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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. 318.19, F.S.; providing that a second or
22 subsequent infraction as an aggressive careless driver
23 requires attendance at a mandatory hearing; providing
24 for the disposition of the increased penalties;
25 creating s. 335.199, F.S.; directing the Department of
26 Transportation to notify certain property owners and
27 local governmental entities of certain proposed
28 projects before finalizing the design of certain
29 transportation projects; providing a timeframe for

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30 notification; requiring the department to hold a
31 public hearing and receive public input regarding the
32 effects of the project on local businesses; directing
33 the department to consider the comments in the final
34 design of the project; amending s. 316.003, F.S.;
35 redefining the term "electric personal assistive
36 mobility device" to include additional devices for
37 transporting one person; amending s. 316.008, F.S.;
38 authorizing local governments to regulate certain
39 vehicles and other motorized devices operating on
40 sidewalks; amending s. 316.1995, F.S.; conforming
41 provisions to changes made by the act; exempting
42 motorized wheelchairs from certain ordinances;
43 amending s. 316.212, F.S.; authorizing local
44 governments to enact ordinances permitting the use of
45 golf carts on sidewalks; amending s. 316.2128, F.S.;
46 conforming provisions relating to notices required to
47 be displayed by certain sellers of motorized scooters
48 and motorcycles; amending s. 319.241, F.S.; revising
49 provisions relating to an application for the removal
50 of a lien from the files of the Department of Highway
51 Safety and Motor Vehicles or from the certificate of
52 title; authorizing the department to remove the lien
53 from its files within a specified period after
54 receiving an application for a derelict motor vehicle
55 certificate and notification to the lienholder, unless
56 a written statement protesting such removal is
57 received; amending s. 319.30, F.S.; revising certain
58 definitions; revising requirements for disposition of

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59 a motor vehicle, recreational vehicle, or mobile home
60 that is sold, transported, or delivered to a salvage
61 motor vehicle dealer or a secondary metals recycler;
62 requiring certificates of title to conform to
63 specified provisions; providing for the dealer or
64 recycler to apply to the Department of Highway Safety
65 and Motor Vehicles for a derelict motor vehicle
66 certificate if the certificate of title, salvage
67 certificate of title, or certificate of destruction is
68 not available; requiring the derelict motor vehicle
69 certificate application to be completed by the seller
70 or owner of the motor vehicle or mobile home, the
71 seller's or owner's authorized transporter, or the
72 dealer or recycler; requiring certain identification
73 information be included with the application; revising
74 the types of documentation that a secondary metals
75 recycler must obtain; permitting recyclers to obtain
76 salvage certificates of title from sellers or owners
77 as a valid method of documentation; providing that a
78 person engaged in the business of recovering, towing,
79 or storing vehicles may not claim certain liens, claim
80 that certain vehicles have remained on any premises
81 after tenancy has terminated, or use the derelict
82 motor vehicle certificate application to transport,
83 sell, or dispose of a motor vehicle at a salvage motor
84 vehicle dealer or metal recycler without otherwise
85 obtaining title to the vehicle or a certificate of
86 destruction; requiring that the department accept all
87 properly endorsed and completed derelict motor vehicle

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88 certificate applications and issue such certification
89 having an effective date that authorizes when the
90 vehicle is eligible for dismantling or destruction;
91 requiring that such electronic information be stored
92 and made available to authorized persons; requiring
93 that all licensed salvage motor vehicle dealers or
94 registered secondary metals recyclers make all
95 payments for the purchase of any derelict motor
96 vehicle that is sold by a seller who is not the owner
97 of record by check or money order; providing an
98 effective date.
99

100 Be It Enacted by the Legislature of the State of Florida:
101

102 Section 1. This act may be cited as the "Highway Safety
103 Act."

104 Section 2. The Legislature finds that road rage and
105 aggressive careless driving are a growing threat to the health,
106 safety, and welfare of the public. The intent of the Legislature
107 is to reduce road rage and aggressive careless driving, reduce
108 the incidence of drivers' interfering with the movement of
109 traffic, minimize crashes, and promote the orderly, free flow of
110 traffic on the roads and highways of the state.

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

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

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117 316.003 Definitions.—The following words and phrases, when
118 used in this chapter, shall have the meanings respectively
119 ascribed to them in this section, except where the context
120 otherwise requires:

121 (86) ROAD RAGE.—The act of a driver or passenger to
122 intentionally or unintentionally, due to a loss of emotional
123 control, injure or kill another driver, passenger, or
124 pedestrian, or to attempt or threaten to injure or kill another
125 driver, passenger, or pedestrian.

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

129 316.083 Overtaking and passing a vehicle.—The following
130 rules shall govern the overtaking and passing of vehicles
131 proceeding in the same direction, subject to those limitations,
132 exceptions, and special rules hereinafter stated:

133 (3) (a) On roads, streets, or highways having two or more
134 lanes that allow movement in the same direction, a driver may
135 not continue to operate a motor vehicle in the furthestmost left-
136 hand lane if the driver knows, or reasonably should know, that
137 he or she is being overtaken in that lane from the rear by a
138 motor vehicle traveling at a higher rate of speed.

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

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

143 2. The driver is in the process of overtaking a slower
144 motor vehicle in the adjacent right-hand lane for the purpose of
145 passing the slower moving vehicle so that the driver may move to

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146 the adjacent right-hand lane;

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

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

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

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

156 (c) A driver who violates s. 316.183 and this subsection
157 simultaneously shall receive a uniform traffic citation solely
158 under s. 316.183.

159 Section 6. Section 316.1923, Florida Statutes, is amended
160 to read:

161 316.1923 Aggressive careless driving.—

162 (1) "Aggressive careless driving" means committing three
163 ~~two~~ or more of the following acts simultaneously or in
164 succession:

165 (a)~~(1)~~ Exceeding the posted speed as defined in s.
166 322.27(3)(d)5.b.

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

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

171 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.
172 316.079, s. 316.0815, or s. 316.123.

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

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

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

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

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

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

188 (4) The clerk of the court shall remit the moneys collected
189 from the increased fine imposed by subsection (3) to the
190 Department of Revenue for deposit into the Department of Health
191 Administrative Trust Fund. Of the funds deposited into the
192 Department of Health Administrative Trust Fund, \$200,000 in the
193 first year after this act takes effect, and \$50,000 in the
194 second and third years, shall be transferred to the Department
195 of Highway Safety and Motor Vehicles General Revenue Fund to
196 offset the cost of providing educational materials related to
197 this act. All other funds deposited into the Administrative
198 Trust Fund under this section shall be used to provide financial
199 support to verified trauma centers to ensure the availability
200 and accessibility of trauma services throughout the state and
201 shall be allocated as follows:

202 (a) Twenty-five percent shall be allocated equally among
203 all Level I, Level II, and pediatric trauma centers in

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204 recognition of readiness costs for maintaining trauma services.

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

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

213 (d) Twenty-five percent shall be transferred to the
214 Emergency Medical Services Trust Fund and made available to
215 rural emergency medical services as defined in s. 401.107, and
216 shall be used solely to improve and expand prehospital emergency
217 medical services in this state. Additionally, these moneys may
218 be used for the improvement, expansion, or continuation of
219 services provided.

220 Section 7. For the purpose of incorporating the amendments
221 made by this act to section 316.1923, Florida Statutes, in a
222 reference thereto, paragraph (a) of subsection (1) of section
223 316.650, Florida Statutes, is reenacted to read:

224 316.650 Traffic citations.—

225 (1) (a) The department shall prepare and supply to every
226 traffic enforcement agency in this state an appropriate form
227 traffic citation that contains a notice to appear, is issued in
228 prenumbered books, meets the requirements of this chapter or any
229 laws of this state regulating traffic, and is consistent with
230 the state traffic court rules and the procedures established by
231 the department. The form shall include a box that is to be
232 checked by the law enforcement officer when the officer believes

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233 that the traffic violation or crash was due to aggressive
234 careless driving as defined in s. 316.1923. The form shall also
235 include a box that is to be checked by the law enforcement
236 officer when the officer writes a uniform traffic citation for a
237 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
238 the driver failing to stop at a traffic signal.

239 Section 8. Section 318.19, Florida Statutes, is amended to
240 read:

241 318.19 Infractions requiring a mandatory hearing.—Any
242 person cited for the infractions listed in this section shall
243 not have the provisions of s. 318.14(2), (4), and (9) available
244 to him or her but must appear before the designated official at
245 the time and location of the scheduled hearing:

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

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

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

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

252 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
253 316.189 of exceeding the speed limit by 30 m.p.h. or more; or.

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

255 Section 9. Section 335.199, Florida Statutes, is created to
256 read:

257 335.199 Transportation projects modifying access to
258 adjacent property.—

259 (1) Whenever the Department of Transportation proposes any
260 project on the State Highway System which will divide a state
261 highway, erect median barriers modifying currently available

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262 vehicle turning movements, or have the effect of closing or
263 modifying an existing access to an abutting property owner, the
264 department shall notify all affected property owners,
265 municipalities, and counties at least 180 days before the design
266 of the project is finalized. The department's notice shall
267 provide a written explanation regarding the need for the project
268 and indicate that all affected parties will be given an
269 opportunity to provide comments to the department regarding
270 potential impacts of the change.

271 (2) (a) If the project is within the boundaries of a
272 municipality, the notification shall be issued in writing to the
273 chief elected official of the municipality. If the project is in
274 the unincorporated area of a county, the notification shall be
275 issued in writing to the chief elected official of the county.

276 (b) The department must also consult with the applicable
277 local government on its final design proposal if the department
278 intends to divide a state highway, erect median barriers, or
279 close or modify existing access to abutting commercial business
280 properties. The local government may present the department with
281 alternatives that relieve impacts to such business properties.

282 (3) The department shall hold at least one public hearing
283 in the jurisdiction where the project is located and receive
284 public input to determine how the project will affect access to
285 businesses and the potential economic impact of the project on
286 the local business community.

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

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291 Section 10. Subsection (83) of section 316.003, Florida
292 Statutes, is amended to read:

293 316.003 Definitions.—The following words and phrases, when
294 used in this chapter, shall have the meanings respectively
295 ascribed to them in this section, except where the context
296 otherwise requires:

297 (83) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any self-
298 balancing, ~~two nontandem wheeled~~ device, designed to transport
299 only one person, with an electric propulsion system with average
300 power of no more than 750 watts (1 horsepower), the maximum
301 speed of which, on a paved level surface when powered solely by
302 such a propulsion system while being ridden by an operator who
303 weighs 170 pounds, is less than 20 miles per hour. Electric
304 personal assistive mobility devices are not vehicles as defined
305 in this section.

306 Section 11. Subsection (7) is added to section 316.008,
307 Florida Statutes, to read:

308 316.008 Powers of local authorities.—

309 (7) A county or municipality may enact an ordinance to
310 permit, control, or regulate the operation of vehicles, golf
311 carts, mopeds, motorized scooters, and electric personal
312 assistive mobility devices on sidewalks or sidewalk areas when
313 such use is permissible under federal law. The ordinance must
314 restrict such vehicles or devices to a maximum speed of 15 miles
315 per hour in such areas, when such use is permitted under federal
316 law.

317 Section 12. Section 316.1995, Florida Statutes, is amended
318 to read:

319 316.1995 Driving upon sidewalk or bicycle path.—

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

324 (2) A violation of this section is a noncriminal traffic
325 infraction, punishable as a moving violation as provided in
326 chapter 318.

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

328 Section 13. Subsection (8) of section 316.212, Florida
329 Statutes, is amended to read:

330 316.212 Operation of golf carts on certain roadways.—The
331 operation of a golf cart upon the public roads or streets of
332 this state is prohibited except as provided herein:

333 (8) A local governmental entity may enact an ordinance
334 relating to:

335 (a) Regarding Golf cart operation and equipment which is
336 more restrictive than those enumerated in this section. Upon
337 enactment of such ordinance, the local governmental entity shall
338 post appropriate signs or otherwise inform the residents that
339 such an ordinance exists and that it will be enforced within the
340 local government's jurisdictional territory. An ordinance
341 referred to in this section must apply only to an unlicensed
342 driver.

343 (b) Golf cart operation on sidewalks adjacent to specific
344 segments of municipal streets, county roads, or state highways
345 within the jurisdictional territory of the local governmental
346 entity if:

347 1. The local governmental entity determines, after
348 considering the condition and current use of the sidewalks, the

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349 character of the surrounding community, and the locations of
350 authorized golf cart crossings, that golf carts, bicycles, and
351 pedestrians may safely share the sidewalk;

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

354 3. The ordinance restricts golf carts to a maximum speed of
355 15 miles per hour and permits such use on sidewalks adjacent to
356 state highways only if the sidewalks are at least 8 feet wide;

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

361 5. The local governmental entity posts appropriate signs or
362 otherwise informs residents that the ordinance exists and
363 applies to such sidewalks.

364 Section 14. Section 316.2128, Florida Statutes, is amended
365 to read:

366 316.2128 Operation of motorized scooters and miniature
367 motorcycles; requirements for sales.—

368 (1) A person who engages in the business of, serves in the
369 capacity of, or acts as a commercial seller of motorized
370 scooters or miniature motorcycles in this state must prominently
371 display at his or her place of business a notice that such
372 vehicles are not legal to operate on public roads, ~~or sidewalks~~
373 ~~and~~ may not be registered as motor vehicles, and may not be
374 operated on sidewalks unless authorized by an ordinance enacted
375 pursuant to s. 316.008(7) or s. 316.212(8). The required notice
376 must also appear in all forms of advertising offering motorized
377 scooters or miniature motorcycles for sale. The notice and a

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378 copy of this section must also be provided to a consumer prior
379 to the consumer's purchasing or becoming obligated to purchase a
380 motorized scooter or a miniature motorcycle.

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

385 Section 15. Section 319.241, Florida Statutes, is amended
386 to read:

387 319.241 Removal of lien from records.—The owner of a motor
388 vehicle or mobile home upon which a lien has been filed with the
389 department or noted upon a certificate of title for a period of
390 5 years may apply to the department in writing for such lien to
391 be removed from the department files or from the certificate of
392 title. The application shall be accompanied by evidence
393 satisfactory to the department that the applicant has notified
394 the lienholder by certified mail, not less than 20 days prior to
395 the date of the application, of his or her intention to apply to
396 the department for removal of the lien. Ten days after receipt
397 of the application, the department may remove the lien from its
398 files or from the certificate of title, as the case may be, if
399 no statement in writing protesting removal of the lien is
400 received by the department from the lienholder within the 10-day
401 period. If, however, the lienholder files with the department
402 within the 10-day period a written statement that the lien is
403 still outstanding, the department shall not remove the lien
404 until the lienholder presents a satisfaction of lien to the
405 department. Ten days after the receipt of an application for a
406 derelict motor vehicle certificate and notification to the

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407 lienholder, the department may remove the lien from the derelict
408 motor vehicle record if a written statement protesting removal
409 of the lien is not received by the department from the
410 lienholder within the 10-day period.

411 Section 16. Subsections (1) and (2), paragraph (b) of
412 subsection (3), paragraph (a) of subsection (7), and subsection
413 (8) of section 319.30, Florida Statutes, are amended to read:

414 319.30 Definitions; dismantling, destruction, change of
415 identity of motor vehicle or mobile home; salvage.—

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

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

419 (b) "Certificate of registration number" means the
420 certificate of registration number issued by the Department of
421 Revenue of the State of Florida pursuant to s. 538.25.

422 (c) "Certificate of title" means a record that serves as
423 evidence of ownership of a vehicle, whether such record is a
424 paper certificate authorized by the department or by a motor
425 vehicle department authorized to issue titles in another state
426 or a certificate consisting of information stored in electronic
427 form in the department's database.

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

433 (e) "Derelict motor vehicle" means:

434 1. Any motor vehicle as defined in s. 320.01(1) or mobile
435 home as defined in s. 320.01(2), with or without all parts,

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436 major parts, or major component parts, which is valued under
437 \$1,000, is at least 10 model years old, beginning with the model
438 year of the vehicle as year one, and is in such condition that
439 its highest or primary value is for sale, transport, or delivery
440 to a licensed salvage motor vehicle dealer or registered
441 secondary metals recycler for dismantling its component parts or
442 conversion to scrap metal; or

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

451 (f) "Derelict motor vehicle certificate" means a
452 certificate issued by the department which serves as evidence
453 that a derelict motor vehicle will be dismantled or converted to
454 scrap metal. This certificate may be obtained by completing a
455 derelict motor vehicle certificate application authorized by the
456 department. ~~completed by the derelict motor vehicle owner, the~~
457 ~~owner's authorized transporter when different from the owner,~~
458 ~~and the licensed salvage motor vehicle dealer or the registered~~
459 ~~secondary metals recycler and submitted to the department for~~
460 ~~cancellation of the title record of the derelict motor vehicle.~~
461 A derelict motor vehicle certificate may be reassigned only one
462 time if the derelict motor vehicle certificate was completed by
463 a licensed salvage motor vehicle dealer and the derelict motor
464 vehicle was sold to another licensed salvage motor vehicle

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465 dealer or a secondary metals recycler.

466 (g) "Junk" means any material which is or may have been a
467 motor vehicle or mobile home, with or without all component
468 parts, which is inoperable and which material is in such
469 condition that its highest or primary value is either in its
470 sale or transfer as scrap metal or for its component parts, or a
471 combination of the two, except when sold or delivered to or when
472 purchased, possessed, or received by a secondary metals recycler
473 or salvage motor vehicle dealer.

474 (h) "Major component parts" means:

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

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

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

486 4. For mobile homes, the frame.

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

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

491 (k) "Mobile home" means mobile home as defined in s.
492 320.01(2).

493 (l) "Motor vehicle" means motor vehicle as defined in s.

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494 320.01(1).

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

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

499 (n)~~(o)~~ "Prepared materials" means motor vehicles, mobile
500 homes, derelict motor vehicles, major parts, or parts that have
501 been processed by mechanically flattening or crushing, or
502 otherwise processed such that they are not the motor vehicle or
503 mobile home described in the certificate of title, or their only
504 value is as scrap metal.

505 (o)~~(p)~~ "Processing" means the business of performing the
506 manufacturing process by which ferrous metals or nonferrous
507 metals are converted into raw material products consisting of
508 prepared grades and having an existing or potential economic
509 value, or the purchase of materials, prepared materials, or
510 parts therefor.

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

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

515 (r)~~(s)~~ "Salvage certificate of title" means a salvage
516 certificate of title issued by the department or by another
517 motor vehicle department authorized to issue titles in another
518 state.

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

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

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523 (u) "Seller" means the owner of record or a person who has
524 physical possession and responsibility for a derelict motor
525 vehicle and attests that possession of the vehicle was obtained
526 through lawful means along with all ownership rights. A seller
527 does not include a towing company, repair shop, or landlord
528 unless the towing company, repair shop, or landlord has obtained
529 title, salvage title, or a certificate of destruction in the
530 name of the towing company, repair shop, or landlord.

531 (2) (a) Each person mentioned as owner in the last issued
532 certificate of title, when such motor vehicle or mobile home is
533 dismantled, destroyed, or changed in such manner that it is not
534 the motor vehicle or mobile home described in the certificate of
535 title, shall surrender his or her certificate of title to the
536 department, and thereupon the department shall, with the consent
537 of any lienholders noted thereon, enter a cancellation upon its
538 records. Upon cancellation of a certificate of title in the
539 manner prescribed by this section, the department may cancel and
540 destroy all certificates in that chain of title. Any person who
541 knowingly ~~willfully and deliberately~~ violates this paragraph
542 commits a misdemeanor of the second degree, punishable as
543 provided in s. 775.082 or s. 775.083.

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

547 a. A valid certificate of title issued in the name of the
548 seller or properly endorsed, as required in s. 319.22, over to
549 the seller;

550 b. A valid salvage certificate of title issued in the name
551 of the seller or properly endorsed, as required in s. 319.22,

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552 over to the seller; or

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

555 2. Any person who knowingly ~~willfully and deliberately~~
556 violates this paragraph by selling, transporting, delivering,
557 purchasing, or receiving a motor vehicle, recreational vehicle,
558 or mobile home without obtaining a properly endorsed certificate
559 of title, salvage certificate of title, or certificate of
560 destruction from the owner commits a felony of the third degree,
561 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

562 (c)1. When a derelict motor vehicle is sold, transported,
563 or delivered to a licensed salvage motor vehicle dealer, the
564 purchaser shall record the date of purchase and the name,
565 address, and valid Florida driver's license number or valid
566 Florida identification card number, or a valid driver's license
567 number or identification card number issued by another state,
568 ~~personal identification card number~~ of the person selling the
569 derelict motor vehicle, and it shall be accompanied by:

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

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

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

576 2. If a valid ~~the~~ certificate of title, salvage certificate
577 of title, or certificate of destruction is not available, a
578 derelict motor vehicle certificate application shall be
579 completed by the seller or owner of the motor vehicle or mobile
580 home, the seller's or owner's authorized transporter, and the

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581 licensed salvage motor vehicle dealer at the time of sale,
582 transport, or delivery to the licensed salvage motor vehicle
583 dealer. The derelict motor vehicle certificate application shall
584 be used by the seller or owner, the seller's or owner's
585 authorized transporter, and the licensed salvage motor vehicle
586 dealer to obtain a derelict motor vehicle certificate from the
587 department. The derelict motor vehicle certificate application
588 must be accompanied by a legible copy of the seller's or owner's
589 valid Florida driver's license or Florida identification card,
590 or a valid driver's license or identification card issued by
591 another state. If the seller is not the owner of record of the
592 vehicle being sold, the dealer shall, at the time of sale,
593 acquire a smudge-free right thumbprint, or other digit if the
594 seller has no right thumb, of the seller is imprinted upon the
595 derelict motor vehicle certificate application and that a
596 legible copy of the seller's driver's license or identification
597 card is affixed to the application and transmitted to the
598 department. The licensed salvage motor vehicle dealer shall
599 secure the derelict motor vehicle ~~or mobile home~~ for 3 full
600 business days, excluding weekends and holidays, if there is no
601 active lien or a lien of 3 years or more on the department's
602 records before destroying or dismantling the derelict motor
603 vehicle and shall follow all reporting procedures established by
604 the department, including electronic notification to the
605 department or delivery of the original derelict motor vehicle
606 certificate application to an agent of the department within 24
607 hours after receiving the derelict motor vehicle. If there is an
608 active lien of 3 years or less on the derelict motor vehicle,
609 the licensed salvage motor vehicle dealer shall secure the

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610 derelict motor vehicle for 10 days. The department shall notify
611 the lienholder that a derelict motor vehicle certificate has
612 been issued and shall notify the lienholder of its intention to
613 remove the lien. Ten days after receipt of the motor vehicle
614 derelict certificate application, the department may remove the
615 lien from its records if a written statement protesting removal
616 of the lien is not received by the department from the
617 lienholder within the 10-day period. However, if the lienholder
618 files with the department and the licensed salvage motor vehicle
619 dealer within the 10-day period a written statement that the
620 lien is still outstanding, the department shall not remove the
621 lien and shall place an administrative hold on the record for 30
622 days to allow the lienholder to apply for title to the vehicle
623 or a repossession certificate under s. 319.28. The licensed
624 salvage motor vehicle dealer must secure the derelict motor
625 vehicle until the department's administrative stop is removed,
626 the lienholder submits a lien satisfaction, or the lienholder
627 takes possession of the vehicle.

628 3. Any person who knowingly ~~willfully and deliberately~~
629 ~~violates~~ this paragraph by selling, transporting, delivering,
630 purchasing, or receiving a derelict motor vehicle without
631 obtaining a certificate of title, salvage certificate of title,
632 certificate of destruction, or derelict motor vehicle
633 certificate application; enters false or fictitious information
634 on a derelict motor vehicle certificate application; does not
635 complete the derelict motor vehicle certificate application as
636 required; does not obtain a legible copy of the seller's or
637 owner's valid driver's license or identification card when
638 required; ~~or~~ does not make the required notification to the

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639 department; or destroys or dismantles a derelict motor vehicle
640 without waiting the required time as set forth in subparagraph
641 2. ~~3 full business days~~ commits a felony of the third degree,
642 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

643 (3)

644 (b) The owner, including persons who are self-insured, of
645 any motor vehicle or mobile home which is considered to be
646 salvage shall, within 72 hours after the motor vehicle or mobile
647 home becomes salvage, forward the title to the motor vehicle or
648 mobile home to the department for processing. However, an
649 insurance company which pays money as compensation for total
650 loss of a motor vehicle or mobile home shall obtain the
651 certificate of title for the motor vehicle or mobile home and,
652 within 72 hours after receiving such certificate of title, shall
653 forward such title to the department for processing. The owner
654 or insurance company, as the case may be, may not dispose of a
655 vehicle or mobile home that is a total loss before it has
656 obtained a salvage certificate of title or certificate of
657 destruction from the department. When applying for a salvage
658 certificate of title or certificate of destruction, the owner or
659 insurance company must provide the department with an estimate
660 of the costs of repairing the physical and mechanical damage
661 suffered by the vehicle for which a salvage certificate of title
662 or certificate of destruction is sought. If the estimated costs
663 of repairing the physical and mechanical damage to the vehicle
664 are equal to 80 percent or more of the current retail cost of
665 the vehicle, as established in any official used car or used
666 mobile home guide, the department shall declare the vehicle
667 unrebuildable and print a certificate of destruction, which

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668 authorizes the dismantling or destruction of the motor vehicle
669 or mobile home described therein. However, if the damaged motor
670 vehicle is equipped with custom-lowered floors for wheelchair
671 access or a wheelchair lift, the insurance company may, upon
672 determining that the vehicle is repairable to a condition that
673 is safe for operation on public roads, submit the certificate of
674 title to the department for reissuance as a salvage rebuildable
675 title and the addition of a title brand of "insurance-declared
676 total loss." The certificate of destruction shall be
677 reassignable a maximum of two times before dismantling or
678 destruction of the vehicle shall be required, and shall
679 accompany the motor vehicle or mobile home for which it is
680 issued, when such motor vehicle or mobile home is sold for such
681 purposes, in lieu of a certificate of title, and, thereafter,
682 the department shall refuse issuance of any certificate of title
683 for that vehicle. Nothing in this subsection shall be applicable
684 when a vehicle is worth less than \$1,500 retail in undamaged
685 condition in any official used motor vehicle guide or used
686 mobile home guide or when a stolen motor vehicle or mobile home
687 is recovered in substantially intact condition and is readily
688 resalable without extensive repairs to or replacement of the
689 frame or engine. Any person who knowingly ~~willfully and~~
690 ~~deliberately~~ violates this paragraph or falsifies any document
691 to avoid the requirements of this paragraph commits a
692 misdemeanor of the first degree, punishable as provided in s.
693 775.082 or s. 775.083.

694 (7) (a) In the event of a purchase by a secondary metals
695 recycler, that has been issued a certificate of registration
696 number, of:

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697 1. Materials, prepared materials, or parts from any seller
698 for purposes other than the processing of such materials,
699 prepared materials, or parts, the purchaser shall obtain such
700 documentation as may be required by this section and shall
701 record the seller's name and address, date of purchase, and the
702 personal identification card number of the person delivering
703 such items.

704 2. Parts or prepared materials from any seller for purposes
705 of the processing of such parts or prepared materials, the
706 purchaser shall record the seller's name and address and date of
707 purchase and, in the event of a purchase transaction consisting
708 primarily of parts or prepared materials, the personal
709 identification card number of the person delivering such items.

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

713 4.a. Motor vehicles, recreational vehicles, mobile homes,
714 or derelict motor vehicles from other than a secondary metals
715 recycler for purposes of the processing of such motor vehicles,
716 recreational vehicles, mobile homes, or derelict motor vehicles,
717 the purchaser shall record the date of purchase and the name,
718 address, and personal identification card number of the person
719 selling such items and shall obtain the following documentation
720 from the seller with respect to each item purchased:

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

724 (II) A valid salvage certificate of title issued in the
725 name of the seller or properly endorsed, as required in s.

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726 319.22, over to the seller;

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

729 (IV)~~(III)~~ A valid derelict motor vehicle certificate
730 obtained from the department ~~completed~~ by a licensed salvage
731 motor vehicle dealer and properly reassigned to the secondary
732 metals recycler.

733 b. If a valid certificate of title, salvage certificate of
734 title, certificate of destruction, or derelict motor vehicle
735 certificate is not available and the motor vehicle or mobile
736 home is a derelict motor vehicle, a derelict motor vehicle
737 certificate application shall be completed by the seller or
738 owner of the motor vehicle or mobile home, the seller's or
739 owner's authorized transporter, and the registered secondary
740 metals recycler at the time of sale, transport, or delivery to
741 the registered secondary metals recycler to obtain a derelict
742 motor vehicle certificate from the department. The derelict
743 motor vehicle certificate application must be accompanied by a
744 legible copy of the seller's or owner's valid Florida driver's
745 license or Florida identification card, or a valid driver's
746 license or identification card from another state. If the seller
747 is not the owner of record of the vehicle being sold, the
748 recycler shall, at the time of sale, acquire a smudge-free right
749 thumbprint, or other digit if the seller has no right thumb, of
750 the seller is imprinted upon the derelict motor vehicle
751 certificate application, and that the legible copy of the
752 seller's driver's license or identification card is affixed to
753 the application and transmitted to the department. The derelict
754 motor vehicle certificate shall be used by the owner, the

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755 owner's authorized transporter, and the registered secondary
756 metals recycler. The registered secondary metals recycler shall
757 secure the derelict motor vehicle for 3 full business days,
758 excluding weekends and holidays, if there is no active lien or a
759 lien of 3 years or more on the department's records before
760 destroying or dismantling the derelict motor vehicle and shall
761 follow all reporting procedures established by the department,
762 including electronic notification to the department or delivery
763 of the original derelict motor vehicle certificate application
764 to an agent of the department within 24 hours after receiving
765 the derelict motor vehicle. If there is an active lien of 3
766 years or less on the derelict motor vehicle, the registered
767 secondary metals recycler shall secure the derelict motor
768 vehicle for 10 days. The department shall notify the lienholder
769 of the application for a derelict motor vehicle certificate and
770 shall notify the lienholder of its intention to remove the lien.
771 Ten days after receipt of the motor vehicle derelict
772 application, the department may remove the lien from its records
773 if a written statement protesting removal of the lien is not
774 received by the department from the lienholder within the 10-day
775 period. However, if the lienholder files with the department and
776 the registered secondary metals recycler within the 10-day
777 period a written statement that the lien is still outstanding,
778 the department shall not remove the lien and shall place an
779 administrative hold on the record for 30 days to allow the
780 lienholder to apply for title to the vehicle or a repossession
781 certificate under s. 319.28. The registered secondary metals
782 recycler must secure the derelict motor vehicle until the
783 department's administrative stop is removed, the lienholder

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784 submits a lien satisfaction, or the lienholder takes possession
785 of the vehicle.

786 c. Any person who knowingly ~~willfully and deliberately~~
787 violates this subparagraph by selling, transporting, delivering,
788 purchasing, or receiving a motor vehicle, recreational motor
789 vehicle, mobile home, or derelict motor vehicle without
790 obtaining a certificate of title, salvage certificate of title,
791 certificate of destruction, or derelict motor vehicle
792 certificate; enters false or fictitious information on a
793 derelict motor vehicle certificate application; does not
794 complete the derelict motor vehicle certificate application as
795 required or does not make the required notification to the
796 department; does not obtain a legible copy of the seller's or
797 owner's driver's license or identification card when required;
798 or destroys or dismantles a derelict motor vehicle without
799 waiting the required time as set forth in sub-subparagraph b. 3
800 ~~full business days~~ commits a felony of the third degree,
801 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

802 5. Major parts from other than a secondary metals recycler
803 for purposes of the processing of such major parts, the
804 purchaser shall record the seller's name, address, date of
805 purchase, and the personal identification card number of the
806 person delivering such items, as well as the vehicle
807 identification number, if available, of each major part
808 purchased.

809 (8) (a) Secondary metals recyclers and salvage motor vehicle
810 dealers shall return to the department on a monthly basis all
811 certificates of title and salvage certificates of title that are
812 required by this section to be obtained. Secondary metals

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813 recyclers and salvage motor vehicle dealers may elect to notify
814 the department electronically through procedures established by
815 the department when they receive each motor vehicle or mobile
816 home, salvage motor vehicle or mobile home, or derelict motor
817 vehicle with a certificate of title or salvage certificate of
818 title through procedures established by the department. The
819 department may adopt rules and establish fees as it deems
820 necessary or proper for the administration of the electronic
821 notification service.

822 (b) Secondary metals recyclers and salvage motor vehicle
823 dealers shall keep originals, or a copy in the event the
824 original was returned to the department, of all certificates of
825 title, salvage certificates of title, certificates of
826 destruction, derelict motor vehicle certificates, and all other
827 information required by this section to be recorded or obtained,
828 on file in the offices of such secondary metals recyclers or
829 salvage motor vehicle dealers for a period of 3 years after the
830 date of purchase of the items reflected in such certificates of
831 title, salvage certificates of title, certificates of
832 destruction, or derelict motor vehicle certificates. These
833 records shall be maintained in chronological order.

834 (c) For the purpose of enforcement of this section, the
835 department or its agents and employees have the same right of
836 inspection as law enforcement officers as provided in s.
837 812.055.

838 (d) Whenever the department, its agent or employee, or any
839 law enforcement officer has reason to believe that a stolen or
840 fraudulently titled motor vehicle, mobile home, recreational
841 vehicle, salvage motor vehicle, or derelict motor vehicle is in

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842 the possession of a salvage motor vehicle dealer or secondary
843 metals recycler, the department, its agent or employee, or the
844 law enforcement officer may issue an extended a hold notice, not
845 to exceed 5 additional business days, excluding weekends and
846 holidays, to the salvage motor vehicle dealer or registered
847 secondary metals recycler.

848 (e) Whenever a salvage motor vehicle dealer or registered
849 secondary metals recycler is notified by the department, its
850 agent or employee, or any law enforcement officer to hold a
851 motor vehicle, mobile home, recreational vehicle, salvage motor
852 vehicle, or derelict motor vehicle that is believed to be stolen
853 or fraudulently titled, the salvage motor vehicle dealer or
854 registered secondary metals recycler shall hold the motor
855 vehicle, mobile home, recreational vehicle, salvage motor
856 vehicle, or derelict motor vehicle and may not dismantle or
857 destroy the motor vehicle, mobile home, recreational vehicle,
858 salvage motor vehicle, or derelict motor vehicle until it is
859 recovered by a law enforcement officer, the hold is released by
860 the department or the law enforcement officer placing the hold,
861 or the extended 5 additional business ~~working~~ days have passed
862 since being notified of the hold.

863 (f) This section does not authorize any person who is
864 engaged in the business of recovering, towing, or storing
865 vehicles pursuant to s. 713.78, and who is claiming a lien for
866 performing labor or services on a motor vehicle or mobile home
867 pursuant to s. 713.58, or is claiming that a motor vehicle or
868 mobile home has remained on any premises after tenancy has
869 terminated pursuant to s. 715.104, to use a derelict motor
870 vehicle certificate application for the purpose of transporting,

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871 selling, disposing, or delivering of a motor vehicle at a
872 salvage motor vehicle dealer or metal recycler without obtaining
873 the title or certificate of destruction required under s.
874 713.58, s. 713.78, or s. 715.104.

875 (g) The department shall accept all properly endorsed and
876 completed derelict motor vehicle certificate applications and
877 shall issue a derelict motor vehicle certificate having an
878 effective date that authorizes when a derelict motor vehicle is
879 eligible for dismantling or destruction. The electronic
880 information obtained from the derelict motor vehicle certificate
881 application shall be stored electronically and shall be made
882 available to authorized persons after issuance of the derelict
883 motor vehicle certificate in the Florida Real Time Vehicle
884 Information System.

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

888 (i)~~(g)~~ The department shall charge a fee of \$3 for each
889 derelict motor vehicle certificate delivered to the department
890 or one of its agents for processing and shall mark the title
891 record canceled. A service charge may be collected under s.
892 320.04.

893 (j) The licensed salvage motor vehicle dealer or registered
894 secondary metals recycler shall make all payments for the
895 purchase of any derelict motor vehicle that is sold by a seller
896 who is not the owner of record on file with the department by
897 check or money order made payable to the seller and may not make
898 payment to the authorized transporter. The licensed salvage
899 motor vehicle dealer or registered secondary metals recycler may

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900 not cash the check that such dealer or recycler issued to the
901 seller.

902 Section 17. This act shall take effect October 1, 2010.