

To: Jamie French, Deputy Department Head Growth Management Department

From: Caroline Cilek, Manager – Building Plan Review and Inspection Division

Date: Tuesday, June 27, 2017

Re: Overview and impacts of House Bill 1021 on County architectural and signage standards

Overview

House Bill 1021 – Constriction, **was signed by Governor Scott into law** on Friday, June 23, 2017¹. This bill amends F.S. 553.79 and states that the political subdivisions, i.e. **the County**, “**may not adopt or enforce any ordinance** or impose any building permit or other development order requirements that **contains any building, construction or aesthetic requirement** or condition **that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns,** design scheme insignia, image standards or other features of corporate branding identity on real property or improvements” for **gas stations or franchise businesses**, as defined by the Federal Trade Commission.

Further, the bill establishes the County **cannot impose requirements related to design, construction, or location of signage** that advertises the retail **price of gasoline**, so long as it meets the current F.S. requirements for sale prices.

It is also important to note that the H.B. 1021 provisions can be applied **retroactively**.

Impact

After meeting with the County Attorney’s office to discuss the impact of H.B. 1021, staff has concluded that H.B. 1021 preempts the County from enforcing much of LDC section 5.05.05 Facilities with Fuel Pumps. However, we believe the distance requirements between fuel facilities would still apply. The bill also preempts the County from enforcing the requirements LDC section 5.05.08 Architectural and Site Design Standards for buildings operated by a franchise entity, as described above. LDC section 5.05.08 Architectural and Site Design Standards would still apply to “mom and pop” stores that are not franchise entities.

Some of the most significant and visible changes in the County will be:

1. Gas stations and franchise buildings are now exempt from the County’s architectural and color requirements for buildings and signs (LDC sections 5.05.05, 5.06.00 and 5.05.08).
2. The size, number, and location of gas station signs are now exempt from any County standards (LDC section 5.05.05).
3. Gas stations and franchise buildings are now able to construct any sign type, including those that are currently prohibited, such as: exposed LED signs, neon signs, roof signs, and animated signs (LDC section 5.06.06).



It is likely that many existing gas stations and franchise entities will apply for a Site Development Plan Amendment or Insubstantial Change (an administrative process) to update their building facades and signage to the corporate aesthetic.

Please find attached H.B. 1021 (see highlighted language on pg. 7) and the House of Representatives Final Bill Analysis (see highlighted language on pg. 15).

¹ Keel, F. June 23, 2017. WCTV. *Governor Scott signs 38 bills into law*. Retrieved from. <http://www.wctv.tv/content/news/Governor-Scott-signs-38-bills-into-law-430448873.html>