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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/06/2010 | . | |
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The Committee on Criminal and Civil Justice Appropriations
(Jones) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 319.241, Florida Statutes, is amended to
read:

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



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

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

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

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

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

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



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42 (c) "Certificate of title" means a record that serves as
43 evidence of ownership of a vehicle, whether such record is a
44 paper certificate authorized by the department or by a motor
45 vehicle department authorized to issue titles in another state
46 or a certificate consisting of information stored in electronic
47 form in the department's database.

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

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

62 (f) "Derelict motor vehicle certificate" means a
63 certificate issued by the department which serves as evidence
64 that a derelict motor vehicle will be dismantled or converted to
65 scrap metal. This certificate may be obtained by completing a
66 derelict motor vehicle certificate application authorized by the
67 department. ~~completed by the derelict motor vehicle owner, the~~
68 ~~owner's authorized transporter when different from the owner,~~
69 ~~and the licensed salvage motor vehicle dealer or the registered~~
70 ~~secondary metals recycler and submitted to the department for~~



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71 ~~cancellation of the title record of the derelict motor vehicle.~~
72 A derelict motor vehicle certificate may be reassigned only one
73 time if the derelict motor vehicle certificate was completed by
74 a licensed salvage motor vehicle dealer and the derelict motor
75 vehicle was sold to another licensed salvage motor vehicle
76 dealer or a secondary metals recycler.

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

85 (h) "Major component parts" means:

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

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

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

97 4. For mobile homes, the frame.

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



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

102 (k) "Mobile home" means mobile home as defined in s.
103 320.01(2).

104 (l) "Motor vehicle" means motor vehicle as defined in s.
105 320.01(1).

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

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

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

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

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

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

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



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129 state.

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

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

134 (u) "Seller" means the owner of record or a person who has
135 physical possession and responsibility for a derelict motor
136 vehicle and attests that possession of the vehicle was obtained
137 through lawful means along with all ownership rights. A seller
138 does not include a towing company, repair shop, or landlord
139 unless the towing company, repair shop, or landlord has obtained
140 title, salvage title, or a certificate of destruction in the
141 name of the towing company, repair shop, or landlord.

142 (2) (a) Each person mentioned as owner in the last issued
143 certificate of title, when such motor vehicle or mobile home is
144 dismantled, destroyed, or changed in such manner that it is not
145 the motor vehicle or mobile home described in the certificate of
146 title, shall surrender his or her certificate of title to the
147 department, and thereupon the department shall, with the consent
148 of any lienholders noted thereon, enter a cancellation upon its
149 records. Upon cancellation of a certificate of title in the
150 manner prescribed by this section, the department may cancel and
151 destroy all certificates in that chain of title. Any person who
152 knowingly willfully and deliberately violates this paragraph
153 commits a misdemeanor of the second degree, punishable as
154 provided in s. 775.082 or s. 775.083.

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



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158 a. A valid certificate of title issued in the name of the
159 seller or properly endorsed, as required in s. 319.22, over to
160 the seller;

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

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

166 2. Any person who knowingly ~~willfully and deliberately~~
167 violates this paragraph by selling, transporting, delivering,
168 purchasing, or receiving a motor vehicle, recreational vehicle,
169 or mobile home without obtaining a properly endorsed certificate
170 of title, salvage certificate of title, or certificate of
171 destruction from the owner commits a felony of the third degree,
172 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

173 (c)1. When a derelict motor vehicle is sold, transported,
174 or delivered to a licensed salvage motor vehicle dealer, the
175 purchaser shall record the date of purchase and the name,
176 address, and valid Florida driver's license number or valid
177 Florida identification card number, or a valid driver's license
178 number or identification card number issued by another state,
179 ~~personal identification card number~~ of the person selling the
180 derelict motor vehicle, and it shall be accompanied by:

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

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

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



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187 2. If a valid ~~the~~ certificate of title, salvage certificate
188 of title, or certificate of destruction is not available, a
189 derelict motor vehicle certificate application shall be
190 completed by the seller or owner of the motor vehicle or mobile
191 home, the seller's or owner's authorized transporter, and the
192 licensed salvage motor vehicle dealer at the time of sale,
193 transport, or delivery to the licensed salvage motor vehicle
194 dealer. The derelict motor vehicle certificate application shall
195 be used by the seller or owner, the seller's or owner's
196 authorized transporter, and the licensed salvage motor vehicle
197 dealer to obtain a derelict motor vehicle certificate from the
198 department. The derelict motor vehicle certificate application
199 must be accompanied by a legible copy of the seller's or owner's
200 valid Florida driver's license or Florida identification card,
201 or a valid driver's license or identification card issued by
202 another state. If the seller is not the owner of record of the
203 vehicle being sold, the dealer shall, at the time of sale,
204 acquire a smudge-free right thumbprint, or other digit if the
205 seller has no right thumb, of the seller is imprinted upon the
206 derelict motor vehicle certificate application and that a
207 legible copy of the seller's driver's license or identification
208 card is affixed to the application and transmitted to the
209 department. The licensed salvage motor vehicle dealer shall
210 secure the derelict motor vehicle ~~or mobile home~~ for 3 full
211 business days, excluding weekends and holidays, if there is no
212 active lien or a lien of 3 years or more on the department's
213 records before destroying or dismantling the derelict motor
214 vehicle and shall follow all reporting procedures established by
215 the department, including electronic notification to the



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216 department or delivery of the original derelict motor vehicle
217 certificate application to an agent of the department within 24
218 hours after receiving the derelict motor vehicle. If there is an
219 active lien of 3 years or less on the derelict motor vehicle,
220 the licensed salvage motor vehicle dealer shall secure the
221 derelict motor vehicle for 10 days. The department shall notify
222 the lienholder that a derelict motor vehicle certificate has
223 been issued and shall notify the lienholder of its intention to
224 remove the lien. Ten days after receipt of the motor vehicle
225 derelict certificate application, the department may remove the
226 lien from its records if a written statement protesting removal
227 of the lien is not received by the department from the
228 lienholder within the 10-day period. However, if the lienholder
229 files with the department and the licensed salvage motor vehicle
230 dealer within the 10-day period a written statement that the
231 lien is still outstanding, the department shall not remove the
232 lien and shall place an administrative hold on the record for 30
233 days to allow the lienholder to apply for title to the vehicle
234 or a repossession certificate under s. 319.28. The licensed
235 salvage motor vehicle dealer must secure the derelict motor
236 vehicle until the department's administrative stop is removed,
237 the lienholder submits a lien satisfaction, or the lienholder
238 takes possession of the vehicle.

239 3. Any person who knowingly ~~willfully and deliberately~~
240 violates this paragraph by selling, transporting, delivering,
241 purchasing, or receiving a derelict motor vehicle without
242 obtaining a certificate of title, salvage certificate of title,
243 certificate of destruction, or derelict motor vehicle
244 certificate application; enters false or fictitious information



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245 on a derelict motor vehicle certificate application; does not
246 complete the derelict motor vehicle certificate application as
247 required; does not obtain a legible copy of the seller's or
248 owner's valid driver's license or identification card when
249 required; ~~or~~ does not make the required notification to the
250 department; or destroys or dismantles a derelict motor vehicle
251 without waiting the required time as set forth in subparagraph
252 2. ~~3 full business days~~ commits a felony of the third degree,
253 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

254 (3)

255 (b) The owner, including persons who are self-insured, of
256 any motor vehicle or mobile home which is considered to be
257 salvage shall, within 72 hours after the motor vehicle or mobile
258 home becomes salvage, forward the title to the motor vehicle or
259 mobile home to the department for processing. However, an
260 insurance company which pays money as compensation for total
261 loss of a motor vehicle or mobile home shall obtain the
262 certificate of title for the motor vehicle or mobile home and,
263 within 72 hours after receiving such certificate of title, shall
264 forward such title to the department for processing. The owner
265 or insurance company, as the case may be, may not dispose of a
266 vehicle or mobile home that is a total loss before it has
267 obtained a salvage certificate of title or certificate of
268 destruction from the department. When applying for a salvage
269 certificate of title or certificate of destruction, the owner or
270 insurance company must provide the department with an estimate
271 of the costs of repairing the physical and mechanical damage
272 suffered by the vehicle for which a salvage certificate of title
273 or certificate of destruction is sought. If the estimated costs



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274 of repairing the physical and mechanical damage to the vehicle
275 are equal to 80 percent or more of the current retail cost of
276 the vehicle, as established in any official used car or used
277 mobile home guide, the department shall declare the vehicle
278 unbuildable and print a certificate of destruction, which
279 authorizes the dismantling or destruction of the motor vehicle
280 or mobile home described therein. However, if the damaged motor
281 vehicle is equipped with custom-lowered floors for wheelchair
282 access or a wheelchair lift, the insurance company may, upon
283 determining that the vehicle is repairable to a condition that
284 is safe for operation on public roads, submit the certificate of
285 title to the department for reissuance as a salvage rebuildable
286 title and the addition of a title brand of "insurance-declared
287 total loss." The certificate of destruction shall be
288 reassignable a maximum of two times before dismantling or
289 destruction of the vehicle shall be required, and shall
290 accompany the motor vehicle or mobile home for which it is
291 issued, when such motor vehicle or mobile home is sold for such
292 purposes, in lieu of a certificate of title, and, thereafter,
293 the department shall refuse issuance of any certificate of title
294 for that vehicle. Nothing in this subsection shall be applicable
295 when a vehicle is worth less than \$1,500 retail in undamaged
296 condition in any official used motor vehicle guide or used
297 mobile home guide or when a stolen motor vehicle or mobile home
298 is recovered in substantially intact condition and is readily
299 resalable without extensive repairs to or replacement of the
300 frame or engine. Any person who knowingly ~~willfully and~~
301 ~~deliberately~~ violates this paragraph or falsifies any document
302 to avoid the requirements of this paragraph commits a



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303 misdemeanor of the first degree, punishable as provided in s.
304 775.082 or s. 775.083.

305 (7) (a) In the event of a purchase by a secondary metals
306 recycler, that has been issued a certificate of registration
307 number, of:

308 1. Materials, prepared materials, or parts from any seller
309 for purposes other than the processing of such materials,
310 prepared materials, or parts, the purchaser shall obtain such
311 documentation as may be required by this section and shall
312 record the seller's name and address, date of purchase, and the
313 personal identification card number of the person delivering
314 such items.

315 2. Parts or prepared materials from any seller for purposes
316 of the processing of such parts or prepared materials, the
317 purchaser shall record the seller's name and address and date of
318 purchase and, in the event of a purchase transaction consisting
319 primarily of parts or prepared materials, the personal
320 identification card number of the person delivering such items.

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

324 4.a. Motor vehicles, recreational vehicles, mobile homes,
325 or derelict motor vehicles from other than a secondary metals
326 recycler for purposes of the processing of such motor vehicles,
327 recreational vehicles, mobile homes, or derelict motor vehicles,
328 the purchaser shall record the date of purchase and the name,
329 address, and personal identification card number of the person
330 selling such items and shall obtain the following documentation
331 from the seller with respect to each item purchased:



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

335 (II) A valid salvage certificate of title issued in the
336 name of the seller or properly endorsed, as required in s.
337 319.22, over to the seller;

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

340 (IV) ~~(III)~~ A valid derelict motor vehicle certificate
341 obtained from the department ~~completed~~ by a licensed salvage
342 motor vehicle dealer and properly reassigned to the secondary
343 metals recycler.

344 b. If a valid certificate of title, salvage certificate of
345 title, certificate of destruction, or derelict motor vehicle
346 certificate is not available and the motor vehicle or mobile
347 home is a derelict motor vehicle, a derelict motor vehicle
348 certificate application shall be completed by the seller or
349 owner of the motor vehicle or mobile home, the seller's or
350 owner's authorized transporter, and the registered secondary
351 metals recycler at the time of sale, transport, or delivery to
352 the registered secondary metals recycler to obtain a derelict
353 motor vehicle certificate from the department. The derelict
354 motor vehicle certificate application must be accompanied by a
355 legible copy of the seller's or owner's valid Florida driver's
356 license or Florida identification card, or a valid driver's
357 license or identification card from another state. If the seller
358 is not the owner of record of the vehicle being sold, the
359 recycler shall, at the time of sale, acquire a smudge-free right
360 thumbprint, or other digit if the seller has no right thumb, of



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361 the seller is imprinted upon the derelict motor vehicle
362 certificate application, and that the legible copy of the
363 seller's driver's license or identification card is affixed to
364 the application and transmitted to the department. The derelict
365 motor vehicle certificate shall be used by the owner, the
366 owner's authorized transporter, and the registered secondary
367 metals recycler. The registered secondary metals recycler shall
368 secure the derelict motor vehicle for 3 full business days,
369 excluding weekends and holidays, if there is no active lien or a
370 lien of 3 years or more on the department's records before
371 destroying or dismantling the derelict motor vehicle and shall
372 follow all reporting procedures established by the department,
373 including electronic notification to the department or delivery
374 of the original derelict motor vehicle certificate application
375 to an agent of the department within 24 hours after receiving
376 the derelict motor vehicle. If there is an active lien of 3
377 years or less on the derelict motor vehicle, the registered
378 secondary metals recycler shall secure the derelict motor
379 vehicle for 10 days. The department shall notify the lienholder
380 of the application for a derelict motor vehicle certificate and
381 shall notify the lienholder of its intention to remove the lien.
382 Ten days after receipt of the motor vehicle derelict
383 application, the department may remove the lien from its records
384 if a written statement protesting removal of the lien is not
385 received by the department from the lienholder within the 10-day
386 period. However, if the lienholder files with the department and
387 the registered secondary metals recycler within the 10-day
388 period a written statement that the lien is still outstanding,
389 the department shall not remove the lien and shall place an



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390 administrative hold on the record for 30 days to allow the
391 lienholder to apply for title to the vehicle or a repossession
392 certificate under s. 319.28. The registered secondary metals
393 recycler must secure the derelict motor vehicle until the
394 department's administrative stop is removed, the lienholder
395 submits a lien satisfaction, or the lienholder takes possession
396 of the vehicle.

397 c. Any person who knowingly ~~willfully and deliberately~~
398 violates this subparagraph by selling, transporting, delivering,
399 purchasing, or receiving a motor vehicle, recreational motor
400 vehicle, mobile home, or derelict motor vehicle without
401 obtaining a certificate of title, salvage certificate of title,
402 certificate of destruction, or derelict motor vehicle
403 certificate; enters false or fictitious information on a
404 derelict motor vehicle certificate application; does not
405 complete the derelict motor vehicle certificate application as
406 required or does not make the required notification to the
407 department; does not obtain a legible copy of the seller's or
408 owner's driver's license or identification card when required;
409 or destroys or dismantles a derelict motor vehicle without
410 waiting the required time as set forth in sub-subparagraph b. 3
411 ~~full business days~~ commits a felony of the third degree,
412 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

413 5. Major parts from other than a secondary metals recycler
414 for purposes of the processing of such major parts, the
415 purchaser shall record the seller's name, address, date of
416 purchase, and the personal identification card number of the
417 person delivering such items, as well as the vehicle
418 identification number, if available, of each major part



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419 purchased.

420 (8) (a) Secondary metals recyclers and salvage motor vehicle
421 dealers shall return to the department on a monthly basis all
422 certificates of title and salvage certificates of title that are
423 required by this section to be obtained. Secondary metals
424 recyclers and salvage motor vehicle dealers may elect to notify
425 the department electronically through procedures established by
426 the department when they receive each motor vehicle or mobile
427 home, salvage motor vehicle or mobile home, or derelict motor
428 vehicle with a certificate of title or salvage certificate of
429 title through procedures established by the department. The
430 department may adopt rules and establish fees as it deems
431 necessary or proper for the administration of the electronic
432 notification service.

433 (b) Secondary metals recyclers and salvage motor vehicle
434 dealers shall keep originals, or a copy in the event the
435 original was returned to the department, of all certificates of
436 title, salvage certificates of title, certificates of
437 destruction, derelict motor vehicle certificates, and all other
438 information required by this section to be recorded or obtained,
439 on file in the offices of such secondary metals recyclers or
440 salvage motor vehicle dealers for a period of 3 years after the
441 date of purchase of the items reflected in such certificates of
442 title, salvage certificates of title, certificates of
443 destruction, or derelict motor vehicle certificates. These
444 records shall be maintained in chronological order.

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



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448 812.055.

449 (d) Whenever the department, its agent or employee, or any
450 law enforcement officer has reason to believe that a stolen or
451 fraudulently titled motor vehicle, mobile home, recreational
452 vehicle, salvage motor vehicle, or derelict motor vehicle is in
453 the possession of a salvage motor vehicle dealer or secondary
454 metals recycler, the department, its agent or employee, or the
455 law enforcement officer may issue an extended a hold notice, not
456 to exceed 5 additional business days, excluding weekends and
457 holidays, to the salvage motor vehicle dealer or registered
458 secondary metals recycler.

459 (e) Whenever a salvage motor vehicle dealer or registered
460 secondary metals recycler is notified by the department, its
461 agent or employee, or any law enforcement officer to hold a
462 motor vehicle, mobile home, recreational vehicle, salvage motor
463 vehicle, or derelict motor vehicle that is believed to be stolen
464 or fraudulently titled, the salvage motor vehicle dealer or
465 registered secondary metals recycler shall hold the motor
466 vehicle, mobile home, recreational vehicle, salvage motor
467 vehicle, or derelict motor vehicle and may not dismantle or
468 destroy the motor vehicle, mobile home, recreational vehicle,
469 salvage motor vehicle, or derelict motor vehicle until it is
470 recovered by a law enforcement officer, the hold is released by
471 the department or the law enforcement officer placing the hold,
472 or the extended 5 additional business ~~working~~ days have passed
473 since being notified of the hold. If a stolen or fraudulently
474 titled motor vehicle, mobile home, recreational vehicle, salvage
475 motor vehicle, or derelict motor vehicle is recovered by a law
476 enforcement officer, the salvage motor vehicle dealer or



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477 secondary metals recycler shall bear the burden of any loss
478 resulting from its recovery or seizure.

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

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

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

504 (i) ~~(g)~~ The department shall charge a fee of \$3 for each
505 derelict motor vehicle certificate delivered to the department



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506 or one of its agents for processing and shall mark the title
507 record canceled. A service charge may be collected under s.
508 320.04.

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

518 Section 3. This act shall take effect July 1, 2010.

519
520 ===== T I T L E A M E N D M E N T =====

521 And the title is amended as follows:

522 Delete everything before the enacting clause
523 and insert:

524 A bill to be entitled
525 An act relating to derelict motor vehicles and mobile
526 homes; amending s. 319.241, F.S.; revising provisions
527 relating to an application for the removal of a lien
528 from the files of the Department of Highway Safety and
529 Motor Vehicles or from the certificate of title;
530 authorizing the department to remove the lien from its
531 files within a specified period after receiving an
532 application for a derelict motor vehicle certificate
533 and notification to the lienholder, unless a written
534 statement protesting such removal is received;



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



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