

By Senator Harrell

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1                                   A bill to be entitled  
2       An act relating to transportation; amending s.  
3       316.126, F.S.; requiring drivers to change lanes when  
4       approaching a road and bridge maintenance or  
5       construction vehicle displaying warning lights on the  
6       roadside; amending s. 316.305, F.S.; deleting obsolete  
7       language; amending s. 316.70, F.S.; providing that  
8       owners and drivers of nonpublic sector buses operated  
9       on public highways of this state are subject to  
10      specified provisions of law; authorizing the  
11      Department of Highway Safety and Motor Vehicles to  
12      conduct compliance reviews for a specified purpose;  
13      revising civil penalties; authorizing certain law  
14      enforcement officers and appointed agents to require  
15      drivers of commercial vehicles to submit to an  
16      inspection of the vehicle and the driver's records;  
17      authorizing such officers and agents to require the  
18      vehicle and driver to be removed from service under  
19      specified conditions; authorizing such officers and  
20      agents to give written notice; creating s. 319.1414,  
21      F.S.; authorizing the department to conduct  
22      investigations and examinations of department-  
23      authorized private rebuilt inspection providers;  
24      authorizing the department to exercise certain powers  
25      when conducting such investigations and examinations;  
26      authorizing the department to petition a court if a  
27      person refuses to testify, produce materials, or obey  
28      a subpoena or subpoena duces tecum; requiring the  
29      court to issue an order; requiring such person to obey

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30 the subpoena or show cause for failing to obey the  
31 subpoena; providing a penalty for a person who fails  
32 to comply with the court's order; authorizing the  
33 department to designate agents for specified purposes;  
34 providing that subpoenaed witnesses are entitled to  
35 witness fees; providing exceptions; authorizing the  
36 department to adopt rules; amending s. 319.25, F.S.;  
37 authorizing the department to conduct investigations  
38 and examinations relating to violations of provisions  
39 relating to title certificates; authorizing the  
40 department to exercise certain powers when conducting  
41 such investigations and examinations; authorizing the  
42 department to petition a court if a person refuses to  
43 testify, produce materials, or obey a subpoena or  
44 subpoena duces tecum; requiring the court to issue an  
45 order; requiring such person to obey the subpoena or  
46 show cause for failing to obey the subpoena; providing  
47 a penalty for a person who fails to comply with the  
48 court's order; authorizing the department to designate  
49 agents for specified purposes; providing that  
50 subpoenaed witnesses are entitled to witness fees;  
51 providing exceptions; authorizing the department to  
52 adopt rules; amending s. 320.27, F.S.; requiring motor  
53 vehicle dealer licensees to deliver copies of renewed,  
54 continued, changed, or new insurance policies to the  
55 department within specified timeframes under certain  
56 conditions; requiring such licensees to deliver copies  
57 of renewed, continued, changed, or new surety bonds or  
58 irrevocable letters of credit to the department within

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59 specified timeframes under certain conditions;  
60 amending s. 320.77, F.S.; requiring mobile home dealer  
61 licensees to deliver copies of renewed, continued,  
62 changed, or new surety bonds, cash bonds, or  
63 irrevocable letters of credit to the department within  
64 specified timeframes under certain conditions;  
65 amending s. 320.8225, F.S.; requiring mobile home and  
66 recreational vehicle manufacturer, distributor, and  
67 importer licensees to deliver copies of renewed,  
68 continued, changed, or new surety bonds, cash bonds,  
69 or letters of credit to the department within  
70 specified timeframes under certain conditions;  
71 amending s. 320.861, F.S.; authorizing the department  
72 to conduct investigations and examinations relating to  
73 violations of certain laws, rules, or orders relating  
74 to motor vehicle licenses; revising the powers of the  
75 department relating to conducting such investigations  
76 and examinations; authorizing the department to  
77 petition a court if a person refuses to testify,  
78 produce materials, or obey a subpoena or subpoena  
79 duces tecum; requiring the court to issue an order;  
80 requiring such person to obey the subpoena or show  
81 cause for failing to obey the subpoena; providing a  
82 penalty for a person who fails to comply with the  
83 court's order; authorizing the department to designate  
84 agents for specified purposes; providing that  
85 subpoenaed witnesses are entitled to witness fees;  
86 providing exceptions; authorizing the department to  
87 adopt rules; creating s. 322.71, F.S.; authorizing the

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88 department to conduct investigations and examinations  
89 relating to violations of certain laws, rules, or  
90 orders relating to driver licenses; authorizing the  
91 department to exercise certain powers when conducting  
92 such investigations and examinations; authorizing the  
93 department to petition a court if a person refuses to  
94 testify, produce materials, or obey a subpoena or  
95 subpoena duces tecum; requiring the court to issue an  
96 order; requiring such person to obey the subpoena or  
97 show cause for failing to obey the subpoena; providing  
98 a 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; amending s. 348.754, F.S.; prohibiting  
104 the Central Florida Expressway Authority from  
105 constructing any extensions, additions, or  
106 improvements to the Central Florida Expressway System  
107 in Lake County without the prior consultation, rather  
108 than consent, of the Secretary of Transportation;  
109 reenacting s. 318.18(2)(d), F.S., relating to the  
110 amount of penalties, to incorporate the amendment made  
111 to s. 316.126, F.S., in a reference thereto;  
112 reenacting s. 316.3026(1), F.S., relating to unlawful  
113 operation of motor carriers, to incorporate the  
114 amendment made to s. 316.70, F.S., in a reference  
115 thereto; providing an effective date.  
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117 Be It Enacted by the Legislature of the State of Florida:

118

119 Section 1. Paragraph (b) of subsection (1) of section  
120 316.126, Florida Statutes, is amended, and subsection (6) of  
121 that section is reenacted, to read:

122 316.126 Operation of vehicles and actions of pedestrians on  
123 approach of an authorized emergency, sanitation, or utility  
124 service vehicle.—

125 (1)

126 (b) If an authorized emergency vehicle displaying any  
127 visual signals is parked on the roadside, a sanitation vehicle  
128 is performing a task related to the provision of sanitation  
129 services on the roadside, a utility service vehicle is  
130 performing a task related to the provision of utility services  
131 on the roadside, ~~or~~ a wrecker displaying amber rotating or  
132 flashing lights is performing a recovery or loading on the  
133 roadside, or a road and bridge maintenance or construction  
134 vehicle displaying warning lights is on the roadside without  
135 advance signs and channelizing devices, the driver of every  
136 other vehicle, as soon as it is safe:

137 1. Shall vacate the lane closest to the emergency vehicle,  
138 sanitation vehicle, utility service vehicle, ~~or~~ wrecker, or road  
139 and bridge maintenance or construction vehicle when driving on  
140 an interstate highway or other highway with two or more lanes  
141 traveling in the direction of the emergency vehicle, sanitation  
142 vehicle, utility service vehicle, ~~or~~ wrecker, or road and bridge  
143 maintenance or construction vehicle except when otherwise  
144 directed by a law enforcement officer. If such movement cannot  
145 be safely accomplished, the driver shall reduce speed as

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146 provided in subparagraph 2.

147 2. Shall slow to a speed that is 20 miles per hour less  
148 than the posted speed limit when the posted speed limit is 25  
149 miles per hour or greater; or travel at 5 miles per hour when  
150 the posted speed limit is 20 miles per hour or less, when  
151 driving on a two-lane road, except when otherwise directed by a  
152 law enforcement officer.

153 (6) A violation of this section is a noncriminal traffic  
154 infraction, punishable pursuant to chapter 318 as either a  
155 moving violation for infractions of subsection (1) or subsection  
156 (3), or as a pedestrian violation for infractions of subsection  
157 (2).

158 Section 2. Subsection (5) of section 316.305, Florida  
159 Statutes, is amended to read:

160 316.305 Wireless communications devices; prohibition.—

161 (5) When a law enforcement officer issues a citation for a  
162 violation of this section, the law enforcement officer must  
163 record the race and ethnicity of the violator. All law  
164 enforcement agencies must maintain such information and report  
165 the information to the department in a form and manner  
166 determined by the department. ~~Beginning February 1, 2020,~~ The  
167 department shall annually report the data collected under this  
168 subsection to the Governor, the President of the Senate, and the  
169 Speaker of the House of Representatives. The data collected must  
170 be reported at least by statewide totals for local law  
171 enforcement agencies, state law enforcement agencies, and state  
172 university law enforcement agencies. The statewide total for  
173 local law enforcement agencies shall combine the data for the  
174 county sheriffs and the municipal law enforcement agencies.

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175 Section 3. Section 316.70, Florida Statutes, is amended to  
176 read:

177 316.70 Nonpublic sector buses; safety rules.—

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

185 (a) Nonpublic sector buses are safely maintained, equipped,  
186 and operated.

187 (b) Nonpublic sector buses are carrying the insurance  
188 required by law and carrying liability insurance on the checked  
189 baggage of passengers not to exceed the standard adopted by the  
190 United States Department of Transportation.

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

193 ~~(d) The driving records of drivers of nonpublic sector~~  
194 ~~buses are checked by their employers at least once each year to~~  
195 ~~ascertain whether the driver has a suspended or revoked driver~~  
196 ~~license.~~

197 (2) Department of Highway Safety and Motor Vehicles  
198 ~~Transportation~~ personnel may conduct compliance reviews for the  
199 purpose of determining compliance with this section. A civil  
200 penalty ~~not to exceed \$5,000 in the aggregate~~ may be assessed  
201 against any person who violates any provision of this section or  
202 who violates any rule or order of the department found during a  
203 compliance review as provided in s. 316.3025. A ~~of~~

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204 ~~Transportation. A civil penalty not to exceed \$25,000 in the~~  
205 ~~aggregate may be assessed for violations found in a followup~~  
206 ~~compliance review conducted within a 24-month period. A civil~~  
207 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~  
208 ~~and the motor carrier may be enjoined from operation pursuant to~~  
209 ~~s. 316.3026 for if violations found during a are found after a~~  
210 ~~second followup compliance review within 12 months after the~~  
211 ~~first followup compliance review. Motor carriers found to be~~  
212 ~~operating without insurance coverage required by s. 627.742 or~~  
213 ~~49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.~~

214 (3) For the purpose of enforcing this section, any law  
215 enforcement officer of the Department of Highway Safety and  
216 Motor Vehicles or a duly appointed agent of the department who  
217 holds a current safety inspector certification from the  
218 Commercial Vehicle Safety Alliance may require the driver of any  
219 commercial vehicle operated on the highways of this state to  
220 stop and submit to an inspection of the vehicle or the driver's  
221 records. If the vehicle is being operated or the driver is  
222 operating the vehicle in an unsafe condition, or if any required  
223 part or equipment is not present or is not in proper repair or  
224 adjustment, and the continued operation would be unduly  
225 hazardous, the officer or agent may require the vehicle or the  
226 driver to be removed from service pursuant to the North American  
227 Standard Out-of-Service Criteria until all safety concerns are  
228 corrected. However, if continuous operation would not be unduly  
229 hazardous, the officer or agent may give written notice  
230 requiring correction of the condition within 15 days after the  
231 inspection.

232 (4) School buses subject to the provisions of chapter 1006



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233 or s. 316.615 are exempt from ~~the provisions of~~ this section.

234 Section 4. Section 319.1414, Florida Statutes, is created  
235 to read:

236 319.1414 Investigations; examinations; subpoenas; hearings;  
237 witnesses.—

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

244 (2) For purposes of any investigation or examination  
245 conducted pursuant to this section, the department may exercise  
246 the power of subpoena and the powers to administer oaths or  
247 affirmations, to examine witnesses, to require affidavits, to  
248 take depositions, and to compel the attendance of witnesses and  
249 the production of books, papers, documents, records, and other  
250 evidence. A designated agent of the department may serve a  
251 subpoena relating to an investigation or examination.

252 (3) If a person refuses to testify; produce books, papers,  
253 documents, or records; or otherwise obey a subpoena or subpoena  
254 duces tecum issued under subsection (2), the department may  
255 petition a court of competent jurisdiction in the county where  
256 the person's residence or principal place of business is  
257 located, upon which the court must issue an order requiring such  
258 person to obey the subpoena or show cause for failing to obey  
259 the subpoena. Unless the person shows sufficient cause for  
260 failing to obey the subpoena, the court shall direct the person  
261 to obey the subpoena. Failure to comply with such order is

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262 contempt of court.

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

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

272 (6) The department may adopt rules to administer this  
273 section.

274 Section 5. Section 319.25, Florida Statutes, is amended to  
275 read:

276 319.25 Cancellation of certificates; investigations;  
277 subpoenas and other process; oaths; rules.-

278 (1) If it appears that a certificate of title has been  
279 improperly issued, the department shall cancel the certificate.  
280 Upon cancellation of any certificate of title, the department  
281 shall notify the person to whom the certificate of title was  
282 issued, as well as any lienholders appearing thereon, of the  
283 cancellation and shall demand the surrender of the certificate  
284 of title, but the cancellation shall not affect the validity of  
285 any lien noted thereon. The holder of the certificate of title  
286 shall return it to the department forthwith. If a certificate of  
287 registration has been issued to the holder of a certificate of  
288 title so canceled, the department shall immediately cancel the  
289 certificate of registration and demand the return of such  
290 certificate of registration and license plate or mobile home

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291 sticker; and the holder of such certificate of registration and  
292 license plate or sticker shall return them to the department  
293 forthwith.

294 (2) The department is authorized, upon application of any  
295 person and payment of the proper fees, to prepare and furnish  
296 lists containing title information in such form as the  
297 department may authorize, to search the records of the  
298 department and make reports thereof, and to make photographic  
299 copies of the department records and attestations thereof,  
300 except as provided in chapter 119.

301 (3) The department may conduct investigations and  
302 examinations of any person suspected of violating or of having  
303 violated this chapter or any rule adopted or order issued under  
304 this chapter.

305 (4) For purposes of any investigation or examination  
306 conducted pursuant to this section, the department may exercise  
307 the power of subpoena and the powers to administer oaths or  
308 affirmations, to examine witnesses, to require affidavits, to  
309 take depositions, and to compel the attendance of witnesses and  
310 the production of books, papers, documents, records, and other  
311 evidence. An authorized representative of the department may  
312 serve a subpoena relating to an investigation or examination.

313 (5) If a person refuses to testify; produce books, papers,  
314 documents, or records; or otherwise obey the subpoena or  
315 subpoena duces tecum issued under subsection (4), the department  
316 may petition a court of competent jurisdiction in the county  
317 where the person's residence or principal place of business is  
318 located, upon which the court must issue an order requiring such  
319 person to obey the subpoena or show cause for failing to obey

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320 the subpoena. Unless the person shows sufficient cause for  
321 failing to obey the subpoena, the court must direct the person  
322 to obey the subpoena. Failure to comply with such order is  
323 contempt of court.

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

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

333 (8) The department may adopt rules to administer this  
334 section.

335 Section 6. Subsection (3) and paragraph (a) of subsection  
336 (10) of section 320.27, Florida Statutes, are amended to read:  
337 320.27 Motor vehicle dealers.—

338 (3) APPLICATION AND FEE.—The application for the license  
339 shall be in such form as may be prescribed by the department and  
340 shall be subject to such rules with respect thereto as may be so  
341 prescribed by it. Such application shall be verified by oath or  
342 affirmation and shall contain a full statement of the name and  
343 birth date of the person or persons applying therefor; the name  
344 of the firm or copartnership, with the names and places of  
345 residence of all members thereof, if such applicant is a firm or  
346 copartnership; the names and places of residence of the  
347 principal officers, if the applicant is a body corporate or  
348 other artificial body; the name of the state under whose laws

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349 the corporation is organized; the present and former place or  
350 places of residence of the applicant; and prior business in  
351 which the applicant has been engaged and the location thereof.  
352 Such application shall describe the exact location of the place  
353 of business and shall state whether the place of business is  
354 owned by the applicant and when acquired, or, if leased, a true  
355 copy of the lease shall be attached to the application. The  
356 applicant shall certify that the location provides an adequately  
357 equipped office and is not a residence; that the location  
358 affords sufficient unoccupied space upon and within which  
359 adequately to store all motor vehicles offered and displayed for  
360 sale; and that the location is a suitable place where the  
361 applicant can in good faith carry on such business and keep and  
362 maintain books, records, and files necessary to conduct such  
363 business, which shall be available at all reasonable hours to  
364 inspection by the department or any of its inspectors or other  
365 employees. The applicant shall certify that the business of a  
366 motor vehicle dealer is the principal business which shall be  
367 conducted at that location. The application shall contain a  
368 statement that the applicant is either franchised by a  
369 manufacturer of motor vehicles, in which case the name of each  
370 motor vehicle that the applicant is franchised to sell shall be  
371 included, or an independent (nonfranchised) motor vehicle  
372 dealer. The application shall contain other relevant information  
373 as may be required by the department, including evidence that  
374 the applicant is insured under a garage liability insurance  
375 policy or a general liability insurance policy coupled with a  
376 business automobile policy, which shall include, at a minimum,  
377 \$25,000 combined single-limit liability coverage including

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378 bodily injury and property damage protection and \$10,000  
379 personal injury protection. However, a salvage motor vehicle  
380 dealer as defined in subparagraph (1)(c)5. is exempt from the  
381 requirements for garage liability insurance and personal injury  
382 protection insurance on those vehicles that cannot be legally  
383 operated on roads, highways, or streets in this state. Franchise  
384 dealers must submit a garage liability insurance policy, and all  
385 other dealers must submit a garage liability insurance policy or  
386 a general liability insurance policy coupled with a business  
387 automobile policy. Such policy shall be for the license period,  
388 and evidence of a new or continued policy shall be delivered to  
389 the department at the beginning of each license period. A  
390 licensee shall deliver to the department, in the manner  
391 prescribed by the department, within 10 calendar days after any  
392 renewal or continuation of or change in such policy or within 10  
393 calendar days after any issuance of a new such policy, a copy of  
394 the renewed, continued, changed, or new policy. Upon making  
395 initial application, the applicant shall pay to the department a  
396 fee of \$300 in addition to any other fees required by law.  
397 Applicants may choose to extend the licensure period for 1  
398 additional year for a total of 2 years. An initial applicant  
399 shall pay to the department a fee of \$300 for the first year and  
400 \$75 for the second year, in addition to any other fees required  
401 by law. An applicant for renewal shall pay to the department \$75  
402 for a 1-year renewal or \$150 for a 2-year renewal, in addition  
403 to any other fees required by law. Upon making an application  
404 for a change of location, the person shall pay a fee of \$50 in  
405 addition to any other fees now required by law. The department  
406 shall, in the case of every application for initial licensure,

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407 verify whether certain facts set forth in the application are  
408 true. Each applicant, general partner in the case of a  
409 partnership, or corporate officer and director in the case of a  
410 corporate applicant, must file a set of fingerprints with the  
411 department for the purpose of determining any prior criminal  
412 record or any outstanding warrants. The department shall submit  
413 the fingerprints to the Department of Law Enforcement for state  
414 processing and forwarding to the Federal Bureau of Investigation  
415 for federal processing. The actual cost of state and federal  
416 processing shall be borne by the applicant and is in addition to  
417 the fee for licensure. The department may issue a license to an  
418 applicant pending the results of the fingerprint investigation,  
419 which license is fully revocable if the department subsequently  
420 determines that any facts set forth in the application are not  
421 true or correctly represented.

422 (10) SURETY BOND OR IRREVOCABLE LETTER OF CREDIT REQUIRED.—

423 (a) Annually, before any license shall be issued to a motor  
424 vehicle dealer, the applicant-dealer of new or used motor  
425 vehicles shall deliver to the department a good and sufficient  
426 surety bond or irrevocable letter of credit, executed by the  
427 applicant-dealer as principal, in the sum of \$25,000. A licensee  
428 shall deliver to the department, in the manner prescribed by the  
429 department, within 10 calendar days after any renewal or  
430 continuation of or change in such surety bond or irrevocable  
431 letter of credit or within 10 calendar days after any issuance  
432 of a new such surety bond or irrevocable letter of credit, a  
433 copy of such renewed, continued, changed, or new surety bond or  
434 irrevocable letter of credit.

435 Section 7. Paragraph (a) of subsection (16) of section

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436 320.77, Florida Statutes, is amended to read:

437 320.77 License required of mobile home dealers.—

438 (16) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF  
439 CREDIT REQUIRED.—

440 (a) Before any license shall be issued or renewed, the  
441 applicant or licensee shall deliver to the department a good and  
442 sufficient surety bond, cash bond, or irrevocable letter of  
443 credit, executed by the applicant or licensee as principal. The  
444 licensee shall deliver to the department, in the manner  
445 prescribed by the department, within 10 calendar days after any  
446 renewal or continuation of or change in such surety bond, cash  
447 bond, or irrevocable letter of credit or within 10 calendar days  
448 after any issuance of a new such surety bond, cash bond, or  
449 irrevocable letter of credit, a copy of such renewed, continued,  
450 changed, or new surety bond, cash bond, or irrevocable letter of  
451 credit. The bond or irrevocable letter of credit shall be in a  
452 form to be approved by the department and shall be conditioned  
453 upon the dealer's complying with the conditions of any written  
454 contract made by the dealer in connection with the sale,  
455 exchange, or improvement of any mobile home and his or her not  
456 violating any of the provisions of chapter 319 or this chapter  
457 in the conduct of the business for which the dealer is licensed.  
458 The bond or irrevocable letter of credit shall be to the  
459 department and in favor of any retail customer who shall suffer  
460 any loss as a result of any violation of the conditions  
461 contained in this section. The bond or irrevocable letter of  
462 credit shall be for the license period, and a new bond or  
463 irrevocable letter of credit or a proper continuation  
464 certificate shall be delivered to the department at the



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465 beginning of each license period. However, the aggregate  
466 liability of the surety in any one license year shall in no  
467 event exceed the sum of such bond, or, in the case of a letter  
468 of credit, the aggregate liability of the issuing bank shall not  
469 exceed the sum of the credit. The amount of the bond required  
470 shall be as follows:

471 1. A single dealer who buys, sells, or deals in mobile  
472 homes and who has four or fewer supplemental licenses shall  
473 provide a surety bond, cash bond, or irrevocable letter of  
474 credit executed by the dealer applicant or licensee in the  
475 amount of \$25,000.

476 2. A single dealer who buys, sells, or deals in mobile  
477 homes and who has more than four supplemental licenses shall  
478 provide a surety bond, cash bond, or irrevocable letter of  
479 credit executed by the dealer applicant or licensee in the  
480 amount of \$50,000.

481  
482 For the purposes of this paragraph, any person who buys, sells,  
483 or deals in both mobile homes and recreational vehicles shall  
484 provide the same surety bond required of dealers who buy, sell,  
485 or deal in mobile homes only.

486 Section 8. Paragraphs (a) and (b) of subsection (5) of  
487 section 320.8225, Florida Statutes, are amended to read:

488 320.8225 Mobile home and recreational vehicle manufacturer,  
489 distributor, and importer license.—

490 (5) REQUIREMENT OF ASSURANCE.—

491 (a) Annually, prior to the receipt of a license to  
492 manufacture mobile homes, the applicant or licensee shall  
493 submit, in the manner prescribed by the department, a surety

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494 bond, cash bond, or letter of credit from a financial  
495 institution, or a proper continuation certificate, sufficient to  
496 assure satisfaction of claims against the licensee for failure  
497 to comply with appropriate code standards, failure to provide  
498 warranty service, or violation of any provisions of this  
499 section. The amount of the surety bond, cash bond, or letter of  
500 credit must be \$50,000. Only one surety bond, cash bond, or  
501 letter of credit shall be required for each manufacturer,  
502 regardless of the number of factory locations. The surety bond,  
503 cash bond, or letter of credit must be to the department, in  
504 favor of any retail customer who suffers a loss arising out of  
505 noncompliance with code standards or failure to honor or provide  
506 warranty service. The department may disapprove any bond or  
507 letter of credit that does not provide assurance as provided in  
508 this section. A licensee shall deliver to the department, in the  
509 manner prescribed by the department, within 10 calendar days  
510 after any renewal or continuation of or change in such surety  
511 bond, cash bond, or letter of credit or within 10 calendar days  
512 after any issuance of a new such surety bond, cash bond, or  
513 letter of credit, a copy of such renewed, continued, changed, or  
514 new surety bond, cash bond, or letter of credit.

515 (b) Annually, before ~~prior to~~ the receipt of a license to  
516 manufacture, distribute, or import recreational vehicles, the  
517 applicant or licensee shall submit, in the manner prescribed by  
518 the department, a surety bond, or a proper continuation  
519 certificate, sufficient to assure satisfaction of claims against  
520 the licensee for failure to comply with appropriate code  
521 standards, failure to provide warranty service, or violation of  
522 any provisions of this section. The amount of the surety bond

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523 must be \$10,000 per year. The surety bond must be to the  
524 department, in favor of any retail customer who suffers loss  
525 arising out of noncompliance with code standards or failure to  
526 honor or provide warranty service. The department may disapprove  
527 any bond that does not provide assurance as provided in this  
528 section. The licensee shall deliver to the department, in the  
529 manner prescribed by the department, within 10 calendar days  
530 after any renewal or continuation of or change in such surety  
531 bond or within 10 calendar days after any issuance of a new such  
532 surety bond, a copy of such renewed, continued, changed, or new  
533 surety bond.

534 Section 9. Section 320.861, Florida Statutes, is amended to  
535 read:

536 320.861 Investigations; subpoenas and other process; oaths;  
537 rules ~~Inspection of records; production of evidence; subpoena~~  
538 ~~power.~~

539 (1) The department may conduct investigations and  
540 examinations of any person suspected of violating or of having  
541 violated this chapter or any rule adopted or order issued  
542 thereunder ~~inspect the pertinent books, records, letters, and~~  
543 ~~contracts of any licensee, whether dealer or manufacturer,~~  
544 ~~relating to any written complaint made to it against such~~  
545 ~~licensee.~~

546 (2) For purposes of any investigation or examination  
547 conducted pursuant to this section, the department may ~~is~~  
548 ~~granted and authorized to~~ exercise the power of subpoena and the  
549 powers to administer oaths or affirmations, to examine  
550 witnesses, to require affidavits, to take depositions, and to  
551 compel the attendance of witnesses and the production of books,

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552 papers, documents, records, and other evidence. A designated  
553 agent of the department may serve a subpoena relating to an  
554 investigation or examination for the attendance of witnesses and  
555 the production of any documentary evidence necessary to the  
556 disposition by it of any written complaint against any licensee,  
557 whether dealer or manufacturer.

558 (3) If a person refuses to testify; to produce books,  
559 papers, documents, or records; or to otherwise obey the subpoena  
560 or subpoena duces tecum issued under subsection (2), the  
561 department may petition a court of competent jurisdiction in the  
562 county where the person's residence or principal place of  
563 business is located, upon which the court must issue an order  
564 requiring such person to obey the subpoena or show cause for  
565 failing to obey the subpoena. Unless the person shows sufficient  
566 cause for failing to obey the subpoena, the court must direct  
567 the person to obey the subpoena. Failure to comply with such  
568 order constitutes contempt of court.

569 (4) For the purpose of any investigation, examination, or  
570 proceeding initiated by the department under this chapter, the  
571 department may designate agents to serve subpoenas and other  
572 process and to administer oaths or affirmations. The department  
573 shall exercise this power on its own initiative in accordance  
574 with ss. 320.615 and 320.71.

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

580 (6) The department may adopt rules to administer this

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581 section.

582 Section 10. Section 322.71, Florida Statutes, is created to  
583 read:

584 322.71 Investigations; subpoenas and other process; oaths;  
585 rules.-

586 (1) The department may conduct investigations and  
587 examinations of any person suspected of violating or of having  
588 violated any provision of this chapter or any rule adopted or  
589 order issued under this chapter.

590 (2) For purposes of any investigation or examination  
591 conducted pursuant to this section, the department may exercise  
592 the power of subpoena and the powers to administer oaths or  
593 affirmations, to examine witnesses, to require affidavits, to  
594 take depositions, and to compel the attendance of witnesses and  
595 the production of books, papers, documents, records, and other  
596 evidence. Such subpoenas may be served by an authorized  
597 representative of the department.

598 (3) If a person refuses to testify; to produce books,  
599 papers, documents, or records; or to otherwise obey the subpoena  
600 or subpoena duces tecum issued under subsection (2), the  
601 department may petition a court of competent jurisdiction in the  
602 county where the person's residence or principal place of  
603 business is located, upon which the court must issue an order  
604 requiring such person to obey the subpoena or show cause for  
605 failing to obey the subpoena. Unless the person shows sufficient  
606 cause for failing to obey the subpoena, the court must direct  
607 the person to obey the subpoena. Failure to comply with such  
608 order constitutes contempt of court.

609 (4) For the purpose of any investigation, examination, or

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610 proceeding initiated by the department under this chapter, the  
611 department may designate agents to serve subpoenas and other  
612 process and to administer oaths or affirmations.

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

618 (6) The department may adopt rules to administer this  
619 section.

620 Section 11. Paragraph (c) of subsection (1) of section  
621 348.754, Florida Statutes, is amended to read:

622 348.754 Purposes and powers.—

623 (1)

624 (c) Notwithstanding any other provision of this section to  
625 the contrary, to ensure the continued financial feasibility of  
626 the portion of the Wekiva Parkway to be constructed by the  
627 department, the authority may not, without the prior  
628 consultation ~~consent~~ of the secretary of the department,  
629 construct any extensions, additions, or improvements to the  
630 expressway system in Lake County.

631 Section 12. For the purpose of incorporating the amendment  
632 made by this act to section 316.126, Florida Statutes, in a  
633 reference thereto, paragraph (d) of subsection (2) of section  
634 318.18, Florida Statutes, is reenacted to read:

635 318.18 Amount of penalties.—The penalties required for a  
636 noncriminal disposition pursuant to s. 318.14 or a criminal  
637 offense listed in s. 318.17 are as follows:

638 (2) Thirty dollars for all nonmoving traffic violations

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639 and:

640 (d) For all violations of s. 316.126(1)(b), unless  
641 otherwise specified.

642 Section 13. For the purpose of incorporating the amendment  
643 made by this act to section 316.70, Florida Statutes, in a  
644 reference thereto, subsection (1) of section 316.3026, Florida  
645 Statutes, is reenacted to read:

646 316.3026 Unlawful operation of motor carriers.—

647 (1) The Office of Commercial Vehicle Enforcement may issue  
648 out-of-service orders to motor carriers, as defined in s.  
649 320.01, who, after proper notice, have failed to pay any penalty  
650 or fine assessed by the department, or its agent, against any  
651 owner or motor carrier for violations of state law, refused to  
652 submit to a compliance review and provide records pursuant to s.  
653 316.302(6) or s. 316.70, or violated safety regulations pursuant  
654 to s. 316.302 or insurance requirements in s. 627.7415. Such  
655 out-of-service orders have the effect of prohibiting the  
656 operations of any motor vehicles owned, leased, or otherwise  
657 operated by the motor carrier upon the roadways of this state,  
658 until the violations have been corrected or penalties have been  
659 paid. Out-of-service orders must be approved by the director of  
660 the Division of the Florida Highway Patrol or his or her  
661 designee. An administrative hearing pursuant to s. 120.569 shall  
662 be afforded to motor carriers subject to such orders.

663 Section 14. This act shall take effect July 1, 2021.