

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

Committee/Subcommittee hearing bill: Tourism, Infrastructure & Energy Subcommittee

Representative Brannan offered the following:

Amendment (with title amendment)

Between lines 428 and 429, insert:

Section 12. Section 319.1414, Florida Statutes, is created to read:

319.1414 Investigations; examinations; subpoenas; hearings; witnesses.-

(1) The department may conduct investigations and examinations of department-authorized private rebuilt inspection providers as it deems necessary to determine whether a person is violating or has violated this chapter or a contract entered into pursuant to this chapter or to assist with the enforcement of this chapter.

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17 (2) For purposes of any investigation or examination
18 conducted pursuant to this section, the department may exercise
19 the power of subpoena and the powers to administer oaths or
20 affirmations, to examine witnesses, to require affidavits, to
21 take depositions, and to compel the attendance of witnesses and
22 the production of books, papers, documents, records, and other
23 evidence. A designated agent of the department may serve a
24 subpoena relating to an investigation or examination.

25 (3) If a person refuses to testify; produce books, papers,
26 documents, or records; or otherwise obey a subpoena or subpoena
27 duces tecum issued under subsection (2), the department may
28 petition a court of competent jurisdiction in the county where
29 the person's residence or principal place of business is
30 located, upon which the court must issue an order requiring such
31 person to obey the subpoena or show cause for failing to obey
32 the subpoena. Unless the person shows sufficient cause for
33 failing to obey the subpoena, the court shall direct the person
34 to obey the subpoena. Failure to comply with such order is
35 contempt of court.

36 (4) For the purpose of any investigation, examination, or
37 proceeding initiated by the department under this chapter, the
38 department is authorized to designate agents to serve subpoenas
39 and other process and to administer oaths or affirmations.

40 (5) Witnesses subpoenaed under this section are entitled
41 to witness fees at the same rate established by s. 92.142 for

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42 witnesses in a civil case, except that witness fees are not
43 payable for appearance at the witness's place of business during
44 regular business hours or at the witness's residence.

45 (6) The department may adopt rules to administer this
46 section.

47 Section 13. Section 319.25, Florida Statutes, is amended
48 to read:

49 319.25 Cancellation of certificates; investigations;
50 subpoenas and other process; oaths; rules.-

51 (1) If it appears that a certificate of title has been
52 improperly issued, the department shall cancel the certificate.
53 Upon cancellation of any certificate of title, the department
54 shall notify the person to whom the certificate of title was
55 issued, as well as any lienholders appearing thereon, of the
56 cancellation and shall demand the surrender of the certificate
57 of title, but the cancellation shall not affect the validity of
58 any lien noted thereon. The holder of the certificate of title
59 shall return it to the department forthwith. If a certificate of
60 registration has been issued to the holder of a certificate of
61 title so canceled, the department shall immediately cancel the
62 certificate of registration and demand the return of such
63 certificate of registration and license plate or mobile home
64 sticker; and the holder of such certificate of registration and
65 license plate or sticker shall return them to the department
66 forthwith.

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67 (2) The department is authorized, upon application of any
68 person and payment of the proper fees, to prepare and furnish
69 lists containing title information in such form as the
70 department may authorize, to search the records of the
71 department and make reports thereof, and to make photographic
72 copies of the department records and attestations thereof,
73 except as provided in chapter 119.

74 (3) The department may conduct investigations and
75 examinations of any person suspected of violating or of having
76 violated this chapter or any rule adopted or order issued under
77 this chapter.

78 (4) For purposes of any investigation or examination
79 conducted pursuant to this section, the department may exercise
80 the power of subpoena and the powers to administer oaths or
81 affirmations, to examine witnesses, to require affidavits, to
82 take depositions, and to compel the attendance of witnesses and
83 the production of books, papers, documents, records, and other
84 evidence. An authorized representative of the department may
85 serve a subpoena relating to an investigation or examination.

86 (5) If a person refuses to testify; produce books, papers,
87 documents, or records; or otherwise obey the subpoena or
88 subpoena duces tecum issued under subsection (4), the department
89 may petition a court of competent jurisdiction in the county
90 where the person's residence or principal place of business is
91 located, upon which the court must issue an order requiring such

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92 person to obey the subpoena or show cause for failing to obey
93 the subpoena. Unless the person shows sufficient cause for
94 failing to obey the subpoena, the court must direct the person
95 to obey the subpoena. Failure to comply with such order is
96 contempt of court.

97 (6) For the purpose of any investigation, examination, or
98 proceeding initiated by the department under this chapter, the
99 department is authorized to designate agents to serve subpoenas
100 and other process and to administer oaths or affirmations.

101 (7) Witnesses subpoenaed under this section are entitled
102 to witness fees at the same rate established by s. 92.142 for
103 witnesses in a civil case, except that witness fees are not
104 payable for appearance at the witness's place of business during
105 regular business hours or at the witness's residence.

106 (8) The department may adopt rules to administer this
107 section.

108 Section 14. Section 320.861, Florida Statutes, is amended
109 to read:

110 320.861 Investigations; subpoenas and other process;
111 oaths; rules ~~Inspection of records; production of evidence;~~
112 ~~subpoena power.~~

113 (1) The department may conduct investigations and
114 examinations of any person suspected of violating or of having
115 violated this chapter or any rule adopted or order issued
116 thereunder ~~inspect the pertinent books, records, letters, and~~

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117 ~~contracts of any licensee, whether dealer or manufacturer,~~
118 ~~relating to any written complaint made to it against such~~
119 ~~licensee.~~

120 (2) For purposes of any investigation or examination
121 conducted pursuant to this section, the department may ~~is~~
122 ~~granted and authorized to~~ exercise the power of subpoena and the
123 ~~powers to administer oaths or affirmations, to examine~~
124 ~~witnesses, to require affidavits, to take depositions, and to~~
125 ~~compel the attendance of witnesses and the production of books,~~
126 ~~papers, documents, records, and other evidence. A designated~~
127 ~~agent of the department may serve a subpoena relating to an~~
128 ~~investigation or examination for the attendance of witnesses and~~
129 ~~the production of any documentary evidence necessary to the~~
130 ~~disposition by it of any written complaint against any licensee,~~
131 ~~whether dealer or manufacturer.~~

132 (3) If a person refuses to testify; to produce books,
133 papers, documents, or records; or to otherwise obey the subpoena
134 or subpoena duces tecum issued under subsection (2), the
135 department may petition a court of competent jurisdiction in the
136 county where the person's residence or principal place of
137 business is located, upon which the court must issue an order
138 requiring such person to obey the subpoena or show cause for
139 failing to obey the subpoena. Unless the person shows sufficient
140 cause for failing to obey the subpoena, the court must direct

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141 the person to obey the subpoena. Failure to comply with such
142 order constitutes contempt of court.

143 (4) For the purpose of any investigation, examination, or
144 proceeding initiated by the department under this chapter, the
145 department may designate agents to serve subpoenas and other
146 process and to administer oaths or affirmations. The department
147 shall exercise this power on its own initiative in accordance
148 with ss. 320.615 and 320.71.

149 (5) Witnesses subpoenaed under this section are entitled
150 to witness fees at the same rate established by s. 92.142 for
151 witnesses in a civil case, except that witness fees are not
152 payable for appearance at the witness's place of business during
153 regular business hours or at the witness's residence.

154 (6) The department may adopt rules to administer this
155 section.

156 Section 15. Section 322.71, Florida Statutes, is created
157 to read:

158 322.71 Investigations; subpoenas and other process; oaths;
159 rules.-

160 (1) The department may conduct investigations and
161 examinations of any person suspected of violating or of having
162 violated any provision of this chapter or any rule adopted or
163 order issued under this chapter.

164 (2) For purposes of any investigation or examination
165 conducted pursuant to this section, the department may exercise

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166 the power of subpoena and the powers to administer oaths or
167 affirmations, to examine witnesses, to require affidavits, to
168 take depositions, and to compel the attendance of witnesses and
169 the production of books, papers, documents, records, and other
170 evidence. Such subpoenas may be served by an authorized
171 representative of the department.

172 (3) If a person refuses to testify; to produce books,
173 papers, documents, or records; or to otherwise obey the subpoena
174 or subpoena duces tecum issued under subsection (2), the
175 department may petition a court of competent jurisdiction in the
176 county where the person's residence or principal place of
177 business is located, upon which the court must issue an order
178 requiring such person to obey the subpoena or show cause for
179 failing to obey the subpoena. Unless the person shows sufficient
180 cause for failing to obey the subpoena, the court must direct
181 the person to obey the subpoena. Failure to comply with such
182 order constitutes contempt of court.

183 (4) For the purpose of any investigation, examination, or
184 proceeding initiated by the department under this chapter, the
185 department may designate agents to serve subpoenas and other
186 process and to administer oaths or affirmations.

187 (5) Witnesses subpoenaed under this section are entitled
188 to witness fees at the same rate established by s. 92.142 for
189 witnesses in a civil case, except that witness fees are not

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190 payable for appearance at the witness's place of business during
191 regular business hours or at the witness's residence.

192 (6) The department may adopt rules to administer this
193 section.

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196 **T I T L E A M E N D M E N T**

197 Remove line 47 and insert:

198 trafficking; creating s. 319.1414, F.S.; authorizing the
199 department to conduct investigations and examinations of
200 department-authorized private rebuilt inspection providers;
201 authorizing the department to exercise certain powers when
202 conducting such investigations and examinations; authorizing the
203 department to petition a court if a person refuses to testify,
204 produce materials, or obey a subpoena or subpoena duces tecum;
205 requiring the court to issue an order; requiring such person to
206 obey the subpoena or show cause for failing to obey the
207 subpoena; providing a penalty for a person who fails to comply
208 with the court's order; authorizing the department to designate
209 agents for specified purposes; providing that subpoenaed
210 witnesses are entitled to witness fees; providing exceptions;
211 authorizing the department to adopt rules; amending s. 319.25,
212 F.S.; authorizing the department to conduct investigations and
213 examinations relating to violations of provisions relating to
214 title certificates; authorizing the department to exercise

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215 certain powers when conducting such investigations and
216 examinations; authorizing the department to petition a court if
217 a person refuses to testify, produce materials, or obey a
218 subpoena or subpoena duces tecum; requiring the court to issue
219 an order; requiring such person to obey the subpoena or show
220 cause for failing to obey the subpoena; providing a penalty for
221 a person who fails to comply with the court's order; authorizing
222 the department to designate agents for specified purposes;
223 providing that subpoenaed witnesses are entitled to witness
224 fees; providing exceptions; authorizing the department to adopt
225 rules; amending s. 320.861, F.S.; authorizing the department to
226 conduct investigations and examinations relating to violations
227 of certain laws, rules, or orders relating to motor vehicle
228 licenses; revising the powers of the department relating to
229 conducting such investigations and examinations; authorizing the
230 department to petition a court if a person refuses to testify,
231 produce materials, or obey a subpoena or subpoena duces tecum;
232 requiring the court to issue an order; requiring such person to
233 obey the subpoena or show cause for failing to obey the
234 subpoena; providing a penalty for a person who fails to comply
235 with the court's order; authorizing the department to designate
236 agents for specified purposes; providing that subpoenaed
237 witnesses are entitled to witness fees; providing exceptions;
238 authorizing the department to adopt rules; creating s. 322.71,
239 F.S.; authorizing the department to conduct investigations and

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240 examinations relating to violations of certain laws, rules, or
241 orders relating to driver licenses; authorizing the department
242 to exercise certain powers when conducting such investigations
243 and examinations; authorizing the department to petition a court
244 if a person refuses to testify, produce materials, or obey a
245 subpoena or subpoena duces tecum; requiring the court to issue
246 an order; requiring such person to obey the subpoena or show
247 cause for failing to obey the subpoena; providing a penalty for
248 a person who fails to comply with the court's order; authorizing
249 the department to designate agents for specified purposes;
250 providing that subpoenaed witnesses are entitled to witness
251 fees; providing exceptions; authorizing the department to adopt
252 rules; amending s. 322.34; conforming a