

2010482e1

1 A bill to be entitled
2 An act relating to transportation; creating the
3 "Highway Safety Act"; providing legislative intent
4 relating to road rage and aggressive careless driving;
5 requiring the Department of Highway Safety and Motor
6 Vehicles to provide information about the Highway
7 Safety Act in driver's license educational materials;
8 amending s. 316.003, F.S.; defining the term "road
9 rage"; amending s. 316.083, F.S.; requiring an
10 operator of a motor vehicle to yield the left lane
11 when being overtaken on a multilane highway; providing
12 exceptions; amending s. 316.1923, F.S.; revising the
13 number of specified acts necessary to qualify as an
14 aggressive careless driver; providing specified
15 punishments for aggressive careless driving;
16 specifying the allocation of moneys received from the
17 increased fine imposed for aggressive careless
18 driving; reenacting s. 316.650(1)(a), F.S., relating
19 to traffic citations, to incorporate the amendments
20 made to s. 316.1923, F.S., in a reference thereto;
21 amending s. 318.1451, F.S.; requiring driver
22 improvement schools to collect a fee from certain
23 persons taking a basic driver improvement course;
24 providing for such fees to be used to provide signage
25 and educational materials relating to the act;
26 amending s. 318.19, F.S.; providing that a second or
27 subsequent infraction as an aggressive careless driver
28 requires attendance at a mandatory hearing; providing
29 for the disposition of the increased penalties;

2010482e1

30 amending s. 322.05, F.S.; requiring certain persons
31 under 19 years of age to complete a basic driver
32 improvement course before being issued a driver's
33 license; providing an exception; creating s. 335.199,
34 F.S.; directing the Department of Transportation to
35 notify certain property owners and local governmental
36 entities of certain proposed projects before
37 finalizing the design of certain transportation
38 projects; providing a timeframe for notification;
39 requiring the department to hold a public hearing and
40 receive public input regarding the effects of the
41 project on local businesses; directing the department
42 to consider the comments in the final design of the
43 project; amending s. 316.003, F.S.; redefining the
44 term "electric personal assistive mobility device" to
45 include additional devices for transporting one
46 person; amending s. 316.008, F.S.; authorizing local
47 governments to regulate certain vehicles and other
48 motorized devices operating on sidewalks; amending s.
49 316.1995, F.S.; conforming provisions to changes made
50 by the act; exempting motorized wheelchairs from
51 certain ordinances; amending s. 316.212, F.S.;
52 authorizing local governments to enact ordinances
53 permitting the use of golf carts on sidewalks;
54 amending s. 316.2128, F.S.; conforming provisions
55 relating to notices required to be displayed by
56 certain sellers of motorized scooters and motorcycles;
57 amending s. 319.241, F.S.; revising provisions
58 relating to an application for the removal of a lien

2010482e1

59 from the files of the Department of Highway Safety and
60 Motor Vehicles or from the certificate of title;
61 authorizing the department to remove the lien from its
62 files within a specified period after receiving an
63 application for a derelict motor vehicle certificate
64 and notification to the lienholder, unless a written
65 statement protesting such removal is received;
66 amending s. 319.30, F.S.; revising certain
67 definitions; revising requirements for disposition of
68 a motor vehicle, recreational vehicle, or mobile home
69 that is sold, transported, or delivered to a salvage
70 motor vehicle dealer or a secondary metals recycler;
71 requiring certificates of title to conform to
72 specified provisions; providing for the dealer or
73 recycler to apply to the Department of Highway Safety
74 and Motor Vehicles for a derelict motor vehicle
75 certificate if the certificate of title, salvage
76 certificate of title, or certificate of destruction is
77 not available; requiring the derelict motor vehicle
78 certificate application to be completed by the seller
79 or owner of the motor vehicle or mobile home, the
80 seller's or owner's authorized transporter, or the
81 dealer or recycler; requiring certain identification
82 information be included with the application; revising
83 the types of documentation that a secondary metals
84 recycler must obtain; permitting recyclers to obtain
85 salvage certificates of title from sellers or owners
86 as a valid method of documentation; providing that a
87 person engaged in the business of recovering, towing,

2010482e1

88 or storing vehicles may not claim certain liens, claim
89 that certain vehicles have remained on any premises
90 after tenancy has terminated, or use the derelict
91 motor vehicle certificate application to transport,
92 sell, or dispose of a motor vehicle at a salvage motor
93 vehicle dealer or metal recycler without otherwise
94 obtaining title to the vehicle or a certificate of
95 destruction; requiring that the department accept all
96 properly endorsed and completed derelict motor vehicle
97 certificate applications and issue such certification
98 having an effective date that authorizes when the
99 vehicle is eligible for dismantling or destruction;
100 requiring that such electronic information be stored
101 and made available to authorized persons; requiring
102 that all licensed salvage motor vehicle dealers or
103 registered secondary metals recyclers make all
104 payments for the purchase of any derelict motor
105 vehicle that is sold by a seller who is not the owner
106 of record by check or money order; providing an
107 effective date.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. This act may be cited as the "Highway Safety
112 Act."

113 Section 2. The Legislature finds that road rage and
114 aggressive careless driving are a growing threat to the health,
115 safety, and welfare of the public. The intent of the Legislature
116 is to reduce road rage and aggressive careless driving, reduce

2010482e1

117 the incidence of drivers' interfering with the movement of
118 traffic, minimize crashes, and promote the orderly, free flow of
119 traffic on the roads and highways of the state.

120 Section 3. The Department of Highway Safety and Motor
121 Vehicles shall provide information about the Highway Safety Act
122 in all newly printed driver's license educational materials
123 after October 1, 2010.

124 Section 4. Subsection (86) is added to section 316.003,
125 Florida Statutes, to read:

126 316.003 Definitions.—The following words and phrases, when
127 used in this chapter, shall have the meanings respectively
128 ascribed to them in this section, except where the context
129 otherwise requires:

130 (86) ROAD RAGE.—The act of a driver or passenger to
131 intentionally or unintentionally, due to a loss of emotional
132 control, injure or kill another driver, passenger, or
133 pedestrian, or to attempt or threaten to injure or kill another
134 driver, passenger, or pedestrian.

135 Section 5. Present subsection (3) of section 316.083,
136 Florida Statutes, is redesignated as subsection (4), and a new
137 subsection (3) is added to that section, to read:

138 316.083 Overtaking and passing a vehicle.—The following
139 rules shall govern the overtaking and passing of vehicles
140 proceeding in the same direction, subject to those limitations,
141 exceptions, and special rules hereinafter stated:

142 (3) (a) On roads, streets, or highways having two or more
143 lanes that allow movement in the same direction, a driver may
144 not continue to operate a motor vehicle in the furthestmost left-
145 hand lane if the driver knows, or reasonably should know, that

2010482e1

146 he or she is being overtaken in that lane from the rear by a
147 motor vehicle traveling at a higher rate of speed.

148 (b) Paragraph (a) does not apply to a driver operating a
149 motor vehicle in the furthestmost left-hand lane if:

150 1. The driver is driving the legal speed limit and is not
151 impeding the flow of traffic in the furthestmost left-hand lane;

152 2. The driver is in the process of overtaking a slower
153 motor vehicle in the adjacent right-hand lane for the purpose of
154 passing the slower moving vehicle so that the driver may move to
155 the adjacent right-hand lane;

156 3. Conditions make the flow of traffic substantially the
157 same in all lanes or preclude the driver from moving to the
158 adjacent right-hand lane;

159 4. The driver's movement to the adjacent right-hand lane
160 could endanger the driver or other drivers;

161 5. The driver is directed by a law enforcement officer,
162 road sign, or road crew to remain in the furthestmost left-hand
163 lane; or

164 6. The driver is preparing to make a left turn.

165 (c) A driver who violates s. 316.183 and this subsection
166 simultaneously shall receive a uniform traffic citation solely
167 under s. 316.183.

168 Section 6. Section 316.1923, Florida Statutes, is amended
169 to read:

170 316.1923 Aggressive careless driving.—

171 (1) "Aggressive careless driving" means committing three
172 ~~two~~ or more of the following acts simultaneously or in
173 succession:

174 (a) ~~(1)~~ Exceeding the posted speed as defined in s.

2010482e1

175 322.27(3)(d)5.b.

176 (b)~~(2)~~ Unsafely or improperly changing lanes as defined in
177 s. 316.085.

178 (c)~~(3)~~ Following another vehicle too closely as defined in
179 s. 316.0895(1).

180 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.
181 316.079, s. 316.0815, or s. 316.123.

182 (e)~~(5)~~ Improperly passing or failing to yield to overtaking
183 vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.

184 (f)~~(6)~~ Violating traffic control and signal devices as
185 defined in ss. 316.074 and 316.075.

186 (2) Any person convicted of aggressive careless driving
187 shall be cited for a moving violation and punished as provided
188 in chapter 318, and by the accumulation of points as provided in
189 s. 322.27, for each act of aggressive careless driving.

190 (3) In addition to any fine or points administered under
191 subsection (2), a person convicted of aggressive careless
192 driving shall also pay:

193 (a) Upon a first conviction, a fine of \$100.

194 (b) Upon a second or subsequent conviction, a fine of not
195 less than \$250 but not more than \$500 and be subject to a
196 mandatory hearing under s. 318.19.

197 (4) The clerk of the court shall remit the moneys collected
198 from the increased fine imposed by subsection (3) to the
199 Department of Revenue for deposit into the Department of Health
200 Administrative Trust Fund. Of the funds deposited into the
201 Department of Health Administrative Trust Fund, \$200,000 in the
202 first year after this act takes effect, and \$50,000 in the
203 second and third years, shall be transferred to the Department

2010482e1

204 of Highway Safety and Motor Vehicles General Revenue Fund to
205 offset the cost of providing educational materials related to
206 this act. All other funds deposited into the Administrative
207 Trust Fund under this section shall be used to provide financial
208 support to verified trauma centers to ensure the availability
209 and accessibility of trauma services throughout the state and
210 shall be allocated as follows:

211 (a) Twenty-five percent shall be allocated equally among
212 all Level I, Level II, and pediatric trauma centers in
213 recognition of readiness costs for maintaining trauma services.

214 (b) Twenty-five percent shall be allocated among Level I,
215 Level II, and pediatric trauma centers based on each center's
216 relative volume of trauma cases as reported in the Department of
217 Health Trauma Registry.

218 (c) Twenty-five percent shall be transferred to the
219 Emergency Medical Services Trust Fund and used by the Department
220 of Health for making matching grants to emergency medical
221 services organizations as defined in s. 401.107.

222 (d) Twenty-five percent shall be transferred to the
223 Emergency Medical Services Trust Fund and made available to
224 rural emergency medical services as defined in s. 401.107, and
225 shall be used solely to improve and expand prehospital emergency
226 medical services in this state. Additionally, these moneys may
227 be used for the improvement, expansion, or continuation of
228 services provided.

229 Section 7. For the purpose of incorporating the amendments
230 made by this act to section 316.1923, Florida Statutes, in a
231 reference thereto, paragraph (a) of subsection (1) of section
232 316.650, Florida Statutes, is reenacted to read:

2010482e1

233 316.650 Traffic citations.—

234 (1)(a) The department shall prepare and supply to every
235 traffic enforcement agency in this state an appropriate form
236 traffic citation that contains a notice to appear, is issued in
237 prenumbered books, meets the requirements of this chapter or any
238 laws of this state regulating traffic, and is consistent with
239 the state traffic court rules and the procedures established by
240 the department. The form shall include a box that is to be
241 checked by the law enforcement officer when the officer believes
242 that the traffic violation or crash was due to aggressive
243 careless driving as defined in s. 316.1923. The form shall also
244 include a box that is to be checked by the law enforcement
245 officer when the officer writes a uniform traffic citation for a
246 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
247 the driver failing to stop at a traffic signal.

248 Section 8. Subsection (4) of section 318.1451, Florida
249 Statutes, is amended to read:

250 318.1451 Driver improvement schools.—

251 (4)(a) In addition to a regular course fee, an assessment
252 fee in the amount of \$2.50 shall be collected by the school from
253 each person who elects to attend a course, as it relates to ss.
254 318.14(9), 322.0261, 322.291, and 627.06501, which shall be
255 remitted to the Department of Highway Safety and Motor Vehicles
256 and deposited in the Highway Safety Operating Trust Fund to
257 administer this program and to fund the general operations of
258 the department.

259 (b) In addition to a regular course fee, an assessment fee
260 in the amount of \$2.50 shall be collected by the school from
261 each person who attends a course, as it relates to 322.05(3),

2010482e1

262 which shall be remitted to the Department of Highway Safety and
263 Motor Vehicles and deposited in the Highway Safety Operating
264 Trust Fund to fund the signage and educational requirements of
265 section 3 of this act.

266 Section 9. Section 318.19, Florida Statutes, is amended to
267 read:

268 318.19 Infractions requiring a mandatory hearing.—Any
269 person cited for the infractions listed in this section shall
270 not have the provisions of s. 318.14(2), (4), and (9) available
271 to him or her but must appear before the designated official at
272 the time and location of the scheduled hearing:

273 (1) Any infraction which results in a crash that causes the
274 death of another;

275 (2) Any infraction which results in a crash that causes
276 "serious bodily injury" of another as defined in s. 316.1933(1);

277 (3) Any infraction of s. 316.172(1)(b);

278 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

279 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
280 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or~~

281 (6) A second or subsequent infraction of s. 316.1923(1).

282 Section 10. Subsection (3) of section 322.05, Florida
283 Statutes, is amended to read:

284 322.05 Persons not to be licensed.—The department may not
285 issue a license:

286 (3) To a person who is at least 16 years of age but who is
287 under 19 ~~18~~ years of age, unless:

288 (a) The person provides proof of successfully completing a
289 basic driver improvement course that meets the requirements of
290 s. 318.1451 within 3 months before the date the person applied

2010482e1

291 for licensure; and

292 (b) The parent, guardian, or other responsible adult
293 meeting the requirements of s. 322.09 certifies that he or she,
294 or another licensed driver 21 years of age or older, has
295 accompanied the applicant for a total of not less than 50 hours'
296 behind-the-wheel experience, of which not less than 10 hours
297 must be at night. This ~~paragraph subsection~~ is not intended to
298 create a private cause of action as a result of the
299 certification. The certification is inadmissible for any purpose
300 in any civil proceeding.

301
302 Paragraph (a) does not apply to a person who has been licensed
303 in any other jurisdiction or who has satisfactorily completed a
304 Department of Education driver's education course offered
305 pursuant to s. 1003.48.

306 Section 11. Section 335.199, Florida Statutes, is created
307 to read:

308 335.199 Transportation projects modifying access to
309 adjacent property.—

310 (1) Whenever the Department of Transportation proposes any
311 project on the State Highway System which will divide a state
312 highway, erect median barriers modifying currently available
313 vehicle turning movements, or have the effect of closing or
314 modifying an existing access to an abutting property owner, the
315 department shall notify all affected property owners,
316 municipalities, and counties at least 180 days before the design
317 of the project is finalized. The department's notice shall
318 provide a written explanation regarding the need for the project
319 and indicate that all affected parties will be given an

2010482e1

320 opportunity to provide comments to the department regarding
321 potential impacts of the change.

322 (2) (a) If the project is within the boundaries of a
323 municipality, the notification shall be issued in writing to the
324 chief elected official of the municipality. If the project is in
325 the unincorporated area of a county, the notification shall be
326 issued in writing to the chief elected official of the county.

327 (b) The department must also consult with the applicable
328 local government on its final design proposal if the department
329 intends to divide a state highway, erect median barriers, or
330 close or modify existing access to abutting commercial business
331 properties. The local government may present the department with
332 alternatives that relieve impacts to such business properties.

333 (3) The department shall hold at least one public hearing
334 in the jurisdiction where the project is located and receive
335 public input to determine how the project will affect access to
336 businesses and the potential economic impact of the project on
337 the local business community.

338 (4) The department must review all comments from the public
339 hearing and take the comments and any alternatives presented by
340 a local government under subsection (2) into consideration in
341 the final design of the highway project.

342 Section 12. Subsection (83) of section 316.003, Florida
343 Statutes, is amended to read:

344 316.003 Definitions.—The following words and phrases, when
345 used in this chapter, shall have the meanings respectively
346 ascribed to them in this section, except where the context
347 otherwise requires:

348 (83) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any self-

2010482e1

349 balancing, ~~two nontandem wheeled~~ device, designed to transport
350 only one person, with an electric propulsion system with average
351 power of no more than 750 watts (1 horsepower), the maximum
352 speed of which, on a paved level surface when powered solely by
353 such a propulsion system while being ridden by an operator who
354 weighs 170 pounds, is less than 20 miles per hour. Electric
355 personal assistive mobility devices are not vehicles as defined
356 in this section.

357 Section 13. Subsection (7) is added to section 316.008,
358 Florida Statutes, to read:

359 316.008 Powers of local authorities.—

360 (7) A county or municipality may enact an ordinance to
361 permit, control, or regulate the operation of vehicles, golf
362 carts, mopeds, motorized scooters, and electric personal
363 assistive mobility devices on sidewalks or sidewalk areas when
364 such use is permissible under federal law. The ordinance must
365 restrict such vehicles or devices to a maximum speed of 15 miles
366 per hour in such areas, when such use is permitted under federal
367 law.

368 Section 14. Section 316.1995, Florida Statutes, is amended
369 to read:

370 316.1995 Driving upon sidewalk or bicycle path.—

371 (1) Except as provided in s. 316.008 or s. 316.212(8), a No
372 person may not shall drive any vehicle other than by human power
373 upon a bicycle path, sidewalk, or sidewalk area, except upon a
374 permanent or duly authorized temporary driveway.

375 (2) A violation of this section is a noncriminal traffic
376 infraction, punishable as a moving violation as provided in
377 chapter 318.

2010482e1

378 (3) This section does not apply to motorized wheelchairs.

379 Section 15. Subsection (8) of section 316.212, Florida
380 Statutes, is amended to read:

381 316.212 Operation of golf carts on certain roadways.—The
382 operation of a golf cart upon the public roads or streets of
383 this state is prohibited except as provided herein:

384 (8) A local governmental entity may enact an ordinance
385 relating to:

386 (a) Regarding Golf cart operation and equipment which is
387 more restrictive than those enumerated in this section. Upon
388 enactment of such ordinance, the local governmental entity shall
389 post appropriate signs or otherwise inform the residents that
390 such an ordinance exists and that it will be enforced within the
391 local government's jurisdictional territory. An ordinance
392 referred to in this section must apply only to an unlicensed
393 driver.

394 (b) Golf cart operation on sidewalks adjacent to specific
395 segments of municipal streets, county roads, or state highways
396 within the jurisdictional territory of the local governmental
397 entity if:

398 1. The local governmental entity determines, after
399 considering the condition and current use of the sidewalks, the
400 character of the surrounding community, and the locations of
401 authorized golf cart crossings, that golf carts, bicycles, and
402 pedestrians may safely share the sidewalk;

403 2. The local governmental entity consults with the
404 Department of Transportation before adopting the ordinance;

405 3. The ordinance restricts golf carts to a maximum speed of
406 15 miles per hour and permits such use on sidewalks adjacent to

2010482e1

407 state highways only if the sidewalks are at least 8 feet wide;

408 4. The ordinance requires the golf carts to meet the
409 equipment requirements in subsection (6). However, the ordinance
410 may require additional equipment, including horns or other
411 warning devices required by s. 316.271; and

412 5. The local governmental entity posts appropriate signs or
413 otherwise informs residents that the ordinance exists and
414 applies to such sidewalks.

415 Section 16. Section 316.2128, Florida Statutes, is amended
416 to read:

417 316.2128 Operation of motorized scooters and miniature
418 motorcycles; requirements for sales.—

419 (1) A person who engages in the business of, serves in the
420 capacity of, or acts as a commercial seller of motorized
421 scooters or miniature motorcycles in this state must prominently
422 display at his or her place of business a notice that such
423 vehicles are not legal to operate on public roads, ~~or sidewalks~~
424 ~~and~~ may not be registered as motor vehicles, and may not be
425 operated on sidewalks unless authorized by an ordinance enacted
426 pursuant to s. 316.008(7) or s. 316.212(8). The required notice
427 must also appear in all forms of advertising offering motorized
428 scooters or miniature motorcycles for sale. The notice and a
429 copy of this section must also be provided to a consumer prior
430 to the consumer's purchasing or becoming obligated to purchase a
431 motorized scooter or a miniature motorcycle.

432 (2) Any person selling or offering a motorized scooter or a
433 miniature motorcycle for sale in violation of this section
434 commits an unfair and deceptive trade practice as defined in
435 part II of chapter 501.

2010482e1

436 Section 17. Section 319.241, Florida Statutes, is amended
437 to read:

438 319.241 Removal of lien from records.—The owner of a motor
439 vehicle or mobile home upon which a lien has been filed with the
440 department or noted upon a certificate of title for a period of
441 5 years may apply to the department in writing for such lien to
442 be removed from the department files or from the certificate of
443 title. The application shall be accompanied by evidence
444 satisfactory to the department that the applicant has notified
445 the lienholder by certified mail, not less than 20 days prior to
446 the date of the application, of his or her intention to apply to
447 the department for removal of the lien. Ten days after receipt
448 of the application, the department may remove the lien from its
449 files or from the certificate of title, as the case may be, if
450 no statement in writing protesting removal of the lien is
451 received by the department from the lienholder within the 10-day
452 period. If, however, the lienholder files with the department
453 within the 10-day period a written statement that the lien is
454 still outstanding, the department shall not remove the lien
455 until the lienholder presents a satisfaction of lien to the
456 department. Ten days after the receipt of an application for a
457 derelict motor vehicle certificate and notification to the
458 lienholder, the department may remove the lien from the derelict
459 motor vehicle record if a written statement protesting removal
460 of the lien is not received by the department from the
461 lienholder within the 10-day period.

462 Section 18. Subsections (1) and (2), paragraph (b) of
463 subsection (3), paragraph (a) of subsection (7), and subsection
464 (8) of section 319.30, Florida Statutes, are amended to read:

2010482e1

465 319.30 Definitions; dismantling, destruction, change of
466 identity of motor vehicle or mobile home; salvage.—

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

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

470 (b) "Certificate of registration number" means the
471 certificate of registration number issued by the Department of
472 Revenue of the State of Florida pursuant to s. 538.25.

473 (c) "Certificate of title" means a record that serves as
474 evidence of ownership of a vehicle, whether such record is a
475 paper certificate authorized by the department or by a motor
476 vehicle department authorized to issue titles in another state
477 or a certificate consisting of information stored in electronic
478 form in the department's database.

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

484 (e) "Derelict motor vehicle" means:

485 1. Any motor vehicle as defined in s. 320.01(1) or mobile
486 home as defined in s. 320.01(2), with or without all parts,
487 major parts, or major component parts, which is valued under
488 \$1,000, is at least 10 model years old, beginning with the model
489 year of the vehicle as year one, and is in such condition that
490 its highest or primary value is for sale, transport, or delivery
491 to a licensed salvage motor vehicle dealer or registered
492 secondary metals recycler for dismantling its component parts or
493 conversion to scrap metal; or

2010482e1

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

502 (f) "Derelict motor vehicle certificate" means a
503 certificate issued by the department which serves as evidence
504 that a derelict motor vehicle will be dismantled or converted to
505 scrap metal. This certificate may be obtained by completing a
506 derelict motor vehicle certificate application authorized by the
507 department. ~~completed by the derelict motor vehicle owner, the~~
508 ~~owner's authorized transporter when different from the owner,~~
509 ~~and the licensed salvage motor vehicle dealer or the registered~~
510 ~~secondary metals recycler and submitted to the department for~~
511 ~~cancellation of the title record of the derelict motor vehicle.~~
512 A derelict motor vehicle certificate may be reassigned only one
513 time if the derelict motor vehicle certificate was completed by
514 a licensed salvage motor vehicle dealer and the derelict motor
515 vehicle was sold to another licensed salvage motor vehicle
516 dealer or a secondary metals recycler.

517 (g) "Junk" means any material which is or may have been a
518 motor vehicle or mobile home, with or without all component
519 parts, which is inoperable and which material is in such
520 condition that its highest or primary value is either in its
521 sale or transfer as scrap metal or for its component parts, or a
522 combination of the two, except when sold or delivered to or when

2010482e1

523 purchased, possessed, or received by a secondary metals recycler
524 or salvage motor vehicle dealer.

525 (h) "Major component parts" means:

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

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

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

537 4. For mobile homes, the frame.

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

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

542 (k) "Mobile home" means mobile home as defined in s.
543 320.01(2).

544 (l) "Motor vehicle" means motor vehicle as defined in s.
545 320.01(1).

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

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

550 (n) ~~(o)~~ "Prepared materials" means motor vehicles, mobile
551 homes, derelict motor vehicles, major parts, or parts that have

2010482e1

552 been processed by mechanically flattening or crushing, or
553 otherwise processed such that they are not the motor vehicle or
554 mobile home described in the certificate of title, or their only
555 value is as scrap metal.

556 (o)~~(p)~~ "Processing" means the business of performing the
557 manufacturing process by which ferrous metals or nonferrous
558 metals are converted into raw material products consisting of
559 prepared grades and having an existing or potential economic
560 value, or the purchase of materials, prepared materials, or
561 parts therefor.

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

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

566 (r)~~(s)~~ "Salvage certificate of title" means a salvage
567 certificate of title issued by the department or by another
568 motor vehicle department authorized to issue titles in another
569 state.

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

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

574 (u) "Seller" means the owner of record or a person who has
575 physical possession and responsibility for a derelict motor
576 vehicle and attests that possession of the vehicle was obtained
577 through lawful means along with all ownership rights. A seller
578 does not include a towing company, repair shop, or landlord
579 unless the towing company, repair shop, or landlord has obtained
580 title, salvage title, or a certificate of destruction in the

2010482e1

581 name of the towing company, repair shop, or landlord.

582 (2) (a) Each person mentioned as owner in the last issued
583 certificate of title, when such motor vehicle or mobile home is
584 dismantled, destroyed, or changed in such manner that it is not
585 the motor vehicle or mobile home described in the certificate of
586 title, shall surrender his or her certificate of title to the
587 department, and thereupon the department shall, with the consent
588 of any lienholders noted thereon, enter a cancellation upon its
589 records. Upon cancellation of a certificate of title in the
590 manner prescribed by this section, the department may cancel and
591 destroy all certificates in that chain of title. Any person who
592 knowingly ~~willfully and deliberately~~ violates this paragraph
593 commits a misdemeanor of the second degree, punishable as
594 provided in s. 775.082 or s. 775.083.

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

598 a. A valid certificate of title issued in the name of the
599 seller or properly endorsed, as required in s. 319.22, over to
600 the seller;

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

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

606 2. Any person who knowingly ~~willfully and deliberately~~
607 violates this paragraph by selling, transporting, delivering,
608 purchasing, or receiving a motor vehicle, recreational vehicle,
609 or mobile home without obtaining a properly endorsed certificate

2010482e1

610 of title, salvage certificate of title, or certificate of
611 destruction from the owner commits a felony of the third degree,
612 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

613 (c)1. When a derelict motor vehicle is sold, transported,
614 or delivered to a licensed salvage motor vehicle dealer, the
615 purchaser shall record the date of purchase and the name,
616 address, and valid Florida driver's license number or valid
617 Florida identification card number, or a valid driver's license
618 number or identification card number issued by another state,
619 ~~personal identification card number~~ of the person selling the
620 derelict motor vehicle, and it shall be accompanied by:

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

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

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

627 2. If a valid ~~the~~ certificate of title, salvage certificate
628 of title, or certificate of destruction is not available, a
629 derelict motor vehicle certificate application shall be
630 completed by the seller or owner of the motor vehicle or mobile
631 home, the seller's or owner's authorized transporter, and the
632 licensed salvage motor vehicle dealer at the time of sale,
633 transport, or delivery to the licensed salvage motor vehicle
634 dealer. The derelict motor vehicle certificate application shall
635 be used by the seller or owner, the seller's or owner's
636 authorized transporter, and the licensed salvage motor vehicle
637 dealer to obtain a derelict motor vehicle certificate from the
638 department. The derelict motor vehicle certificate application

2010482e1

639 must be accompanied by a legible copy of the seller's or owner's
640 valid Florida driver's license or Florida identification card,
641 or a valid driver's license or identification card issued by
642 another state. If the seller is not the owner of record of the
643 vehicle being sold, the dealer shall, at the time of sale,
644 acquire a smudge-free right thumbprint, or other digit if the
645 seller has no right thumb, of the seller is imprinted upon the
646 derelict motor vehicle certificate application and that a
647 legible copy of the seller's driver's license or identification
648 card is affixed to the application and transmitted to the
649 department. The licensed salvage motor vehicle dealer shall
650 secure the derelict motor vehicle ~~or mobile home~~ for 3 full
651 business days, excluding weekends and holidays, if there is no
652 active lien or a lien of 3 years or more on the department's
653 records before destroying or dismantling the derelict motor
654 vehicle and shall follow all reporting procedures established by
655 the department, including electronic notification to the
656 department or delivery of the original derelict motor vehicle
657 certificate application to an agent of the department within 24
658 hours after receiving the derelict motor vehicle. If there is an
659 active lien of 3 years or less on the derelict motor vehicle,
660 the licensed salvage motor vehicle dealer shall secure the
661 derelict motor vehicle for 10 days. The department shall notify
662 the lienholder that a derelict motor vehicle certificate has
663 been issued and shall notify the lienholder of its intention to
664 remove the lien. Ten days after receipt of the motor vehicle
665 derelict certificate application, the department may remove the
666 lien from its records if a written statement protesting removal
667 of the lien is not received by the department from the

2010482e1

668 lienholder within the 10-day period. However, if the lienholder
669 files with the department and the licensed salvage motor vehicle
670 dealer within the 10-day period a written statement that the
671 lien is still outstanding, the department shall not remove the
672 lien and shall place an administrative hold on the record for 30
673 days to allow the lienholder to apply for title to the vehicle
674 or a repossession certificate under s. 319.28. The licensed
675 salvage motor vehicle dealer must secure the derelict motor
676 vehicle until the department's administrative stop is removed,
677 the lienholder submits a lien satisfaction, or the lienholder
678 takes possession of the vehicle.

679 3. Any person who knowingly ~~willfully and deliberately~~
680 violates this paragraph by selling, transporting, delivering,
681 purchasing, or receiving a derelict motor vehicle without
682 obtaining a certificate of title, salvage certificate of title,
683 certificate of destruction, or derelict motor vehicle
684 certificate application; enters false or fictitious information
685 on a derelict motor vehicle certificate application; does not
686 complete the derelict motor vehicle certificate application as
687 required; does not obtain a legible copy of the seller's or
688 owner's valid driver's license or identification card when
689 required; ~~or~~ does not make the required notification to the
690 department; or destroys or dismantles a derelict motor vehicle
691 without waiting the required time as set forth in subparagraph
692 2. ~~3 full business days~~ commits a felony of the third degree,
693 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

694 (3)

695 (b) The owner, including persons who are self-insured, of
696 any motor vehicle or mobile home which is considered to be

2010482e1

697 salvage shall, within 72 hours after the motor vehicle or mobile
698 home becomes salvage, forward the title to the motor vehicle or
699 mobile home to the department for processing. However, an
700 insurance company which pays money as compensation for total
701 loss of a motor vehicle or mobile home shall obtain the
702 certificate of title for the motor vehicle or mobile home and,
703 within 72 hours after receiving such certificate of title, shall
704 forward such title to the department for processing. The owner
705 or insurance company, as the case may be, may not dispose of a
706 vehicle or mobile home that is a total loss before it has
707 obtained a salvage certificate of title or certificate of
708 destruction from the department. When applying for a salvage
709 certificate of title or certificate of destruction, the owner or
710 insurance company must provide the department with an estimate
711 of the costs of repairing the physical and mechanical damage
712 suffered by the vehicle for which a salvage certificate of title
713 or certificate of destruction is sought. If the estimated costs
714 of repairing the physical and mechanical damage to the vehicle
715 are equal to 80 percent or more of the current retail cost of
716 the vehicle, as established in any official used car or used
717 mobile home guide, the department shall declare the vehicle
718 unrebuildable and print a certificate of destruction, which
719 authorizes the dismantling or destruction of the motor vehicle
720 or mobile home described therein. However, if the damaged motor
721 vehicle is equipped with custom-lowered floors for wheelchair
722 access or a wheelchair lift, the insurance company may, upon
723 determining that the vehicle is repairable to a condition that
724 is safe for operation on public roads, submit the certificate of
725 title to the department for reissuance as a salvage rebuildable

2010482e1

726 title and the addition of a title brand of "insurance-declared
727 total loss." The certificate of destruction shall be
728 reassignable a maximum of two times before dismantling or
729 destruction of the vehicle shall be required, and shall
730 accompany the motor vehicle or mobile home for which it is
731 issued, when such motor vehicle or mobile home is sold for such
732 purposes, in lieu of a certificate of title, and, thereafter,
733 the department shall refuse issuance of any certificate of title
734 for that vehicle. Nothing in this subsection shall be applicable
735 when a vehicle is worth less than \$1,500 retail in undamaged
736 condition in any official used motor vehicle guide or used
737 mobile home guide or when a stolen motor vehicle or mobile home
738 is recovered in substantially intact condition and is readily
739 resalable without extensive repairs to or replacement of the
740 frame or engine. Any person who knowingly ~~willfully and~~
741 ~~deliberately~~ violates this paragraph or falsifies any document
742 to avoid the requirements of this paragraph commits a
743 misdemeanor of the first degree, punishable as provided in s.
744 775.082 or s. 775.083.

745 (7) (a) In the event of a purchase by a secondary metals
746 recycler, that has been issued a certificate of registration
747 number, of:

748 1. Materials, prepared materials, or parts from any seller
749 for purposes other than the processing of such materials,
750 prepared materials, or parts, the purchaser shall obtain such
751 documentation as may be required by this section and shall
752 record the seller's name and address, date of purchase, and the
753 personal identification card number of the person delivering
754 such items.

2010482e1

755 2. Parts or prepared materials from any seller for purposes
756 of the processing of such parts or prepared materials, the
757 purchaser shall record the seller's name and address and date of
758 purchase and, in the event of a purchase transaction consisting
759 primarily of parts or prepared materials, the personal
760 identification card number of the person delivering such items.

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

764 4.a. Motor vehicles, recreational vehicles, mobile homes,
765 or derelict motor vehicles from other than a secondary metals
766 recycler for purposes of the processing of such motor vehicles,
767 recreational vehicles, mobile homes, or derelict motor vehicles,
768 the purchaser shall record the date of purchase and the name,
769 address, and personal identification card number of the person
770 selling such items and shall obtain the following documentation
771 from the seller with respect to each item purchased:

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

775 (II) A valid salvage certificate of title issued in the
776 name of the seller or properly endorsed, as required in s.
777 319.22, over to the seller;

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

780 (IV)~~(III)~~ A valid derelict motor vehicle certificate
781 obtained from the department ~~completed~~ by a licensed salvage
782 motor vehicle dealer and properly reassigned to the secondary
783 metals recycler.

2010482e1

784 b. If a valid certificate of title, salvage certificate of
785 title, certificate of destruction, or derelict motor vehicle
786 certificate is not available and the motor vehicle or mobile
787 home is a derelict motor vehicle, a derelict motor vehicle
788 certificate application shall be completed by the seller or
789 owner of the motor vehicle or mobile home, the seller's or
790 owner's authorized transporter, and the registered secondary
791 metals recycler at the time of sale, transport, or delivery to
792 the registered secondary metals recycler to obtain a derelict
793 motor vehicle certificate from the department. The derelict
794 motor vehicle certificate application must be accompanied by a
795 legible copy of the seller's or owner's valid Florida driver's
796 license or Florida identification card, or a valid driver's
797 license or identification card from another state. If the seller
798 is not the owner of record of the vehicle being sold, the
799 recycler shall, at the time of sale, acquire a smudge-free right
800 thumbprint, or other digit if the seller has no right thumb, of
801 the seller is imprinted upon the derelict motor vehicle
802 certificate application, and that the legible copy of the
803 seller's driver's license or identification card is affixed to
804 the application and transmitted to the department. The derelict
805 motor vehicle certificate shall be used by the owner, the
806 owner's authorized transporter, and the registered secondary
807 metals recycler. The registered secondary metals recycler shall
808 secure the derelict motor vehicle for 3 full business days,
809 excluding weekends and holidays, if there is no active lien or a
810 lien of 3 years or more on the department's records before
811 destroying or dismantling the derelict motor vehicle and shall
812 follow all reporting procedures established by the department,

2010482e1

813 including electronic notification to the department or delivery
814 of the original derelict motor vehicle certificate application
815 to an agent of the department within 24 hours after receiving
816 the derelict motor vehicle. If there is an active lien of 3
817 years or less on the derelict motor vehicle, the registered
818 secondary metals recycler shall secure the derelict motor
819 vehicle for 10 days. The department shall notify the lienholder
820 of the application for a derelict motor vehicle certificate and
821 shall notify the lienholder of its intention to remove the lien.
822 Ten days after receipt of the motor vehicle derelict
823 application, the department may remove the lien from its records
824 if a written statement protesting removal of the lien is not
825 received by the department from the lienholder within the 10-day
826 period. However, if the lienholder files with the department and
827 the registered secondary metals recycler within the 10-day
828 period a written statement that the lien is still outstanding,
829 the department shall not remove the lien and shall place an
830 administrative hold on the record for 30 days to allow the
831 lienholder to apply for title to the vehicle or a repossession
832 certificate under s. 319.28. The registered secondary metals
833 recycler must secure the derelict motor vehicle until the
834 department's administrative stop is removed, the lienholder
835 submits a lien satisfaction, or the lienholder takes possession
836 of the vehicle.

837 c. Any person who knowingly ~~willfully and deliberately~~
838 violates this subparagraph by selling, transporting, delivering,
839 purchasing, or receiving a motor vehicle, recreational motor
840 vehicle, mobile home, or derelict motor vehicle without
841 obtaining a certificate of title, salvage certificate of title,

2010482e1

842 certificate of destruction, or derelict motor vehicle
843 certificate; enters false or fictitious information on a
844 derelict motor vehicle certificate application; does not
845 complete the derelict motor vehicle certificate application as
846 required or does not make the required notification to the
847 department; does not obtain a legible copy of the seller's or
848 owner's driver's license or identification card when required;
849 or destroys or dismantles a derelict motor vehicle without
850 waiting the required time as set forth in sub-subparagraph b. 3
851 ~~full business days~~ commits a felony of the third degree,
852 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

853 5. Major parts from other than a secondary metals recycler
854 for purposes of the processing of such major parts, the
855 purchaser shall record the seller's name, address, date of
856 purchase, and the personal identification card number of the
857 person delivering such items, as well as the vehicle
858 identification number, if available, of each major part
859 purchased.

860 (8) (a) Secondary metals recyclers and salvage motor vehicle
861 dealers shall return to the department on a monthly basis all
862 certificates of title and salvage certificates of title that are
863 required by this section to be obtained. Secondary metals
864 recyclers and salvage motor vehicle dealers may elect to notify
865 the department electronically through procedures established by
866 the department when they receive each motor vehicle or mobile
867 home, salvage motor vehicle or mobile home, or derelict motor
868 vehicle with a certificate of title or salvage certificate of
869 title through procedures established by the department. The
870 department may adopt rules and establish fees as it deems

2010482e1

871 necessary or proper for the administration of the electronic
872 notification service.

873 (b) Secondary metals recyclers and salvage motor vehicle
874 dealers shall keep originals, or a copy in the event the
875 original was returned to the department, of all certificates of
876 title, salvage certificates of title, certificates of
877 destruction, derelict motor vehicle certificates, and all other
878 information required by this section to be recorded or obtained,
879 on file in the offices of such secondary metals recyclers or
880 salvage motor vehicle dealers for a period of 3 years after the
881 date of purchase of the items reflected in such certificates of
882 title, salvage certificates of title, certificates of
883 destruction, or derelict motor vehicle certificates. These
884 records shall be maintained in chronological order.

885 (c) For the purpose of enforcement of this section, the
886 department or its agents and employees have the same right of
887 inspection as law enforcement officers as provided in s.
888 812.055.

889 (d) Whenever the department, its agent or employee, or any
890 law enforcement officer has reason to believe that a stolen or
891 fraudulently titled motor vehicle, mobile home, recreational
892 vehicle, salvage motor vehicle, or derelict motor vehicle is in
893 the possession of a salvage motor vehicle dealer or secondary
894 metals recycler, the department, its agent or employee, or the
895 law enforcement officer may issue an extended a hold notice, not
896 to exceed 5 additional business days, excluding weekends and
897 holidays, to the salvage motor vehicle dealer or registered
898 secondary metals recycler.

899 (e) Whenever a salvage motor vehicle dealer or registered

2010482e1

900 secondary metals recycler is notified by the department, its
901 agent or employee, or any law enforcement officer to hold a
902 motor vehicle, mobile home, recreational vehicle, salvage motor
903 vehicle, or derelict motor vehicle that is believed to be stolen
904 or fraudulently titled, the salvage motor vehicle dealer or
905 registered secondary metals recycler shall hold the motor
906 vehicle, mobile home, recreational vehicle, salvage motor
907 vehicle, or derelict motor vehicle and may not dismantle or
908 destroy the motor vehicle, mobile home, recreational vehicle,
909 salvage motor vehicle, or derelict motor vehicle until it is
910 recovered by a law enforcement officer, the hold is released by
911 the department or the law enforcement officer placing the hold,
912 or the extended 5 additional business ~~working~~ days have passed
913 since being notified of the hold.

914 (f) This section does not authorize any person who is
915 engaged in the business of recovering, towing, or storing
916 vehicles pursuant to s. 713.78, and who is claiming a lien for
917 performing labor or services on a motor vehicle or mobile home
918 pursuant to s. 713.58, or is claiming that a motor vehicle or
919 mobile home has remained on any premises after tenancy has
920 terminated pursuant to s. 715.104, to use a derelict motor
921 vehicle certificate application for the purpose of transporting,
922 selling, disposing, or delivering of a motor vehicle at a
923 salvage motor vehicle dealer or metal recycler without obtaining
924 the title or certificate of destruction required under s.
925 713.58, s. 713.78, or s. 715.104.

926 (g) The department shall accept all properly endorsed and
927 completed derelict motor vehicle certificate applications and
928 shall issue a derelict motor vehicle certificate having an

2010482e1

929 effective date that authorizes when a derelict motor vehicle is
930 eligible for dismantling or destruction. The electronic
931 information obtained from the derelict motor vehicle certificate
932 application shall be stored electronically and shall be made
933 available to authorized persons after issuance of the derelict
934 motor vehicle certificate in the Florida Real Time Vehicle
935 Information System.

936 (h)~~(f)~~ The department is authorized to adopt rules pursuant
937 to ss. 120.536(1) and 120.54 establishing policies and
938 procedures to administer and enforce this section.

939 (i)~~(g)~~ The department shall charge a fee of \$3 for each
940 derelict motor vehicle certificate delivered to the department
941 or one of its agents for processing and shall mark the title
942 record canceled. A service charge may be collected under s.
943 320.04.

944 (j) The licensed salvage motor vehicle dealer or registered
945 secondary metals recycler shall make all payments for the
946 purchase of any derelict motor vehicle that is sold by a seller
947 who is not the owner of record on file with the department by
948 check or money order made payable to the seller and may not make
949 payment to the authorized transporter. The licensed salvage
950 motor vehicle dealer or registered secondary metals recycler may
951 not cash the check that such dealer or recycler issued to the
952 seller.

953 Section 19. This act shall take effect October 1, 2010.