

# Scenic Watch



News  
April 2022

Legal: Supreme Court Victory!  
City wins digital billboard battle at Supreme Court in  
City of Austin v. Reagan National Advertising



Photo: Mack Male, in Austin Monitor through a Creative Commons license

"On a vote of 6-3, the U.S. Supreme Court decided Thursday that the city of Austin's regulations prohibiting digital billboards and other off-premises digital signs are content-neutral and therefore do not violate the First Amendment.

Reagan National Advertising and Lamar Advertising Company sued the city in a Travis County District Court after attempting to get permission to make some of its billboards digital in 2017. In 2019, Judge Robert Pitman of the U.S. District Court in Austin sided with the city, saying that the on-/off-premises distinction did not depend on the content of the sign. The billboard companies appealed to the 5th Circuit, which reversed Pitman's ruling. The city then appealed to the Supreme Court.

But the 5th U.S. Circuit Court of Appeals disagreed, ruling that the distinction between on-premises signs and off-premises signs violated the First Amendment because the building official had to look at the sign in order to determine whether it was on- or off-premises. The opinion was based on the appeals court's interpretation of a 2015 case, *Reed v. Town of Gilbert*.

A city spokesperson told the Austin Monitor, 'The city of Austin is gratified by the Supreme Court's recognition that the city's regulation of off-premise signage is a content-neutral measure designed to serve safety and esthetic interests, consistent with thousands of similar regulations nationwide, including the Federal Highway Beautification Act.'

Justice Sonia Sotomayor authored Thursday's decision. Joining her were Chief Justice John Roberts and justices Stephen Breyer, Elena Kagan and Brett Kavanaugh. Justice Samuel Alito filed an opinion concurring on the major issue, but dissenting in part. Justice Clarence Thomas, joined by Neil Gorsuch and Amy Coney Barrett, dissented.

The Supreme Court opinion stated, 'Reed held that a regulation of speech is content based under the First Amendment if it 'target[s] speech based on its communicative content,' i.e., if it 'applies to particular speech because of the topic discussed or the idea or message expressed.' ... The Court of Appeals' interpretation of *Reed* - to mean that a regulation cannot be content neutral if its application requires reading the sign at issue - is too extreme an interpretation of this court's precedent.'

They ordered the case to be returned to the appeals court for further consideration. That would include considering whether Austin's regulations violate a lower standard of legal scrutiny.

Reagan spokesman Eric Wetzel told the Monitor via email, 'This case isn't over. The Supreme Court simply sent the matter back to the Fifth Circuit Court of Appeals, so that its panel of judges can decide if Austin's digital-advertising restrictions survive the constitutionality test known as intermediate scrutiny. We believe those restrictions violate the First Amendment, and we look forward to making that argument before the Fifth Circuit.'

Attorney Renea Hicks, who led the city's legal team on the case, said despite the

high court's language directing the case back to the 5th Circuit, he believes that court will take no further action because Reagan did not raise that issue on appeal. He said District Judge Robert Pitman has already held that Austin's rules 'satisfy intermediate scrutiny,' and that the rules meet the test even if Reagan didn't bring it up at the appellate court...

Scenic America and its allies filed a friend of the court brief supporting Austin before the case was heard last November.

According to Scenic America President Mark Falzone, the organization was concerned that a win by Reagan would not only jeopardize local regulations but would "chip away at the sacred legacy of the Highway Beautification Act." The Supreme Court ruling, he said, 'affirms a city's right to have a say on what its streetscape looks like.'

-- Jo Clifton, Austin Monitor

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## "For Earth Day: Five Idyllic Ecotourism Destinations Across The Southern U.S."

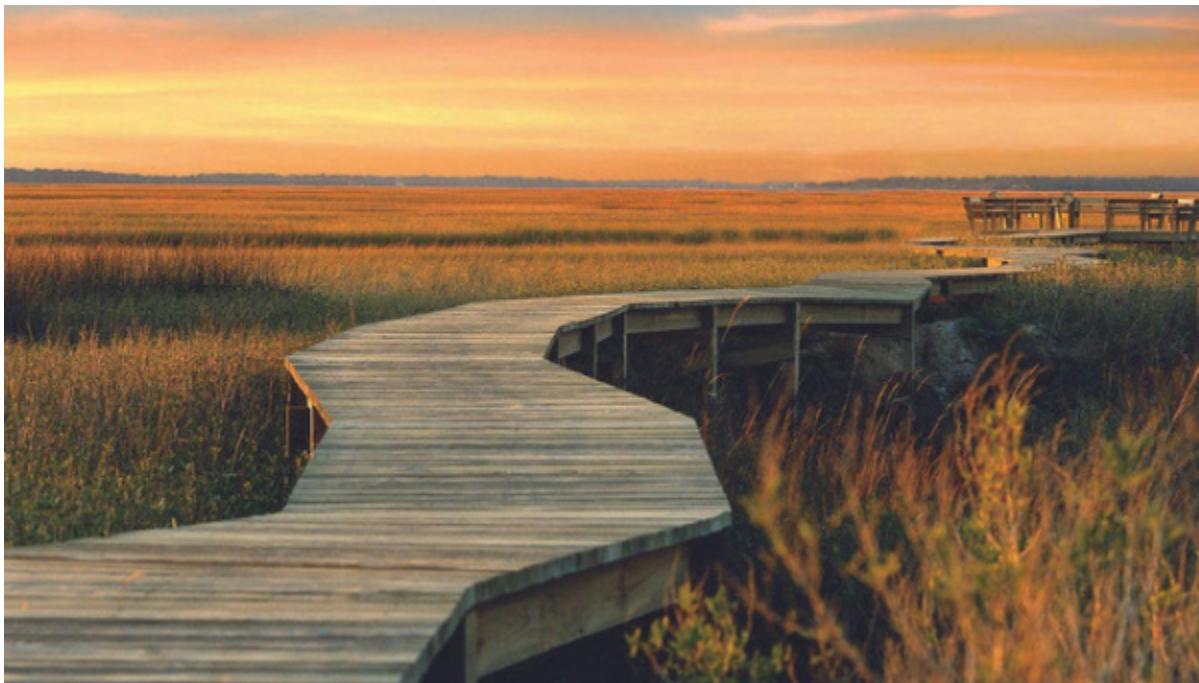


Photo: Amelia Island CVB

"Every destination has a story, no matter how small.

Spring is in full swing across the Northern Hemisphere, and as we welcome the

warm weather and extra daylight, Earth Day is just on the horizon. Established in 1970, this annual event serves as a call to action for the preservation of our home planet, ushering in conversations around renewable energy, protecting biodiversity, reducing plastic waste, and a wealth of other sustainability-driven causes.

Though Earth Day brings environmental issues to the forefront of public discussion each April, avid ecotourists are on the lookout for pristine natural destinations 365 days a year—and the Southern United States just happens to be a treasure trove of protected parks and wildlife preserves brimming with native flora and fauna....

Amelia Island, Florida

A boardwalk snaking through a verdant marsh. Amelia Island is equipped with 13 miles of sandy Atlantic shoreline.

Planning a trip to the Sunshine State? Don't miss out on Amelia Island, a charming seaside getaway located just northeast of Jacksonville. Down in the southernmost reaches of the island, the idyllic 200-acre Amelia Island State Park is an absolute must-visit for those seeking out native shorebirds—but there's no need to travel far to find wildlife on the island. The city of Fernandina Beach is rife with incredible ecotourism destinations ranging from Egan's Creek Greenway Trail—a top spot for alligator sightings—to the Fernandina coast, a sandy expanse that's ideal for viewing bottlenose dolphins and even the occasional sea turtle. Once you've had your fill of wildlife viewing, beer fans can head to First Love Brewing for some much-needed hot honey pizza paired with a hoppy Cardinal Truth IPA."

-- Jared Ranahan, Forbes

[Read entire article](#)

"Alachua county reaches agreement to preserve Native American land in Micanopy"



Video and Text: [myCBS4.com](https://www.myCBS4.com)

"During a meeting on March 22, Alachua county commissioners passed a motion to buy a parcel of land at the intersection of U.S. 441 and Tuscawilla Road, in order to preserve Native American history.

A developer wanted to turn the 5-acre property into a Dollar General store. The land holds historical significance because it is where the second Seminole war started. Micanopy resident Aaron Weber has been fighting to preserve this land since March of 2020.

'Everyone told us we couldn't do it, from former county commissioners to hired experts, and something just kept us persevering and pushing along. It was like the spirit of Osceola was with us, that spirit of never surrendering and never quitting,' Weber said.

Weber said along the process more people joined like Micanopy resident Robert Rosa.

'It was a difficult process. Most of our people are unseen, our voices are invisible or even ourselves are invisible to the common people, the government. They just don't realize that we are still here,' Rosa said.

Martha Tommie, member of the Seminole tribe, feels thankful.

'He said, we won. And I just started being humble and just respecting our elders and our ancestors and our Seminole tribe of today,' Tommie said.

Weber said with this gesture the board of county commissioners in Alachua county showed they care.

'The county motto is Where nature and culture meet and they exemplified that and they care about nature,' Weber said..."

-- Massiel Leyva, myCBS4.com

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## The Spiderwort blooming in Wakulla county



Photo: Les Harrison

"Spring is the season of flowers in Wakulla County and the other locations in Florida. While there are blooms during the year's remaining seasons in the relatively moderate climate of Panhandle Florida, it is spring which displays the majority of the blossoms.

It is fitting that Juan Ponce de Leon named this state, albeit indirectly. He landed somewhere on the eastern seaboard of Florida after a quick hop from Puerto Rico after being removed as governor.

While sailing around to the Gulf of Mexico the conquistador named the territory La Florida in recognition of the prolific array of flowers. In 1513, the year of his first visit, there were only native species present.

Since then, a number of exotic plants have been introduced to sometimes better effect, and sometimes worse. A major expense for commercial agriculture and home landscapes is controlling undesirable alien plant species which were introduced as potential ornamentals...

Spiderworts are often seen along fence rows, in pastures and untended fields, and in forested areas. They bloom from late spring to early summer and usually grow in clumps or bunches of plants.

The plant clumps are easily separated and transplanted. Spiderwort has been used in ornamental horticulture as a showy, low-cost alternative for many years.

In the wild and landscape settings, they expand their presence slowly but persistently. Their distribution reflects the ability to proliferate...

To learn more about native plant in Wakulla County, contact your UF/IFAS Wakulla Extension Office at 850-926-3931 or <http://wakulla.ifas.ufl.edu/>. To read more stories by Les Harrison visit [outdoorauthor.com](http://outdoorauthor.com) and follow us on Facebook."

-- Les Harrison, Wakulla Chronicle

[Read entire article](#)

"City Rejects Art Slated for Fruitville Road and U.S. 41 Roundabout"



Photo: Sujin Lim

"The Sarasota City Commission yesterday rejected a proposal for a new sculpture resembling coral to be installed in the roundabout at the intersection of Fruitville Road and U.S. 41.

Following a call to artists issued last year, the city's public art committee had recommended that the city install South Korean artist Sujin Lim's colorful Dwell. The sculpture was one of three finalists selected from 143 applications submitted by artists around the country. Other finalists included the three-sided, stainless steel, orchid-inspired Whorligig by Mark Aeling of St. Petersburg, and San Francisco-based Shan Shan Sheng's painted-glass sundial concept called Open Gate. When Lim won the public art committee's recommendation, members praised Dwell for being "playful, colorful and easy to understand."

But when final approval was needed to move forward with Dwell, some commissioners disagreed. Commissioner Hagen Brody said, "Coral has no relation to the Gulf coast," and that the art "should bear some relation to our region or community."

Commissioners could have voted to use one of the other two artists' works, but arguments against the Whorligig included its potential to attract people who might try to climb its edges.

Concerns about Open Gate included that its color wouldn't stand out enough against a blue sky. Art committee members argued that the most timely option would be to ask Lim to come up with another concept, but commissioners decided to leave that process up to them..."



-- Kim Doleatto, Sarasota Magazine

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