

By the Committee on Transportation and Senator Hargrett

306-2135-98

1 A bill to be entitled
2 An act relating to transportation; creating s.
3 316.0815, F.S.; providing publicly owned
4 transit vehicles right of way when reentering
5 traffic flow; amending s. 316.555, F.S.;
6 authorizing counties to exempt certain
7 silvicultural and agricultural vehicles and
8 equipment from weight restrictions on county
9 roads; amending s. 318.15, F.S.; authorizing
10 tax collectors to collect driver's license
11 reinstatement fees; amending s. 318.18, F.S.;
12 providing that fines for construction zone
13 speed violations shall be doubled only under
14 certain circumstances; amending s. 320.055,
15 F.S.; providing that the renewal period for a
16 mobile home registration is the 31-day period
17 prior to expiration; amending s. 334.0445,
18 F.S.; extending the time period for the model
19 career service classification and compensation
20 plan in the Department of Transportation;
21 amending s. 335.0415, F.S.; clarifying the
22 jurisdiction and responsibility for operation
23 and maintenance of roads; amending s. 337.11,
24 F.S.; deleting the requirement for approval by
25 a contractor's surety on supplemental
26 agreements; providing that consultants may be
27 covered by the department's owner controlled
28 insurance plan; amending s. 337.185, F.S.;
29 increasing the amount of a contractual claim
30 that goes to the State Arbitration Board;
31 allowing the department to select an alternate

1 to serve as the department's representative on
2 the board; clarifying that a department
3 employee may not be compensated for serving on
4 the board; amending the fee schedule for
5 arbitration; amending s. 337.19, F.S.;
6 authorizing suits to be brought against the
7 department for the breach of an expressed
8 provision or an implied covenant; providing
9 that no liability may be based on an oral
10 modification of the written contract; amending
11 s. 337.29, F.S.; providing for
12 intergovernmental indemnification; amending s.
13 337.403, F.S.; authorizing the Department of
14 Transportation to participate in the cost of
15 clearing and grubbing with utilities prior to
16 construction of a transportation facility;
17 amending s. 338.223, F.S.; clarifying certain
18 procedures for hardship and protective
19 purchases; amending s. 338.229, F.S.;
20 authorizing the department to restrict the
21 sale, transfer, lease, or other disposition of
22 any part of the turnpike system; amending s.
23 479.01, F.S.; redefining the terms "commercial
24 or industrial zone" and "unzoned commercial or
25 industrial area" for the purposes of the laws
26 regulating outdoor advertising; providing
27 criteria for an unzoned commercial or
28 industrial area; amending s. 479.07, F.S.;
29 revising provisions related to reinstatement of
30 expired outdoor advertising permits; amending
31 s. 479.16, F.S.; providing a permit exemption

1 for certain outdoor advertising signs; amending
2 s. 832.06, F.S.; authorizing tax collectors to
3 seek prosecution against a person for writing a
4 worthless check for a driver's license or
5 identification card; providing an effective
6 date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Section 316.0815, Florida Statutes, is
11 created to read:

12 316.0815 Duty to yield to public transit vehicles.--

13 (1) The driver of a vehicle shall yield the right of
14 way to a publicly owned transit bus traveling in the same
15 direction which has signaled and is reentering the traffic
16 flow.

17 (2) This section does not relieve the driver of a
18 public transit vehicle from the duty to drive with due regard
19 for the safety of all persons using the roadway.

20 Section 2. Section 316.555, Florida Statutes, is
21 amended to read:

22 316.555 Weight, load, speed limits may be lowered;
23 condition precedent.--Anything in this chapter to the contrary
24 notwithstanding, the Department of Transportation with respect
25 to state roads, and local authorities with respect to highways
26 under their jurisdiction, may prescribe, by notice hereinafter
27 provided for, loads and weights and speed limits lower than
28 the limits prescribed in this chapter and other laws, whenever
29 in its or their judgment any road or part thereof or any
30 bridge or culvert shall, by reason of its design,
31 deterioration, rain, or other climatic or natural causes be

1 liable to be damaged or destroyed by motor vehicles, trailers,
2 or semitrailers, if the gross weight or speed limit thereof
3 shall exceed the limits prescribed in said notice. The
4 Department of Transportation or local authority may, by like
5 notice, regulate or prohibit, in whole or in part, the
6 operation of any specified class or size of motor vehicles,
7 trailers, or semitrailers on any highways or specified parts
8 thereof under its or their jurisdiction, whenever in its or
9 their judgment, such regulation or prohibition is necessary to
10 provide for the public safety and convenience on the highways,
11 or parts thereof, by reason of traffic density, intensive use
12 thereof by the traveling public, or other reasons of public
13 safety and convenience. The notice or the substance thereof
14 shall be posted at conspicuous places at terminals of all
15 intermediate crossroads and road junctions with the section of
16 highway to which the notice shall apply. After any such
17 notice has been posted, the operation of any motor vehicle or
18 combination contrary to its provisions shall constitute a
19 violation of this chapter. An exemption from any locally
20 imposed weight limit may be granted by a local government to
21 vehicles transporting silvicultural and agricultural products
22 and to equipment used in connection with silvicultural and
23 agricultural site management when a county road offers the
24 only access into and out of the property. This exemption shall
25 not apply to any vehicle weighing over 80,000 pounds or to any
26 bridge or other structure which has weight restrictions
27 established for safety reasons. However, no limitation shall
28 be established by any county, municipal, or other local
29 authorities pursuant to the provisions of this section that
30 would interfere with or interrupt traffic as authorized
31 hereunder over state roads, including officially established

1 detours for such highways, including cases where such traffic
2 passes over roads, streets or thoroughfares within the sole
3 jurisdiction of the county, municipal or other local
4 authorities unless such limitations and further restrictions
5 have first been approved by the Department of Transportation.
6 With respect to county roads, except such as are in use as
7 state road detours, the respective county road authorities
8 shall have full power and authority to further limit the
9 weights of vehicles upon bridges and culverts upon such public
10 notice as they deem sufficient, and existing laws applicable
11 thereto shall not be affected by the terms of this chapter.

12 Section 3. Subsection (2) of section 318.15, Florida
13 Statutes, is amended to read:

14 318.15 Failure to comply with civil penalty or to
15 appear; penalty.--

16 (2) After suspension of the driver's license and
17 privilege to drive of a person under subsection (1), the
18 license and privilege may not be reinstated until the person
19 complies with all obligations and penalties imposed on him or
20 her under s. 318.18 and presents to a driver license office a
21 certificate of compliance issued by the court, together with
22 the \$25 nonrefundable service fee imposed under s. 322.29, or
23 pays the aforementioned \$25 service fee to the clerk of the
24 court or a tax collector clearing such suspension. Such
25 person shall also be in compliance with requirements of
26 chapter 322 prior to reinstatement.

27 Section 4. Paragraph (c) of subsection (3) of section
28 318.18, Florida Statutes, is amended to read:

29 318.18 Amount of civil penalties.--The penalties
30 required for a noncriminal disposition pursuant to s. 318.14
31 are as follows:

1 (3)
2 (c) A person cited for exceeding the speed limit in a
3 legally posted school zone or a posted construction zone will
4 be assessed a fine double the amount listed in paragraph (b).
5 The fine shall be doubled for construction zone violations
6 only if construction personnel are present or operating
7 equipment on the road or immediately adjacent to the road
8 under construction.

9 Section 5. Subsection (2) of section 320.055, Florida
10 Statutes, is amended to read:

11 320.055 Registration periods; renewal periods.--The
12 following registration periods and renewal periods are
13 established:

14 (2) For a vehicle subject to registration under s.
15 320.08(11), the registration period begins January 1 and ends
16 December 31. For a vehicle subject to this registration
17 period, the renewal period is the 31-day period prior to
18 expiration beginning January 1.

19 Section 6. Subsection (1) of section 334.0445, Florida
20 Statutes, is amended to read:

21 334.0445 Model career service classification and
22 compensation plan.--

23 (1) Effective July 1, 1994, the Legislature grants to
24 the Department of Transportation in consultation with the
25 Department of Management Services, the Executive Office of the
26 Governor, legislative appropriations committees, legislative
27 personnel committees, and the affected certified bargaining
28 unions, the authority on a pilot basis to develop and
29 implement a model career service classification and
30 compensation system. Such system shall be developed for use by
31 all state agencies. Authorization for this program will end

1 ~~June 30, 2000 be for 3 fiscal years beginning July 1, 1994,~~
2 ~~and ending June 30, 1997;~~ however, the department may elect or
3 be directed by the Legislature to return to the current system
4 at anytime during this period if the model system does not
5 meet the stated goals and objectives.

6 Section 7. Subsection (1) of section 335.0415, Florida
7 Statutes, is amended to read:

8 335.0415 Public road jurisdiction and transfer
9 process.--

10 (1) The jurisdiction of public roads and the
11 responsibility for operation and maintenance within the
12 right-of-way of any road within the state, county, and
13 municipal road system shall be that which exists immediately
14 preceding the adoption of chapter 95-257 on July 1, 1995.

15 Section 8. Paragraph (a) of subsection (8) and
16 subsection (16) of section 337.11, Florida Statutes, are
17 amended to read:

18 337.11 Contracting authority of department; bids;
19 emergency repairs, supplemental agreements, and change orders;
20 combined design and construction contracts; progress payments;
21 records; requirements of vehicle registration.--

22 (8)(a) The department shall permit the use of written
23 supplemental agreements and written change orders to any
24 contract entered into by the department. Any supplemental
25 agreement shall be reduced to written contract form, ~~approved~~
26 ~~by the contractor's surety,~~ and executed by the contractor and
27 the department. Any supplemental agreement modifying any item
28 in the original contract must be approved by the head of the
29 department, or his or her designee, and executed by the
30 appropriate person designated by him or her. The contractor's
31 surety, by providing a bond on any department project agrees

1 to any and all contract modifications, change orders, and
2 supplemental agreements without the surety's express written
3 approval for any such modifications, change orders, and
4 supplemental agreements.

5 (16) The department is authorized to undertake and
6 contract to provide an owner controlled insurance plan (OCIP)
7 on any construction project or group of related construction
8 projects if the head of the department determines that an OCIP
9 will be both cost-effective for the department and otherwise
10 in its best interests. Such OCIP may provide insurance
11 coverage for the department and for worker's compensation and
12 employers liability and general liability and builders risk
13 for contractors, consultants as described in s. 287.055,and
14 subcontractors, for and in conjunction with any or all work
15 performed on such projects. The department may directly
16 purchase such coverage in the manner provided for the purchase
17 of commodities pursuant to s. 287.057, or self-insure, or use
18 a combination thereof, any other statutory provisions or
19 limitations on self-insurance or purchase of insurance
20 notwithstanding. The department's authority hereunder
21 includes the purchase of risk management, risk and loss
22 control, safety management, investigative and claims
23 adjustment services, advancement of funds for payment of
24 claims, and other services reasonably necessary to process and
25 pay claims under and administer the OCIP. In addition to any
26 prequalification required under s. 337.14, no contractor shall
27 be prequalified to bid on an OCIP project unless the
28 contractor's casualty and loss experience and safety record
29 meets the minimum requirements for OCIP coverage issuance on
30 the project, were the contractor to be awarded the project.

31

1 Exercise of the department's authority under this subsection
2 shall not be deemed a waiver of sovereign immunity.

3 Section 9. Subsections (1), (2), (3), (7), and (8) of
4 section 337.185, Florida Statutes, are amended to read:

5 337.185 State Arbitration Board.--

6 (1) To facilitate the prompt settlement of claims for
7 additional compensation arising out of construction contracts
8 between the department and the various contractors with whom
9 it transacts business, the Legislature does hereby establish
10 the State Arbitration Board, referred to in this section as
11 the "board." For the purpose of this section, "claim" shall
12 mean the aggregate of all outstanding claims by a party
13 arising out of a construction contract. Every contractual
14 claim in an amount up to \$250,000~~\$100,000~~ per contract or, at
15 the claimant's option, up to \$500,000~~\$250,000~~ per contract
16 that cannot be resolved by negotiation between the department
17 and the contractor shall be arbitrated by the board after
18 acceptance of the project by the department. As an exception,
19 either party to the dispute may request that the claim be
20 submitted to binding private arbitration. A court of law may
21 not consider the settlement of such a claim until the process
22 established by this section has been exhausted.

23 (2) The board shall be composed of three members. One
24 member shall be appointed by the head of the department, and
25 one member shall be elected by those construction companies
26 who are under contract with the department. The third member
27 shall be chosen by agreement of the other two members.
28 Whenever the third member has a conflict of interest regarding
29 affiliation with one of the parties, the other two members
30 shall select an alternate member for that hearing. The head of
31 the department may select an alternate or substitute to serve

1 as the department member for any hearing or term.Each member
2 shall serve a 2-year term. The board shall elect a chair, each
3 term, who shall be the administrator of the board and
4 custodian of its records.

5 (3) A hearing may be requested by the department or by
6 a contractor who has a dispute with the department which,
7 under the rules of the board, may be the subject of
8 arbitration. The board shall conduct the hearing within 45
9 days of the request. The party requesting the board's
10 consideration shall give notice of the hearing to each member.
11 If the board finds that a third party is necessary to resolve
12 the dispute, the board may vote to dismiss the claim, which
13 may thereafter be pursued in accordance with the laws of this
14 state in a court of law.

15 (7) The members ~~member~~ of the board ~~elected by~~
16 ~~construction companies and the third member of the board~~ may
17 receive compensation for the performance of their duties
18 hereunder, from administrative fees received by the board. No
19 department employee may receive compensation from the board.
20 The compensation amount shall be determined by the board, but
21 shall not exceed \$125 per hour, up to \$1,000 per day maximum
22 ~~\$750 per day~~ for each member authorized to receive
23 compensation. Nothing in this section shall prevent the
24 member elected by construction companies from being an
25 employee of an association affiliated with the industry, even
26 if the sole responsibility of that member is service on the
27 board. Travel expenses for the industry member may be paid by
28 an industry association, if necessary. The board may allocate
29 funds annually for clerical and other administrative services.
30 (8) The party requesting arbitration shall pay a fee
31 to the board in accordance with a schedule established by it,

1 not to exceed \$500 per claim which is \$25,000 or less, not to
2 exceed \$1,000 per claim which is in excess of \$25,000 but not
3 exceeding \$50,000, not to exceed \$1,500 per claim which is in
4 excess of \$50,000 but not exceeding \$100,000, not to exceed
5 \$2,000 per claim which is in excess of \$100,000 but not
6 exceeding \$200,000, and not to exceed ~~\$3,000~~\$2,500 per claim
7 which is in excess of \$200,000 but not exceeding ~~\$300,000~~, not
8 to exceed \$4,000 per claim which is in excess of \$300,000 but
9 not exceeding \$400,000, and not exceeding \$5,000 per claim
10 which is in excess of \$400,000 but not exceeding \$500,000
11 ~~\$250,000~~, to cover the cost of administration and compensation
12 of the board.

13 Section 10. Subsection (1) of section 337.19, Florida
14 Statutes, is amended to read:

15 337.19 Suits by and against department; limitation of
16 actions; forum.--

17 (1) Suits at law and in equity may be brought and
18 maintained by and against the department on any contract claim
19 ~~under contract for work done~~ arising from the breach of an
20 express provision or an implied covenant of a written
21 agreement or a written directive issued by the department
22 pursuant to the written agreement. In any such suit, the
23 department and the contractor shall have all of the same
24 rights, obligations, remedies, and defenses as a private
25 person under a like contract, except that no liability may be
26 based on an oral modification of the written contract or
27 written directive. However, this section shall not be
28 construed to in any way prohibit the department from limiting
29 its liability or damages through provisions in its contracts.
30 Notwithstanding anything to the contrary contained herein, no
31 employee or agent of the department may be held personally

1 liable to an extent greater than that under s. 768.28;
2 provided, that no suit sounding in tort shall be maintained
3 against the department.

4 Section 11. Subsection (4) is added to section 337.29,
5 Florida Statutes, to read:

6 337.29 Vesting of title to roads; liability for
7 torts.--

8 (4) Notwithstanding any other provision of law, the
9 department and other governmental entities may enter into
10 contracts between two or more governmental entities which
11 specifically require each government to take responsibility
12 for the negligence of its employees and agents. The contract
13 must provide that each governmental entity will indemnify and
14 hold the other governmental entities that are parties to the
15 contract harmless from any damage, loss, or injury arising out
16 of the negligence of that governmental entity or its agents or
17 employees. However, nothing in this subsection may be
18 construed to authorize a waiver of sovereign immunity beyond
19 the waiver under s. 768.28.

20 Section 12. Subsection (1) of section 337.403, Florida
21 Statutes, is amended to read:

22 337.403 Relocation of utility; expenses.--

23 (1) Any utility heretofore or hereafter placed upon,
24 under, over, or along any public road or publicly owned rail
25 corridor that is found by the authority to be unreasonably
26 interfering in any way with the convenient, safe, or
27 continuous use, or the maintenance, improvement, extension, or
28 expansion, of such public road or publicly owned rail corridor
29 shall, upon 30 days' written notice to the utility or its
30 agent by the authority, be removed or relocated by such

31

1 utility at its own expense except as provided in paragraphs
2 (a), and (b), and (c).

3 (a) If the relocation of utility facilities, as
4 referred to in s. 111 of the Federal-Aid Highway Act of 1956,
5 Pub. L. No. 627 of the 84th Congress, is necessitated by the
6 construction of a project on the federal-aid interstate
7 system, including extensions thereof within urban areas, and
8 the cost of such project is eligible and approved for
9 reimbursement by the Federal Government to the extent of 90
10 percent or more under the Federal Aid Highway Act, or any
11 amendment thereof, then in that event the utility owning or
12 operating such facilities shall relocate such facilities upon
13 order of the department, and the state shall pay the entire
14 expense properly attributable to such relocation after
15 deducting therefrom any increase in the value of the new
16 facility and any salvage value derived from the old facility.

17 (b) When a joint agreement between the department and
18 the utility is executed for utility improvement, relocation,
19 or removal work to be accomplished as part of a contract for
20 construction of a transportation facility, the department may
21 participate in those utility improvement, relocation, or
22 removal costs that exceed the department's official estimate
23 of the cost of such work by more than 10 percent. The amount
24 of such participation shall be limited to the difference
25 between the official estimate of all the work in the joint
26 agreement plus 10 percent and the amount awarded for this work
27 in the construction contract for such work. The department may
28 not participate in any utility improvement, relocation, or
29 removal costs that occur as a result of changes or additions
30 during the course of the contract.

31

1 (c) When an agreement between the department and the
2 utility is executed for utility improvement, relocation, or
3 removal work to be accomplished in advance of a contract for
4 construction of a transportation facility, the department may
5 participate in the cost of clearing and grubbing necessary to
6 perform such work.

7 Section 13. Paragraph (b) of subsection (2) of section
8 338.223, Florida Statutes, is amended to read:

9 338.223 Proposed turnpike projects.--

10 (2)

11 (b) In accordance with the legislative intent
12 expressed in s. 337.273, and after the requirements of
13 paragraph (1)(c) have been met, the department may acquire
14 lands and property before making a final determination of the
15 economic feasibility of a project. The requirements of
16 paragraph (1)(c) do not apply to hardship and protective
17 purchases of advance right-of-way by the department. The cost
18 of advance acquisition of right-of-way may be paid from bonds
19 issued under s. 337.276 or from turnpike revenues. For
20 purposes of this subsection, the term "hardship purchase"
21 means a purchase from a property owner of a residential
22 dwelling of not more than four units who is at a disadvantage
23 due to health impairment, job loss, or significant loss of
24 rental income. For purposes of this subsection, the term
25 "protective purchase" means a purchase to limit development,
26 building, or other intensification of land uses within the
27 area right-of-way needed for transportation facilities. The
28 department shall give written notice to the Department of
29 Environmental Protection 30 days prior to final agency
30 acceptance as set forth under s. 119.03(7)(n), which notice
31 shall allow the Department of Environmental Protection to

1 comment. Hardship and protective purchases of right-of-way
2 shall not influence the environmental feasibility of the
3 project, including the decision relative to the need to
4 construct the project or the selection of a specific location.
5 Costs to acquire and dispose of property acquired as hardship
6 and protective purchases are considered costs of doing
7 business for the department and shall not be considered in the
8 determination of environmental feasibility for the project.

9 Section 14. Section 338.229, Florida Statutes, is
10 amended to read:

11 338.229 Pledge to bondholders not to restrict certain
12 rights of department.--The state does pledge to, and agree
13 with, the holders of the bonds issued pursuant to ss.
14 338.22-338.244 that the state will not limit or restrict the
15 rights vested in the department to construct, reconstruct,
16 maintain, and operate any turnpike project as defined in ss.
17 338.22-338.244 or to establish and collect such tolls or other
18 charges as may be convenient or necessary to produce
19 sufficient revenues to meet the expenses of maintenance and
20 operation of the turnpike system and to fulfill the terms of
21 any agreements made with the holders of bonds authorized by
22 this act and that the state will not in any way impair the
23 rights or remedies of the holders of such bonds until the
24 bonds, together with interest on the bonds, are fully paid and
25 discharged. In implementing this section, the department is
26 specifically authorized to provide for further restrictions on
27 the sale, transfer, lease, and other disposition or operation
28 of any portion of the turnpike system which reduces the
29 revenue available for payment of bondholders.

30 Section 15. Subsections (3) and (23) of section
31 479.01, Florida Statutes, are amended to read:

1 479.01 Definitions.--As used in this chapter, the
2 term:

3 (3) "Commercial or industrial zone" means a parcel of
4 land ~~an area within 660 feet of the nearest edge of the~~
5 ~~right-of-way of the interstate or federal-aid primary system~~
6 ~~designated predominately~~ for commercial or industrial use
7 under both the future land use map of the comprehensive plan
8 and the land development regulations adopted under pursuant to
9 chapter 163. If a parcel is located in an area designated for
10 multiple uses on the future land-use map of a comprehensive
11 plan and the land development regulations do not clearly
12 designate that parcel for a specific use, the area will be
13 considered an unzoned commercial or industrial area if it
14 meets the criteria of subsection (23).~~Where a local~~
15 ~~governmental entity has not enacted a comprehensive plan by~~
16 ~~local ordinance but has zoning regulations governing the area,~~
17 ~~the zoning of an area shall determine whether the area is~~
18 ~~designated predominately for commercial or industrial uses.~~

19 (23) "Unzoned commercial or industrial area" means a
20 parcel of land designated by the ~~an area within 660 feet of~~
21 ~~the nearest edge of the right-of-way of the interstate or~~
22 ~~federal-aid primary system where the land use is not covered~~
23 ~~by a future land use map of the comprehensive plan for~~
24 multiple uses that include commercial or industrial uses but
25 are not specifically designated for commercial or industrial
26 uses under the land development regulations and ~~or zoning~~
27 regulation pursuant to subsection (2), in which there are
28 located three or more separate and distinct conforming
29 industrial or commercial activities are located.

30 (a) These activities must satisfy the following
31 criteria:

1 1. At least one of the commercial or industrial
2 activities must be located on the same side of the highway and
3 within 800 feet of the sign location;

4 2. The commercial or industrial activities must be
5 within 660 feet from the nearest edge of the right of way; and

6 3. The commercial or industrial activities must be
7 within 1,600 feet of each other.

8
9 Distances specified in this paragraph must be measured from
10 the nearest outer edge of the primary building, or primary
11 building complex when the individual units of the complex are
12 connected by covered walkways. ~~uses located within a~~
13 ~~1,600-foot radius of each other and generally recognized as~~
14 ~~commercial or industrial by zoning authorities in this state.~~

15 (b) Certain activities, including, but not limited to,
16 the following, may not be so recognized as commercial or
17 industrial activities:

18 1.(a) Signs.

19 2. Communication towers.

20 3.(b) Agricultural, forestry, ranching, grazing,
21 farming, and related activities, including, but not limited
22 to, wayside fresh produce stands.

23 4.(c) Transient or temporary activities.

24 5.(d) Activities not visible from the main-traveled
25 way.

26 6.(e) Activities conducted more than 660 feet from the
27 nearest edge of the right-of-way.

28 7.(f) Activities conducted in a building principally
29 used as a residence.

30 8.(g) Railroad tracks and minor sidings.

31

1 Section 16. Paragraph (b) of subsection (8) of section
2 479.07, Florida Statutes, is amended to read:

3 479.07 Sign permits.--

4 (8)

5 (b) If a permittee has not submitted his or her fee
6 payment by the expiration date of the licenses or permits, the
7 department shall send a notice of violation to the permittee
8 within 45 days after the expiration date, requiring the
9 payment of the permit fee within 30 days after the date of the
10 notice and payment of a delinquency fee equal to 10 percent of
11 the original amount due or, in the alternative to these
12 payments, requiring the filing of a request for an
13 administrative hearing to show cause why his or her sign
14 should not be subject to immediate removal due to expiration
15 of his or her license or permit. If the permittee submits
16 payment as required by the violation notice, his or her
17 license or permit will be automatically reinstated and such
18 reinstatement will be retroactive to the original expiration
19 date. If the permittee does not respond to the notice of
20 violation within the 30-day period, the department shall,
21 within 30 days, issue a final notice of sign removal and may,
22 following 90 days after the date of the department's final
23 notice of sign removal, remove the sign without incurring any
24 liability as a result of such removal. However, if at any time
25 prior to removal of the sign ~~if within 90 days after the date~~
26 ~~of the department's final notice of sign removal~~, the
27 permittee demonstrates that a good faith error on the part of
28 the permittee resulted in cancellation or nonrenewal of the
29 permit, the department may reinstate the permit if:

30 ~~1. The sign has not yet been disassembled by the~~
31 ~~permittee.~~

1 ~~2. Conflicting applications have not been filed by~~
2 ~~other persons.~~

3 1.3. A The permit reinstatement fee of up to \$300,
4 based on the size of the sign, is paid;

5 ~~2.4.~~ All other permit renewal and delinquent permit
6 fees due as of the reinstatement date are paid; and

7 ~~3.5.~~ The permittee reimburses the department for all
8 actual costs resulting from the permit cancellation or
9 nonrenewal ~~and sign removal.~~

10
11 Conflicting applications filed by other persons for the same
12 or competing site covered by a permit subject to the
13 provisions of this paragraph shall not be approved until after
14 the sign subject to the expired permit has been removed.

15 Section 17. Subsection (15) of section 479.16, Florida
16 Statutes, is amended to read:

17 479.16 Signs for which permits are not required.--The
18 following signs are exempt from the requirement that a permit
19 for a sign be obtained under the provisions of this chapter
20 but are required to comply with the provisions of s.
21 479.11(4)-(8):

22 (15) Signs not in excess of 16 square feet placed at a
23 road junction with the State Highway System denoting only the
24 distance or direction of a residence or farm operation, or, in
25 a rural area where a hardship is created because a small
26 business is not visible from the road junction with the State
27 Highway System, one sign not in excess of 16 ~~8~~ square feet,
28 denoting only the name of the business and the distance and
29 direction to the business. The small-business-sign provision
30 of this subsection does not apply to charter counties and may
31 not be implemented if the Federal Government notifies the

1 department that implementation will adversely affect the
2 allocation of federal funds to the department.

3 Section 18. Subsection (1) of section 832.06, Florida
4 Statutes, is amended to read:

5 832.06 Prosecution for worthless checks given tax
6 collector for licenses or taxes; refunds.--

7 (1) Whenever any person, firm, or corporation violates
8 the provisions of s. 832.05 by drawing, making, uttering,
9 issuing, or delivering to any county tax collector any check,
10 draft, or other written order on any bank or depository for
11 the payment of money or its equivalent for any tag, title,
12 lien, tax (except ad valorem taxes), penalty, or fee relative
13 to a boat, airplane, or motor vehicle; any occupational
14 license, beverage license, or sales or use tax; ~~or~~ any hunting
15 or fishing license; or any driver's license or identification
16 card, the county tax collector, after the exercise of due
17 diligence to locate the person, firm, or corporation which
18 drew, made, uttered, issued, or delivered the check, draft, or
19 other written order for the payment of money, or to collect
20 the same by the exercise of due diligence and prudence, shall
21 swear out a complaint in the proper court against the person,
22 firm, or corporation for the issuance of the worthless check
23 or draft. If the state attorney cannot sign the information
24 due to lack of proof, as determined by the state attorney in
25 good faith, for a prima facie case in court, he or she shall
26 issue a certificate so stating to the tax collector. If
27 payment of the dishonored check, draft, or other written
28 order, together with court costs expended, is not received in
29 full by the county tax collector within 30 days after service
30 of the warrant, 30 days after conviction, or 60 days after the
31 collector swears out the complaint or receives the certificate

1 of the state attorney, whichever is first, the county tax
2 collector shall make a written report to this effect to the
3 Department of Highway Safety and Motor Vehicles relative to
4 airplanes and motor vehicles, to the Department of
5 Environmental Protection relative to boats, to the Department
6 of Revenue relative to occupational licenses and the sales and
7 use tax, to the Division of Alcoholic Beverages and Tobacco of
8 the Department of Business and Professional Regulation
9 relative to beverage licenses, or to the Game and Fresh Water
10 Fish Commission relative to hunting and fishing licenses,
11 containing a statement of the amount remaining unpaid on the
12 worthless check or draft. If the information is not signed,
13 the certificate of the state attorney is issued, and the
14 written report of the amount remaining unpaid is made, the
15 county tax collector may request the sum be forthwith refunded
16 by the appropriate governmental entity, agency, or department.
17 If a warrant has been issued and served, he or she shall
18 certify to that effect, together with the court costs and
19 amount remaining unpaid on the check. The county tax collector
20 may request that the sum of money certified by him or her be
21 forthwith refunded by the Department of Highway Safety and
22 Motor Vehicles, the Department of Environmental Protection,
23 the Department of Revenue, the Division of Alcoholic Beverages
24 and Tobacco of the Department of Business and Professional
25 Regulation, or the Game and Fresh Water Fish Commission to the
26 county tax collector. Within 30 days after receipt of the
27 request, the Department of Highway Safety and Motor Vehicles,
28 the Department of Environmental Protection, the Department of
29 Revenue, the Division of Alcoholic Beverages and Tobacco of
30 the Department of Business and Professional Regulation, or the
31 Game and Fresh Water Fish Commission, upon being satisfied as

1 to the correctness of the certificate of the tax collector, or
2 the report, shall refund to the county tax collector the sums
3 of money so certified or reported. If any officer of any court
4 issuing the warrant is unable to serve it within 60 days after
5 the issuance and delivery of it to the officer for service,
6 the officer shall make a written return to the county tax
7 collector to this effect. Thereafter, the county tax collector
8 may certify that the warrant has been issued and that service
9 has not been had upon the defendant and further certify the
10 amount of the worthless check or draft and the amount of court
11 costs expended by the county tax collector, and the county tax
12 collector may file the certificate with the Department of
13 Highway Safety and Motor Vehicles relative to motor vehicles
14 and airplanes, with the Department of Environmental Protection
15 relative to boats, with the Department of Revenue relative to
16 occupational licenses and the sales and use tax, with the
17 Division of Alcoholic Beverages and Tobacco of the Department
18 of Business and Professional Regulation relative to beverage
19 licenses, or with the Game and Fresh Water Fish Commission
20 relative to hunting and fishing licenses, together with a
21 request that the sums of money so certified be forthwith
22 refunded by the Department of Highway Safety and Motor
23 Vehicles, the Department of Environmental Protection, the
24 Department of Revenue, the Division of Alcoholic Beverages and
25 Tobacco of the Department of Business and Professional
26 Regulation, or the Game and Fresh Water Fish Commission to the
27 county tax collector, and within 30 days after receipt of the
28 request, the Department of Highway Safety and Motor Vehicles,
29 the Department of Environmental Protection, the Department of
30 Revenue, the Division of Alcoholic Beverages and Tobacco of
31 the Department of Business and Professional Regulation, or the

1 Game and Fresh Water Fish Commission, upon being satisfied as
2 to the correctness of the certificate, shall refund the sums
3 of money so certified to the county tax collector.

4 Section 19. This act shall take effect upon becoming a
5 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1426

4 Corrects an error concerning the jurisdiction of public roads.

5 Deletes the requirement that a contractor's surety approve all
6 supplemental contract agreements.

7 Raises the contractual claim amount which must go to
8 arbitration from \$100,000 to \$250,000 and the contractual
9 claim amount which may go to arbitration at the claimant's
10 option from \$250,000 to \$500,000. The section also provides
11 that the DOT secretary may select an alternate or substitute
12 to serve as the department's member of the arbitration board
13 for any hearing or term, and clarifies that the DOT's board
14 member may not be compensated if they are a current employee
15 of the department. The section provides an hourly
16 compensation for other board members of \$125 per hour and
17 raises the daily maximum pay from \$750 to \$1,000, and raises
18 the arbitration fees to cover administrative costs and
19 compensation of the board.

20 Provides that the department may enter into indemnity
21 contracts with other governmental entities.

22 Authorizes the department to restrict the sale, transfer or
23 lease of any portion of the turnpike system.

24 Provides that counties may exempt trucks carrying agricultural
25 products from local weight limits when the local road offers
26 the only access into and out of a work site. This exemption
27 does not apply to any truck over 80,000 pounds or any bridge
28 or other structure that has a posted weight restriction for
29 safety purposes.

30 Authorizes consultants to be included in the department's
31 owner controlled insurance plan.

Provides for a determination of environmental feasibility by
the DEP on Turnpike projects, and exempts hardship and
protective purchases of advance right of way.

Provides the DOT flexibility to lower the reinstatement fee
for outdoor advertising permits if the owner demonstrates a
good faith error prior to DOT removing the sign, and provides
that competing applications for the same site will not be
approved until the sign with the expired permit has been
removed.

Authorizes tax collectors to file a complaint in the proper
Circuit Court to prosecute anyone who writes a worthless check
for a driver's license or I.D. card.

Provides that persons who have their driver's license
suspended for failure to comply with a civil penalty, failure
to attend a driver improvement school or for failure to appear
at a scheduled hearing may pay the \$25 reinstatement fee to
the tax collectors if the tax collector clears the suspension.

1 Changes the renewal period for a mobile home from the month of
2 January to the month of December.

3 Provides that suits at law and in equity may be brought and
4 maintained by and against the department on any claim arising
5 from breach of express or implied provision of a written
6 agreement or a written directive issued by the department
7 pursuant to the written agreement. In any such suit, the
8 department and contractor shall have all the same rights,
9 obligations, remedies and defenses as a private person under a
10 like contract, except that no liability may be based on an
11 oral modification of the written contract or written
12 directive. The section is further amended to provide that no
13 employee or agent of the department may be held personally
14 liable to an extent greater than described under s. 768.28,
15 F.S.

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