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LEGISLATIVE ACTION

Senate

House

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Floor: 3/AD/2R

04/26/2010 04:05 PM

Senator Bennett moved the following:

Senate Amendment (with title amendment)

Between lines 295 and 296

insert:

Section 13. Section 319.241, Florida Statutes, is amended to read:

319.241 Removal of lien from records.—The owner of a motor vehicle or mobile home upon which a lien has been filed with the department or noted upon a certificate of title for a period of 5 years may apply to the department in writing for such lien to be removed from the department files or from the certificate of title. The application shall be accompanied by evidence satisfactory to the department that the applicant has notified



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14 the lienholder by certified mail, not less than 20 days prior to
15 the date of the application, of his or her intention to apply to
16 the department for removal of the lien. Ten days after receipt
17 of the application, the department may remove the lien from its
18 files or from the certificate of title, as the case may be, if
19 no statement in writing protesting removal of the lien is
20 received by the department from the lienholder within the 10-day
21 period. If, however, the lienholder files with the department
22 within the 10-day period a written statement that the lien is
23 still outstanding, the department shall not remove the lien
24 until the lienholder presents a satisfaction of lien to the
25 department. Ten days after the receipt of an application for a
26 derelict motor vehicle certificate and notification to the
27 lienholder, the department may remove the lien from the derelict
28 motor vehicle record if a written statement protesting removal
29 of the lien is not received by the department from the
30 lienholder within the 10-day period.

31 Section 14. Subsections (1) and (2), paragraph (b) of
32 subsection (3), paragraph (a) of subsection (7), and subsection
33 (8) of section 319.30, Florida Statutes, are amended to read:

34 319.30 Definitions; dismantling, destruction, change of
35 identity of motor vehicle or mobile home; salvage.—

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

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

39 (b) "Certificate of registration number" means the
40 certificate of registration number issued by the Department of
41 Revenue of the State of Florida pursuant to s. 538.25.

42 (c) "Certificate of title" means a record that serves as



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43 evidence of ownership of a vehicle, whether such record is a
44 paper certificate authorized by the department or by a motor
45 vehicle department authorized to issue titles in another state
46 or a certificate consisting of information stored in electronic
47 form in the department's database.

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

53 (e) "Derelict motor vehicle" means:

54 1. Any motor vehicle as defined in s. 320.01(1) or mobile
55 home as defined in s. 320.01(2), with or without all parts,
56 major parts, or major component parts, which is valued under
57 \$1,000, is at least 10 model years old, beginning with the model
58 year of the vehicle as year one, and is in such condition that
59 its highest or primary value is for sale, transport, or delivery
60 to a licensed salvage motor vehicle dealer or registered
61 secondary metals recycler for dismantling its component parts or
62 conversion to scrap metal; or

63 2. Any trailer as defined in s. 320.01(1), with or without
64 all parts, major parts, or major component parts, which is
65 valued under \$5,000, is at least 10 model years old, beginning
66 with the model year of the vehicle as year one, and is in such
67 condition that its highest or primary value is for sale,
68 transport, or delivery to a licensed salvage motor vehicle
69 dealer or registered secondary metals recycler for conversion to
70 scrap metal.

71 (f) "Derelict motor vehicle certificate" means a



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72 certificate issued by the department which serves as evidence
73 that a derelict motor vehicle will be dismantled or converted to
74 scrap metal. This certificate may be obtained by completing a
75 derelict motor vehicle certificate application authorized by the
76 department. ~~completed by the derelict motor vehicle owner, the~~
77 ~~owner's authorized transporter when different from the owner,~~
78 ~~and the licensed salvage motor vehicle dealer or the registered~~
79 ~~secondary metals recycler and submitted to the department for~~
80 ~~cancellation of the title record of the derelict motor vehicle.~~
81 A derelict motor vehicle certificate may be reassigned only one
82 time if the derelict motor vehicle certificate was completed by
83 a licensed salvage motor vehicle dealer and the derelict motor
84 vehicle was sold to another licensed salvage motor vehicle
85 dealer or a secondary metals recycler.

86 (g) "Junk" means any material which is or may have been a
87 motor vehicle or mobile home, with or without all component
88 parts, which is inoperable and which material is in such
89 condition that its highest or primary value is either in its
90 sale or transfer as scrap metal or for its component parts, or a
91 combination of the two, except when sold or delivered to or when
92 purchased, possessed, or received by a secondary metals recycler
93 or salvage motor vehicle dealer.

94 (h) "Major component parts" means:

95 1. For motor vehicles other than motorcycles, any fender
96 ~~the front end assembly (fenders, hood, grill, and bumper),~~ cowl
97 assembly, rear ~~body section (both quarter panel panels,~~ trunk
98 lid, door, decklid, and ~~bumper),~~ floor pan, ~~door assemblies,~~
99 engine, frame, transmission, catalytic converter, or ~~and~~ airbag.

100 2. For trucks, in addition to those parts listed in



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101 subparagraph 1., any truck bed, including dump, wrecker, crane,
102 mixer, cargo box, or any bed which mounts to a truck frame.

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

106 4. For mobile homes, the frame.

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

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

111 (k) "Mobile home" means mobile home as defined in s.
112 320.01(2).

113 (l) "Motor vehicle" means motor vehicle as defined in s.
114 320.01(1).

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

117 ~~(n) "Personal identification card" means personal
118 identification card as defined in s. 538.18(5).~~

119 (n) ~~(p)~~ "Prepared materials" means motor vehicles, mobile
120 homes, derelict motor vehicles, major parts, or parts that have
121 been processed by mechanically flattening or crushing, or
122 otherwise processed such that they are not the motor vehicle or
123 mobile home described in the certificate of title, or their only
124 value is as scrap metal.

125 (o) ~~(p)~~ "Processing" means the business of performing the
126 manufacturing process by which ferrous metals or nonferrous
127 metals are converted into raw material products consisting of
128 prepared grades and having an existing or potential economic
129 value, or the purchase of materials, prepared materials, or



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130 parts therefor.

131 (p)~~(q)~~ "Recreational vehicle" means a motor vehicle as
132 defined in s. 320.01(1).

133 (q)~~(r)~~ "Salvage" means a motor vehicle or mobile home which
134 is a total loss as defined in paragraph (3)(a).

135 (r)~~(s)~~ "Salvage certificate of title" means a salvage
136 certificate of title issued by the department or by another
137 motor vehicle department authorized to issue titles in another
138 state.

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

141 (t)~~(u)~~ "Secondary metals recycler" means secondary metals
142 recycler as defined in s. 538.18(8).

143 (u) "Seller" means the owner of record or a person who has
144 physical possession and responsibility for a derelict motor
145 vehicle and attests that possession of the vehicle was obtained
146 through lawful means along with all ownership rights. A seller
147 does not include a towing company, repair shop, or landlord
148 unless the towing company, repair shop, or landlord has obtained
149 title, salvage title, or a certificate of destruction in the
150 name of the towing company, repair shop, or landlord.

151 (2)(a) Each person mentioned as owner in the last issued
152 certificate of title, when such motor vehicle or mobile home is
153 dismantled, destroyed, or changed in such manner that it is not
154 the motor vehicle or mobile home described in the certificate of
155 title, shall surrender his or her certificate of title to the
156 department, and thereupon the department shall, with the consent
157 of any lienholders noted thereon, enter a cancellation upon its
158 records. Upon cancellation of a certificate of title in the



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159 manner prescribed by this section, the department may cancel and
160 destroy all certificates in that chain of title. Any person who
161 knowingly ~~willfully and deliberately~~ violates this paragraph
162 commits a misdemeanor of the second degree, punishable as
163 provided in s. 775.082 or s. 775.083.

164 (b)1. When a motor vehicle, recreational vehicle, or mobile
165 home is sold, transported, ~~or~~ delivered to, or received by a
166 salvage motor vehicle dealer, it shall be accompanied by:

167 a. A valid certificate of title issued in the name of the
168 seller or properly endorsed, as required in s. 319.22, over to
169 the seller;

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

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

175 2. Any person who knowingly ~~willfully and deliberately~~
176 violates this paragraph by selling, transporting, delivering,
177 purchasing, or receiving a motor vehicle, recreational vehicle,
178 or mobile home without obtaining a properly endorsed certificate
179 of title, salvage certificate of title, or certificate of
180 destruction from the owner commits a felony of the third degree,
181 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

182 (c)1. When a derelict motor vehicle is sold, transported,
183 or delivered to a licensed salvage motor vehicle dealer, the
184 purchaser shall record the date of purchase and the name,
185 address, and valid Florida driver's license number or valid
186 Florida identification card number, or a valid driver's license
187 number or identification card number issued by another state,



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188 ~~personal identification card number~~ of the person selling the
189 derelict motor vehicle, and it shall be accompanied by:
190 a. A valid certificate of title issued in the name of the
191 seller or properly endorsed over to the seller;
192 b. A valid salvage certificate of title issued in the name
193 of the seller or properly endorsed over to the seller; or
194 c. A valid certificate of destruction issued in the name of
195 the seller or properly endorsed over to the seller.
196 2. If a valid ~~the~~ certificate of title, salvage certificate
197 of title, or certificate of destruction is not available, a
198 derelict motor vehicle certificate application shall be
199 completed by the seller or owner of the motor vehicle or mobile
200 home, the seller's or owner's authorized transporter, and the
201 licensed salvage motor vehicle dealer at the time of sale,
202 transport, or delivery to the licensed salvage motor vehicle
203 dealer. The derelict motor vehicle certificate application shall
204 be used by the seller or owner, the seller's or owner's
205 authorized transporter, and the licensed salvage motor vehicle
206 dealer to obtain a derelict motor vehicle certificate from the
207 department. The derelict motor vehicle certificate application
208 must be accompanied by a legible copy of the seller's or owner's
209 valid Florida driver's license or Florida identification card,
210 or a valid driver's license or identification card issued by
211 another state. If the seller is not the owner of record of the
212 vehicle being sold, the dealer shall, at the time of sale,
213 acquire a smudge-free right thumbprint, or other digit if the
214 seller has no right thumb, of the seller is imprinted upon the
215 derelict motor vehicle certificate application and that a
216 legible copy of the seller's driver's license or identification



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217 card is affixed to the application and transmitted to the
218 department. The licensed salvage motor vehicle dealer shall
219 secure the derelict motor vehicle ~~or mobile home~~ for 3 full
220 business days, excluding weekends and holidays, if there is no
221 active lien or a lien of 3 years or more on the department's
222 records before destroying or dismantling the derelict motor
223 vehicle and shall follow all reporting procedures established by
224 the department, including electronic notification to the
225 department or delivery of the original derelict motor vehicle
226 certificate application to an agent of the department within 24
227 hours after receiving the derelict motor vehicle. If there is an
228 active lien of 3 years or less on the derelict motor vehicle,
229 the licensed salvage motor vehicle dealer shall secure the
230 derelict motor vehicle for 10 days. The department shall notify
231 the lienholder that a derelict motor vehicle certificate has
232 been issued and shall notify the lienholder of its intention to
233 remove the lien. Ten days after receipt of the motor vehicle
234 derelict certificate application, the department may remove the
235 lien from its records if a written statement protesting removal
236 of the lien is not received by the department from the
237 lienholder within the 10-day period. However, if the lienholder
238 files with the department and the licensed salvage motor vehicle
239 dealer within the 10-day period a written statement that the
240 lien is still outstanding, the department shall not remove the
241 lien and shall place an administrative hold on the record for 30
242 days to allow the lienholder to apply for title to the vehicle
243 or a repossession certificate under s. 319.28. The licensed
244 salvage motor vehicle dealer must secure the derelict motor
245 vehicle until the department's administrative stop is removed,



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246 the lienholder submits a lien satisfaction, or the lienholder
247 takes possession of the vehicle.

248 3. Any person who knowingly ~~willfully and deliberately~~
249 violates this paragraph by selling, transporting, delivering,
250 purchasing, or receiving a derelict motor vehicle without
251 obtaining a certificate of title, salvage certificate of title,
252 certificate of destruction, or derelict motor vehicle
253 certificate application; enters false or fictitious information
254 on a derelict motor vehicle certificate application; does not
255 complete the derelict motor vehicle certificate application as
256 required; does not obtain a legible copy of the seller's or
257 owner's valid driver's license or identification card when
258 required; ~~or~~ does not make the required notification to the
259 department; or destroys or dismantles a derelict motor vehicle
260 without waiting the required time as set forth in subparagraph
261 2. ~~3 full business days~~ commits a felony of the third degree,
262 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

263 (3)

264 (b) The owner, including persons who are self-insured, of
265 any motor vehicle or mobile home which is considered to be
266 salvage shall, within 72 hours after the motor vehicle or mobile
267 home becomes salvage, forward the title to the motor vehicle or
268 mobile home to the department for processing. However, an
269 insurance company which pays money as compensation for total
270 loss of a motor vehicle or mobile home shall obtain the
271 certificate of title for the motor vehicle or mobile home and,
272 within 72 hours after receiving such certificate of title, shall
273 forward such title to the department for processing. The owner
274 or insurance company, as the case may be, may not dispose of a



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275 vehicle or mobile home that is a total loss before it has
276 obtained a salvage certificate of title or certificate of
277 destruction from the department. When applying for a salvage
278 certificate of title or certificate of destruction, the owner or
279 insurance company must provide the department with an estimate
280 of the costs of repairing the physical and mechanical damage
281 suffered by the vehicle for which a salvage certificate of title
282 or certificate of destruction is sought. If the estimated costs
283 of repairing the physical and mechanical damage to the vehicle
284 are equal to 80 percent or more of the current retail cost of
285 the vehicle, as established in any official used car or used
286 mobile home guide, the department shall declare the vehicle
287 unrebuildable and print a certificate of destruction, which
288 authorizes the dismantling or destruction of the motor vehicle
289 or mobile home described therein. However, if the damaged motor
290 vehicle is equipped with custom-lowered floors for wheelchair
291 access or a wheelchair lift, the insurance company may, upon
292 determining that the vehicle is repairable to a condition that
293 is safe for operation on public roads, submit the certificate of
294 title to the department for reissuance as a salvage rebuildable
295 title and the addition of a title brand of "insurance-declared
296 total loss." The certificate of destruction shall be
297 reassignable a maximum of two times before dismantling or
298 destruction of the vehicle shall be required, and shall
299 accompany the motor vehicle or mobile home for which it is
300 issued, when such motor vehicle or mobile home is sold for such
301 purposes, in lieu of a certificate of title, and, thereafter,
302 the department shall refuse issuance of any certificate of title
303 for that vehicle. Nothing in this subsection shall be applicable



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304 when a vehicle is worth less than \$1,500 retail in undamaged
305 condition in any official used motor vehicle guide or used
306 mobile home guide or when a stolen motor vehicle or mobile home
307 is recovered in substantially intact condition and is readily
308 resalable without extensive repairs to or replacement of the
309 frame or engine. Any person who knowingly ~~willfully and~~
310 ~~deliberately~~ violates this paragraph or falsifies any document
311 to avoid the requirements of this paragraph commits a
312 misdemeanor of the first degree, punishable as provided in s.
313 775.082 or s. 775.083.

314 (7) (a) In the event of a purchase by a secondary metals
315 recycler, that has been issued a certificate of registration
316 number, of:

317 1. Materials, prepared materials, or parts from any seller
318 for purposes other than the processing of such materials,
319 prepared materials, or parts, the purchaser shall obtain such
320 documentation as may be required by this section and shall
321 record the seller's name and address, date of purchase, and the
322 personal identification card number of the person delivering
323 such items.

324 2. Parts or prepared materials from any seller for purposes
325 of the processing of such parts or prepared materials, the
326 purchaser shall record the seller's name and address and date of
327 purchase and, in the event of a purchase transaction consisting
328 primarily of parts or prepared materials, the personal
329 identification card number of the person delivering such items.

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



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333 4.a. Motor vehicles, recreational vehicles, mobile homes,
334 or derelict motor vehicles from other than a secondary metals
335 recycler for purposes of the processing of such motor vehicles,
336 recreational vehicles, mobile homes, or derelict motor vehicles,
337 the purchaser shall record the date of purchase and the name,
338 address, and personal identification card number of the person
339 selling such items and shall obtain the following documentation
340 from the seller with respect to each item purchased:

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

344 (II) A valid salvage certificate of title issued in the
345 name of the seller or properly endorsed, as required in s.
346 319.22, over to the seller;

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

349 ~~(IV)-(III)~~ A valid derelict motor vehicle certificate
350 obtained from the department ~~completed~~ by a licensed salvage
351 motor vehicle dealer and properly reassigned to the secondary
352 metals recycler.

353 b. If a valid certificate of title, salvage certificate of
354 title, certificate of destruction, or derelict motor vehicle
355 certificate is not available and the motor vehicle or mobile
356 home is a derelict motor vehicle, a derelict motor vehicle
357 certificate application shall be completed by the seller or
358 owner of the motor vehicle or mobile home, the seller's or
359 owner's authorized transporter, and the registered secondary
360 metals recycler at the time of sale, transport, or delivery to
361 the registered secondary metals recycler to obtain a derelict



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362 motor vehicle certificate from the department. The derelict
363 motor vehicle certificate application must be accompanied by a
364 legible copy of the seller's or owner's valid Florida driver's
365 license or Florida identification card, or a valid driver's
366 license or identification card from another state. If the seller
367 is not the owner of record of the vehicle being sold, the
368 recycler shall, at the time of sale, acquire a smudge-free right
369 thumbprint, or other digit if the seller has no right thumb, of
370 the seller is imprinted upon the derelict motor vehicle
371 certificate application, and that the legible copy of the
372 seller's driver's license or identification card is affixed to
373 the application and transmitted to the department. The derelict
374 motor vehicle certificate shall be used by the owner, the
375 owner's authorized transporter, and the registered secondary
376 metals recycler. The registered secondary metals recycler shall
377 secure the derelict motor vehicle for 3 full business days,
378 excluding weekends and holidays, if there is no active lien or a
379 lien of 3 years or more on the department's records before
380 destroying or dismantling the derelict motor vehicle and shall
381 follow all reporting procedures established by the department,
382 including electronic notification to the department or delivery
383 of the original derelict motor vehicle certificate application
384 to an agent of the department within 24 hours after receiving
385 the derelict motor vehicle. If there is an active lien of 3
386 years or less on the derelict motor vehicle, the registered
387 secondary metals recycler shall secure the derelict motor
388 vehicle for 10 days. The department shall notify the lienholder
389 of the application for a derelict motor vehicle certificate and
390 shall notify the lienholder of its intention to remove the lien.



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391 Ten days after receipt of the motor vehicle derelict
392 application, the department may remove the lien from its records
393 if a written statement protesting removal of the lien is not
394 received by the department from the lienholder within the 10-day
395 period. However, if the lienholder files with the department and
396 the registered secondary metals recycler within the 10-day
397 period a written statement that the lien is still outstanding,
398 the department shall not remove the lien and shall place an
399 administrative hold on the record for 30 days to allow the
400 lienholder to apply for title to the vehicle or a repossession
401 certificate under s. 319.28. The registered secondary metals
402 recycler must secure the derelict motor vehicle until the
403 department's administrative stop is removed, the lienholder
404 submits a lien satisfaction, or the lienholder takes possession
405 of the vehicle.

406 c. Any person who knowingly ~~willfully and deliberately~~
407 violates this subparagraph by selling, transporting, delivering,
408 purchasing, or receiving a motor vehicle, recreational motor
409 vehicle, mobile home, or derelict motor vehicle without
410 obtaining a certificate of title, salvage certificate of title,
411 certificate of destruction, or derelict motor vehicle
412 certificate; enters false or fictitious information on a
413 derelict motor vehicle certificate application; does not
414 complete the derelict motor vehicle certificate application as
415 required or does not make the required notification to the
416 department; does not obtain a legible copy of the seller's or
417 owner's driver's license or identification card when required;
418 or destroys or dismantles a derelict motor vehicle without
419 waiting the required time as set forth in sub-subparagraph b. 3



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420 ~~full business days~~ commits a felony of the third degree,
421 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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
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
444 original was returned to the department, of all certificates of
445 title, salvage certificates of title, certificates of
446 destruction, derelict motor vehicle certificates, and all other
447 information required by this section to be recorded or obtained,
448 on file in the offices of such secondary metals recyclers or



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449 salvage motor vehicle dealers for a period of 3 years after the
450 date of purchase of the items reflected in such certificates of
451 title, salvage certificates of title, certificates of
452 destruction, or derelict motor vehicle certificates. These
453 records shall be maintained in chronological order.

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

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
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 an extended a hold notice, not
465 to exceed 5 additional business days, excluding weekends and
466 holidays, to the salvage motor vehicle dealer or registered
467 secondary metals recycler.

468 (e) Whenever a salvage motor vehicle dealer or registered
469 secondary metals recycler is notified by the department, its
470 agent or employee, or any law enforcement officer to hold a
471 motor vehicle, mobile home, recreational vehicle, salvage motor
472 vehicle, or derelict motor vehicle that is believed to be stolen
473 or fraudulently titled, the salvage motor vehicle dealer or
474 registered secondary metals recycler shall hold the motor
475 vehicle, mobile home, recreational vehicle, salvage motor
476 vehicle, or derelict motor vehicle and may not dismantle or
477 destroy the motor vehicle, mobile home, recreational vehicle,



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478 salvage motor vehicle, or derelict motor vehicle until it is
479 recovered by a law enforcement officer, the hold is released by
480 the department or the law enforcement officer placing the hold,
481 or the extended 5 additional business ~~working~~ days have passed
482 since being notified of the hold.

483 (f) This section does not authorize any person who is
484 engaged in the business of recovering, towing, or storing
485 vehicles pursuant to s. 713.78, and who is claiming a lien for
486 performing labor or services on a motor vehicle or mobile home
487 pursuant to s. 713.58, or is claiming that a motor vehicle or
488 mobile home has remained on any premises after tenancy has
489 terminated pursuant to s. 715.104, to use a derelict motor
490 vehicle certificate application for the purpose of transporting,
491 selling, disposing, or delivering of a motor vehicle at a
492 salvage motor vehicle dealer or metal recycler without obtaining
493 the title or certificate of destruction required under s.
494 713.58, s. 713.78, or s. 715.104.

495 (g) The department shall accept all properly endorsed and
496 completed derelict motor vehicle certificate applications and
497 shall issue a derelict motor vehicle certificate having an
498 effective date that authorizes when a derelict motor vehicle is
499 eligible for dismantling or destruction. The electronic
500 information obtained from the derelict motor vehicle certificate
501 application shall be stored electronically and shall be made
502 available to authorized persons after issuance of the derelict
503 motor vehicle certificate in the Florida Real Time Vehicle
504 Information System.

505 (h) ~~(f)~~ The department is authorized to adopt rules pursuant
506 to ss. 120.536(1) and 120.54 establishing policies and



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507 procedures to administer and enforce this section.

508 (i)~~(g)~~ The department shall charge a fee of \$3 for each
509 derelict motor vehicle certificate delivered to the department
510 or one of its agents for processing and shall mark the title
511 record canceled. A service charge may be collected under s.
512 320.04.

513 (j) The licensed salvage motor vehicle dealer or registered
514 secondary metals recycler shall make all payments for the
515 purchase of any derelict motor vehicle that is sold by a seller
516 who is not the owner of record on file with the department by
517 check or money order made payable to the seller and may not make
518 payment to the authorized transporter. The licensed salvage
519 motor vehicle dealer or registered secondary metals recycler may
520 not cash the check that such dealer or recycler issued to the
521 seller.

522
523 ===== T I T L E A M E N D M E N T =====

524 And the title is amended as follows:

525 Delete line 45

526 and insert:

527 project; amending s. 319.241, F.S.; revising
528 provisions relating to an application for the removal
529 of a lien from the files of the Department of Highway
530 Safety and Motor Vehicles or from the certificate of
531 title; authorizing the department to remove the lien
532 from its files within a specified period after
533 receiving an application for a derelict motor vehicle
534 certificate and notification to the lienholder, unless
535 a written statement protesting such removal is



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536 received; amending s. 319.30, F.S.; revising certain
537 definitions; revising requirements for disposition of
538 a motor vehicle, recreational vehicle, or mobile home
539 that is sold, transported, or delivered to a salvage
540 motor vehicle dealer or a secondary metals recycler;
541 requiring certificates of title to conform to
542 specified provisions; providing for the dealer or
543 recycler to apply to the Department of Highway Safety
544 and Motor Vehicles for a derelict motor vehicle
545 certificate if the certificate of title, salvage
546 certificate of title, or certificate of destruction is
547 not available; requiring the derelict motor vehicle
548 certificate application to be completed by the seller
549 or owner of the motor vehicle or mobile home, the
550 seller's or owner's authorized transporter, or the
551 dealer or recycler; requiring certain identification
552 information be included with the application; revising
553 the types of documentation that a secondary metals
554 recycler must obtain; permitting recyclers to obtain
555 salvage certificates of title from sellers or owners
556 as a valid method of documentation; providing that a
557 person engaged in the business of recovering, towing,
558 or storing vehicles may not claim certain liens, claim
559 that certain vehicles have remained on any premises
560 after tenancy has terminated, or use the derelict
561 motor vehicle certificate application to transport,
562 sell, or dispose of a motor vehicle at a salvage motor
563 vehicle dealer or metal recycler without otherwise
564 obtaining title to the vehicle or a certificate of



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565 destruction; requiring that the department accept all
566 properly endorsed and completed derelict motor vehicle
567 certificate applications and issue such certification
568 having an effective date that authorizes when the
569 vehicle is eligible for dismantling or destruction;
570 requiring that such electronic information be stored
571 and made available to authorized persons; requiring
572 that all licensed salvage motor vehicle dealers or
573 registered secondary metals recyclers make all
574 payments for the purchase of any derelict motor
575 vehicle that is sold by a seller who is not the owner
576 of record by check or money order; providing an
577 effective date.