

1                   A bill to be entitled  
2           An act relating to the Department of Highway Safety  
3           and Motor Vehicles; amending s. 316.302, F.S.;  
4           revising regulations applicable to owners and drivers  
5           of commercial motor vehicles; revising the length of  
6           time within which an officer is authorized to give  
7           written notice requiring correction of an unduly  
8           hazardous operating condition; amending s. 316.614,  
9           F.S.; revising the definition of the term "motor  
10          vehicle"; amending s. 316.70, F.S.; providing that  
11          owners and drivers of nonpublic sector buses operated  
12          on public highways of this state are subject to  
13          specified provisions of law; authorizing the  
14          Department of Highway Safety and Motor Vehicles to  
15          conduct compliance reviews for a specified purpose;  
16          revising civil penalties; authorizing certain law  
17          enforcement officers and appointed agents to require  
18          drivers of nonpublic sector buses to submit to an  
19          inspection of the bus and the driver's records;  
20          authorizing such officers and agents to require the  
21          bus and driver to be removed from service under  
22          specified conditions; authorizing such officers and  
23          agents to give written notice; conforming provisions  
24          to changes made by the act; amending s. 319.225, F.S.;  
25          revising applicability; providing that vehicles that

26 meet certain conditions are exempt from odometer  
27 disclosure after specified periods of time; amending  
28 s. 320.0715, F.S.; requiring motor carriers and  
29 vehicle owners whose registrations have been suspended  
30 to return their license plates to the department or  
31 surrender their license plates to law enforcement;  
32 requiring the department to deny registration of a  
33 motor vehicle trip permit under certain conditions;  
34 amending s. 322.01, F.S.; defining the term "human  
35 trafficking"; amending s. 322.05, F.S.; prohibiting  
36 the department from issuing a license to any person as  
37 a commercial motor vehicle operator under specified  
38 conditions; amending s. 322.18, F.S.; providing that  
39 commercial driver licenses expire at midnight 8 years  
40 after the licensee's birthday; amending s. 322.25,  
41 F.S.; requiring clerks of court to promptly report to  
42 the department each conviction for human trafficking,  
43 regardless of whether adjudication is withheld;  
44 amending s. 322.28, F.S.; requiring the court to  
45 permanently revoke the commercial driver license of a  
46 person under specified conditions; requiring the  
47 department to permanently revoke the driver license or  
48 driving privilege of the person if the court has not  
49 revoked such driver license or driving privilege  
50 within a specified timeframe; amending s. 322.61,

51 F.S.; revising provisions for disqualification from  
52 operating a commercial motor vehicle; providing a  
53 penalty for any person who uses a commercial motor  
54 vehicle in the commission of a felony involving human  
55 trafficking; creating s. 319.1414, F.S.; authorizing  
56 the department to conduct investigations and  
57 examinations of department-authorized private rebuilt  
58 inspection providers; authorizing the department to  
59 exercise certain powers when conducting such  
60 investigations and examinations; authorizing the  
61 department to petition a court if a person refuses to  
62 testify, produce materials, or obey a subpoena or  
63 subpoena duces tecum; requiring the court to issue an  
64 order; requiring such person to obey the subpoena or  
65 show cause for failing to obey the subpoena; providing  
66 a penalty for a person who fails to comply with the  
67 court's order; authorizing the department to designate  
68 agents for specified purposes; providing that  
69 subpoenaed witnesses are entitled to witness fees;  
70 providing exceptions; authorizing the department to  
71 adopt rules; amending s. 319.25, F.S.; authorizing the  
72 department to conduct investigations and examinations  
73 relating to violations of provisions relating to title  
74 certificates; authorizing the department to exercise  
75 certain powers when conducting such investigations and

76 | examinations; authorizing the department to petition a  
77 | court if a person refuses to testify, produce  
78 | materials, or obey a subpoena or subpoena duces tecum;  
79 | requiring the court to issue an order; requiring such  
80 | person to obey the subpoena or show cause for failing  
81 | to obey the subpoena; providing a penalty for a person  
82 | who fails to comply with the court's order;  
83 | authorizing the department to designate agents for  
84 | specified purposes; providing that subpoenaed  
85 | witnesses are entitled to witness fees; providing  
86 | exceptions; authorizing the department to adopt rules;  
87 | amending s. 320.861, F.S.; authorizing the department  
88 | to conduct investigations and examinations relating to  
89 | violations of certain laws, rules, or orders relating  
90 | to motor vehicle licenses; revising the powers of the  
91 | department relating to conducting such investigations  
92 | and examinations; authorizing the department to  
93 | petition a court if a person refuses to testify,  
94 | produce materials, or obey a subpoena or subpoena  
95 | duces tecum; requiring the court to issue an order;  
96 | requiring such person to obey the subpoena or show  
97 | cause for failing to obey the subpoena; providing a  
98 | penalty for a person who fails to comply with the  
99 | court's order; authorizing the department to designate  
100 | agents for specified purposes; providing that

101 subpoenaed witnesses are entitled to witness fees;  
102 providing exceptions; authorizing the department to  
103 adopt rules; creating s. 322.71, F.S.; authorizing the  
104 department to conduct investigations and examinations  
105 relating to violations of certain laws, rules, or  
106 orders relating to driver licenses; authorizing the  
107 department to exercise certain powers when conducting  
108 such investigations and examinations; authorizing the  
109 department to petition a court if a person refuses to  
110 testify, produce materials, or obey a subpoena or  
111 subpoena duces tecum; requiring the court to issue an  
112 order; requiring such person to obey the subpoena or  
113 show cause for failing to obey the subpoena; providing  
114 a penalty for a person who fails to comply with the  
115 court's order; authorizing the department to designate  
116 agents for specified purposes; providing that  
117 subpoenaed witnesses are entitled to witness fees;  
118 providing exceptions; authorizing the department to  
119 adopt rules; amending s. 322.34, F.S.; conforming a  
120 cross-reference; providing an effective date.

121  
122 Be It Enacted by the Legislature of the State of Florida:

123  
124 Section 1. Paragraph (b) of subsection (1) and subsection  
125 (9) of section 316.302, Florida Statutes, are amended to read:

126           316.302 Commercial motor vehicles; safety regulations;  
 127 transporters and shippers of hazardous materials; enforcement.-

128           (1)

129           (b) Except as otherwise provided in this section, all  
 130 owners and ~~or~~ drivers of commercial motor vehicles that are  
 131 engaged in intrastate commerce are subject to the rules and  
 132 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and  
 133 390-397, as such rules and regulations existed on December 31,  
 134 2020 ~~2018~~.

135           (9) For the purpose of enforcing this section, any law  
 136 enforcement officer of the Department of Highway Safety and  
 137 Motor Vehicles or duly appointed agent who holds a current  
 138 safety inspector certification from the Commercial Vehicle  
 139 Safety Alliance may require the driver of any commercial vehicle  
 140 operated on the highways of this state to stop and submit to an  
 141 inspection of the vehicle or the driver's records. If the  
 142 vehicle or driver is found to be operating in an unsafe  
 143 condition, or if any required part or equipment is not present  
 144 or is not in proper repair or adjustment, and the continued  
 145 operation would present an unduly hazardous operating condition,  
 146 the officer may require the vehicle or the driver to be removed  
 147 from service pursuant to the North American Standard Out-of-  
 148 Service Criteria, until corrected. However, if continuous  
 149 operation would not present an unduly hazardous operating  
 150 condition, the officer may give written notice requiring

151 correction of the condition within 15 ~~14~~ days.

152 (a) Any member of the Florida Highway Patrol or any law  
153 enforcement officer employed by a sheriff's office or municipal  
154 police department authorized to enforce the traffic laws of this  
155 state pursuant to s. 316.640 who has reason to believe that a  
156 vehicle or driver is operating in an unsafe condition may, as  
157 provided in subsection (11), enforce the provisions of this  
158 section.

159 (b) Any person who fails to comply with an officer's  
160 request to submit to an inspection under this subsection commits  
161 a violation of s. 843.02 if the person resists the officer  
162 without violence or a violation of s. 843.01 if the person  
163 resists the officer with violence.

164 Section 2. Paragraph (a) of subsection (3) of section  
165 316.614, Florida Statutes, is amended to read:

166 316.614 Safety belt usage.—

167 (3) As used in this section:

168 (a) "Motor vehicle" means a motor vehicle as defined in s.  
169 316.003 which is operated on the roadways, streets, and highways  
170 of this state or when stationary at a traffic control device.

171 The term does not include:

172 1. A school bus.

173 2. A bus used for the transportation of persons for  
174 compensation.

175 3. A farm tractor or implement of husbandry.

176 4. A truck having a gross vehicle weight rating of more  
 177 than 26,000 pounds.

178 5. A motorcycle, a moped, a bicycle, or an electric  
 179 bicycle.

180 Section 3. Section 316.70, Florida Statutes, is amended to  
 181 read:

182 316.70 Nonpublic sector buses; safety rules.—

183 (1) All owners and drivers of nonpublic sector buses  
 184 operated on the public highways of this state are subject to the  
 185 rules and regulations ~~The Department of Transportation shall~~  
 186 ~~establish and revise standards to ensure the safe operation of~~  
 187 ~~nonpublic sector buses, which standards shall be those contained~~  
 188 ~~in 49 C.F.R. parts 382, 385, and 390-397~~ to ensure ~~and which~~  
 189 ~~shall be directed toward ensuring~~ that:

190 (a) Nonpublic sector buses are safely maintained,  
 191 equipped, and operated.

192 (b) Nonpublic sector buses are carrying the insurance  
 193 required by law and carrying liability insurance on the checked  
 194 baggage of passengers not to exceed the standard adopted by the  
 195 United States Department of Transportation.

196 (c) Florida license tags are purchased for nonpublic  
 197 sector buses pursuant to s. 320.38.

198 ~~(d) The driving records of drivers of nonpublic sector~~  
 199 ~~buses are checked by their employers at least once each year to~~  
 200 ~~ascertain whether the driver has a suspended or revoked driver~~



201 ~~license.~~

202 (2) Department of Highway Safety and Motor Vehicles  
203 ~~Transportation~~ personnel may conduct compliance reviews for the  
204 purpose of determining compliance with this section. A civil  
205 penalty ~~not to exceed \$5,000 in the aggregate~~ may be assessed  
206 against any person who violates any provision of this section or  
207 who violates any rule or order of the department found during a  
208 compliance review as provided in s. 316.3025. A ~~of~~  
209 ~~Transportation. A civil penalty not to exceed \$25,000 in the~~  
210 ~~aggregate may be assessed for violations found in a followup~~  
211 ~~compliance review conducted within a 24-month period. A civil~~  
212 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~  
213 ~~and the motor carrier may be enjoined~~ from operation pursuant to  
214 s. 316.3026 for if violations found during a ~~are found after a~~  
215 ~~second followup compliance review within 12 months after the~~  
216 ~~first followup compliance review.~~ Motor carriers found to be  
217 operating without insurance coverage required by s. 627.742 or  
218 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.

219 (3) For the purpose of enforcing this section, any law  
220 enforcement officer of the Department of Highway Safety and  
221 Motor Vehicles or a duly appointed agent of the department who  
222 holds a current safety inspector certification from the  
223 Commercial Vehicle Safety Alliance may require the driver of any  
224 nonpublic sector bus operated on the highways of this state to  
225 stop and submit to an inspection of the vehicle or the driver's

226 records. If the vehicle is being operated or the driver is  
 227 operating the vehicle in an unsafe condition, or if any required  
 228 part or equipment is not present or is not in proper repair or  
 229 adjustment, and the continued operation would be unduly  
 230 hazardous, the officer or agent may require the vehicle or the  
 231 driver to be removed from service pursuant to the North American  
 232 Standard Out-of-Service Criteria until all safety concerns are  
 233 corrected. However, if continuous operation would not be unduly  
 234 hazardous, the officer or agent may give written notice  
 235 requiring correction of the condition within 15 days after the  
 236 inspection.

237 (4)~~(3)~~ School buses subject to ~~the provisions of~~ chapter  
 238 1006 or s. 316.615 are exempt from ~~the provisions of~~ this  
 239 section.

240 Section 4. Subsection (4) of section 319.225, Florida  
 241 Statutes, is amended to read:

242 319.225 Transfer and reassignment forms; odometer  
 243 disclosure statements.-

244 (4) Upon transfer or reassignment of a certificate of  
 245 title to a used motor vehicle, the transferor shall complete the  
 246 odometer disclosure statement provided for by this section and  
 247 the transferee shall acknowledge the disclosure by signing and  
 248 printing his or her name in the spaces provided. This subsection  
 249 does not apply to a vehicle that has a gross vehicle rating of  
 250 more than 16,000 pounds, a vehicle that is not self-propelled,

251 or a vehicle that is exempt from odometer disclosure. A vehicle  
 252 with a model year of 2011 or newer is exempt from odometer  
 253 disclosure after 20 years, and a vehicle with a model year of  
 254 2010 or older is exempt from odometer disclosure after 10 years  
 255 ~~old or older~~. A lessor who transfers title to his or her vehicle  
 256 without obtaining possession of the vehicle shall make odometer  
 257 disclosure as provided by 49 C.F.R. s. 580.7. Any person who  
 258 fails to complete or acknowledge a disclosure statement as  
 259 required by this subsection is guilty of a misdemeanor of the  
 260 second degree, punishable as provided in s. 775.082 or s.  
 261 775.083. The department may not issue a certificate of title  
 262 unless this subsection has been complied with.

263 Section 5. Subsections (6) and (7) are added to section  
 264 320.0715, Florida Statutes, to read:

265 320.0715 International Registration Plan; motor carrier  
 266 services; permits; retention of records.—

267 (6) A motor carrier or vehicle owner whose registration  
 268 has been suspended shall return his or her license plate to the  
 269 department or surrender his or her license plates to law  
 270 enforcement.

271 (7) The department shall deny registration if:

272 (a) The applicant fails to disclose material information  
 273 required on the application;

274 (b) The applicant has applied in an attempt to hide the  
 275 disclosure of the real party in interest who has been issued a

276 federal out-of-service order; or

277 (c) The applicant's business is operated, managed, or  
 278 otherwise controlled by or affiliated with a person who is  
 279 ineligible for registration, including the applicant entity, a  
 280 relative, a family member, a corporate officer, or a  
 281 shareholder.

282 Section 6. Present subsections (25) through (47) of  
 283 section 322.01, Florida Statutes, are redesignated as  
 284 subsections (26) through (48), respectively, and a new  
 285 subsection (25) is added to that section, to read:

286 322.01 Definitions.—As used in this chapter:

287 (25) "Human trafficking" has the same meaning as provided  
 288 in s. 787.06(2)(d).

289 Section 7. Subsection (12) is added to section 322.05,  
 290 Florida Statutes, to read:

291 322.05 Persons not to be licensed.—The department may not  
 292 issue a license:

293 (12) To any person, as a commercial motor vehicle  
 294 operator, who has been convicted of, or has entered a plea of  
 295 guilty or nolo contendere to, regardless of whether adjudication  
 296 was withheld, any felony involving human trafficking under state  
 297 or federal law involving the use of a commercial motor vehicle.

298 Section 8. Paragraph (f) is added to subsection (2) of  
 299 section 322.18, Florida Statutes, to read:

300 322.18 Original applications, licenses, and renewals;

301 expiration of licenses; delinquent licenses.—

302 (2) Each applicant who is entitled to the issuance of a  
 303 driver license, as provided in this section, shall be issued a  
 304 driver license, as follows:

305 (f) Notwithstanding any other provision of this chapter,  
 306 an applicant applying for an original issuance of a commercial  
 307 driver license as defined in s. 322.01(7) shall be issued a  
 308 driver license that expires at midnight 8 years after the  
 309 licensee's last birthday.

310 Section 9. Subsection (7) is added to section 322.25,  
 311 Florida Statutes, to read:

312 322.25 When court to forward license to department and  
 313 report convictions.—

314 (7) Each clerk of court shall promptly report to the  
 315 department each conviction, regardless of whether adjudication  
 316 was withheld, for human trafficking which involves the use of a  
 317 commercial motor vehicle.

318 Section 10. Subsection (8) is added to section 322.28,  
 319 Florida Statutes, to read:

320 322.28 Period of suspension or revocation.—

321 (8) The court shall permanently revoke the commercial  
 322 driver license of a person who is convicted of, or has entered a  
 323 plea of guilty or nolo contendere to, regardless of whether  
 324 adjudication is withheld, any felony involving human trafficking  
 325 under state or federal law which involves the use of a

326 commercial motor vehicle. If the court has not permanently  
327 revoked such driver license or driving privilege within 30 days  
328 after imposing a sentence, the department must permanently  
329 revoke the driver license or driving privilege pursuant to this  
330 section.

331 Section 11. Section 322.61, Florida Statutes, is amended  
332 to read:

333 322.61 Disqualification from operating a commercial motor  
334 vehicle.—

335 (1) A person who, for offenses occurring within a 3-year  
336 period, is convicted of two of the following serious traffic  
337 violations or any combination thereof, arising in separate  
338 incidents committed in a commercial motor vehicle shall, in  
339 addition to any other applicable penalties, be disqualified from  
340 operating a commercial motor vehicle for a period of 60 days. A  
341 holder of a commercial driver license or commercial learner's  
342 permit who, for offenses occurring within a 3-year period, is  
343 convicted of two of the following serious traffic violations, or  
344 any combination thereof, arising in separate incidents committed  
345 in a noncommercial motor vehicle shall, in addition to any other  
346 applicable penalties, be disqualified from operating a  
347 commercial motor vehicle for a period of 60 days if such  
348 convictions result in the suspension, revocation, or  
349 cancellation of the licenseholder's driving privilege:

350 (a) A violation of any state or local law relating to

351 motor vehicle traffic control, other than a parking violation,  
 352 arising in connection with a crash resulting in death;  
 353 (b) Reckless driving, as defined in s. 316.192;  
 354 (c) Unlawful speed of 15 miles per hour or more above the  
 355 posted speed limit;  
 356 (d) Improper lane change, as defined in s. 316.085;  
 357 (e) Following too closely, as defined in s. 316.0895;  
 358 (f) Driving a commercial vehicle without obtaining a  
 359 commercial driver license;  
 360 (g) Driving a commercial vehicle without the proper class  
 361 of commercial driver license or commercial learner's permit or  
 362 without the proper endorsement; ~~or~~  
 363 (h) Driving a commercial vehicle without a commercial  
 364 driver license or commercial learner's permit in possession, as  
 365 required by s. 322.03;~~;~~  
 366 (i) Texting while driving; or  
 367 (j) Using a handheld mobile telephone while driving.  
 368 (2) (a) Any person who, for offenses occurring within a 3-  
 369 year period, is convicted of three serious traffic violations  
 370 specified in subsection (1) or any combination thereof, arising  
 371 in separate incidents committed in a commercial motor vehicle  
 372 shall, in addition to any other applicable penalties, including  
 373 but not limited to the penalty provided in subsection (1), be  
 374 disqualified from operating a commercial motor vehicle for a  
 375 period of 120 days.

376 (b) A holder of a commercial driver license or commercial  
377 learner's permit who, for offenses occurring within a 3-year  
378 period, is convicted of three serious traffic violations  
379 specified in subsection (1) or any combination thereof arising  
380 in separate incidents committed in a noncommercial motor vehicle  
381 shall, in addition to any other applicable penalties, including,  
382 but not limited to, the penalty provided in subsection (1), be  
383 disqualified from operating a commercial motor vehicle for a  
384 period of 120 days if such convictions result in the suspension,  
385 revocation, or cancellation of the licenseholder's driving  
386 privilege.

387 (3) (a) Except as provided in subsection (4), any person  
388 who is convicted of one of the offenses listed in paragraph (b)  
389 while operating a commercial motor vehicle shall, in addition to  
390 any other applicable penalties, be disqualified from operating a  
391 commercial motor vehicle for a period of 1 year.

392 (b) Except as provided in subsection (4), any holder of a  
393 commercial driver license or commercial learner's permit who is  
394 convicted of one of the offenses listed in this paragraph while  
395 operating a noncommercial motor vehicle shall, in addition to  
396 any other applicable penalties, be disqualified from operating a  
397 commercial motor vehicle for a period of 1 year:

398 1. Driving a motor vehicle while he or she is under the  
399 influence of alcohol or a controlled substance;

400 2. Driving a commercial motor vehicle while the alcohol



401 concentration of his or her blood, breath, or urine is .04  
 402 percent or higher;

403 3. Leaving the scene of a crash involving a motor vehicle  
 404 driven by such person;

405 4. Using a motor vehicle in the commission of a felony;

406 5. Refusing to submit to a test to determine his or her  
 407 alcohol concentration while driving a motor vehicle;

408 6. Driving a commercial motor vehicle when, as a result of  
 409 prior violations committed operating a commercial motor vehicle,  
 410 his or her commercial driver license or commercial learner's  
 411 permit is revoked, suspended, or canceled, or he or she is  
 412 disqualified from operating a commercial motor vehicle; or

413 7. Causing a fatality through the negligent operation of a  
 414 commercial motor vehicle.

415 (4) Any person who is transporting hazardous materials as  
 416 defined in s. 322.01(24) shall, upon conviction of an offense  
 417 specified in subsection (3), be disqualified from operating a  
 418 commercial motor vehicle for a period of 3 years. The penalty  
 419 provided in this subsection shall be in addition to any other  
 420 applicable penalty.

421 (5) A person who is convicted of two violations specified  
 422 in subsection (3) which were committed while operating a  
 423 commercial motor vehicle, or any combination thereof, arising in  
 424 separate incidents shall be permanently disqualified from  
 425 operating a commercial motor vehicle. A holder of a commercial

426 driver license or commercial learner's permit who is convicted  
427 of two violations specified in subsection (3) which were  
428 committed while operating any motor vehicle arising in separate  
429 incidents shall be permanently disqualified from operating a  
430 commercial motor vehicle. The penalty provided in this  
431 subsection is in addition to any other applicable penalty.

432 (6) Notwithstanding subsections (3), (4), and (5), any  
433 person who uses a commercial motor vehicle in the commission of  
434 any felony involving the manufacture, distribution, or  
435 dispensing of a controlled substance, including possession with  
436 intent to manufacture, distribute, or dispense a controlled  
437 substance, shall, upon conviction of such felony, be permanently  
438 disqualified from operating a commercial motor vehicle.

439 Notwithstanding subsections (3), (4), and (5), any holder of a  
440 commercial driver license or commercial learner's permit who  
441 uses a noncommercial motor vehicle in the commission of any  
442 felony involving the manufacture, distribution, or dispensing of  
443 a controlled substance, including possession with intent to  
444 manufacture, distribute, or dispense a controlled substance,  
445 shall, upon conviction of such felony, be permanently  
446 disqualified from operating a commercial motor vehicle. The  
447 penalty provided in this subsection is in addition to any other  
448 applicable penalty.

449 (7) Any person who uses a commercial motor vehicle in the  
450 commission of any felony involving human trafficking under state

451 or federal law shall, upon conviction of, or plea of guilty or  
452 nolo contendere to, regardless of whether adjudication is  
453 withheld, such felony, be permanently disqualified from  
454 operating a commercial motor vehicle. The penalty provided in  
455 this subsection is in addition to any other applicable penalty.

456 (8)~~(7)~~ A person whose privilege to operate a commercial  
457 motor vehicle is disqualified under this section may, if  
458 otherwise qualified, be issued a Class E driver license,  
459 pursuant to s. 322.251.

460 (9)~~(8)~~ A driver who is convicted of or otherwise found to  
461 have committed a violation of an out-of-service order while  
462 driving a commercial motor vehicle is disqualified as follows:

463 (a) At least 180 days but not more than 1 year if the  
464 driver is convicted of or otherwise found to have committed a  
465 first violation of an out-of-service order.

466 (b) At least 2 years but not more than 5 years if, for  
467 offenses occurring during any 10-year period, the driver is  
468 convicted of or otherwise found to have committed two violations  
469 of out-of-service orders in separate incidents.

470 (c) At least 3 years but not more than 5 years if, for  
471 offenses occurring during any 10-year period, the driver is  
472 convicted of or otherwise found to have committed three or more  
473 violations of out-of-service orders in separate incidents.

474 (d) At least 180 days but not more than 2 years if the  
475 driver is convicted of or otherwise found to have committed a

476 first violation of an out-of-service order while transporting  
477 hazardous materials required to be placarded under the Hazardous  
478 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or  
479 while operating motor vehicles designed to transport more than  
480 15 passengers, including the driver. A driver is disqualified  
481 for a period of at least 3 years but not more than 5 years if,  
482 for offenses occurring during any 10-year period, the driver is  
483 convicted of or otherwise found to have committed any subsequent  
484 violations of out-of-service orders, in separate incidents,  
485 while transporting hazardous materials required to be placarded  
486 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.  
487 5101 et seq., or while operating motor vehicles designed to  
488 transport more than 15 passengers, including the driver.

489 (10)~~(9)~~ A driver who is convicted of or otherwise found to  
490 have committed an offense of operating a commercial motor  
491 vehicle in violation of federal, state, or local law or  
492 regulation pertaining to one of the following six offenses at a  
493 railroad-highway grade crossing must be disqualified for the  
494 period of time specified in subsection (11) ~~(10)~~:

495 (a) For drivers who are not always required to stop,  
496 failing to slow down and check that the tracks are clear of  
497 approaching trains.

498 (b) For drivers who are not always required to stop,  
499 failing to stop before reaching the crossing if the tracks are  
500 not clear.

501 (c) For drivers who are always required to stop, failing  
502 to stop before driving onto the crossing.

503 (d) For all drivers, failing to have sufficient space to  
504 drive completely through the crossing without stopping.

505 (e) For all drivers, failing to obey a traffic control  
506 device or all directions of an enforcement official at the  
507 crossing.

508 (f) For all drivers, failing to negotiate a crossing  
509 because of insufficient undercarriage clearance.

510 (11)(a)~~(10)(a)~~ A driver must be disqualified for at least  
511 60 days if the driver is convicted of or otherwise found to have  
512 committed a first violation of a railroad-highway grade crossing  
513 violation.

514 (b) A driver must be disqualified for at least 120 days  
515 if, for offenses occurring during any 3-year period, the driver  
516 is convicted of or otherwise found to have committed a second  
517 railroad-highway grade crossing violation in separate incidents.

518 (c) A driver must be disqualified for at least 1 year if,  
519 for offenses occurring during any 3-year period, the driver is  
520 convicted of or otherwise found to have committed a third or  
521 subsequent railroad-highway grade crossing violation in separate  
522 incidents.

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

525 319.1414 Investigations; examinations; subpoenas;

526 hearings; witnesses.—

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

533 (2) For purposes of any investigation or examination  
534 conducted pursuant to this section, the department may exercise  
535 the power of subpoena and the powers to administer oaths or  
536 affirmations, to examine witnesses, to require affidavits, to  
537 take depositions, and to compel the attendance of witnesses and  
538 the production of books, papers, documents, records, and other  
539 evidence. A designated agent of the department may serve a  
540 subpoena relating to an investigation or examination.

541 (3) If a person refuses to testify; produce books, papers,  
542 documents, or records; or otherwise obey a subpoena or subpoena  
543 duces tecum issued under subsection (2), the department may  
544 petition a court of competent jurisdiction in the county where  
545 the person's residence or principal place of business is  
546 located, upon which the court must issue an order requiring such  
547 person to obey the subpoena or show cause for failing to obey  
548 the subpoena. Unless the person shows sufficient cause for  
549 failing to obey the subpoena, the court shall direct the person  
550 to obey the subpoena. Failure to comply with such order is

551 contempt of court.

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

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

561 (6) The department may adopt rules to administer this  
562 section.

563 Section 13. Section 319.25, Florida Statutes, is amended  
564 to read:

565 319.25 Cancellation of certificates; investigations;  
566 subpoenas and other process; oaths; rules.-

567 (1) If it appears that a certificate of title has been  
568 improperly issued, the department shall cancel the certificate.  
569 Upon cancellation of any certificate of title, the department  
570 shall notify the person to whom the certificate of title was  
571 issued, as well as any lienholders appearing thereon, of the  
572 cancellation and shall demand the surrender of the certificate  
573 of title, but the cancellation shall not affect the validity of  
574 any lien noted thereon. The holder of the certificate of title  
575 shall return it to the department forthwith. If a certificate of

576 registration has been issued to the holder of a certificate of  
577 title so canceled, the department shall immediately cancel the  
578 certificate of registration and demand the return of such  
579 certificate of registration and license plate or mobile home  
580 sticker; and the holder of such certificate of registration and  
581 license plate or sticker shall return them to the department  
582 forthwith.

583 (2) The department is authorized, upon application of any  
584 person and payment of the proper fees, to prepare and furnish  
585 lists containing title information in such form as the  
586 department may authorize, to search the records of the  
587 department and make reports thereof, and to make photographic  
588 copies of the department records and attestations thereof,  
589 except as provided in chapter 119.

590 (3) The department may conduct investigations and  
591 examinations of any person suspected of violating or of having  
592 violated this chapter or any rule adopted or order issued under  
593 this chapter.

594 (4) For purposes of any investigation or examination  
595 conducted pursuant to this section, the department may exercise  
596 the power of subpoena and the powers to administer oaths or  
597 affirmations, to examine witnesses, to require affidavits, to  
598 take depositions, and to compel the attendance of witnesses and  
599 the production of books, papers, documents, records, and other  
600 evidence. An authorized representative of the department may



601 serve a subpoena relating to an investigation or examination.

602 (5) If a person refuses to testify; produce books, papers,  
603 documents, or records; or otherwise obey the subpoena or  
604 subpoena duces tecum issued under subsection (4), the department  
605 may petition a court of competent jurisdiction in the county  
606 where the person's residence or principal place of business is  
607 located, upon which the court must issue an order requiring such  
608 person to obey the subpoena or show cause for failing to obey  
609 the subpoena. Unless the person shows sufficient cause for  
610 failing to obey the subpoena, the court must direct the person  
611 to obey the subpoena. Failure to comply with such order is  
612 contempt of court.

613 (6) For the purpose of any investigation, examination, or  
614 proceeding initiated by the department under this chapter, the  
615 department may designate agents to serve subpoenas and other  
616 process and to administer oaths or affirmations.

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

622 (8) The department may adopt rules to administer this  
623 section.

624 Section 14. Section 320.861, Florida Statutes, is amended  
625 to read:

626           320.861 Investigations; subpoenas and other process;  
 627 oaths; rules ~~Inspection of records; production of evidence;~~  
 628 ~~subpoena power.~~—

629           (1) The department may conduct investigations and  
 630 examinations of any person suspected of violating or of having  
 631 violated this chapter or any rule adopted or order issued under  
 632 this chapter ~~inspect the pertinent books, records, letters, and~~  
 633 ~~contracts of any licensee, whether dealer or manufacturer,~~  
 634 ~~relating to any written complaint made to it against such~~  
 635 ~~licensee.~~

636           (2) For purposes of any investigation or examination  
 637 conducted pursuant to this section, the department may ~~is~~  
 638 ~~granted and authorized to~~ exercise the power of subpoena and the  
 639 powers to administer oaths or affirmations, to examine  
 640 witnesses, to require affidavits, to take depositions, and to  
 641 compel the attendance of witnesses and the production of books,  
 642 papers, documents, records, and other evidence. A designated  
 643 agent of the department may serve a subpoena relating to an  
 644 investigation or examination ~~for the attendance of witnesses and~~  
 645 ~~the production of any documentary evidence necessary to the~~  
 646 ~~disposition by it of any written complaint against any licensee,~~  
 647 ~~whether dealer or manufacturer.~~

648           (3) If a person refuses to testify; to produce books,  
 649 papers, documents, or records; or to otherwise obey the subpoena  
 650 or subpoena duces tecum issued under subsection (2), the

651 department may petition a court of competent jurisdiction in the  
652 county where the person's residence or principal place of  
653 business is located, upon which the court must issue an order  
654 requiring such person to obey the subpoena or show cause for  
655 failing to obey the subpoena. Unless the person shows sufficient  
656 cause for failing to obey the subpoena, the court must direct  
657 the person to obey the subpoena. Failure to comply with such  
658 order constitutes contempt of court.

659 (4) For the purpose of any investigation, examination, or  
660 proceeding initiated by the department under this chapter, the  
661 department may designate agents to serve subpoenas and other  
662 process and to administer oaths or affirmations. The department  
663 shall exercise this power on its own initiative in accordance  
664 with ss. 320.615 and 320.71.

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

670 (6) The department may adopt rules to administer this  
671 section.

672 Section 15. Section 322.71, Florida Statutes, is created  
673 to read:

674 322.71 Investigations; subpoenas and other process; oaths;  
675 rules.-

676       (1) The department may conduct investigations and  
677 examinations of any person suspected of violating or of having  
678 violated any provision of this chapter or any rule adopted or  
679 order issued under this chapter.

680       (2) For purposes of any investigation or examination  
681 conducted pursuant to this section, the department may exercise  
682 the power of subpoena and the powers to administer oaths or  
683 affirmations, to examine witnesses, to require affidavits, to  
684 take depositions, and to compel the attendance of witnesses and  
685 the production of books, papers, documents, records, and other  
686 evidence. Such subpoenas may be served by an authorized  
687 representative of the department.

688       (3) If a person refuses to testify; to produce books,  
689 papers, documents, or records; or to otherwise obey the subpoena  
690 or subpoena duces tecum issued under subsection (2), the  
691 department may petition a court of competent jurisdiction in the  
692 county where the person's residence or principal place of  
693 business is located, upon which the court must issue an order  
694 requiring such person to obey the subpoena or show cause for  
695 failing to obey the subpoena. Unless the person shows sufficient  
696 cause for failing to obey the subpoena, the court must direct  
697 the person to obey the subpoena. Failure to comply with such  
698 order constitutes contempt of court.

699       (4) For the purpose of any investigation, examination, or  
700 proceeding initiated by the department under this chapter, the

701 department may designate agents to serve subpoenas and other  
702 process and to administer oaths or affirmations.

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

708 (6) The department may adopt rules to administer this  
709 section.

710 Section 16. Subsection (2) of section 322.34, Florida  
711 Statutes, is amended to read:

712 322.34 Driving while license suspended, revoked, canceled,  
713 or disqualified.—

714 (2) Any person whose driver license or driving privilege  
715 has been canceled, suspended, or revoked as provided by law, or  
716 who does not have a driver license or driving privilege but is  
717 under suspension or revocation equivalent status as defined in  
718 s. 322.01(42) ~~s. 322.01(41)~~, except persons defined in s.  
719 322.264, who, knowing of such cancellation, suspension,  
720 revocation, or suspension or revocation equivalent status,  
721 drives any motor vehicle upon the highways of this state while  
722 such license or privilege is canceled, suspended, or revoked, or  
723 while under suspension or revocation equivalent status, commits:

724 (a) A misdemeanor of the second degree, punishable as  
725 provided in s. 775.082 or s. 775.083.

726 (b)1. A misdemeanor of the first degree, punishable as  
 727 provided in s. 775.082 or s. 775.083, upon a second or  
 728 subsequent conviction, except as provided in paragraph (c).

729 2. A person convicted of a third or subsequent conviction,  
 730 except as provided in paragraph (c), must serve a minimum of 10  
 731 days in jail.

732 (c) A felony of the third degree, punishable as provided  
 733 in s. 775.082, s. 775.083, or s. 775.084, upon a third or  
 734 subsequent conviction if the current violation of this section  
 735 or the most recent prior violation of the section is related to  
 736 driving while license canceled, suspended, revoked, or  
 737 suspension or revocation equivalent status resulting from a  
 738 violation of:

- 739 1. Driving under the influence;
- 740 2. Refusal to submit to a urine, breath-alcohol, or blood  
 741 alcohol test;
- 742 3. A traffic offense causing death or serious bodily  
 743 injury; or
- 744 4. Fleeing or eluding.

745  
 746 The element of knowledge is satisfied if the person has been  
 747 previously cited as provided in subsection (1); or the person  
 748 admits to knowledge of the cancellation, suspension, or  
 749 revocation, or suspension or revocation equivalent status; or  
 750 the person received notice as provided in subsection (4). There

751 shall be a rebuttable presumption that the knowledge requirement  
752 is satisfied if a judgment or order as provided in subsection  
753 (4) appears in the department's records for any case except for  
754 one involving a suspension by the department for failure to pay  
755 a traffic fine or for a financial responsibility violation.

756 Section 17. This act shall take effect July 1, 2021.