written communications.

**Controlled Area** means the area within 660 feet of the right of way of all portions of an Interstate or Primary highway or those portions of the Secondary highway system outside an urban area. Outside an urban area the controlled area extends to the limits of visibility on an Interstate or Primary highway.

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

The **Federal Highway Administration** is the federal branch of government that oversees the implementation of the Highway Beautification Act and monitors the Florida Department of Transportation's Outdoor Advertising Control program.

**Sign** means any combination of structure and message in the form of an outdoor advertising sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form designed, intended, or used to advertise or inform. Signs may be V-type, back-to-back, side-by-side, stacked, or double-faced displays.

**Sign face** means the part of the sign, including trim and background, which contains the message or informative contents.

**Sign facing** includes all sign faces displayed at the same location and facing the same direction.

**Illegal sign** means an outdoor advertising sign which has no valid permit, or which has been altered in such a manner that it conflicts with requirements of law.

**Conforming** means a sign which is in compliance with all current statutes and administrative rules for outdoor advertising signs.

**Nonconforming** means a sign which was legally erected, but is no longer in compliance with applicable statutes and rules.

## II. OUTDOOR ADVERTISING LICENSES

### **Who needs an Outdoor Advertising License?**

Any person engaging in the business of outdoor advertising in the State of Florida must hold a license from the Department. If you receive income from the sale or lease of outdoor advertising signs or the sale, lease or rental of advertising space on such signs, or if you advertise a business other than your own, you are considered to be in the business of outdoor advertising and must obtain a license. A person is not required to obtain an outdoor advertising license solely to erect or construct outdoor advertising signs or structures.

### **Who determines if I need a license?**

You are the one most familiar with your operations and are primarily responsible for determining if you need a license.

If the Department received an application for a permit and determines that you are required to obtain an outdoor advertising license, we will notify you of this determination. No permit will be issued until a license application and payment of the license fee are received by the Department.

If you are receiving outdoor advertising permits by transfer from another permit holder, a review of your business will be made to determine if an outdoor advertising license is required. If you require a license, you will be advised. The permits will not be transferred until an application for a license and payment of the license fee are received in the Outdoor Advertising Control office.

### **How do I get an Outdoor Advertising License?**

An application should be filed using the Application for Outdoor Advertising License (Form 575-070-02), which is available from our web site or from:

State Administrator, Outdoor Advertising Control  
Florida Department of Transportation  
605 Suwannee Street, Mail Station 22  
Tallahassee, FL 32399-0450

A complete application must be submitted to the address listed above. Initial applications are typically processed and issued within 10 working days. The license fee is \$300.00 per year.

The effective date of the license is the date the license is issued by the Department. This fee cannot be prorated. Regardless of when issued, all licenses expire on January 15, and must be renewed at that time.

### **III. OUTDOOR ADVERTISING PERMITS**

For purposes of outdoor advertising regulation, highways are divided into three classifications: Interstate, Primary and Secondary. Each classification has different permitting requirements. Highway classifications are shown on our web site for each roadway regulated for outdoor advertising.

#### **When is a permit required?**

An outdoor advertising permit is required for each sign facing (side of sign) of any advertising sign within the controlled area. (See page 2 for a definition of the controlled area.)

#### **What kind of signs DO NOT need a permit but may not be located on State right of way?**

1. On-premise signs: On-premise signs are on the same property as the business being advertised, and advertise only that business;
2. Farm signs: Signs which are located on a farm and relate only to produce, merchandise, services or entertainment sold, produced, manufactured or furnished on the farm;
3. For Sale or Lease signs: A sign which states that the property the sign is on is for sale or lease;
4. "No Trespassing" signs;
5. Organization signs: Signs which are 8 square feet or less which are owned by and relate to the activity of churches, civic clubs, charitable organizations or government agencies;
6. Directional Signs – Residence or Farm Operations; Signs 16 square feet or less which are placed at the junction of a local road and a state highway which tell the distance and direction to a residence or farm operation;
7. Directional Signs – Rural Businesses: Signs 16 square feet or less outside an incorporated area which are placed at the junction of a local road and a state highway denoting only the name of the business and the distance and direction to the business.
8. Signs on bus benches, transit shelters, modular news racks, street light poles, public pay telephones, and waste receptacles within the right-of-way that are consistent with s. 337.408, F.S.

9. Tourist-Oriented Business Signs: Signs which are no larger than 8 square feet in size or more than 4 feet in height, placed only in a rural area of opportunity (RAO), no less than 500 feet apart, on private property, no further than two miles leading away from the business;
10. Harvest signs: Signs which are 32 square feet or less, erected on private property at a road junction during harvest season, not to exceed 4 months;
11. School Acknowledgement signs: Signs on publicly funded school premises which relate to a school club, team, or event, no closer than 1,000 feet from any other acknowledgement sign, with no more than 100 square feet of the sign dedicated to sponsor information;

### **What happens if I don't get a permit?**

If your sign needs a state permit and you have not obtained one, the Department will issue a notice of violation. The sign must be brought into compliance, necessary permits must be obtained, or the sign must be removed.

### **How do I get a permit?**

The completed application form (Form 575-070-04, Application for Outdoor Advertising Permit), all required attachments, and the appropriate permit fee are submitted to the Outdoor Advertising Control office. Please note: The Department will not make any changes or corrections to your application. If changes are required or additional information is needed the application will be returned as incomplete. Existing accounts must match the account information of record (e.g., account number, account name, account address) or the form will be returned for correction.

The required attachments to the application form are:

1. A signed statement by the owner or other person in lawful control of the proposed sign site authorizing you to place a sign at that location;
2. A statement from the appropriate local government official indicating that the sign complies with all local government requirements and that they will issue an outdoor advertising or building permit. A copy of the building permit may be submitted, if available. This document must be dated within six (6) months of the Department's receipt of the sign permit application;
3. Written verification from the local government that the land use designations on the Future Land Use Map and the Land Development Regulations of the parcel is appropriate for commerce, industry, and trade by meeting the provisions of s. 479.024, Florida Statutes and s. 14-10.0052, Florida Administrative Code;
4. A sketch showing the proposed sign location; and
5. A photograph of the sign location showing the surrounding vegetation and the location marker.

The attachments from the land owner and local government must be issued in the name that is shown on the permit application. Any difference in name will cause the application to be denied.

Before submitting an application for a permit, you must mark or stake the place where you intend to put the sign with easily visible markings, such as an easily identifiable stake in the ground, or a flag. The markings must remain at the location until the Department has completed its review of the application.

In instances where a road configuration is such that a sign could be visible to more than one roadway, the sign must meet the permitting requirements of all roadways to which it is visible and will be permitted to the roadway with the more stringent requirements.

### **What happens if two applications are in conflict with each other?**

Where two applications from different applicants conflict with each other, so that only one of the applications may be approved, the first complete application received by the Department will be the first considered for approval. The second complete application will be held in a pending status until the first application has been approved or denied. If the first application is denied, the second application will then be considered. When an administrative hearing is requested on the denied application, the second will remain in the pending status until the resolution of litigation.

### **How much does a permit cost?**

Permit fees are \$71.00 per year. These fees are prorated based on the quarter in which the application is submitted. Fees are subject to change.

### **How long will it take to get a permit?**

Complete permit applications will be approved or denied within 30 days from the date we receive the completed application. Within two weeks of permit approval, the permit tag will be issued.

### **What does the permit look like?**

The permit itself is a form issued by the Department. Within two weeks of permit approval, you will be issued the permit, along with a permit tag, similar to an automobile license plate, which has an identification number stamped on it.

### **What do I do with the permit tag?**

The permit tag must be displayed at the approved location within 30 days of your receipt of the tag and at all times thereafter. The tag must be visible from the highway the sign is permitted to.

### **How long do I have to build the sign after I receive the permit(s)?**

A completed sign (structure and message) must be erected within 270 days after the date the permit was issued or the permit will be void. The Department will not be able to issue you a permit for the same location for 270 days after the permit was voided.

### **May I use the permit on another sign?**

**No.** The permit is valid only for the location you specified in the permit application, and the tag may not be displayed on another sign.

### **What happens if the permit tag gets lost, stolen or destroyed?**

You can obtain a replacement permit tag from the Department by submitting an Outdoor Advertising Permit Replacement Request form (Form 575-070-01) and including the appropriate fee for each replacement tag requested. The current fee is \$12.00 per tag.

### **What if I no longer need the permit?**

When an outdoor advertising sign permit is no longer needed, the permit should be cancelled by submitting Outdoor Advertising Permit Cancellation Certification form (Form 575-070-12) along with the metal permit tag(s) to the Outdoor Advertising Control office.

If you cancel your permit but do not remove the sign, the Department will issue a notice of sign removal and will remove the sign. Any costs incurred by the Department in removing the sign will be assessed against you.

### **How long is a permit valid? How do I renew my permit?**

The Department sends renewal notices to all account holders on October 1 of each year; permits expire on January 15 of the following year. All signs for which permits have expired for nonpayment must be removed. If you do not do so, the Department will remove the sign. Any costs incurred by the Department in removing the sign will be assessed against you.

### **What if I cancel a permit in error or forget to renew a permit by mistake?**

If you cancel your permit in error or fail to renew your permit within the time provided, you may file a petition for reinstatement with the Department demonstrating a good faith error on your part at any time prior to the removal of the sign. The sign will not be removed for at least ninety (90) days from the Department's Final Notice of Sign Removal. If the reinstatement petition is approved, you will be required to pay all delinquent permit fees, including late penalties, and a reinstatement fee of \$300.00.

### **May I transfer my permit?**

**Yes.** Active permits may be transferred between parties by submitting an Outdoor advertising Permit Transfer Request (Form 575-070-25) to the Outdoor Advertising Control office. Both parties must sign the transfer request, and the form with original signatures is submitted to the Department. Transfer fees are \$5.00 per permit, with a maximum of \$100.00 for the transfer of 20 or more permits at the same time. The transfer fee may be paid by either party.

It is the responsibility of the Seller (Transferor) to make sure the transfer form has been submitted to the Department, in order to remove the permit from the seller's account.

The person receiving the transferred permits must certify that they have written permission from the person in lawful control of the property to maintain the sign at that location.

An account with permits only (no license) can change the account name by submitting an Outdoor Advertising Permit Transfer Request and enclosing the appropriate transfer fees. A new account number will be assigned.

When permits are acquired through a legal transaction or death, the individual who has received the permit(s) must submit official documentation (e.g., a notarized statement, copy of a will, power of attorney) in order for the permits to be transferred into the new name. If an Outdoor Advertising license is required, a new application must be submitted in the new name.

### **What if I sell my sign?**

If you sell your sign, you must transfer the permit to the buyer. Failure to transfer will result in you being held responsible for compliance with all applicable state and federal laws.

### **What if my address changes?**

It is your responsibility to notify the Outdoor Advertising Control office, in writing, of any change in your address. All correspondence from the Department to you will be sent to the address on file and will be considered received by you if we are not notified of the address change.

### **Can I change the name my account is under?**

All corporate name changes must be done through the Florida Department of State, Secretary of State's Office. A copy of the name change form and a new Outdoor Advertising License Application (Form 575-070-02) must be submitted in order to change the name on the account. A properly executed transfer form and the appropriate fee must be submitted to transfer the permits under a specific account to the new account name.

### **When can the Department revoke a permit?**

The Department can revoke a permit if:

1. The application for the permit contains false or misleading information of material consequence which is not corrected within 30 days after receipt of the notice issued by the Department.
2. The permittee has violated any of the provisions of Chapter 479, Florida Statutes, and/or Chapter 14-10, Florida Administrative Code and has not, within 30 days after receipt of notice from the Department, corrected the violation. Please note that certain violations regarding nonconforming signs cannot be corrected.
3. If the Department intends to revoke a permit, the Department will issue to the permit holder notice of the facts which warrant the revocation. The written notice will state:
  - a. The particular facts or basis for the Department's action and the statute or rule relied upon.
  - b. A statement that the applicant or permittee has the right to an administrative review by the Department.
  - c. A statement that the Department's action shall become conclusive and final agency action if no request for an administrative review is filed within 30 days of receipt of the notice of the Department's intended action.

If the violation is not corrected, the permit will be revoked at the end of the 30 days. The sign for which the permit was issued will then be an illegal sign and subject to removal. If the Department removes the sign, all costs for sign removal will be assessed against the sign owner.

## **IV. REQUIREMENTS**

### **What do I do when a permit is issued to me?**

The metal permit tag must be displayed at the sign location within 30 days from the date the permit was issued and continuously after that. The sign must be completed, including displaying advertising copy or a public service message, within 270 days from the date the permit was issued. Failure to build a complete sign within 270 days will result in the permit becoming void.

If you obtain a permit for a location and the sign is not built within 270 days of the permit issue date, you may not apply for a new permit for that site for an additional 270 days after the original permit became void.

## **What are the requirements for erecting an outdoor advertising sign?**

Outdoor advertising signs are limited to specific areas and must meet certain size, lighting and spacing criteria.

Location: Outdoor advertising signs which are visible from controlled highways must be no closer than 15 feet from the outside edge of the right of way and no further than 660 feet from the outside edge of the right of way outside an incorporated area. Inside incorporated areas, setback requirements are established by local ordinance.

Signs may not be located where they obstruct or otherwise interfere with the effectiveness of an official traffic signal or device, or obstruct or physically interfere with a motorist's view of approaching, merging or intersecting traffic.

Land Use/Zoning: Outdoor advertising signs are permitted in areas where both the Future Land Use Map and the current Land Development Regulations designate the property for commercial or industrial development.

When the Land Development Regulations, or Zoning do not specifically designate the parcel I, a "use test" may be employed to determine whether an outdoor advertising permit may be issued. The use test requires that there be a minimum of three (3) conforming businesses within 1600 feet of each other, and that the sign be on the same side of the highway and within 800 feet of one of the businesses.

### Spacing:

1. Signs on primary highways must be at least 1000 feet apart if they are on the same side of the highway. Signs on the Interstate must be a minimum of 1500 feet apart on the same side of the highway. Spacing for signs located on the same side of the Interstate highway may be reduced to 1000 feet provided they meet the requirements set forth in F.S. 479.07(9)(c).
2. Signs cannot be located within 100 feet of a church or school or within 100 feet of the property line of a playground or state or national forest if located outside an incorporated area.
3. Signs cannot be within 500 feet on an interstate interchange or rest area outside incorporated areas.

Number of sign faces: No more than two (2) sign faces are allowed for each facing (side of sign). The total area of all sign faces facing the same direction may not exceed 950 square feet. The maximum allowable height for a sign facing is 30 feet, and the maximum length is 60 feet.

For spacing purposes, Back-to-back and V-type signs will be considered as one sign if they are within 15 feet of each other at their closest point.

Embellishments: Embellishments may not extend more than five (5) feet beyond the permanent sign face and are included in any measurement of the height, width, or area of the sign facing.

Multiple messages: Your sign may display multiple messages, provided you do not have more than two sign faces for each direction the sign is facing. Mechanically changeable and digital display panels are allowed provided the static display time is at least 6 seconds, and the time to change from one message to another is no greater than 2 seconds. Scrolling or animated images are prohibited. If your sign is digital, the time to change from one message to another must be instantaneous.

Height: The height of a sign structure is measured from the point on the structure which is at the same elevation as the crown of the roadway to the top of the highest sign face, excluding embellishments. Signs may not exceed 65 feet in height if inside an incorporated area, or exceed 50 feet in height if outside an incorporated area.

Lighting:

1. Flashing, intermittent, rotating, or moving lights are prohibited.
2. Lighting which causes glare or impairs the vision of the driver of any motor vehicle, or which otherwise interferes with any driver's operation of a motor vehicle is prohibited.
3. A sign may not be illuminated so that it interferes with the effectiveness of, or obscures, an official traffic sign, signal or device.
4. Lighting may not be added to or increased on a nonconforming sign.

Landowner permission: The permit holder must at all times maintain the permission of the owner or other person in lawful control of the sign site in order to have and maintain a sign at such site.

**Does the Department approve the sign message?**

**No.** However, Florida Statutes prohibit content which might confuse or distract a motorist and cause a safety hazard. For example:

- Signs can't display words like "Stop" or "Danger" in such a manner as to appear to require stopping or imply the presence of danger.
- Sign copy can't imitate official signs (such as stop signs, interstate exit signs, etc.).
- Signs may not contain flashing or rotating lights.

### **How are measurements taken?**

Measurements for spacing between signs are taken along the edge of the highway pavement opposite the sign. Measurements are taken between permitted structures on the same side of the highway.

1. For signs perpendicular or angled to the highway, the measurement is taken from a point on the pavement directly opposite that part of the sign nearest the highway.
2. For signs that are parallel to the highway, the measurement is taken from a point on the pavement directly opposite the center of the sign.
3. V-shaped and back-to-back signs are considered one sign for spacing purposes provided the facings on the sign are touching or connected by the same cross bracing, or the distance between the structures is no more than 15 feet. Measurements are taken from the midpoint of the two structures nearest the highway.

On the Interstate system outside incorporated towns and cities, no permit may be granted for a sign structure located adjacent to or within 500 feet of an interchange, intersection at grade, or rest area. To secure additional information regarding measurement techniques in these situations, please contact the Department.

### **What if my sign is not visible because of trees or other vegetation on the Department's right of way?**

You may apply for a Vegetation Management Permit to trim or remove vegetation on Department of Transportation right of way which screens your outdoor advertising sign. For any sign permitted after July 1, 1996, you must submit two nonconforming permits for cancellation before a vegetation management permit can be issued.

### **Can I move my sign?**

Signs may only move as a result of a Department project, and is subject to Department approval pursuant to 479.15(3).

## **V. ANNUAL LICENSE AND PERMIT RENEWAL BILLING**

### **When is renewal billing provided?**

A billing will be mailed to each outdoor advertising license or permit holder by the Department by October 1 of each year listing all license and permit fees due.

### **What does the renewal billing contain?**

The billing will provide a listing of all the permits which our records indicate you hold. Each permit will have its fee listed separately. A total amount due, including all license and permit fees will be shown.

### **How long do I have to pay the bill?**

Renewal fees must be submitted to the Outdoor Advertising Control office, 605 Suwannee Street, Mail Station 22, Tallahassee, FL 32399-0450. All fees must be postmarked on or before January 15 of each year, or, in the case of Sunday or a holiday, on or before the last postal business day immediately following January 15.

### **What if there are errors in the billing?**

By December 1 of each year, you should advise the Department of any errors contained in the billing. Cancellation Certification and Transfer Request forms will be included with your renewal billing each year so you may let the Department know of any required corrections.

1. An Outdoor Advertising Permit Cancellation Certification (Form 575-070-12) should be submitted when a sign has been removed and when a permit is no longer required.
2. An Outdoor Advertising Permit Transfer Request (Form 575-070-25) should be completed when a sign has been sold. Transfers will not be processed after December 1 if renewal fees for the permits being transferred have not been paid.

The Department will do its best to ensure the billing statement is correct. However, it is your responsibility to review the annual billing to ensure the correct permit(s) are being billed for renewal fees. The renewal billing will be considered correct unless you tell us of errors by December 1.

If a transfer is received by December 1, a new renewal billing will be mailed to the buyer and the renewal fees will be deducted from the seller's renewal billing. After December 1, renewal fees must be received before permits can be transferred.

### **What if I only pay part of the bill?**

Payments for any amount less than the amount billed cannot be accepted and will be returned to you unless an Outdoor Advertising Permit Cancellation Certification form is submitted for those permits you do not wish to renew. Failure to submit the full amount recorded on the billing notice may result in the expiration of all your permits. Payments in an amount greater than the amount billed will be accepted and a refund issued for the amount overpaid. If a sign's permit(s) are canceled, it is required to be removed or the Department will initiate removal and charge any removal fees against the canceled permit holder.

### **What happens if I don't pay the bill by the due date?**

All outdoor advertising license and permit renewal fees not postmarked by January 15 of each year are considered delinquent. By February 1, the Department will send a Notice of Violation for Non-Payment (Form 575-070-08) to any permittee who has not submitted renewal fees. The Notice will contain:

1. The amount due, including a delinquency charge of ten percent (10%);
2. A statement that payment in full must be received by the Department no later than thirty (30) days from the date of the Notice; and
3. A statement of your right to an administrative review.

If payment, including appropriate delinquent fees, is not received by the Department by the expiration of the 30 day Notice of Violation for Non-Payment, the permits expire retroactively on January 15.

A Final Notice of Sign Removal will be issued and the signs are then subject to immediate removal by the Department. The expired permit holder will be responsible for all sign removal costs incurred by the Department.

### **What if my check is returned by the bank?**

Submission of a check which is not honored by the financial institution on which it was drawn is considered non-payment. The Department will send you a notice that your check was returned and you will have 30 days to submit the correct fee payment. A service fee of \$15.00 or 5% of the total amount due, whichever is greater, will also be imposed. A second returned check will result in future payments being remittable only by money order or cashier's check.

**REMEMBER**, failure to submit full payment by the due date can result in expiration of your license and all your permits.

## **VI. ILLEGAL SIGNS**

### **What happens to illegal signs?**

When illegal signs are discovered, the Department will post a Notice of Violation on the illegal sign and will send a written notice will be sent to the property owner and the advertiser, if possible, requiring that the violation be corrected or the sign removed. In some instances, an unpermitted sign may qualify for an outdoor advertising permit, and the sign owner may submit a completed application to the Department. If this is not done, or the sign cannot be permitted, it must be removed.

### **What about signs located in highway rights of way?**

Signs on Department right of way are prohibited. When an illegal sign is located within the right of way, it may be removed without notice to the sign owner. Repeated right of way violations by the same individual will result in notification to law enforcement and citations will be issued.

The Department may at any time remove a sign it determines to be a safety hazard.

### **Who pays the cost of removing illegal signs?**

All costs incurred by the Department in the removal of an illegal sign will be assessed against the property and/or sign owner.

## **VII. NONCONFORMING SIGNS**

### **What is a nonconforming sign?**

A nonconforming outdoor advertising sign is a sign that was legally erected, but no longer meets current requirements, either federal or state. Such signs are allowed to continue to be maintained when they were permitted prior to the effective date of the regulation which made them nonconforming.

Some types of regulations which may cause a sign to become nonconforming include:

1. Spacing between signs;
2. Spacing between signs and other facilities such as interstate interchanges, churches, school, national or state parks, etc.;
3. Size limitations;
4. Height limitations;
5. Lighting restrictions;
6. Changes in land use designation.

### **What am I allowed to do to my nonconforming sign?**

A nonconforming sign must remain substantially the same as it was on the date it became nonconforming. Reasonable repair and maintenance, including change in the advertising message, is allowed. "Reasonable repair and maintenance" means the work necessary to keep the sign in good repair. The following changes or modifications are prohibited:

1. Addition of bracing, guy wires or similar devices;
2. Addition of vertical supports;
3. A change to the type or dimensions of the structural materials, or to the configuration of the sign;
4. The addition of variable message capability;
5. Replacement of more than 50% of the structural materials within a 24 month period;
6. Changes to the size of the sign facing or the HAGL;
7. Changing the height of the sign structure;
8. Enhancements to the sign's visibility or the period of time the sign is visible, including the addition of or increasing existing lighting;
9. Changes to the sign structure, or structural materials, such as replacing wooden supports with metal ones, or substituting a monopole for I-beams;
10. Adding another face to the sign structure;
11. Removing the sign.

Embellishments may be added to nonconforming signs subject to the limitations regarding size of sign facing and provided they do not extend more than five (5) feet beyond the permanent sign face and do not exceed 10% of the area of the sign facing prior to the addition of the embellishment.

#### **Are there any other factors affecting the status of my nonconforming sign?**

**Yes.** A nonconforming sign which is destroyed cannot be re-erected. Destroyed is defined as when greater than 60% of the upright supports are broken or twisted such that they must be replaced.

A nonconforming sign destroyed by vandalism may be re-erected in the same form as existed prior to destruction.

A nonconforming sign is considered "abandoned" or "discontinued" and will lose its nonconforming status when a structure no longer exists at the permitted location or when the facing remains void of legitimate advertising copy for 12 months or longer. A sign which displays bona fide public service messages will not be considered void of copy.

Violations for destroyed, abandoned or discontinued nonconforming signs may not be corrected. The sign permit will be revoked, and the signs will have to be removed. These signs can-not be rebuilt.

## **VIII. DISPUTE RESOLUTION**

### **What happens if I disagree with the Department about a permit or license issue?**

If you disagree with the Department about a decision which has been made, you have the right to have an Administrative Law Judge hear the issue and recommend a final order to the Secretary of Transportation. You should submit a written request for an administrative hearing to:

Clerk of Agency Proceedings  
605 Suwannee Street, MS 58  
Tallahassee, FL 32399-0450

Administrative proceedings will be conducted as provided for in Chapter 120, Florida Statues.