

20081076er

1
2 An act relating to the dismantling and destruction of
3 motor vehicles and mobile homes; amending s. 319.30, F.S.;
4 revising definitions; defining "certificate of title,"
5 "derelict motor vehicle," "derelict motor vehicle
6 certificate," "recreational vehicle," and "salvage
7 certificate of title"; revising provisions requiring that
8 certain documents accompany a motor vehicle or mobile home
9 sold, transported, or delivered to a salvage motor vehicle
10 dealer or a secondary metals recycler; providing
11 requirements for the transfer of a derelict motor vehicle
12 to a salvage motor vehicle dealer or a secondary metals
13 recycler; requiring the purchaser to record and maintain
14 certain information; providing for the use of a derelict
15 motor vehicle certificate if the certificate of title,
16 salvage certificate of title, or certificate of
17 destruction is not available; restricting reassignment of
18 a derelict motor vehicle certificate; providing penalties;
19 revising provisions for reporting to the Department of
20 Highway Safety and Motor Vehicles and cancellation of
21 title records; providing for an electronic notification
22 system to be established by the department; providing for
23 the placement of a hold on a motor vehicle or mobile home
24 in the possession of a salvage motor vehicle dealer or
25 secondary metals recycler by an agent or employee of the
26 department or a law enforcement officer who has reason to
27 believe that the motor vehicle or mobile home was stolen
28 or is fraudulently titled; authorizing the department to
29 adopt rules and charge described fees; amending s. 319.14,

20081076er

30 F.S.; correcting a cross-reference; providing an effective
31 date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Section 319.30, Florida Statutes, is amended to
36 read:

37 319.30 Definitions; dismantling, destruction, change of
38 identity of motor vehicle or mobile home; salvage.--

39 (1) As used in this section, the term:

40 (a) "Certificate of destruction" means the certificate
41 issued pursuant to s. 713.78(11) or s. 713.785(7)(a).

42 (b) "Certificate of registration number" means the
43 certificate of registration number issued by the Department of
44 Revenue of the State of Florida pursuant to s. 538.25.

45 (c) "Certificate of title" means a record that serves as
46 evidence of ownership of a vehicle, whether such record is a
47 paper certificate authorized by the department or a certificate
48 consisting of information stored in electronic form in the
49 department's database.

50 (d) ~~(e)~~ "Derelict" means any material which is or may have
51 been a motor vehicle or mobile home, which is not a major part or
52 major component part with or without all component parts, which
53 is inoperable, and which ~~material~~ is in such condition that its
54 highest or primary value is ~~either~~ in its sale or transfer as
55 scrap metal ~~or for its component parts, or a combination of the~~
56 ~~two.~~

57 (e) "Derelict motor vehicle" means any motor vehicle as
58 defined in s. 320.01(1) or mobile home as defined in s.

20081076er

59 320.01(2), with or without all parts, major parts, or major
60 component parts, which is valued under \$1,000, is at least 10
61 model years old, and is in such condition that its highest or
62 primary value is for sale, transport, or delivery to a licensed
63 salvage motor vehicle dealer or registered secondary metals
64 recycler for dismantling its component parts or conversion to
65 scrap metal.

66 (f) "Derelict motor vehicle certificate" means a
67 certificate completed by the derelict motor vehicle owner, the
68 owner's authorized transporter when different from the owner, and
69 the licensed salvage motor vehicle dealer or the registered
70 secondary metals recycler and submitted to the department for
71 cancellation of the title record of the derelict motor vehicle. A
72 derelict motor vehicle certificate may be reassigned only one
73 time if the derelict motor vehicle certificate was completed by a
74 licensed salvage motor vehicle dealer and the derelict motor
75 vehicle was sold to a secondary metals recycler.

76 (g)~~(d)~~ "Junk" means any material which is or may have been
77 a motor vehicle or mobile home, with or without all component
78 parts, which is inoperable and which material is in such
79 condition that its highest or primary value is either in its sale
80 or transfer as scrap metal or for its component parts, or a
81 combination of the two, except when sold or delivered to or when
82 purchased, possessed, or received by a secondary metals recycler
83 or salvage motor vehicle dealer.

84 (h)~~(e)~~ "Major component parts" means:

85 1. For motor vehicles other than motorcycles, the front-end
86 assembly (fenders, hood, grill, and bumper), cowl assembly, rear
87 body section (both quarter panels, trunk lid, door, decklid, and

20081076er

88 bumper), floor pan, door assemblies, engine, frame, transmission,
89 and airbag.

90 2. For trucks, in addition to those parts listed in
91 subparagraph 1., any truck bed, including dump, wrecker, crane,
92 mixer, cargo box, or any bed which mounts to a truck frame.

93 3. For motorcycles, the body assembly, frame, fenders, gas
94 tanks, engine, cylinder block, heads, engine case, crank case,
95 transmission, drive train, front fork assembly, and wheels.

96 4. For mobile homes, the frame.

97 (i)~~(f)~~ "Major part" means the front-end assembly, cowl
98 assembly, or rear body section.

99 (j)~~(g)~~ "Materials" means motor vehicles, derelicts, and
100 major parts that are not prepared materials.

101 (k)~~(h)~~ "Mobile home" means mobile home as defined in s.
102 320.01(2).

103 (l)~~(i)~~ "Motor vehicle" means motor vehicle as defined in s.
104 320.01(1).

105 (m)~~(j)~~ "Parts" means parts of motor vehicles or
106 combinations thereof that do not constitute materials or prepared
107 materials.

108 (n)~~(k)~~ "Personal identification card" means personal
109 identification card as defined in s. 538.18(5).

110 (o)~~(l)~~ "Prepared materials" means motor vehicles, mobile
111 homes, derelict motor vehicles ~~derelicts~~, major parts, or parts
112 that have been processed by mechanically flattening or crushing,
113 or otherwise processed such that they are not the motor vehicle
114 or mobile home described in the certificate of title, or their
115 only value is as scrap metal.

20081076er

116 (p) ~~(m)~~ "Processing" means the business of performing the
117 manufacturing process by which ferrous metals or nonferrous
118 metals are converted into raw material products consisting of
119 prepared grades and having an existing or potential economic
120 value, or the purchase of materials, prepared materials, or parts
121 therefor.

122 (q) "Recreational vehicle" means a motor vehicle as defined
123 in s. 320.01(1).

124 (r) ~~(n)~~ "Salvage" means a motor vehicle or mobile home which
125 is a total loss as defined in paragraph (3) (a).

126 (s) "Salvage certificate of title" means a salvage
127 certificate of title issued by the department or by another motor
128 vehicle department authorized to issue titles in another state.

129 (t) ~~(o)~~ "Salvage motor vehicle dealer" means salvage motor
130 vehicle dealer as defined in s. 320.27(1)(c)5.

131 (u) ~~(p)~~ "Secondary metals recycler" means secondary metals
132 recycler as defined in s. 538.18(8).

133 (2) (a) Each person mentioned as owner in the last issued
134 certificate of title, when such motor vehicle or mobile home is
135 dismantled, destroyed, or changed in such manner that it is not
136 the motor vehicle or mobile home described in the certificate of
137 title, shall surrender his or her certificate of title to the
138 department, and thereupon the department shall, with the consent
139 of any lienholders noted thereon, enter a cancellation upon its
140 records. Upon cancellation of a certificate of title in the
141 manner prescribed by this section, the department may cancel and
142 destroy all certificates in that chain of title. Any person who
143 willfully and deliberately violates this paragraph commits a

20081076er

144 misdemeanor of the second degree, punishable as provided in s.
145 775.082 or s. 775.083.

146 (b)1. When a motor vehicle, recreational vehicle, or mobile
147 home is sold, transported, or delivered to a salvage motor
148 vehicle dealer, it shall be accompanied by:

149 a. A valid certificate of title issued in the name of the
150 seller or properly endorsed over to the seller;

151 b. A valid salvage certificate of title issued in the name
152 of the seller or properly endorsed over to the seller; or

153 c. A valid certificate of destruction issued in the name of
154 the seller or properly endorsed over to the seller.

155 ~~1. A properly endorsed certificate of title, salvage~~
156 ~~certificate of title, or vehicle certificate of destruction~~
157 ~~issued by the department; or~~

158 ~~2. If the certificate of title has been surrendered to the~~
159 ~~department, a notarized affidavit signed by the owner stating~~
160 ~~that the title has been returned to the State of Florida pursuant~~
161 ~~to paragraph (a), the date on which such return was made, the~~
162 ~~year, make, and vehicle identification number of the motor~~
163 ~~vehicle, and the name, address, and personal identification card~~
164 ~~number of the owner. Any person who willfully and deliberately~~
165 ~~violates this paragraph subparagraph by selling, transporting,~~
166 ~~delivering, purchasing, or receiving a motor vehicle,~~
167 ~~recreational vehicle, or mobile home without obtaining a properly~~
168 ~~endorsed certificate of title, salvage certificate of title, or~~
169 ~~certificate of destruction from the owner falsifying a required~~
170 ~~affidavit commits a felony of the third degree, punishable as~~
171 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

20081076er

172 (c)1. When a derelict motor vehicle is sold, transported,
173 or delivered to a licensed salvage motor vehicle dealer, the
174 purchaser shall record the date of purchase and the name,
175 address, and personal identification card number of the person
176 selling the derelict motor vehicle, and it shall be accompanied
177 by:

178 a. A valid certificate of title issued in the name of the
179 seller or properly endorsed over to the seller;

180 b. A valid salvage certificate of title issued in the name
181 of the seller or properly endorsed over to the seller; or

182 c. A valid certificate of destruction issued in the name of
183 the seller or properly endorsed over to the seller.

184 2. If the certificate of title, salvage certificate of
185 title, or certificate of destruction is not available, a derelict
186 motor vehicle certificate shall be completed by the owner of the
187 motor vehicle or mobile home, the owner's authorized transporter,
188 and the licensed salvage motor vehicle dealer at the time of
189 sale, transport, or delivery to the licensed salvage motor
190 vehicle dealer. The derelict motor vehicle certificate shall be
191 used by the owner, the owner's authorized transporter, and the
192 licensed salvage motor vehicle dealer. The licensed salvage motor
193 vehicle dealer shall secure the motor vehicle or mobile home for
194 3 full business days, excluding weekends and holidays, before
195 destroying or dismantling the derelict motor vehicle and shall
196 follow all reporting procedures established by the department,
197 including electronic notification to the department or delivery
198 of the original derelict motor vehicle certificate to an agent of
199 the department within 24 hours after receiving the derelict motor
200 vehicle.

20081076er

201 3. Any person who willfully and deliberately violates this
202 paragraph by selling, transporting, delivering, purchasing, or
203 receiving a derelict motor vehicle without obtaining a
204 certificate of title, salvage certificate of title, certificate
205 of destruction, or derelict motor vehicle certificate; enters
206 false or fictitious information on a derelict motor vehicle
207 certificate; does not complete the derelict motor vehicle
208 certificate as required or does not make the required
209 notification to the department; or destroys or dismantles a
210 derelict motor vehicle without waiting the required 3 full
211 business days ~~Anyone who willfully and knowingly induces a person~~
212 ~~to sign an affidavit that falsely asserts that the vehicle title~~
213 ~~has been surrendered to the department~~ commits a felony of the
214 third degree, punishable as provided in s. 775.082, ~~or~~ s.
215 775.083, or s. 775.084.

216 (3) (a) 1. As used in this section, a motor vehicle or mobile
217 home is a "total loss":

218 a. When an insurance company pays the vehicle owner to
219 replace the wrecked or damaged vehicle with one of like kind and
220 quality or when an insurance company pays the owner upon the
221 theft of the motor vehicle or mobile home; or

222 b. When an uninsured motor vehicle or mobile home is
223 wrecked or damaged and the cost, at the time of loss, of
224 repairing or rebuilding the vehicle is 80 percent or more of the
225 cost to the owner of replacing the wrecked or damaged motor
226 vehicle or mobile home with one of like kind and quality.

227 2. A motor vehicle or mobile home shall not be considered a
228 "total loss" if the insurance company and owner of a motor
229 vehicle or mobile home agree to repair, rather than to replace,

20081076er

230 | the motor vehicle or mobile home. However, if the actual cost to
231 | repair the motor vehicle or mobile home to the insurance company
232 | exceeds 100 percent of the cost of replacing the wrecked or
233 | damaged motor vehicle or mobile home with one of like kind and
234 | quality, the owner shall forward to the department, within 72
235 | hours after the agreement, a request to brand the certificate of
236 | title with the words "Total Loss Vehicle." Such a brand shall
237 | become a part of the vehicle's title history.

238 | (b) The owner, including persons who are self-insured, of
239 | any motor vehicle or mobile home which is considered to be
240 | salvage shall, within 72 hours after the motor vehicle or mobile
241 | home becomes salvage, forward the title to the motor vehicle or
242 | mobile home to the department for processing. However, an
243 | insurance company which pays money as compensation for total loss
244 | of a motor vehicle or mobile home shall obtain the certificate of
245 | title for the motor vehicle or mobile home and, within 72 hours
246 | after receiving such certificate of title, shall forward such
247 | title to the department for processing. The owner or insurance
248 | company, as the case may be, may not dispose of a vehicle or
249 | mobile home that is a total loss before it has obtained a salvage
250 | certificate of title or certificate of destruction from the
251 | department. When applying for a salvage certificate of title or
252 | certificate of destruction, the owner or insurance company must
253 | provide the department with an estimate of the costs of repairing
254 | the physical and mechanical damage suffered by the vehicle for
255 | which a salvage certificate of title or certificate of
256 | destruction is sought. If the estimated costs of repairing the
257 | physical and mechanical damage to the vehicle are equal to 80
258 | percent or more of the current retail cost of the vehicle, as

20081076er

259 | established in any official used car or used mobile home guide,
260 | the department shall declare the vehicle unrebuildable and print
261 | a certificate of destruction, which authorizes the dismantling or
262 | destruction of the motor vehicle or mobile home described
263 | therein. However, if the damaged motor vehicle is equipped with
264 | custom-lowered floors for wheelchair access or a wheelchair lift,
265 | the insurance company may, upon determining that the vehicle is
266 | repairable to a condition that is safe for operation on public
267 | roads, submit the certificate of title to the department for
268 | reissuance as a salvage rebuildable title and the addition of a
269 | title brand of "insurance-declared total loss." The ~~This~~
270 | certificate of destruction shall be reassignable a maximum of two
271 | times before dismantling or destruction of the vehicle shall be
272 | required, and shall accompany the motor vehicle or mobile home
273 | for which it is issued, when such motor vehicle or mobile home is
274 | sold for such purposes, in lieu of a certificate of title, and,
275 | thereafter, the department shall refuse issuance of any
276 | certificate of title for that vehicle. Nothing in this subsection
277 | shall be applicable when a vehicle is worth less than \$1,500
278 | retail in undamaged condition in any official used motor vehicle
279 | guide or used mobile home guide or when a stolen motor vehicle or
280 | mobile home is recovered in substantially intact condition and is
281 | readily resalable without extensive repairs to or replacement of
282 | the frame or engine. Any person who willfully and deliberately
283 | violates this paragraph or falsifies any document to avoid the
284 | requirements of this paragraph commits a misdemeanor of the first
285 | degree, punishable as provided in s. 775.082 or s. 775.083.

286 | (4) It is unlawful for any person to have in his or her
287 | possession any motor vehicle or mobile home when the

20081076er

288 manufacturer's or state-assigned identification number plate or
289 serial plate has been removed therefrom.

290 (a) Nothing in this subsection shall be applicable when a
291 vehicle defined in this section as a derelict or salvage was
292 purchased or acquired from a foreign state requiring such
293 vehicle's identification number plate to be surrendered to such
294 state, provided the person shall have an affidavit from the
295 seller describing the vehicle by manufacturer's serial number and
296 the state to which such vehicle's identification number plate was
297 surrendered.

298 (b) Nothing in this subsection shall be applicable if a
299 certificate of destruction has been obtained for the vehicle.

300 (5) (a) It is unlawful for any person to knowingly possess,
301 sell, or exchange, offer to sell or exchange, or give away any
302 certificate of title or manufacturer's or state-assigned
303 identification number plate or serial plate of any motor vehicle,
304 mobile home, or derelict that has been sold as salvage contrary
305 to the provisions of this section, and it is unlawful for any
306 person to authorize, direct, aid in, or consent to the
307 possession, sale, or exchange or to offer to sell, exchange, or
308 give away such certificate of title or manufacturer's or state-
309 assigned identification number plate or serial plate.

310 (b) It is unlawful for any person to knowingly possess,
311 sell, or exchange, offer to sell or exchange, or give away any
312 manufacturer's or state-assigned identification number plate or
313 serial plate of any motor vehicle or mobile home that has been
314 removed from the motor vehicle or mobile home for which it was
315 manufactured, and it is unlawful for any person to authorize,
316 direct, aid in, or consent to the possession, sale, or exchange

20081076er

317 or to offer to sell, exchange, or give away such manufacturer's
318 or state-assigned identification number plate or serial plate.

319 (c) This chapter does not apply to anyone who removes,
320 possesses, or replaces a manufacturer's or state-assigned
321 identification number plate, in the course of performing repairs
322 on a vehicle, that require such removal or replacement. If the
323 repair requires replacement of a vehicle part that contains the
324 manufacturer's or state-assigned identification number plate, the
325 manufacturer's or state-assigned identification number plate that
326 is assigned to the vehicle being repaired will be installed on
327 the replacement part. The manufacturer's or state-assigned
328 identification number plate that was removed from this
329 replacement part will be installed on the part that was removed
330 from the vehicle being repaired.

331 (6) (a) In the event of a purchase by a salvage motor
332 vehicle dealer of materials or major component parts for any
333 reason, the purchaser shall:

334 1.(a) For each item of materials or major component parts
335 purchased, the salvage motor vehicle dealer shall record the date
336 of purchase and the, name, and address ~~of the seller~~, and the
337 personal identification card number of the person selling
338 ~~delivering~~ such items, as well as the vehicle identification
339 number, if available.

340 2.(b) With respect to each item of materials or major
341 component parts purchased, obtain such documentation as may be
342 required by subsection (2).

343 (b) Any person who violates this subsection commits a
344 felony of the third degree ~~misdemeanor of the first degree~~,

20081076er

345 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
346 775.084.

347 (7) (a) In the event of a purchase by a secondary metals
348 recycler, that has been issued a certificate of registration
349 number, of:

350 1.~~(a)~~ Materials, prepared materials, or parts from any
351 seller for purposes other than the processing of such materials,
352 prepared materials, or parts, the purchaser shall obtain such
353 documentation as may be required by this section~~7~~ and shall
354 record the seller's name and address, date of purchase, and the
355 personal identification card number of the person delivering such
356 items.

357 2.~~(b)~~ Parts or prepared materials from any seller for
358 purposes of the processing of such parts or prepared materials,
359 the purchaser shall record the seller's name and address and date
360 of purchase~~7~~ and, in the event of a purchase transaction
361 consisting primarily of parts or prepared materials, the personal
362 identification card number of the person delivering such items.

363 3.~~(c)~~ Materials from another secondary metals recycler for
364 purposes of the processing of such materials, the purchaser shall
365 record the seller's name and~~7~~ address~~7~~ and date of purchase.

366 4.a.~~(d)~~ Motor vehicles, recreational vehicles, mobile
367 homes, or derelict motor vehicles ~~derelicts~~ from other than a
368 secondary metals recycler for purposes of the processing of such
369 motor vehicles, recreational vehicles, mobile homes, or derelict
370 motor vehicles ~~derelicts~~, the purchaser shall record the date of
371 purchase and the seller's name, address, ~~date of purchase~~~~7~~ and
372 ~~the~~ personal identification card number of the person selling
373 ~~delivering~~ such items~~7~~ and shall obtain the following

20081076er

374 documentation from the seller with respect to each item
375 purchased:

376 (I)1. A valid certificate of title issued in the name of
377 the seller or properly endorsed over to the seller;

378 (II)2. A valid certificate of destruction issued in the
379 name of the seller or properly endorsed over to the seller; or

380 (III)3. A valid derelict motor vehicle certificate
381 completed by a licensed salvage motor vehicle dealer and properly
382 reassigned to the secondary metals recycler.

383 b. If a valid certificate of title, salvage certificate of
384 title, ~~or a valid~~ certificate of destruction, or derelict motor
385 vehicle certificate is not available and the motor vehicle or
386 mobile home is a derelict motor vehicle, a derelict motor vehicle
387 certificate shall be completed by the owner of the motor vehicle
388 or mobile home, the owner's authorized transporter, and the
389 registered secondary metals recycler at the time of sale,
390 transport, or delivery to the registered secondary metals
391 recycler. The derelict motor vehicle certificate shall be used by
392 the owner, the owner's authorized transporter, and the registered
393 secondary metals recycler. The registered secondary metals
394 recycler shall secure the derelict motor vehicle for 3 full
395 business days, excluding weekends and holidays, before destroying
396 or dismantling the derelict motor vehicle and shall follow all
397 reporting procedures established by the department, including
398 electronic notification to the department or delivery of the
399 original derelict motor vehicle certificate to an agent of the
400 department within 24 hours after receiving the derelict motor
401 vehicle an affidavit signed by the seller stating that the seller
402 returned the certificate of title to the State of Florida

20081076er

403 ~~pursuant to subsection (2) and the date on which such return was~~
404 ~~made, and setting forth the vehicle identification number of such~~
405 ~~motor vehicle, mobile home, or derelict.~~

406 c. Any person who willfully and deliberately violates this
407 subparagraph by selling, transporting, delivering, purchasing, or
408 receiving a motor vehicle, recreational motor vehicle, mobile
409 home, or derelict motor vehicle without obtaining a certificate
410 of title, salvage certificate of title, certificate of
411 destruction, or derelict motor vehicle certificate; enters false
412 or fictitious information on a derelict motor vehicle
413 certificate; does not complete the derelict motor vehicle
414 certificate as required or does not make the required
415 notification to the department; or destroys or dismantles a
416 derelict motor vehicle without waiting the required 3 full
417 business days commits a felony of the third degree, punishable as
418 provided in s. 775.082, s. 775.083, or s. 775.084.

419 5.(e) Major parts from other than a secondary metals
420 recycler for purposes of the processing of such major parts, the
421 purchaser shall record the seller's name, address, date of
422 purchase, and the personal identification card number of the
423 person delivering such items, as well as the vehicle
424 identification number, if available, of each major part
425 purchased.

426 (b) Any person who violates this subsection commits a
427 felony of the third degree, punishable as provided in s. 775.082,
428 s. 775.083, or s. 775.084.

429 (8) (a) Secondary metals recyclers and salvage motor vehicle
430 dealers shall return to the department on a monthly basis all
431 certificates of title and salvage certificates of title that are

20081076er

432 required by this section to be obtained. Secondary metals
433 recyclers and salvage motor vehicle dealers may elect to notify
434 the department electronically through procedures established by
435 the department when they receive each motor vehicle or mobile
436 home, salvage motor vehicle or mobile home, or derelict motor
437 vehicle with a certificate of title or salvage certificate of
438 title through procedures established by the department. The
439 department may adopt rules and establish fees as it deems
440 necessary or proper for the administration of the electronic
441 notification service.

442 (b) Secondary metals recyclers and salvage motor vehicle
443 dealers shall keep originals, or a copy in the event the original
444 was returned to the department, of all certificates of title,
445 salvage certificates of title, certificates of destruction,
446 derelict motor vehicle certificates ~~all certificates of~~
447 ~~destruction, seller's affidavits,~~ and all other information
448 required by this section to be recorded or obtained, on file in
449 the offices of such secondary metals recyclers or salvage motor
450 vehicle dealers for a period of 3 years after ~~from~~ the date of
451 purchase of the items reflected in such certificates of title,
452 salvage certificates of title, certificates of destruction, or
453 derelict motor vehicle certificates ~~seller's affidavits~~. These
454 records shall be maintained in chronological order.

455 (c) For the purpose of enforcement of this section, the
456 department or its agents and employees have the same right of
457 inspection as law enforcement officers as provided in s. 812.055.

458 (d) Whenever the department, its agent or employee, or any
459 law enforcement officer has reason to believe that a stolen or
460 fraudulently titled motor vehicle, mobile home, recreational

20081076er

461 vehicle, salvage motor vehicle, or derelict motor vehicle is in
462 the possession of a salvage motor vehicle dealer or secondary
463 metals recycler, the department, its agent or employee, or the
464 law enforcement officer may issue a hold notice, not to exceed 5
465 business days, excluding weekends and holidays, to the salvage
466 motor vehicle dealer or registered secondary metals recycler.

467 (e) Whenever a salvage motor vehicle dealer or registered
468 secondary metals recycler is notified by the department, its
469 agent or employee, or any law enforcement officer to hold a motor
470 vehicle, mobile home, recreational vehicle, salvage motor
471 vehicle, or derelict motor vehicle that is believed to be stolen
472 or fraudulently titled, the salvage motor vehicle dealer or
473 registered secondary metals recycler shall hold the motor
474 vehicle, mobile home, recreational vehicle, salvage motor
475 vehicle, or derelict motor vehicle and may not dismantle or
476 destroy the motor vehicle, mobile home, recreational vehicle,
477 salvage motor vehicle, or derelict motor vehicle until it is
478 recovered by a law enforcement officer, the hold is released by
479 the department or the law enforcement officer placing the hold,
480 or the 5 working days have passed since being notified of the
481 hold.

482 (f) The department is authorized to adopt rules pursuant to
483 ss. 120.536(1) and 120.54 establishing policies and procedures to
484 administer and enforce this section.

485 (g) The department shall charge a fee of \$3 for each
486 derelict motor vehicle certificate delivered to the department or
487 one of its agents for processing and shall mark the title record
488 canceled. A service charge may be collected under s. 320.04.

20081076er

489 (9) Except as otherwise provided in this section, any
490 person who violates this section commits a felony of the third
491 degree, punishable as provided in s. 775.082, s. 775.083, or s.
492 775.084.

493 Section 2. Paragraph (b) of subsection (1) of section
494 319.14, Florida Statutes, is amended to read:

495 319.14 Sale of motor vehicles registered or used as
496 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
497 and nonconforming vehicles.--

498 (1)

499 (b) No person shall knowingly offer for sale, sell, or
500 exchange a rebuilt vehicle until the department has stamped in a
501 conspicuous place on the certificate of title for the vehicle
502 words stating that the vehicle has been rebuilt or assembled from
503 parts, or is a kit car, glider kit, replica, or flood vehicle
504 unless proper application for a certificate of title for a
505 vehicle that is rebuilt or assembled from parts, or is a kit car,
506 glider kit, replica, or flood vehicle has been made to the
507 department in accordance with this chapter and the department has
508 conducted the physical examination of the vehicle to assure the
509 identity of the vehicle and all major component parts, as defined
510 in s. 319.30(1)~~(e)~~, which have been repaired or replaced.
511 Thereafter, the department shall affix a decal to the vehicle, in
512 the manner prescribed by the department, showing the vehicle to
513 be rebuilt.

514 Section 3. This act shall take effect October 1, 2008.