

By the Committee on Judiciary; and Senator Smith

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1 A bill to be entitled
2 An act relating to motor vehicle title transfer;
3 amending s. 319.22, F.S.; revising provisions for
4 limitation of liability for the operation of a motor
5 vehicle that has been sold or transferred; providing
6 requirements for notice of transfer to the Department
7 of Highway Safety and Motor Vehicles; requiring an
8 owner or coowner who has made a sale or transfer of a
9 motor vehicle to notify the Department of Highway
10 Safety and Motor Vehicles; providing requirements for
11 such notification; providing applicability; requiring
12 the department to provide certain information to the
13 motor vehicle owner or coowner when issuing a
14 certificate of title; amending s. 319.30, F.S.;
15 clarifying definitions regarding derelict vehicles;
16 requiring derelict vehicle certificate applications;
17 providing a definition; requiring derelict vehicle
18 certificate applications received by salvage motor
19 vehicle dealers and secondary metals recyclers to
20 contain the identification card number of the seller
21 or owner; providing that failure to obtain the
22 identification card number on a derelict vehicle
23 certificate application is a third-degree felony;
24 permitting secondary metals recyclers to obtain
25 salvage certificates of title from sellers or owners
26 as a valid method of documentation; providing that
27 towing operators claiming certain liens may not use
28 the derelict motor vehicle certificate application to
29 transport vehicles without otherwise obtaining title

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30 to the vehicle or a certificate of destruction;
31 providing penalties; amending s. 320.0609, F.S.;
32 revising provisions relating to the transfer and
33 exchange of registration license plates and transfer
34 fees; requiring that a temporary tag be issued and
35 displayed during the time that an application for a
36 transfer of a registration license plate is being
37 processed; amending s. 320.131, F.S.; conforming
38 provisions relating to temporary tags to changes made
39 by the act; providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Subsection (2) of section 319.22, Florida
44 Statutes, is amended to read:

45 319.22 Transfer of title.—

46 (2) (a) An owner or coowner who has made a bona fide sale or
47 transfer of a motor vehicle or mobile home and has delivered
48 possession thereof to a purchaser shall not, by reason of any of
49 the provisions of this chapter, be deemed the owner or coowner
50 of such vehicle or mobile home so as to be subject to civil
51 liability for the operation of such vehicle or mobile home
52 thereafter by another when such owner or coowner has fulfilled
53 either of the following requirements:

54 1. ~~(a)~~ When such owner or coowner has made proper
55 endorsement and delivery of the certificate of title as provided
56 by this chapter. Proper endorsement shall be:

57 a.1. When a motor vehicle or mobile home is registered in
58 the names of two or more persons as coowners in the alternative

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59 by the use of the word "or," such vehicle shall be held in joint
60 tenancy. Each coowner shall be deemed to have granted to the
61 other coowner the absolute right to dispose of the title and
62 interest in the vehicle or mobile home, and the signature of any
63 coowner shall constitute proper endorsement. Upon the death of a
64 coowner, the interest of the decedent shall pass to the survivor
65 as though title or interest in the vehicle or mobile home was
66 held in joint tenancy. This provision shall apply even if the
67 coowners are husband and wife.

68 ~~b.2.~~ When a vehicle or mobile home is registered in the
69 names of two or more persons as coowners in the conjunctive by
70 the use of the word "and," the signature of each coowner or his
71 or her personal representative shall be required to transfer
72 title to the vehicle or mobile home.

73
74 The department shall adopt suitable language to appear upon the
75 certificate of title to effectuate the manner in which the
76 interest in or title to the motor vehicle or mobile home is
77 held.

78 ~~2.(b)~~ When such owner or coowner has delivered to the
79 department, or placed in the United States mail, addressed to
80 the department, either the certificate of title properly
81 endorsed or a notice in the form prescribed by the department.
82 In addition to the information required by the department under
83 this subparagraph, the notice must also contain the information
84 required under paragraph (b) when the title being transferred is
85 to a motor vehicle.

86 (b) An owner or coowner who has made a bona fide sale or
87 transfer of a motor vehicle and has delivered possession thereof

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88 to a purchaser shall notify the department within 30 days after
89 the sale or transfer in the form prescribed by the department.
90 Notice by such owner or coowner under this paragraph shall
91 satisfy the notice requirement under subparagraph (a)2. for
92 limitation of liability under paragraph (a). The notification
93 shall include the vehicle identification number and the buyer's
94 full first name, middle initial, last name, and personal or
95 business identification, which may include, but need not be
96 limited to, a driver's license number, Florida identification
97 card number, or federal employer identification number, and any
98 information required by the department. This paragraph shall not
99 apply to any transfer or sale to or by a licensed motor vehicle
100 dealer or to an insurer who has taken possession or is taking
101 possession of the vehicle or the title thereto pursuant to a
102 policy of insurance.

103 (c) The department shall inform the motor vehicle owner or
104 coowner of the requirements of this subsection with the issuance
105 of each certificate of title to a motor vehicle. The information
106 may be printed on the certificate of title or on a separate form
107 that is included with the certificate.

108 Section 2.Section 319.30, Florida Statutes, is amended to
109 read:

110 319.30 Definitions; dismantling, destruction, change of
111 identity of motor vehicle or mobile home; salvage.—

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

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

115 (b) "Certificate of registration number" means the
116 certificate of registration number issued by the Department of

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117 Revenue of the State of Florida pursuant to s. 538.25.

118 (c) "Certificate of title" means a record that serves as
119 evidence of ownership of a vehicle, whether such record is a
120 paper certificate authorized by the department or by a motor
121 vehicle department authorized to issue titles in another state
122 or a certificate consisting of information stored in electronic
123 form in the department's database.

124 (d) "Derelict" means any material which is or may have been
125 a motor vehicle or mobile home, which is not a major part or
126 major component part, which is inoperable, and which is in such
127 condition that its highest or primary value is in its sale or
128 transfer as scrap metal.

129 (e) "Derelict motor vehicle" means any motor vehicle as
130 defined in s. 320.01(1) or mobile home as defined in s.
131 320.01(2), with or without all parts, major parts, or major
132 component parts, which is valued under \$1,000, is at least 10
133 model years old, beginning with the model year of the vehicle as
134 year one, and is in such condition that its highest or primary
135 value is for sale, transport, or delivery to a licensed salvage
136 motor vehicle dealer or registered secondary metals recycler for
137 dismantling its component parts or conversion to scrap metal.

138 (f) "Derelict motor vehicle certificate" means a
139 certificate issued by the department which serves as evidence
140 that a derelict motor vehicle will be dismantled or converted to
141 scrap metal. The certificate is obtained by completing a
142 derelict motor vehicle certificate application authorized by the
143 department ~~completed by the derelict motor vehicle owner, the~~
144 ~~owner's authorized transporter when different from the owner,~~
145 ~~and the licensed salvage motor vehicle dealer or the registered~~

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146 ~~secondary metals recycler and submitted to the department for~~
147 ~~cancellation of the title record of the derelict motor vehicle.~~

148 A derelict motor vehicle certificate may be reassigned only one
149 time if the derelict motor vehicle certificate was completed by
150 a licensed salvage motor vehicle dealer and the derelict motor
151 vehicle was sold to a secondary metals recycler.

152 (g) "Junk" means any material which is or may have been a
153 motor vehicle or mobile home, with or without all component
154 parts, which is inoperable and which material is in such
155 condition that its highest or primary value is either in its
156 sale or transfer as scrap metal or for its component parts, or a
157 combination of the two, except when sold or delivered to or when
158 purchased, possessed, or received by a secondary metals recycler
159 or salvage motor vehicle dealer.

160 (h) "Major component parts" means:

161 1. For motor vehicles other than motorcycles, the front-end
162 assembly (fenders, hood, grill, and bumper), cowl assembly, rear
163 body section (both quarter panels, trunk lid, door, decklid, and
164 bumper), floor pan, door assemblies, engine, frame,
165 transmission, and airbag.

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

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

172 4. For mobile homes, the frame.

173 (i) "Major part" means the front-end assembly, cowl
174 assembly, or rear body section.

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175 (j) "Materials" means motor vehicles, derelicts, and major
176 parts that are not prepared materials.

177 (k) "Mobile home" means mobile home as defined in s.
178 320.01(2).

179 (l) "Motor vehicle" means motor vehicle as defined in s.
180 320.01(1).

181 (m) "Parts" means parts of motor vehicles or combinations
182 thereof that do not constitute materials or prepared materials.

183 (n) "Personal identification card" means personal
184 identification card as defined in s. 538.18(5).

185 (o) "Prepared materials" means motor vehicles, mobile
186 homes, derelict motor vehicles, major parts, or parts that have
187 been processed by mechanically flattening or crushing, or
188 otherwise processed such that they are not the motor vehicle or
189 mobile home described in the certificate of title, or their only
190 value is as scrap metal.

191 (p) "Processing" means the business of performing the
192 manufacturing process by which ferrous metals or nonferrous
193 metals are converted into raw material products consisting of
194 prepared grades and having an existing or potential economic
195 value, or the purchase of materials, prepared materials, or
196 parts therefor.

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

199 (r) "Salvage" means a motor vehicle or mobile home which is
200 a total loss as defined in paragraph (3)(a).

201 (s) "Salvage certificate of title" means a salvage
202 certificate of title issued by the department or by another
203 motor vehicle department authorized to issue titles in another

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204 state.

205 (t) "Salvage motor vehicle dealer" means salvage motor
206 vehicle dealer as defined in s. 320.27(1)(c)5.

207 (u) "Secondary metals recycler" means secondary metals
208 recycler as defined in s. 538.18(8).

209 (v) "Seller" means a person who has physical possession and
210 responsibility for a derelict motor vehicle and attests that all
211 attempts to locate the lawful titled owner have been exhausted.
212 A seller does not include towing companies, repair shops, or
213 landlords unless they have obtained title, salvage title, or a
214 certificate of destruction in their name.

215 (2)(a) Each person mentioned as owner in the last issued
216 certificate of title, when such motor vehicle or mobile home is
217 dismantled, destroyed, or changed in such manner that it is not
218 the motor vehicle or mobile home described in the certificate of
219 title, shall surrender his or her certificate of title to the
220 department, and thereupon the department shall, with the consent
221 of any lienholders noted thereon, enter a cancellation upon its
222 records. Upon cancellation of a certificate of title in the
223 manner prescribed by this section, the department may cancel and
224 destroy all certificates in that chain of title. Any person who
225 willfully and deliberately violates this paragraph commits a
226 misdemeanor of the second degree, punishable as provided in s.
227 775.082 or s. 775.083.

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

231 a. A valid certificate of title issued in the name of the
232 seller or properly endorsed as required in s. 319.22, over to

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233 the seller;

234 b. A valid salvage certificate of title issued in the name
235 of the seller or properly endorsed as required in s. 319.22,
236 over to the seller; or

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

239 2. Any person who willfully and deliberately violates this
240 paragraph by selling, transporting, delivering, purchasing, or
241 receiving a motor vehicle, recreational vehicle, or mobile home
242 without obtaining a properly endorsed certificate of title,
243 salvage certificate of title, or certificate of destruction from
244 the owner commits a felony of the third degree, punishable as
245 provided in s. 775.082, s. 775.083, or s. 775.084.

246 (c)1. When a derelict motor vehicle is sold, transported,
247 or delivered to a licensed salvage motor vehicle dealer, the
248 purchaser shall record the date of purchase and the name,
249 address, and personal identification card number of the person
250 selling the derelict motor vehicle, and it shall be accompanied
251 by:

252 a. A valid certificate of title issued in the name of the
253 seller or properly endorsed as required in s. 319.22, over to
254 the seller;

255 b. A valid salvage certificate of title issued in the name
256 of the seller or properly endorsed as required in s. 319.22,
257 over to the seller; or

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

260 2. If the certificate of title, salvage certificate of
261 title, or certificate of destruction is not available, a

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262 derelict motor vehicle certificate application shall be
263 completed by the seller or owner of the motor vehicle or mobile
264 home, the seller's or owner's authorized transporter, and the
265 licensed salvage motor vehicle dealer at the time of sale,
266 transport, or delivery to the licensed salvage motor vehicle
267 dealer. The derelict motor vehicle certificate application shall
268 be used by the seller or owner, the seller's or owner's
269 authorized transporter, and the licensed salvage motor vehicle
270 dealer to obtain a derelict motor vehicle certificate from the
271 department. The identifying number on the personal
272 identification card of the seller or owner must be recorded on
273 the derelict motor vehicle certification application. The
274 derelict motor vehicle certificate application must be
275 accompanied by a copy of the seller's or owner's personal
276 identification card when the personal identification card is
277 something other than a Florida driver's license or Florida
278 identification card. The licensed salvage motor vehicle dealer
279 shall secure the motor vehicle or mobile home for 3 full
280 business days, excluding weekends and holidays, before
281 destroying or dismantling the derelict motor vehicle and shall
282 follow all reporting procedures established by the department,
283 including electronic notification to the department or delivery
284 of the original derelict motor vehicle certificate application
285 to an agent of the department within 24 hours after receiving
286 the derelict motor vehicle.

287 3. Any person who willfully and deliberately violates this
288 paragraph by selling, transporting, delivering, purchasing, or
289 receiving a derelict motor vehicle without obtaining a
290 certificate of title, salvage certificate of title, certificate

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291 of destruction, or derelict motor vehicle certificate
292 application; enters false or fictitious information on a
293 derelict motor vehicle certificate application; does not
294 complete the derelict motor vehicle certificate application as
295 required; does not obtain a copy of the seller or owner's
296 personal identification card when required; or does not make the
297 required notification to the department; or destroys or
298 dismantles a derelict motor vehicle without waiting the required
299 3 full business days commits a felony of the third degree,
300 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

303 a. When an insurance company pays the vehicle owner to
304 replace the wrecked or damaged vehicle with one of like kind and
305 quality or when an insurance company pays the owner upon the
306 theft of the motor vehicle or mobile home; or

307 b. When an uninsured motor vehicle or mobile home is
308 wrecked or damaged and the cost, at the time of loss, of
309 repairing or rebuilding the vehicle is 80 percent or more of the
310 cost to the owner of replacing the wrecked or damaged motor
311 vehicle or mobile home with one of like kind and quality.

312 2. A motor vehicle or mobile home shall not be considered a
313 "total loss" if the insurance company and owner of a motor
314 vehicle or mobile home agree to repair, rather than to replace,
315 the motor vehicle or mobile home. However, if the actual cost to
316 repair the motor vehicle or mobile home to the insurance company
317 exceeds 100 percent of the cost of replacing the wrecked or
318 damaged motor vehicle or mobile home with one of like kind and
319 quality, the owner shall forward to the department, within 72

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320 hours after the agreement, a request to brand the certificate of
321 title with the words "Total Loss Vehicle." Such a brand shall
322 become a part of the vehicle's title history.

323 (b) The owner, including persons who are self-insured, of
324 any motor vehicle or mobile home which is considered to be
325 salvage shall, within 72 hours after the motor vehicle or mobile
326 home becomes salvage, forward the title to the motor vehicle or
327 mobile home to the department for processing. However, an
328 insurance company which pays money as compensation for total
329 loss of a motor vehicle or mobile home shall obtain the
330 certificate of title for the motor vehicle or mobile home and,
331 within 72 hours after receiving such certificate of title, shall
332 forward such title to the department for processing. The owner
333 or insurance company, as the case may be, may not dispose of a
334 vehicle or mobile home that is a total loss before it has
335 obtained a salvage certificate of title or certificate of
336 destruction from the department. When applying for a salvage
337 certificate of title or certificate of destruction, the owner or
338 insurance company must provide the department with an estimate
339 of the costs of repairing the physical and mechanical damage
340 suffered by the vehicle for which a salvage certificate of title
341 or certificate of destruction is sought. If the estimated costs
342 of repairing the physical and mechanical damage to the vehicle
343 are equal to 80 percent or more of the current retail cost of
344 the vehicle, as established in any official used car or used
345 mobile home guide, the department shall declare the vehicle
346 unbuildable and print a certificate of destruction, which
347 authorizes the dismantling or destruction of the motor vehicle
348 or mobile home described therein. However, if the damaged motor

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349 vehicle is equipped with custom-lowered floors for wheelchair
350 access or a wheelchair lift, the insurance company may, upon
351 determining that the vehicle is repairable to a condition that
352 is safe for operation on public roads, submit the certificate of
353 title to the department for reissuance as a salvage rebuildable
354 title and the addition of a title brand of "insurance-declared
355 total loss." The certificate of destruction shall be
356 reassignable a maximum of two times before dismantling or
357 destruction of the vehicle shall be required, and shall
358 accompany the motor vehicle or mobile home for which it is
359 issued, when such motor vehicle or mobile home is sold for such
360 purposes, in lieu of a certificate of title, and, thereafter,
361 the department shall refuse issuance of any certificate of title
362 for that vehicle. Nothing in this subsection shall be applicable
363 when a vehicle is worth less than \$1,500 retail in undamaged
364 condition in any official used motor vehicle guide or used
365 mobile home guide or when a stolen motor vehicle or mobile home
366 is recovered in substantially intact condition and is readily
367 resalable without extensive repairs to or replacement of the
368 frame or engine. Any person who willfully and deliberately
369 violates this paragraph or falsifies any document to avoid the
370 requirements of this paragraph commits a misdemeanor of the
371 first degree, punishable as provided in s. 775.082 or s.
372 775.083.

373 (4) It is unlawful for any person to have in his or her
374 possession any motor vehicle or mobile home when the
375 manufacturer's or state-assigned identification number plate or
376 serial plate has been removed therefrom.

377 (a) Nothing in this subsection shall be applicable when a

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378 vehicle defined in this section as a derelict or salvage was
379 purchased or acquired from a foreign state requiring such
380 vehicle's identification number plate to be surrendered to such
381 state, provided the person shall have an affidavit from the
382 seller describing the vehicle by manufacturer's serial number
383 and the state to which such vehicle's identification number
384 plate was surrendered.

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

387 (5) (a) It is unlawful for any person to knowingly possess,
388 sell, or exchange, offer to sell or exchange, or give away any
389 certificate of title or manufacturer's or state-assigned
390 identification number plate or serial plate of any motor
391 vehicle, mobile home, or derelict that has been sold as salvage
392 contrary to the provisions of this section, and it is unlawful
393 for any person to authorize, direct, aid in, or consent to the
394 possession, sale, or exchange or to offer to sell, exchange, or
395 give away such certificate of title or manufacturer's or state-
396 assigned identification number plate or serial plate.

397 (b) It is unlawful for any person to knowingly possess,
398 sell, or exchange, offer to sell or exchange, or give away any
399 manufacturer's or state-assigned identification number plate or
400 serial plate of any motor vehicle or mobile home that has been
401 removed from the motor vehicle or mobile home for which it was
402 manufactured, and it is unlawful for any person to authorize,
403 direct, aid in, or consent to the possession, sale, or exchange
404 or to offer to sell, exchange, or give away such manufacturer's
405 or state-assigned identification number plate or serial plate.

406 (c) This chapter does not apply to anyone who removes,

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407 possesses, or replaces a manufacturer's or state-assigned
408 identification number plate, in the course of performing repairs
409 on a vehicle, that require such removal or replacement. If the
410 repair requires replacement of a vehicle part that contains the
411 manufacturer's or state-assigned identification number plate,
412 the manufacturer's or state-assigned identification number plate
413 that is assigned to the vehicle being repaired will be installed
414 on the replacement part. The manufacturer's or state-assigned
415 identification number plate that was removed from this
416 replacement part will be installed on the part that was removed
417 from the vehicle being repaired.

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

421 1. For each item of materials or major component parts
422 purchased, the salvage motor vehicle dealer shall record the
423 date of purchase and the name, address, and personal
424 identification card number of the person selling such items, as
425 well as the vehicle identification number, if available.

426 2. With respect to each item of materials or major
427 component parts purchased, obtain such documentation as may be
428 required by subsection (2).

429 (b) Any person who violates this subsection commits a
430 felony of the third degree, punishable as provided in s.
431 775.082, s. 775.083, or s. 775.084.

432 (7) (a) In the event of a purchase by a secondary metals
433 recycler, that has been issued a certificate of registration
434 number, of:

435 1. Materials, prepared materials, or parts from any seller

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436 for purposes other than the processing of such materials,
437 prepared materials, or parts, the purchaser shall obtain such
438 documentation as may be required by this section and shall
439 record the seller's name and address, date of purchase, and the
440 personal identification card number of the person delivering
441 such items.

442 2. Parts or prepared materials from any seller for purposes
443 of the processing of such parts or prepared materials, the
444 purchaser shall record the seller's name and address and date of
445 purchase and, in the event of a purchase transaction consisting
446 primarily of parts or prepared materials, the personal
447 identification card number of the person delivering such items.

448 3. Materials from another secondary metals recycler for
449 purposes of the processing of such materials, the purchaser
450 shall record the seller's name and address and date of purchase.

451 4.a. Motor vehicles, recreational vehicles, mobile homes,
452 or derelict motor vehicles from other than a secondary metals
453 recycler for purposes of the processing of such motor vehicles,
454 recreational vehicles, mobile homes, or derelict motor vehicles,
455 the purchaser shall record the date of purchase and the name,
456 address, and personal identification card number of the person
457 selling such items and shall obtain the following documentation
458 from the seller with respect to each item purchased:

459 (I) A valid certificate of title issued in the name of the
460 seller or properly endorsed as required in s. 319.22, over to
461 the seller;

462 (II) A valid salvage certificate of title issued in the
463 name of the seller or properly endorsed as required in s.
464 319.22, over to the seller;

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465 (III) ~~(II)~~ A valid certificate of destruction issued in the
466 name of the seller or properly endorsed over to the seller; or

467 (IV) ~~(III)~~ A valid derelict motor vehicle certificate
468 obtained from the department ~~completed~~ by a licensed salvage
469 motor vehicle dealer and properly reassigned to the secondary
470 metals recycler.

471 b. If a valid certificate of title, salvage certificate of
472 title, certificate of destruction, or derelict motor vehicle
473 certificate is not available and the motor vehicle or mobile
474 home is a derelict motor vehicle, a derelict motor vehicle
475 certificate application shall be completed by the seller or
476 owner of the motor vehicle or mobile home, the seller's or
477 owner's authorized transporter, and the registered secondary
478 metals recycler at the time of sale, transport, or delivery to
479 the registered secondary metals recycler. The derelict motor
480 vehicle certificate application shall be used by the seller or
481 owner, the seller's or owner's authorized transporter, and the
482 registered secondary metals recycler to obtain a derelict motor
483 vehicle certificate from the department. The identifying number
484 on the personal identification card of the seller or owner must
485 be recorded on the derelict motor vehicle certification
486 application. The derelict motor vehicle certificate application
487 must be accompanied by a copy of the seller or owner's personal
488 identification card when the personal identification card is
489 something other than a Florida driver's license or
490 identification card. The registered secondary metals recycler
491 shall secure the derelict motor vehicle for 3 full business
492 days, excluding weekends and holidays, before destroying or
493 dismantling the derelict motor vehicle and shall follow all

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494 reporting procedures established by the department, including
495 electronic notification to the department or delivery of the
496 original derelict motor vehicle certificate application to an
497 agent of the department within 24 hours after receiving the
498 derelict motor vehicle.

499 c. Any person who willfully and deliberately violates this
500 subparagraph by selling, transporting, delivering, purchasing,
501 or receiving a motor vehicle, recreational motor vehicle, mobile
502 home, or derelict motor vehicle without obtaining a certificate
503 of title, salvage certificate of title, certificate of
504 destruction, ~~or~~ derelict motor vehicle certificate, or derelict
505 motor vehicle certificate application; enters false or
506 fictitious information on a derelict motor vehicle certificate
507 application; does not complete the derelict motor vehicle
508 certificate application as required; does not obtain a copy of
509 the seller's or owner's personal identification card when
510 required; ~~or~~ does not make the required notification to the
511 department; or destroys or dismantles a derelict motor vehicle
512 without waiting the required 3 full business days commits a
513 felony of the third degree, punishable as provided in s.
514 775.082, s. 775.083, or s. 775.084.

515 5. Major parts from other than a secondary metals recycler
516 for purposes of the processing of such major parts, the
517 purchaser shall record the seller's name, address, date of
518 purchase, and the personal identification card number of the
519 person delivering such items, as well as the vehicle
520 identification number, if available, of each major part
521 purchased.

522 (b) Any person who violates this subsection commits a

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523 felony of the third degree, punishable as provided in s.
524 775.082, s. 775.083, or s. 775.084.

525 (8) (a) Secondary metals recyclers and salvage motor vehicle
526 dealers shall return to the department on a monthly basis all
527 certificates of title and salvage certificates of title that are
528 required by this section to be obtained. Secondary metals
529 recyclers and salvage motor vehicle dealers may elect to notify
530 the department electronically through procedures established by
531 the department when they receive each motor vehicle or mobile
532 home, salvage motor vehicle or mobile home, or derelict motor
533 vehicle with a certificate of title or salvage certificate of
534 title through procedures established by the department. The
535 department may adopt rules and establish fees as it deems
536 necessary or proper for the administration of the electronic
537 notification service.

538 (b) Secondary metals recyclers and salvage motor vehicle
539 dealers shall keep originals, or a copy in the event the
540 original was returned to the department, of all certificates of
541 title, salvage certificates of title, certificates of
542 destruction, derelict motor vehicle certificates, and all other
543 information required by this section to be recorded or obtained,
544 on file in the offices of such secondary metals recyclers or
545 salvage motor vehicle dealers for a period of 3 years after the
546 date of purchase of the items reflected in such certificates of
547 title, salvage certificates of title, certificates of
548 destruction, or derelict motor vehicle certificates. These
549 records shall be maintained in chronological order.

550 (c) For the purpose of enforcement of this section, the
551 department or its agents and employees have the same right of

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552 inspection as law enforcement officers as provided in s.
553 812.055.

554 (d) Whenever the department, its agent or employee, or any
555 law enforcement officer has reason to believe that a stolen or
556 fraudulently titled motor vehicle, mobile home, recreational
557 vehicle, salvage motor vehicle, or derelict motor vehicle is in
558 the possession of a salvage motor vehicle dealer or secondary
559 metals recycler, the department, its agent or employee, or the
560 law enforcement officer may issue a hold notice, not to exceed 5
561 business days, excluding weekends and holidays, to the salvage
562 motor vehicle dealer or registered secondary metals recycler.

563 (e) Whenever a salvage motor vehicle dealer or registered
564 secondary metals recycler is notified by the department, its
565 agent or employee, or any law enforcement officer to hold a
566 motor vehicle, mobile home, recreational vehicle, salvage motor
567 vehicle, or derelict motor vehicle that is believed to be stolen
568 or fraudulently titled, the salvage motor vehicle dealer or
569 registered secondary metals recycler shall hold the motor
570 vehicle, mobile home, recreational vehicle, salvage motor
571 vehicle, or derelict motor vehicle and may not dismantle or
572 destroy the motor vehicle, mobile home, recreational vehicle,
573 salvage motor vehicle, or derelict motor vehicle until it is
574 recovered by a law enforcement officer, the hold is released by
575 the department or the law enforcement officer placing the hold,
576 or the 5 working days have passed since being notified of the
577 hold.

578 (f) This section does not authorize any person that is
579 engaged in the business of recovering, towing, or storing
580 vehicles pursuant to s. 713.78, to claim a lien for performing

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581 labor or services on a motor vehicle or mobile home pursuant to
582 s. 713.58, or claim that a motor vehicle or mobile home has
583 remained on any premises after tenancy has terminated pursuant
584 to s. 715.104, or to use a derelict motor vehicle certificate
585 application for the purpose of transporting, selling, or
586 disposing of a motor vehicle at a salvage motor vehicle dealer
587 or metal recycler without obtaining the title or certificate of
588 destruction required under s. 713.58, s. 713.78 or s. 715.104.
589 Any person who transports, sells, or disposes of any motor
590 vehicle or mobile home that was recovered, towed, or stored
591 pursuant to s. 713.78, who claims a lien for performing labor or
592 services on a motor vehicle or mobile home pursuant to s.
593 713.58, or who claims that a motor vehicle or mobile home has
594 remained on a premises after tenancy has terminated pursuant to
595 s. 715.104 with respect to a derelict motor vehicle certificate
596 application commits a felony of the third degree, punishable as
597 provided in s. 775.082, s. 775.083, or s. 775.084.

598 (g)~~(f)~~ The department is authorized to adopt rules pursuant
599 to ss. 120.536(1) and 120.54 establishing policies and
600 procedures to administer and enforce this section.

601 (h)~~(g)~~ The department shall charge a fee of \$3 for each
602 derelict motor vehicle certificate delivered to the department
603 or one of its agents for processing and shall mark the title
604 record canceled. A service charge may be collected under s.
605 320.04.

606 (9) Except as otherwise provided in this section, any
607 person who violates this section commits a felony of the third
608 degree, punishable as provided in s. 775.082, s. 775.083, or s.
609 775.084.

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610 Section 3. Subsection (2) of section 320.0609, Florida
611 Statutes, is amended to read:

612 320.0609 Transfer and exchange of registration license
613 plates; transfer fee.—

614 (2) (a) Upon a sale, trade, transfer, or other disposition
615 of a motor vehicle, the owner shall remove the registration
616 license plate therefrom and either return it or transfer it to a
617 replacement motor vehicle. No registration license plate shall
618 be temporarily or permanently attached to any new or used
619 replacement or substitute vehicle without filing an application
620 for transfer of such registration license plate and paying the
621 transfer fee of \$4.50 to the department.

622 (b) The requirement to pay a transfer fee does not apply
623 when the replacement vehicle is classified under s.
624 320.08(2)(b), (c), or (d) or (3)(a), (b), or (c) and the
625 original vehicle to be replaced is also classified under s.
626 320.08(2)(b), (c), or (d) or (3)(a), (b), or (c).

627 (c) If a retail sale by a licensed independent motor
628 vehicle dealer results in the transfer of a license plate, a
629 temporary tag shall be issued and displayed during the time that
630 the application for transfer of such registration license plate
631 is being processed, unless the department's records reflect that
632 the transfer has occurred.

633 Section 4. Paragraph (m) is added to subsection (1) of
634 section 320.131, Florida Statutes, to read:

635 320.131 Temporary tags.—

636 (1) The department is authorized and empowered to design,
637 issue, and regulate the use of temporary tags to be designated
638 "temporary tags" for use in the following cases:

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639 (m) For a retail sale by a licensed independent motor
640 vehicle dealer when an application for the transfer of a
641 registration license plate is being processed.

642

643 Further, the department is authorized to disallow the purchase
644 of temporary tags by licensed dealers, common carriers, or
645 financial institutions in those cases where abuse has occurred.

646

Section 5. This act shall take effect July 1, 2009.