

By the Committee on Transportation; and Senator Harrell

596-02658-21

20211500c1

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. 316.3045, F.S.; revising
7 provisions relating to the operation of radios or
8 other soundmaking devices in vehicles; deleting a
9 standard for determining prohibited sound levels;
10 deleting an exception for vehicles operated for
11 business or political purposes; authorizing local
12 authorities to regulate the place where such
13 soundmaking devices may be operated; amending s.
14 316.305, F.S.; deleting obsolete language; amending s.
15 316.70, F.S.; providing that owners and drivers of
16 nonpublic sector buses operated on public highways of
17 this state are subject to specified provisions of law;
18 authorizing the Department of Highway Safety and Motor
19 Vehicles to conduct compliance reviews for a specified
20 purpose; revising civil penalties; authorizing certain
21 law enforcement officers and appointed agents to
22 require drivers of commercial vehicles to submit to an
23 inspection of the vehicle and the driver's records;
24 authorizing such officers and agents to require the
25 vehicle and driver to be removed from service under
26 specified conditions; authorizing such officers and
27 agents to give written notice; creating s. 319.1414,
28 F.S.; authorizing the department to conduct
29 investigations and examinations of department-

596-02658-21

20211500c1

30 authorized private rebuilt inspection providers;
31 authorizing the department to exercise certain powers
32 when conducting such investigations and examinations;
33 authorizing the department to petition a court if a
34 person refuses to testify, produce materials, or obey
35 a subpoena or subpoena duces tecum; requiring the
36 court to issue an order; requiring such person to obey
37 the subpoena or show cause for failing to obey the
38 subpoena; providing a penalty for a person who fails
39 to comply with the court's order; authorizing the
40 department to designate agents for specified purposes;
41 providing that subpoenaed witnesses are entitled to
42 witness fees; providing exceptions; authorizing the
43 department to adopt rules; amending s. 319.25, F.S.;
44 authorizing the department to conduct investigations
45 and examinations relating to violations of provisions
46 relating to title certificates; authorizing the
47 department to exercise certain powers when conducting
48 such investigations and examinations; authorizing the
49 department to petition a court if a person refuses to
50 testify, produce materials, or obey a subpoena or
51 subpoena duces tecum; requiring the court to issue an
52 order; requiring such person to obey the subpoena or
53 show cause for failing to obey the subpoena; providing
54 a penalty for a person who fails to comply with the
55 court's order; authorizing the department to designate
56 agents for specified purposes; providing that
57 subpoenaed witnesses are entitled to witness fees;
58 providing exceptions; authorizing the department to

596-02658-21

20211500c1

59 adopt rules; amending s. 319.30, F.S.; revising
60 conditions under which insurance companies are
61 authorized to receive salvage certificates of title or
62 certificates of destruction for motor vehicles and
63 mobile homes from the department; amending s. 320.27,
64 F.S.; requiring motor vehicle dealer licensees to
65 deliver copies of renewed, continued, changed, or new
66 insurance policies to the department within specified
67 timeframes under certain conditions; requiring such
68 licensees to deliver copies of renewed, continued,
69 changed, or new surety bonds or irrevocable letters of
70 credit to the department within specified timeframes
71 under certain conditions; amending s. 320.77, F.S.;
72 requiring mobile home dealer licensees to deliver
73 copies of renewed, continued, changed, or new surety
74 bonds, cash bonds, or irrevocable letters of credit to
75 the department within specified timeframes under
76 certain conditions; amending s. 320.771, F.S.;
77 revising requirements for applications for licenses
78 required of recreational vehicle dealers; requiring
79 recreational vehicle dealer licensees to deliver
80 copies of renewed, continued, changed, or new
81 insurance policies to the department within specified
82 timeframes under certain conditions; requiring such
83 licensees to deliver copies of renewed, continued,
84 changed, or new surety bonds to the department within
85 specified timeframes under certain conditions;
86 amending s. 320.8225, F.S.; requiring mobile home and
87 recreational vehicle manufacturer, distributor, and

596-02658-21

20211500c1

88 importer licensees to deliver copies of renewed,
89 continued, changed, or new surety bonds, cash bonds,
90 or letters of credit to the department within
91 specified timeframes under certain conditions;
92 amending s. 320.861, F.S.; authorizing the department
93 to conduct investigations and examinations relating to
94 violations of certain laws, rules, or orders relating
95 to motor vehicle licenses; revising the powers of the
96 department relating to conducting such investigations
97 and examinations; authorizing the department to
98 petition a court if a person refuses to testify,
99 produce materials, or obey a subpoena or subpoena
100 duces tecum; requiring the court to issue an order;
101 requiring such person to obey the subpoena or show
102 cause for failing to obey the subpoena; providing a
103 penalty for a person who fails to comply with the
104 court's order; authorizing the department to designate
105 agents for specified purposes; providing that
106 subpoenaed witnesses are entitled to witness fees;
107 providing exceptions; authorizing the department to
108 adopt rules; creating s. 322.71, F.S.; authorizing the
109 department to conduct investigations and examinations
110 relating to violations of certain laws, rules, or
111 orders relating to driver licenses; authorizing the
112 department to exercise certain powers when conducting
113 such investigations and examinations; authorizing the
114 department to petition a court if a person refuses to
115 testify, produce materials, or obey a subpoena or
116 subpoena duces tecum; requiring the court to issue an

596-02658-21

20211500c1

117 order; requiring such person to obey the subpoena or
118 show cause for failing to obey the subpoena; providing
119 a penalty for a person who fails to comply with the
120 court's order; authorizing the department to designate
121 agents for specified purposes; providing that
122 subpoenaed witnesses are entitled to witness fees;
123 providing exceptions; authorizing the department to
124 adopt rules; amending s. 337.14, F.S.; exempting
125 airports from certain restrictions regarding entities
126 performing engineering and inspection services;
127 amending s. 338.221, F.S.; revising the definition of
128 the term "economically feasible"; amending s.
129 339.0809, F.S.; requiring that funds in the State
130 Transportation Trust Fund be first available for
131 appropriation for payments under a service contract
132 before any other purpose; providing exceptions;
133 prohibiting annual debt service on the Florida
134 Department of Transportation Financing Corporation's
135 bonds payable from moneys appropriated from service
136 contract payments from exceeding \$100 million;
137 repealing part III of ch. 343, F.S., relating to the
138 creation and operation of the Northwest Florida
139 Transportation Corridor Authority; amending s.
140 348.754, F.S.; prohibiting the Central Florida
141 Expressway Authority from constructing any extensions,
142 additions, or improvements to the Central Florida
143 Expressway System in Lake County without prior
144 consultation with, rather than consent of, the
145 Secretary of Transportation; reenacting s.

596-02658-21

20211500c1

146 318.18(2)(d), F.S., relating to the amount of
147 penalties, to incorporate the amendment made to s.
148 316.126, F.S., in a reference thereto; reenacting s.
149 316.3026(1), F.S., relating to unlawful operation of
150 motor carriers, to incorporate the amendment made to
151 s. 316.70, F.S., in a reference thereto; reenacting s.
152 338.2276, F.S., relating to the Western Beltway
153 turnpike project, to incorporate the amendment made to
154 s. 338.221, F.S., in a reference thereto; dissolving
155 the Northwest Florida Transportation Corridor
156 Authority and requiring the authority to discharge its
157 liabilities, settle and close its activities and
158 affairs, and provide for the distribution of the
159 authority's assets; providing an effective date.

160

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

162

163 Section 1. Paragraph (b) of subsection (1) of section
164 316.126, Florida Statutes, is amended, and subsection (6) of
165 that section is reenacted, to read:

166 316.126 Operation of vehicles and actions of pedestrians on
167 approach of an authorized emergency, sanitation, or utility
168 service vehicle.—

169 (1)

170 (b) If an authorized emergency vehicle displaying any
171 visual signals is parked on the roadside, a sanitation vehicle
172 is performing a task related to the provision of sanitation
173 services on the roadside, a utility service vehicle is
174 performing a task related to the provision of utility services

596-02658-21

20211500c1

175 on the roadside, ~~or~~ a wrecker displaying amber rotating or
176 flashing lights is performing a recovery or loading on the
177 roadside, or a road and bridge maintenance or construction
178 vehicle displaying warning lights is on the roadside without
179 advance signs and channelizing devices, the driver of every
180 other vehicle, as soon as it is safe:

181 1. Shall vacate the lane closest to the emergency vehicle,
182 sanitation vehicle, utility service vehicle, ~~or wrecker,~~ or road
183 and bridge maintenance or construction vehicle when driving on
184 an interstate highway or other highway with two or more lanes
185 traveling in the direction of the emergency vehicle, sanitation
186 vehicle, utility service vehicle, ~~or wrecker,~~ or road and bridge
187 maintenance or construction vehicle except when otherwise
188 directed by a law enforcement officer. If such movement cannot
189 be safely accomplished, the driver shall reduce speed as
190 provided in subparagraph 2.

191 2. Shall slow to a speed that is 20 miles per hour less
192 than the posted speed limit when the posted speed limit is 25
193 miles per hour or greater; or travel at 5 miles per hour when
194 the posted speed limit is 20 miles per hour or less, when
195 driving on a two-lane road, except when otherwise directed by a
196 law enforcement officer.

197 (6) A violation of this section is a noncriminal traffic
198 infraction, punishable pursuant to chapter 318 as either a
199 moving violation for infractions of subsection (1) or subsection
200 (3), or as a pedestrian violation for infractions of subsection
201 (2).

202 Section 2. Section 316.3045, Florida Statutes, is amended
203 to read:

596-02658-21

20211500c1

204 316.3045 Operation of radios or other mechanical
205 soundmaking devices or instruments in vehicles; exemptions.—

206 (1) A ~~It is unlawful for any person who operates or~~
207 occupies ~~operating or occupying~~ a motor vehicle on a street or
208 highway may not ~~to~~ operate or amplify the sound produced by a
209 radio, tape player, or other mechanical soundmaking device or
210 instrument from within the motor vehicle so that the sound is ~~is~~

211 ~~(a)~~ plainly audible at a distance of 25 feet or more from
212 the motor vehicle; ~~or~~

213 ~~(b) Louder than necessary for the convenient hearing by~~
214 ~~persons inside the vehicle in areas adjoining churches, schools,~~
215 ~~or hospitals.~~

216 (2) ~~The provisions of~~ This section does ~~shall~~ not apply to
217 any law enforcement motor vehicle equipped with any
218 communication device necessary in the performance of law
219 enforcement duties or to any emergency vehicle equipped with any
220 communication device necessary in the performance of any
221 emergency procedures.

222 (3) This section does ~~The provisions of this section do not~~
223 ~~apply to motor vehicles used for business or political purposes,~~
224 ~~which in the normal course of conducting such business use~~
225 ~~soundmaking devices. The provisions of this subsection shall not~~
226 ~~be deemed to~~ prevent local authorities, with respect to streets
227 and highways under their jurisdiction and within the reasonable
228 exercise of the police power, from regulating the time, place,
229 and manner in which a device or an instrument described in
230 subsection (1) ~~such business~~ may be operated.

231 (4) ~~The provisions of~~ This section does ~~do~~ not apply to the
232 noise made by a horn or other warning device required or

596-02658-21

20211500c1

233 permitted by s. 316.271. The Department of Highway Safety and
234 Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly
235 audible" and shall establish standards regarding how sound
236 should be measured by law enforcement personnel who enforce the
237 provisions of this section.

238 (5) A violation of this section is a noncriminal traffic
239 infraction, punishable as a nonmoving violation as provided in
240 chapter 318.

241 Section 3. Subsection (5) of section 316.305, Florida
242 Statutes, is amended to read:

243 316.305 Wireless communications devices; prohibition.—

244 (5) When a law enforcement officer issues a citation for a
245 violation of this section, the law enforcement officer must
246 record the race and ethnicity of the violator. All law
247 enforcement agencies must maintain such information and report
248 the information to the department in a form and manner
249 determined by the department. ~~Beginning February 1, 2020,~~ The
250 department shall annually report the data collected under this
251 subsection to the Governor, the President of the Senate, and the
252 Speaker of the House of Representatives. The data collected must
253 be reported at least by statewide totals for local law
254 enforcement agencies, state law enforcement agencies, and state
255 university law enforcement agencies. The statewide total for
256 local law enforcement agencies shall combine the data for the
257 county sheriffs and the municipal law enforcement agencies.

258 Section 4. Section 316.70, Florida Statutes, is amended to
259 read:

260 316.70 Nonpublic sector buses; safety rules.—

261 (1) All owners and drivers of nonpublic sector buses

596-02658-21

20211500c1

262 operated on the public highways of this state are subject to the
263 rules and regulations ~~The Department of Transportation shall~~
264 ~~establish and revise standards to ensure the safe operation of~~
265 ~~nonpublic sector buses, which standards shall be those contained~~
266 ~~in 49 C.F.R. parts 382, 385, and 390-397~~ to ensure ~~and which~~
267 ~~shall be directed toward ensuring~~ that:

268 (a) Nonpublic sector buses are safely maintained, equipped,
269 and operated.

270 (b) Nonpublic sector buses are carrying the insurance
271 required by law and carrying liability insurance on the checked
272 baggage of passengers not to exceed the standard adopted by the
273 United States Department of Transportation.

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

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

280 (2) Department of Highway Safety and Motor Vehicles
281 ~~Transportation~~ personnel may conduct compliance reviews for the
282 purpose of determining compliance with this section. A civil
283 penalty ~~not to exceed \$5,000 in the aggregate~~ may be assessed
284 against any person who violates any provision of this section or
285 who violates any rule or order of the department found during a
286 compliance review as provided in s. 316.3025. ~~A~~ ~~of~~
287 ~~Transportation. A civil penalty not to exceed \$25,000 in the~~
288 ~~aggregate may be assessed for violations found in a followup~~
289 ~~compliance review conducted within a 24-month period. A civil~~
290 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~

596-02658-21

20211500c1

291 ~~and the~~ motor carrier may be enjoined from operation pursuant to
292 s. 316.3026 for if violations found during a ~~are found after a~~
293 ~~second followup~~ compliance review ~~within 12 months after the~~
294 ~~first followup compliance review~~. Motor carriers found to be
295 operating without insurance coverage required by s. 627.742 or
296 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.

297 (3) For the purpose of enforcing this section, any law
298 enforcement officer of the Department of Highway Safety and
299 Motor Vehicles or a duly appointed agent of the department who
300 holds a current safety inspector certification from the
301 Commercial Vehicle Safety Alliance may require the driver of any
302 commercial vehicle operated on the highways of this state to
303 stop and submit to an inspection of the vehicle or the driver's
304 records. If the vehicle is being operated or the driver is
305 operating the vehicle in an unsafe condition, or if any required
306 part or equipment is not present or is not in proper repair or
307 adjustment, and the continued operation would be unduly
308 hazardous, the officer or agent may require the vehicle or the
309 driver to be removed from service pursuant to the North American
310 Standard Out-of-Service Criteria until all safety concerns are
311 corrected. However, if continuous operation would not be unduly
312 hazardous, the officer or agent may give written notice
313 requiring correction of the condition within 15 days after the
314 inspection.

315 (4) School buses subject to ~~the provisions of~~ chapter 1006
316 or s. 316.615 are exempt from ~~the provisions of~~ this section.

317 Section 5. Section 319.1414, Florida Statutes, is created
318 to read:

319 319.1414 Investigations; examinations; subpoenas; hearings;

596-02658-21

20211500c1

320 witnesses.-

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

327 (2) For purposes of any investigation or examination
328 conducted pursuant to this section, the department may exercise
329 the power of subpoena and the powers to administer oaths or
330 affirmations, to examine witnesses, to require affidavits, to
331 take depositions, and to compel the attendance of witnesses and
332 the production of books, papers, documents, records, and other
333 evidence. A designated agent of the department may serve a
334 subpoena relating to an investigation or examination.

335 (3) If a person refuses to testify; produce books, papers,
336 documents, or records; or otherwise obey a subpoena or subpoena
337 duces tecum issued under subsection (2), the department may
338 petition a court of competent jurisdiction in the county where
339 the person's residence or principal place of business is
340 located, upon which the court must issue an order requiring such
341 person to obey the subpoena or show cause for failing to obey
342 the subpoena. Unless the person shows sufficient cause for
343 failing to obey the subpoena, the court shall direct the person
344 to obey the subpoena. Failure to comply with such order is
345 contempt of court.

346 (4) For the purpose of any investigation, examination, or
347 proceeding initiated by the department under this chapter, the
348 department is authorized to designate agents to serve subpoenas

596-02658-21

20211500c1

349 and other process and to administer oaths or affirmations.

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

355 (6) The department may adopt rules to administer this
356 section.

357 Section 6. Section 319.25, Florida Statutes, is amended to
358 read:

359 319.25 Cancellation of certificates; investigations;
360 subpoenas and other process; oaths; rules.—

361 (1) If it appears that a certificate of title has been
362 improperly issued, the department shall cancel the certificate.
363 Upon cancellation of any certificate of title, the department
364 shall notify the person to whom the certificate of title was
365 issued, as well as any lienholders appearing thereon, of the
366 cancellation and shall demand the surrender of the certificate
367 of title, but the cancellation shall not affect the validity of
368 any lien noted thereon. The holder of the certificate of title
369 shall return it to the department forthwith. If a certificate of
370 registration has been issued to the holder of a certificate of
371 title so canceled, the department shall immediately cancel the
372 certificate of registration and demand the return of such
373 certificate of registration and license plate or mobile home
374 sticker; and the holder of such certificate of registration and
375 license plate or sticker shall return them to the department
376 forthwith.

377 (2) The department is authorized, upon application of any

596-02658-21

20211500c1

378 person and payment of the proper fees, to prepare and furnish
379 lists containing title information in such form as the
380 department may authorize, to search the records of the
381 department and make reports thereof, and to make photographic
382 copies of the department records and attestations thereof,
383 except as provided in chapter 119.

384 (3) The department may conduct investigations and
385 examinations of any person suspected of violating or of having
386 violated this chapter or any rule adopted or order issued under
387 this chapter.

388 (4) For purposes of any investigation or examination
389 conducted pursuant to this section, the department may exercise
390 the power of subpoena and the powers to administer oaths or
391 affirmations, to examine witnesses, to require affidavits, to
392 take depositions, and to compel the attendance of witnesses and
393 the production of books, papers, documents, records, and other
394 evidence. An authorized representative of the department may
395 serve a subpoena relating to an investigation or examination.

396 (5) If a person refuses to testify; produce books, papers,
397 documents, or records; or otherwise obey the subpoena or
398 subpoena duces tecum issued under subsection (4), the department
399 may petition a court of competent jurisdiction in the county
400 where the person's residence or principal place of business is
401 located, upon which the court must issue an order requiring such
402 person to obey the subpoena or show cause for failing to obey
403 the subpoena. Unless the person shows sufficient cause for
404 failing to obey the subpoena, the court must direct the person
405 to obey the subpoena. Failure to comply with such order is
406 contempt of court.

596-02658-21

20211500c1

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

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

416 (8) The department may adopt rules to administer this
417 section.

418 Section 7. Paragraph (b) of subsection (3) of section
419 319.30, Florida Statutes, is amended to read:

420 319.30 Definitions; dismantling, destruction, change of
421 identity of motor vehicle or mobile home; salvage.—

422 (3)

423 (b) The owner, including persons who are self-insured, of a
424 motor vehicle or mobile home that is considered to be salvage
425 shall, within 72 hours after the motor vehicle or mobile home
426 becomes salvage, forward the title to the motor vehicle or
427 mobile home to the department for processing. However, an
428 insurance company that pays money as compensation for the total
429 loss of a motor vehicle or mobile home shall obtain the
430 certificate of title for the motor vehicle or mobile home, make
431 the required notification to the National Motor Vehicle Title
432 Information System, and, within 72 hours after receiving such
433 certificate of title, forward such title by the United States
434 Postal Service, by another commercial delivery service, or by
435 electronic means, when such means are made available by the

596-02658-21

20211500c1

436 department, to the department for processing. The owner or
437 insurance company, as applicable, may not dispose of a vehicle
438 or mobile home that is a total loss before it obtains a salvage
439 certificate of title or certificate of destruction from the
440 department. Effective January 1, 2020:

441 1. Thirty days after payment of a claim for compensation
442 pursuant to this paragraph, the insurance company may receive a
443 salvage certificate of title or certificate of destruction from
444 the department if the insurance company is unable to obtain a
445 properly assigned certificate of title from the owner or
446 lienholder of the motor vehicle or mobile home, if the motor
447 vehicle or mobile home does not carry an electronic lien on the
448 title and the insurance company:

449 a. Has obtained the release of all liens on the motor
450 vehicle or mobile home;

451 b. Has attested on a form provided by the department that
452 ~~provided proof of~~ payment of the total loss claim has been
453 distributed; and

454 c. Has attested on a form provided by the department and
455 ~~provided an affidavit on letterhead~~ signed by the insurance
456 company or its authorized agent stating the attempts that have
457 been made to obtain the title from the owner or lienholder and
458 further stating that all attempts are to no avail. The form
459 ~~affidavit~~ must include a request that the salvage certificate of
460 title or certificate of destruction be issued in the insurance
461 company's name due to payment of a total loss claim to the owner
462 or lienholder. The attempts to contact the owner may be by
463 written request delivered in person or by first-class mail with
464 a certificate of mailing to the owner's or lienholder's last

596-02658-21

20211500c1

465 known address.

466 2. If the owner or lienholder is notified of the request
467 for title in person, the insurance company must provide an
468 affidavit attesting to the in-person request for a certificate
469 of title.

470 3. The request to the owner or lienholder for the
471 certificate of title must include a complete description of the
472 motor vehicle or mobile home and the statement that a total loss
473 claim has been paid on the motor vehicle or mobile home.

474 Section 8. Subsection (3) and paragraph (a) of subsection
475 (10) of section 320.27, Florida Statutes, are amended to read:
476 320.27 Motor vehicle dealers.—

477 (3) APPLICATION AND FEE.—The application for the license
478 shall be in such form as may be prescribed by the department and
479 shall be subject to such rules with respect thereto as may be so
480 prescribed by it. Such application shall be verified by oath or
481 affirmation and shall contain a full statement of the name and
482 birth date of the person or persons applying therefor; the name
483 of the firm or copartnership, with the names and places of
484 residence of all members thereof, if such applicant is a firm or
485 copartnership; the names and places of residence of the
486 principal officers, if the applicant is a body corporate or
487 other artificial body; the name of the state under whose laws
488 the corporation is organized; the present and former place or
489 places of residence of the applicant; and prior business in
490 which the applicant has been engaged and the location thereof.
491 Such application shall describe the exact location of the place
492 of business and shall state whether the place of business is
493 owned by the applicant and when acquired, or, if leased, a true

596-02658-21

20211500c1

494 copy of the lease shall be attached to the application. The
495 applicant shall certify that the location provides an adequately
496 equipped office and is not a residence; that the location
497 affords sufficient unoccupied space upon and within which
498 adequately to store all motor vehicles offered and displayed for
499 sale; and that the location is a suitable place where the
500 applicant can in good faith carry on such business and keep and
501 maintain books, records, and files necessary to conduct such
502 business, which shall be available at all reasonable hours to
503 inspection by the department or any of its inspectors or other
504 employees. The applicant shall certify that the business of a
505 motor vehicle dealer is the principal business which shall be
506 conducted at that location. The application shall contain a
507 statement that the applicant is either franchised by a
508 manufacturer of motor vehicles, in which case the name of each
509 motor vehicle that the applicant is franchised to sell shall be
510 included, or an independent (nonfranchised) motor vehicle
511 dealer. The application shall contain other relevant information
512 as may be required by the department, including evidence that
513 the applicant is insured under a garage liability insurance
514 policy or a general liability insurance policy coupled with a
515 business automobile policy, which shall include, at a minimum,
516 \$25,000 combined single-limit liability coverage including
517 bodily injury and property damage protection and \$10,000
518 personal injury protection. However, a salvage motor vehicle
519 dealer as defined in subparagraph (1)(c)5. is exempt from the
520 requirements for garage liability insurance and personal injury
521 protection insurance on those vehicles that cannot be legally
522 operated on roads, highways, or streets in this state. Franchise

596-02658-21

20211500c1

523 dealers must submit a garage liability insurance policy, and all
524 other dealers must submit a garage liability insurance policy or
525 a general liability insurance policy coupled with a business
526 automobile policy. Such policy shall be for the license period,
527 and evidence of a new or continued policy shall be delivered to
528 the department at the beginning of each license period. A
529 licensee shall deliver to the department, in the manner
530 prescribed by the department, within 10 calendar days after any
531 renewal or continuation of or change in such policy or within 10
532 calendar days after any issuance of a new policy, a copy of the
533 renewed, continued, changed, or new policy. Upon making initial
534 application, the applicant shall pay to the department a fee of
535 \$300 in addition to any other fees required by law. Applicants
536 may choose to extend the licensure period for 1 additional year
537 for a total of 2 years. An initial applicant shall pay to the
538 department a fee of \$300 for the first year and \$75 for the
539 second year, in addition to any other fees required by law. An
540 applicant for renewal shall pay to the department \$75 for a 1-
541 year renewal or \$150 for a 2-year renewal, in addition to any
542 other fees required by law. Upon making an application for a
543 change of location, the person shall pay a fee of \$50 in
544 addition to any other fees now required by law. The department
545 shall, in the case of every application for initial licensure,
546 verify whether certain facts set forth in the application are
547 true. Each applicant, general partner in the case of a
548 partnership, or corporate officer and director in the case of a
549 corporate applicant, must file a set of fingerprints with the
550 department for the purpose of determining any prior criminal
551 record or any outstanding warrants. The department shall submit

596-02658-21

20211500c1

552 the fingerprints to the Department of Law Enforcement for state
553 processing and forwarding to the Federal Bureau of Investigation
554 for federal processing. The actual cost of state and federal
555 processing shall be borne by the applicant and is in addition to
556 the fee for licensure. The department may issue a license to an
557 applicant pending the results of the fingerprint investigation,
558 which license is fully revocable if the department subsequently
559 determines that any facts set forth in the application are not
560 true or correctly represented.

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

562 (a) Annually, before any license shall be issued to a motor
563 vehicle dealer, the applicant-dealer of new or used motor
564 vehicles shall deliver to the department a good and sufficient
565 surety bond or irrevocable letter of credit, executed by the
566 applicant-dealer as principal, in the sum of \$25,000. A licensee
567 shall deliver to the department, in the manner prescribed by the
568 department, within 10 calendar days after any renewal or
569 continuation of or change in such surety bond or irrevocable
570 letter of credit or within 10 calendar days after any issuance
571 of a new surety bond or irrevocable letter of credit, a copy of
572 such renewed, continued, changed, or new surety bond or
573 irrevocable letter of credit.

574 Section 9. Paragraph (a) of subsection (16) of section
575 320.77, Florida Statutes, is amended to read:

576 320.77 License required of mobile home dealers.—

577 (16) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF
578 CREDIT REQUIRED.—

579 (a) Before any license shall be issued or renewed, the
580 applicant or licensee shall deliver to the department a good and

596-02658-21

20211500c1

581 sufficient surety bond, cash bond, or irrevocable letter of
582 credit, executed by the applicant or licensee as principal. The
583 licensee shall deliver to the department, in the manner
584 prescribed by the department, within 10 calendar days after any
585 renewal or continuation of or change in such surety bond, cash
586 bond, or irrevocable letter of credit or within 10 calendar days
587 after any issuance of a new surety bond, cash bond, or
588 irrevocable letter of credit, a copy of such renewed, continued,
589 changed, or new surety bond, cash bond, or irrevocable letter of
590 credit. The bond or irrevocable letter of credit shall be in a
591 form to be approved by the department and shall be conditioned
592 upon the dealer's complying with the conditions of any written
593 contract made by the dealer in connection with the sale,
594 exchange, or improvement of any mobile home and his or her not
595 violating any of the provisions of chapter 319 or this chapter
596 in the conduct of the business for which the dealer is licensed.
597 The bond or irrevocable letter of credit shall be to the
598 department and in favor of any retail customer who shall suffer
599 any loss as a result of any violation of the conditions
600 contained in this section. The bond or irrevocable letter of
601 credit shall be for the license period, and a new bond or
602 irrevocable letter of credit or a proper continuation
603 certificate shall be delivered to the department at the
604 beginning of each license period. However, the aggregate
605 liability of the surety in any one license year shall in no
606 event exceed the sum of such bond, or, in the case of a letter
607 of credit, the aggregate liability of the issuing bank shall not
608 exceed the sum of the credit. The amount of the bond required
609 shall be as follows:

596-02658-21

20211500c1

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

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

620
621 For the purposes of this paragraph, any person who buys, sells,
622 or deals in both mobile homes and recreational vehicles shall
623 provide the same surety bond required of dealers who buy, sell,
624 or deal in mobile homes only.

625 Section 10. Paragraph (j) of subsection (3) and paragraph
626 (a) of subsection (16) of section 320.771, Florida Statutes, are
627 amended to read:

628 320.771 License required of recreational vehicle dealers.—

629 (3) APPLICATION.—The application for such license shall be
630 in the form prescribed by the department and subject to such
631 rules as may be prescribed by it. The application shall be
632 verified by oath or affirmation and shall contain:

633 (j) Evidence ~~A statement~~ that the applicant is insured
634 under a garage liability insurance policy, which shall include,
635 at a minimum, \$25,000 combined single-limit liability coverage,
636 including bodily injury and property damage protection, and
637 \$10,000 personal injury protection, if the applicant is to be
638 licensed as a dealer in, or intends to sell, recreational

596-02658-21

20211500c1

639 vehicles. Such policy must be for the license period and
640 delivered to the department in the manner prescribed by the
641 department. The licensee shall deliver to the department, in the
642 manner prescribed by the department, within 10 calendar days
643 after any renewal or continuation of or change in such policy or
644 within 10 calendar days after any issuance of a new policy, a
645 copy of such renewed, continued, changed, or new policy.
646 However, a garage liability policy is not required for the
647 licensure of a mobile home dealer who sells only park trailers.

648

649 The department shall, if it deems necessary, cause an
650 investigation to be made to ascertain if the facts set forth in
651 the application are true and shall not issue a license to the
652 applicant until it is satisfied that the facts set forth in the
653 application are true.

654 (16) BOND.—

655 (a) Before any license shall be issued or renewed, the
656 applicant shall deliver to the department, in the manner
657 prescribed by the department, a good and sufficient surety bond,
658 executed by the applicant as principal and by a surety company
659 qualified to do business in the state as surety. The licensee
660 shall deliver to the department, in the manner prescribed by the
661 department, within 10 calendar days after any renewal or
662 continuation of or change in such surety bond or within 10
663 calendar days after any issuance of a new surety bond, a copy of
664 such renewed, continued, changed, or new surety bond. The bond
665 shall be in a form to be approved by the department and shall be
666 conditioned upon the dealer's complying with the conditions of
667 any written contract made by that dealer in connection with the

596-02658-21

20211500c1

668 sale, exchange, or improvement of any recreational vehicle and
669 his or her not violating any of the provisions of chapter 319 or
670 this chapter in the conduct of the business for which he or she
671 is licensed. The bond shall be to the department and in favor of
672 any retail customer who shall suffer any loss as a result of any
673 violation of the conditions hereinabove contained. The bond
674 shall be for the license period, and a new bond or a proper
675 continuation certificate shall be delivered to the department at
676 the beginning of each license period. However, the aggregate
677 liability of the surety in any one license year shall in no
678 event exceed the sum of such bond. The amount of the bond
679 required shall be as follows:

680 1. A single dealer who buys, sells, or deals in
681 recreational vehicles and has four or fewer supplemental
682 licenses shall provide a surety bond in the amount of \$10,000.

683 2. A single dealer who buys, sells, or deals in
684 recreational vehicles and who has more than four supplemental
685 licenses shall provide a surety bond in the amount of \$20,000.

686

687 For the purposes of this paragraph, any person who buys, sells,
688 or deals in both mobile homes and recreational vehicles shall
689 provide the same surety bond required of dealers who buy, sell,
690 or deal in mobile homes only.

691 Section 11. Paragraphs (a) and (b) of subsection (5) of
692 section 320.8225, Florida Statutes, are amended to read:

693 320.8225 Mobile home and recreational vehicle manufacturer,
694 distributor, and importer license.—

695 (5) REQUIREMENT OF ASSURANCE.—

696 (a) Annually, prior to the receipt of a license to

596-02658-21

20211500c1

697 manufacture mobile homes, the applicant or licensee shall
698 submit, in the manner prescribed by the department, a surety
699 bond, cash bond, or letter of credit from a financial
700 institution, or a proper continuation certificate, sufficient to
701 assure satisfaction of claims against the licensee for failure
702 to comply with appropriate code standards, failure to provide
703 warranty service, or violation of any provisions of this
704 section. The amount of the surety bond, cash bond, or letter of
705 credit must be \$50,000. Only one surety bond, cash bond, or
706 letter of credit shall be required for each manufacturer,
707 regardless of the number of factory locations. The surety bond,
708 cash bond, or letter of credit must be to the department, in
709 favor of any retail customer who suffers a loss arising out of
710 noncompliance with code standards or failure to honor or provide
711 warranty service. The department may disapprove any bond or
712 letter of credit that does not provide assurance as provided in
713 this section. A licensee shall deliver to the department, in the
714 manner prescribed by the department, within 10 calendar days
715 after any renewal or continuation of or change in such surety
716 bond, cash bond, or letter of credit or within 10 calendar days
717 after any issuance of a new surety bond, cash bond, or letter of
718 credit, a copy of such renewed, continued, changed, or new
719 surety bond, cash bond, or letter of credit.

720 (b) Annually, before ~~prior to~~ the receipt of a license to
721 manufacture, distribute, or import recreational vehicles, the
722 applicant or licensee shall submit, in the manner prescribed by
723 the department, a surety bond, or a proper continuation
724 certificate, sufficient to assure satisfaction of claims against
725 the licensee for failure to comply with appropriate code

596-02658-21

20211500c1

726 standards, failure to provide warranty service, or violation of
727 any provisions of this section. The amount of the surety bond
728 must be \$10,000 per year. The surety bond must be to the
729 department, in favor of any retail customer who suffers loss
730 arising out of noncompliance with code standards or failure to
731 honor or provide warranty service. The department may disapprove
732 any bond that does not provide assurance as provided in this
733 section. The licensee shall deliver to the department, in the
734 manner prescribed by the department, within 10 calendar days
735 after any renewal or continuation of or change in such surety
736 bond or within 10 calendar days after any issuance of a new
737 surety bond, a copy of such renewed, continued, changed, or new
738 surety bond.

739 Section 12. Section 320.861, Florida Statutes, is amended
740 to read:

741 320.861 Investigations; subpoenas and other process; oaths;
742 rules ~~Inspection of records; production of evidence; subpoena~~
743 ~~power.~~

744 (1) The department may conduct investigations and
745 examinations of any person suspected of violating or of having
746 violated this chapter or any rule adopted or order issued
747 thereunder ~~inspect the pertinent books, records, letters, and~~
748 ~~contracts of any licensee, whether dealer or manufacturer,~~
749 ~~relating to any written complaint made to it against such~~
750 ~~licensee.~~

751 (2) For purposes of any investigation or examination
752 conducted pursuant to this section, the department may ~~is~~
753 ~~granted and authorized to~~ exercise the power of subpoena and the
754 powers to administer oaths or affirmations, to examine

596-02658-21

20211500c1

755 witnesses, to require affidavits, to take depositions, and to
756 compel the attendance of witnesses and the production of books,
757 papers, documents, records, and other evidence. A designated
758 agent of the department may serve a subpoena relating to an
759 investigation or examination ~~for the attendance of witnesses and~~
760 the production of any documentary evidence necessary to the
761 disposition by it of any written complaint against any licensee,
762 whether dealer or manufacturer.

763 (3) If a person refuses to testify; to produce books,
764 papers, documents, or records; or to otherwise obey the subpoena
765 or subpoena duces tecum issued under subsection (2), the
766 department may petition a court of competent jurisdiction in the
767 county where the person's residence or principal place of
768 business is located, upon which the court must issue an order
769 requiring such person to obey the subpoena or show cause for
770 failing to obey the subpoena. Unless the person shows sufficient
771 cause for failing to obey the subpoena, the court must direct
772 the person to obey the subpoena. Failure to comply with such
773 order constitutes contempt of court.

774 (4) For the purpose of any investigation, examination, or
775 proceeding initiated by the department under this chapter, the
776 department may designate agents to serve subpoenas and other
777 process and to administer oaths or affirmations. The department
778 shall exercise this power on its own initiative in accordance
779 with ss. 320.615 and 320.71.

780 (5) Witnesses subpoenaed under this section are entitled to
781 witness fees at the same rate established by s. 92.142 for
782 witnesses in a civil case, except that witness fees are not
783 payable for appearance at the witness's place of business during

596-02658-21

20211500c1

784 regular business hours or at the witness's residence.

785 (6) The department may adopt rules to administer this
786 section.

787 Section 13. Section 322.71, Florida Statutes, is created to
788 read:

789 322.71 Investigations; subpoenas and other process; oaths;
790 rules.-

791 (1) The department may conduct investigations and
792 examinations of any person suspected of violating or of having
793 violated any provision of this chapter or any rule adopted or
794 order issued under this chapter.

795 (2) For purposes of any investigation or examination
796 conducted pursuant to this section, the department may exercise
797 the power of subpoena and the powers to administer oaths or
798 affirmations, to examine witnesses, to require affidavits, to
799 take depositions, and to compel the attendance of witnesses and
800 the production of books, papers, documents, records, and other
801 evidence. Such subpoenas may be served by an authorized
802 representative of the department.

803 (3) If a person refuses to testify; to produce books,
804 papers, documents, or records; or to otherwise obey the subpoena
805 or subpoena duces tecum issued under subsection (2), the
806 department may petition a court of competent jurisdiction in the
807 county where the person's residence or principal place of
808 business is located, upon which the court must issue an order
809 requiring such person to obey the subpoena or show cause for
810 failing to obey the subpoena. Unless the person shows sufficient
811 cause for failing to obey the subpoena, the court must direct
812 the person to obey the subpoena. Failure to comply with such

596-02658-21

20211500c1

813 order constitutes contempt of court.

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

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

823 (6) The department may adopt rules to administer this
824 section.

825 Section 14. Subsection (7) of section 337.14, Florida
826 Statutes, is amended to read:

827 337.14 Application for qualification; certificate of
828 qualification; restrictions; request for hearing.—

829 (7) A "contractor" as defined in s. 337.165(1)(d) or his or
830 her "affiliate" as defined in s. 337.165(1)(a) qualified with
831 the department under this section may not also qualify under s.
832 287.055 or s. 337.105 to provide testing services, construction,
833 engineering, and inspection services to the department. This
834 limitation does not apply to any design-build prequalification
835 under s. 337.11(7) and does not apply when the department
836 otherwise determines by written order entered at least 30 days
837 before advertisement that the limitation is not in the best
838 interests of the public with respect to a particular contract
839 for testing services, construction, engineering, and inspection
840 services. This subsection does not authorize a contractor to
841 provide testing services, or provide construction, engineering,

596-02658-21

20211500c1

842 and inspection services, to the department in connection with a
843 construction contract under which the contractor is performing
844 any work. Notwithstanding any other provision of law to the
845 contrary, for a project that is wholly or partially funded by
846 the department and administered by a local governmental entity,
847 except for a seaport listed in s. 311.09 or an airport as
848 defined in s. 332.004, the entity performing design and
849 construction engineering and inspection services may not be the
850 same entity.

851 Section 15. Paragraph (a) of subsection (8) of section
852 338.221, Florida Statutes, is amended to read:

853 338.221 Definitions.—As used in ss. 338.22-338.241, the
854 following words and terms have the following meanings, unless
855 the context indicates another or different meaning or intent:

856 (8) "Economically feasible" means:

857 (a) For a proposed turnpike project, that, as determined by
858 the department before the issuance of revenue bonds for the
859 project, the estimated net revenues of the proposed turnpike
860 project, excluding feeder roads and turnpike improvements, will
861 be sufficient to pay at least 50 percent of the average annual
862 debt service on the bonds associated with the project by the end
863 of the 12th year of operation and to pay at least 100 percent of
864 the average annual debt service on the bonds by the end of the
865 30th year of operation. In implementing this paragraph, up to 50
866 percent of the adopted work program costs of the project may be
867 funded from turnpike revenues.

868

869 This subsection does not prohibit the pledging of revenues from
870 the entire turnpike system to bonds issued to finance or

596-02658-21

20211500c1

871 refinance a turnpike project or group of turnpike projects.

872 Section 16. Subsection (4) of section 339.0809, Florida
873 Statutes, is amended to read:

874 339.0809 Florida Department of Transportation Financing
875 Corporation.—

876 (4) The Florida Department of Transportation Financing
877 Corporation may enter into one or more service contracts with
878 the department to provide services to the department in
879 connection with projects approved in the department's work
880 program, which approval specifically provides that the
881 department may enter into a service contract for the project
882 pursuant to this section. The department may enter into one or
883 more such service contracts with the corporation and provide for
884 payments under such contracts, subject to annual appropriation
885 by the Legislature. The proceeds from such service contracts may
886 be used for the corporation's administrative costs and expenses
887 after payments under subsection (5). Each service contract may
888 have a term of up to 35 years. In compliance with s. 287.0641
889 and other applicable law, the obligations of the department
890 under such service contracts do not constitute a general
891 obligation of the state or a pledge of the full faith and credit
892 or taxing power of the state, and such obligations are not an
893 obligation of the State Board of Administration or entities for
894 which it invests funds, other than the department as provided in
895 this section, but are payable solely from amounts available in
896 the State Transportation Trust Fund, subject to annual
897 appropriation. Notwithstanding any law to the contrary, funds in
898 the State Transportation Trust Fund must first be available for
899 appropriation for payments under a service contract before any

596-02658-21

20211500c1

900 other purpose, except for payments pursuant to s. 215.616, s.
901 215.617, s. 320.20(3) or (4), or s. 339.0801(1)(a). Annual debt
902 service on the corporation's bonds payable from moneys
903 appropriated for service contract payments may not exceed \$100
904 million. In compliance with this subsection and s. 287.0582, the
905 service contract must expressly include the following statement:
906 "The State of Florida's performance and obligation to pay under
907 this contract is contingent upon an annual appropriation by the
908 Legislature."

909 Section 17. Part III of chapter 343, Florida Statutes,
910 consisting of sections 343.80, 343.805, 343.81, 343.82, 343.83,
911 343.835, 343.836, 343.84, 343.85, 343.87, 343.875, 343.88,
912 343.881, 343.884, and 343.89, Florida Statutes, is repealed.

913 Section 18. Paragraph (c) of subsection (1) of section
914 348.754, Florida Statutes, is amended to read:

915 348.754 Purposes and powers.—

916 (1)

917 (c) Notwithstanding any other provision of this section to
918 the contrary, to ensure the continued financial feasibility of
919 the portion of the Wekiva Parkway to be constructed by the
920 department, the authority may not, without ~~the~~ prior
921 consultation with consent of the secretary of the department,
922 construct any extensions, additions, or improvements to the
923 expressway system in Lake County.

924 Section 19. For the purpose of incorporating the amendment
925 made by this act to section 316.126, Florida Statutes, in a
926 reference thereto, paragraph (d) of subsection (2) of section
927 318.18, Florida Statutes, is reenacted to read:

928 318.18 Amount of penalties.—The penalties required for a

596-02658-21

20211500c1

929 noncriminal disposition pursuant to s. 318.14 or a criminal
930 offense listed in s. 318.17 are as follows:

931 (2) Thirty dollars for all nonmoving traffic violations
932 and:

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

935 Section 20. For the purpose of incorporating the amendment
936 made by this act to section 316.70, Florida Statutes, in a
937 reference thereto, subsection (1) of section 316.3026, Florida
938 Statutes, is reenacted to read:

939 316.3026 Unlawful operation of motor carriers.—

940 (1) The Office of Commercial Vehicle Enforcement may issue
941 out-of-service orders to motor carriers, as defined in s.
942 320.01, who, after proper notice, have failed to pay any penalty
943 or fine assessed by the department, or its agent, against any
944 owner or motor carrier for violations of state law, refused to
945 submit to a compliance review and provide records pursuant to s.
946 316.302(6) or s. 316.70, or violated safety regulations pursuant
947 to s. 316.302 or insurance requirements in s. 627.7415. Such
948 out-of-service orders have the effect of prohibiting the
949 operations of any motor vehicles owned, leased, or otherwise
950 operated by the motor carrier upon the roadways of this state,
951 until the violations have been corrected or penalties have been
952 paid. Out-of-service orders must be approved by the director of
953 the Division of the Florida Highway Patrol or his or her
954 designee. An administrative hearing pursuant to s. 120.569 shall
955 be afforded to motor carriers subject to such orders.

956 Section 21. For the purpose of incorporating the amendment
957 made by this act to section 338.221, Florida Statutes, in a

596-02658-21

20211500c1

958 reference thereto, section 338.2276, Florida Statutes, is
959 reenacted to read:

960 338.2276 Western Beltway turnpike project; financing.—Upon
961 a determination of economic feasibility, as defined in s.
962 338.221(8), for part C of the Western Beltway turnpike project,
963 which part extends from Florida's Turnpike near Ocoee in Orange
964 County southerly through Orange County and Osceola County to an
965 interchange with I-4 near the Osceola/Polk County line, the
966 Department of Transportation shall include a request for the
967 issuance of turnpike revenue bonds to construct the project as
968 part of its next legislative budget request and tentative work
969 program. If funding is insufficient to construct part C, it is
970 the intent of the Legislature that such project be given
971 priority as a project financed from subsequent issuances of
972 turnpike revenue bonds approved by the Legislature; however,
973 such priority consideration is contingent on the project's
974 meeting all economic feasibility requirements and upon the
975 project's being financed without the use of capitalized
976 interest.

977 Section 22. Notwithstanding any other law, the Northwest
978 Florida Transportation Corridor Authority is dissolved. The
979 authority shall discharge or make provision for the authority's
980 debts, obligations, and other liabilities; settle and close the
981 authority's activities and affairs; and provide for distribution
982 of the authority's assets, or the proceeds of such assets, such
983 that each local general-purpose government represented on the
984 authority's board receives a distribution generally in
985 proportion to each entity's contribution to the acquisition of
986 the assets.

596-02658-21

20211500c1

987

Section 23. This act shall take effect July 1, 2021.