

**STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION  
Haydon Burns Building  
605 Suwannee Street  
Tallahassee, Florida**

LAMAR ADVERTISING COMPANY,

Petitioner,

DOAH CASE NO. 16-2037  
DOT CASE NO. 16-017

vs.

DEPARTMENT OF TRANSPORTATION,

Respondent.

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**FINAL ORDER**

This proceeding was initiated by a Request for Administrative Hearing filed on March 8, 2016, by Petitioner, Lamar Advertising Company (“Lamar”). The Request was filed in response to a Notice of Denied Outdoor Advertising Permit Application regarding Application Nos. 61914/61915, issued by Respondent, Florida Department of Transportation (“Department”), on January 28, 2016. On April 13, 2016, the Department referred the matter to the Division of Administrative Hearings (“DOAH”). Before the matter could be heard, the parties entered into a Stipulation of Settlement resolving all issues.

**FINDINGS OF FACT**

1. Lamar operates a v-shaped outdoor advertising sign located on Parcel No. 071S301011000000, at approximately 800 East Nine Mile Road in Escambia County, bearing permit tag numbers CE570 and CE571 (the “Current Sign”). The Current Sign is situated in a flooded swale, such that the sign is partially submerged and is only accessible by a small catwalk.

2. A subsidiary of Lamar, TLC Properties, Inc., holds an easement over parcels 071S301011000000 and 071S301011000001 for the construction and maintenance of an outdoor advertising sign.

3. On December 30, 2015, Lamar submitted Outdoor Advertising Sign Application Nos. 61914/61915 for a sign proposed to be located approximately 150 feet to the west of the Current Sign, on Parcel No. 071S301011000001 (the "Proposed Sign"). On January 28, 2016, the Department issued Lamar a Notice of Denied Outdoor Advertising Permit Application regarding Application Nos. 61914/61915 (the "Denial").

4. On March 8, 2016, the Department received a Request for Administrative Hearing regarding the Denial. This Request was assigned DOT Case No. 16-017.

5. On April 13, 2016, the Department referred the matter to the Division of Administrative Hearings ("DOAH"), where it was assigned DOAH Case No. 16-2037.

6. On May 13, 2016, the Department issued outdoor advertising permit tag numbers CJ911 and CJ912 for the Proposed Sign (the "New Tags").

7. Prior to hearing, the Department and Lamar entered into the attached Stipulation of Settlement to resolve this matter.

8. By executing the Stipulation of Settlement, Lamar has withdrawn its hearing request.

#### **CONCLUSIONS OF LAW**

A. On May 16, 2016, DOAH closed DOAH Case No. 16-2037 and relinquished jurisdiction to the Department.

B. The Department has jurisdiction over the subject matter of and the parties to this proceeding pursuant to chapters 120 and 479, Florida Statutes, and chapters 14-10 and 28-106, Florida Administrative Code.

**ORDER**

Based on the above Findings of Fact and Conclusions of Law, it is

**ORDERED** that the attached Stipulation of Settlement is approved. It is further


**ORDERED** that within 60 days after the Department's cancellation of permit tag numbers CE570 and CE571, Lamar Advertising Company shall remove the Current Sign, or cause the Current Sign to be removed, at no cost to the Department. It is further

**ORDERED** that if the Current Sign is not removed within 60 days after cancellation of permit tag numbers CE570 and CE571, the Department shall remove the Current Sign without further notice and assess all costs of removal against Lamar Advertising Company, pursuant to section 479.105, Florida Statutes. It is further

**ORDERED** that if the Proposed Sign is not completely erected by February 7, 2017, the New Tags shall be void. It is further

**ORDERED** that the Request for Administrative Hearing filed by Lamar Advertising Company is **DISMISSED**.

**DONE and ORDERED** this 18<sup>th</sup> day of May, 2016.

  
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**JIM BOXOLD**  
Secretary  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street  
Tallahassee, Florida 32399

FILED D.O.T. CLERK  
2016 MAY 18 AM 8:04

**NOTICE OF RIGHT TO APPEAL**

**THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(d), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, HAYDON BURNS BUILDING, 605 SUWANNEE STREET, M.S. 58, TALLAHASSEE, FLORIDA 32399-0458, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.**

Copies furnished to:

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