

2010792e1

1                   A bill to be entitled  
2           An act relating to derelict motor vehicles and mobile  
3           homes; amending s. 319.241, F.S.; revising provisions  
4           relating to an application for the removal of a lien  
5           from the files of the Department of Highway Safety and  
6           Motor Vehicles or from the certificate of title;  
7           authorizing the department to remove the lien from its  
8           files within a specified period after receiving an  
9           application for a derelict motor vehicle certificate  
10          and notification to the lienholder, unless a written  
11          statement protesting such removal is received;  
12          amending s. 319.30, F.S.; revising certain  
13          definitions; revising requirements for disposition of  
14          a motor vehicle, recreational vehicle, or mobile home  
15          that is sold, transported, or delivered to a salvage  
16          motor vehicle dealer or a secondary metals recycler;  
17          requiring certificates of title to conform to  
18          specified provisions; providing for the dealer or  
19          recycler to apply to the Department of Highway Safety  
20          and Motor Vehicles for a derelict motor vehicle  
21          certificate if the certificate of title, salvage  
22          certificate of title, or certificate of destruction is  
23          not available; requiring the derelict motor vehicle  
24          certificate application to be completed by the seller  
25          or owner of the motor vehicle or mobile home, the  
26          seller's or owner's authorized transporter, or the  
27          dealer or recycler; requiring certain identification  
28          information be included with the application; revising  
29          the types of documentation that a secondary metals

2010792e1

30       recycler must obtain; permitting recyclers to obtain  
31       salvage certificates of title from sellers or owners  
32       as a valid method of documentation; providing that a  
33       person engaged in the business of recovering, towing,  
34       or storing vehicles may not claim certain liens, claim  
35       that certain vehicles have remained on any premises  
36       after tenancy has terminated, or use the derelict  
37       motor vehicle certificate application to transport,  
38       sell, or dispose of a motor vehicle at a salvage motor  
39       vehicle dealer or metal recycler without otherwise  
40       obtaining title to the vehicle or a certificate of  
41       destruction; requiring that the department accept all  
42       properly endorsed and completed derelict motor vehicle  
43       certificate applications and issue such certification  
44       having an effective date that authorizes when the  
45       vehicle is eligible for dismantling or destruction;  
46       requiring that such electronic information be stored  
47       and made available to authorized persons; requiring  
48       that all licensed salvage motor vehicle dealers or  
49       registered secondary metals recyclers make all  
50       payments for the purchase of any derelict motor  
51       vehicle that is sold by a seller who is not the owner  
52       of record by check or money order; providing an  
53       effective date.

54  
55       Be It Enacted by the Legislature of the State of Florida:

56  
57       Section 1. Section 319.241, Florida Statutes, is amended to  
58       read:

2010792e1

59           319.241 Removal of lien from records.—The owner of a motor  
60 vehicle or mobile home upon which a lien has been filed with the  
61 department or noted upon a certificate of title for a period of  
62 5 years may apply to the department in writing for such lien to  
63 be removed from the department files or from the certificate of  
64 title. The application shall be accompanied by evidence  
65 satisfactory to the department that the applicant has notified  
66 the lienholder by certified mail, not less than 20 days prior to  
67 the date of the application, of his or her intention to apply to  
68 the department for removal of the lien. Ten days after receipt  
69 of the application, the department may remove the lien from its  
70 files or from the certificate of title, as the case may be, if  
71 no statement in writing protesting removal of the lien is  
72 received by the department from the lienholder within the 10-day  
73 period. If, however, the lienholder files with the department  
74 within the 10-day period a written statement that the lien is  
75 still outstanding, the department shall not remove the lien  
76 until the lienholder presents a satisfaction of lien to the  
77 department. Ten days after the receipt of an application for a  
78 derelict motor vehicle certificate and notification to the  
79 lienholder, the department may remove the lien from the derelict  
80 motor vehicle record if a written statement protesting removal  
81 of the lien is not received by the department from the  
82 lienholder within the 10-day period.

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

86           319.30 Definitions; dismantling, destruction, change of  
87 identity of motor vehicle or mobile home; salvage.—

2010792e1

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

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

91 (b) "Certificate of registration number" means the  
92 certificate of registration number issued by the Department of  
93 Revenue of the State of Florida pursuant to s. 538.25.

94 (c) "Certificate of title" means a record that serves as  
95 evidence of ownership of a vehicle, whether such record is a  
96 paper certificate authorized by the department or by a motor  
97 vehicle department authorized to issue titles in another state  
98 or a certificate consisting of information stored in electronic  
99 form in the department's database.

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

105 (e) "Derelict motor vehicle" means:

106 1. Any motor vehicle as defined in s. 320.01(1) or mobile  
107 home as defined in s. 320.01(2), with or without all parts,  
108 major parts, or major component parts, which is valued under  
109 \$1,000, is at least 10 model years old, beginning with the model  
110 year of the vehicle as year one, and is in such condition that  
111 its highest or primary value is for sale, transport, or delivery  
112 to a licensed salvage motor vehicle dealer or registered  
113 secondary metals recycler for dismantling its component parts or  
114 conversion to scrap metal; or

115 2. Any trailer as defined in s. 320.01(1), with or without  
116 all parts, major parts, or major component parts, which is

2010792e1

117 valued under \$5,000, is at least 10 model years old, beginning  
118 with the model year of the vehicle as year one, and is in such  
119 condition that its highest or primary value is for sale,  
120 transport, or delivery to a licensed salvage motor vehicle  
121 dealer or registered secondary metals recycler for conversion to  
122 scrap metal.

123 (f) "Derelict motor vehicle certificate" means a  
124 certificate issued by the department which serves as evidence  
125 that a derelict motor vehicle will be dismantled or converted to  
126 scrap metal. This certificate may be obtained by completing a  
127 derelict motor vehicle certificate application authorized by the  
128 department. ~~completed by the derelict motor vehicle owner, the~~  
129 ~~owner's authorized transporter when different from the owner,~~  
130 ~~and the licensed salvage motor vehicle dealer or the registered~~  
131 ~~secondary metals recycler and submitted to the department for~~  
132 ~~cancellation of the title record of the derelict motor vehicle.~~  
133 A derelict motor vehicle certificate may be reassigned only one  
134 time if the derelict motor vehicle certificate was completed by  
135 a licensed salvage motor vehicle dealer and the derelict motor  
136 vehicle was sold to another licensed salvage motor vehicle  
137 dealer or a secondary metals recycler.

138 (g) "Junk" means any material which is or may have been a  
139 motor vehicle or mobile home, with or without all component  
140 parts, which is inoperable and which material is in such  
141 condition that its highest or primary value is either in its  
142 sale or transfer as scrap metal or for its component parts, or a  
143 combination of the two, except when sold or delivered to or when  
144 purchased, possessed, or received by a secondary metals recycler  
145 or salvage motor vehicle dealer.

2010792e1

146 (h) "Major component parts" means:

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

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

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

158 4. For mobile homes, the frame.

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

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

163 (k) "Mobile home" means mobile home as defined in s.  
164 320.01(2).

165 (l) "Motor vehicle" means motor vehicle as defined in s.  
166 320.01(1).

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

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

171 (n) ~~(o)~~ "Prepared materials" means motor vehicles, mobile  
172 homes, derelict motor vehicles, major parts, or parts that have  
173 been processed by mechanically flattening or crushing, or  
174 otherwise processed such that they are not the motor vehicle or

2010792e1

175 mobile home described in the certificate of title, or their only  
176 value is as scrap metal.

177 (o)~~(p)~~ "Processing" means the business of performing the  
178 manufacturing process by which ferrous metals or nonferrous  
179 metals are converted into raw material products consisting of  
180 prepared grades and having an existing or potential economic  
181 value, or the purchase of materials, prepared materials, or  
182 parts therefor.

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

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

187 (r)~~(s)~~ "Salvage certificate of title" means a salvage  
188 certificate of title issued by the department or by another  
189 motor vehicle department authorized to issue titles in another  
190 state.

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

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

195 (u) "Seller" means the owner of record or a person who has  
196 physical possession and responsibility for a derelict motor  
197 vehicle and attests that possession of the vehicle was obtained  
198 through lawful means along with all ownership rights. A seller  
199 does not include a towing company, repair shop, or landlord  
200 unless the towing company, repair shop, or landlord has obtained  
201 title, salvage title, or a certificate of destruction in the  
202 name of the towing company, repair shop, or landlord.

203 (2) (a) Each person mentioned as owner in the last issued

2010792e1

204 certificate of title, when such motor vehicle or mobile home is  
205 dismantled, destroyed, or changed in such manner that it is not  
206 the motor vehicle or mobile home described in the certificate of  
207 title, shall surrender his or her certificate of title to the  
208 department, and thereupon the department shall, with the consent  
209 of any lienholders noted thereon, enter a cancellation upon its  
210 records. Upon cancellation of a certificate of title in the  
211 manner prescribed by this section, the department may cancel and  
212 destroy all certificates in that chain of title. Any person who  
213 knowingly ~~willfully and deliberately~~ violates this paragraph  
214 commits a misdemeanor of the second degree, punishable as  
215 provided in s. 775.082 or s. 775.083.

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

219 a. A valid certificate of title issued in the name of the  
220 seller or properly endorsed, as required in s. 319.22, over to  
221 the seller;

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

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

227 2. Any person who knowingly ~~willfully and deliberately~~  
228 violates this paragraph by selling, transporting, delivering,  
229 purchasing, or receiving a motor vehicle, recreational vehicle,  
230 or mobile home without obtaining a properly endorsed certificate  
231 of title, salvage certificate of title, or certificate of  
232 destruction from the owner commits a felony of the third degree,



2010792e1

233 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

234 (c)1. When a derelict motor vehicle is sold, transported,  
235 or delivered to a licensed salvage motor vehicle dealer, the  
236 purchaser shall record the date of purchase and the name,  
237 address, and valid Florida driver's license number or valid  
238 Florida identification card number, or a valid driver's license  
239 number or identification card number issued by another state,  
240 ~~personal identification card number~~ of the person selling the  
241 derelict motor vehicle, and it shall be accompanied by:

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

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

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

248 2. If a valid ~~the~~ certificate of title, salvage certificate  
249 of title, or certificate of destruction is not available, a  
250 derelict motor vehicle certificate application shall be  
251 completed by the seller or owner of the motor vehicle or mobile  
252 home, the seller's or owner's authorized transporter, and the  
253 licensed salvage motor vehicle dealer at the time of sale,  
254 transport, or delivery to the licensed salvage motor vehicle  
255 dealer. The derelict motor vehicle certificate application shall  
256 be used by the seller or owner, the seller's or owner's  
257 authorized transporter, and the licensed salvage motor vehicle  
258 dealer to obtain a derelict motor vehicle certificate from the  
259 department. The derelict motor vehicle certificate application  
260 must be accompanied by a legible copy of the seller's or owner's  
261 valid Florida driver's license or Florida identification card,

2010792e1

262 or a valid driver's license or identification card issued by  
263 another state. If the seller is not the owner of record of the  
264 vehicle being sold, the dealer shall, at the time of sale,  
265 acquire a smudge-free right thumbprint, or other digit if the  
266 seller has no right thumb, of the seller is imprinted upon the  
267 derelict motor vehicle certificate application and that a  
268 legible copy of the seller's driver's license or identification  
269 card is affixed to the application and transmitted to the  
270 department. The licensed salvage motor vehicle dealer shall  
271 secure the derelict motor vehicle ~~or mobile home~~ for 3 full  
272 business days, excluding weekends and holidays, if there is no  
273 active lien or a lien of 3 years or more on the department's  
274 records before destroying or dismantling the derelict motor  
275 vehicle and shall follow all reporting procedures established by  
276 the department, including electronic notification to the  
277 department or delivery of the original derelict motor vehicle  
278 certificate application to an agent of the department within 24  
279 hours after receiving the derelict motor vehicle. If there is an  
280 active lien of 3 years or less on the derelict motor vehicle,  
281 the licensed salvage motor vehicle dealer shall secure the  
282 derelict motor vehicle for 10 days. The department shall notify  
283 the lienholder that a derelict motor vehicle certificate has  
284 been issued and shall notify the lienholder of its intention to  
285 remove the lien. Ten days after receipt of the motor vehicle  
286 derelict certificate application, the department may remove the  
287 lien from its records if a written statement protesting removal  
288 of the lien is not received by the department from the  
289 lienholder within the 10-day period. However, if the lienholder  
290 files with the department and the licensed salvage motor vehicle

2010792e1

291 dealer within the 10-day period a written statement that the  
292 lien is still outstanding, the department shall not remove the  
293 lien and shall place an administrative hold on the record for 30  
294 days to allow the lienholder to apply for title to the vehicle  
295 or a repossession certificate under s. 319.28. The licensed  
296 salvage motor vehicle dealer must secure the derelict motor  
297 vehicle until the department's administrative stop is removed,  
298 the lienholder submits a lien satisfaction, or the lienholder  
299 takes possession of the vehicle.

300 3. Any person who knowingly ~~willfully and deliberately~~  
301 violates this paragraph by selling, transporting, delivering,  
302 purchasing, or receiving a derelict motor vehicle without  
303 obtaining a certificate of title, salvage certificate of title,  
304 certificate of destruction, or derelict motor vehicle  
305 certificate application; enters false or fictitious information  
306 on a derelict motor vehicle certificate application; does not  
307 complete the derelict motor vehicle certificate application as  
308 required; does not obtain a legible copy of the seller's or  
309 owner's valid driver's license or identification card when  
310 required; ~~or~~ does not make the required notification to the  
311 department; or destroys or dismantles a derelict motor vehicle  
312 without waiting the required time as set forth in subparagraph  
313 2. 3 full business days commits a felony of the third degree,  
314 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

315 (3)

316 (b) The owner, including persons who are self-insured, of  
317 any motor vehicle or mobile home which is considered to be  
318 salvage shall, within 72 hours after the motor vehicle or mobile  
319 home becomes salvage, forward the title to the motor vehicle or

2010792e1

320 mobile home to the department for processing. However, an  
321 insurance company which pays money as compensation for total  
322 loss of a motor vehicle or mobile home shall obtain the  
323 certificate of title for the motor vehicle or mobile home and,  
324 within 72 hours after receiving such certificate of title, shall  
325 forward such title to the department for processing. The owner  
326 or insurance company, as the case may be, may not dispose of a  
327 vehicle or mobile home that is a total loss before it has  
328 obtained a salvage certificate of title or certificate of  
329 destruction from the department. When applying for a salvage  
330 certificate of title or certificate of destruction, the owner or  
331 insurance company must provide the department with an estimate  
332 of the costs of repairing the physical and mechanical damage  
333 suffered by the vehicle for which a salvage certificate of title  
334 or certificate of destruction is sought. If the estimated costs  
335 of repairing the physical and mechanical damage to the vehicle  
336 are equal to 80 percent or more of the current retail cost of  
337 the vehicle, as established in any official used car or used  
338 mobile home guide, the department shall declare the vehicle  
339 unbuildable and print a certificate of destruction, which  
340 authorizes the dismantling or destruction of the motor vehicle  
341 or mobile home described therein. However, if the damaged motor  
342 vehicle is equipped with custom-lowered floors for wheelchair  
343 access or a wheelchair lift, the insurance company may, upon  
344 determining that the vehicle is repairable to a condition that  
345 is safe for operation on public roads, submit the certificate of  
346 title to the department for reissuance as a salvage rebuildable  
347 title and the addition of a title brand of "insurance-declared  
348 total loss." The certificate of destruction shall be

2010792e1

349 reassignable a maximum of two times before dismantling or  
350 destruction of the vehicle shall be required, and shall  
351 accompany the motor vehicle or mobile home for which it is  
352 issued, when such motor vehicle or mobile home is sold for such  
353 purposes, in lieu of a certificate of title, and, thereafter,  
354 the department shall refuse issuance of any certificate of title  
355 for that vehicle. Nothing in this subsection shall be applicable  
356 when a vehicle is worth less than \$1,500 retail in undamaged  
357 condition in any official used motor vehicle guide or used  
358 mobile home guide or when a stolen motor vehicle or mobile home  
359 is recovered in substantially intact condition and is readily  
360 resalable without extensive repairs to or replacement of the  
361 frame or engine. Any person who knowingly ~~willfully and~~  
362 ~~deliberately~~ violates this paragraph or falsifies any document  
363 to avoid the requirements of this paragraph commits a  
364 misdemeanor of the first degree, punishable as provided in s.  
365 775.082 or s. 775.083.

366 (7) (a) In the event of a purchase by a secondary metals  
367 recycler, that has been issued a certificate of registration  
368 number, of:

369 1. Materials, prepared materials, or parts from any seller  
370 for purposes other than the processing of such materials,  
371 prepared materials, or parts, the purchaser shall obtain such  
372 documentation as may be required by this section and shall  
373 record the seller's name and address, date of purchase, and the  
374 personal identification card number of the person delivering  
375 such items.

376 2. Parts or prepared materials from any seller for purposes  
377 of the processing of such parts or prepared materials, the

2010792e1

378 purchaser shall record the seller's name and address and date of  
379 purchase and, in the event of a purchase transaction consisting  
380 primarily of parts or prepared materials, the personal  
381 identification card number of the person delivering such items.

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

385 4.a. Motor vehicles, recreational vehicles, mobile homes,  
386 or derelict motor vehicles from other than a secondary metals  
387 recycler for purposes of the processing of such motor vehicles,  
388 recreational vehicles, mobile homes, or derelict motor vehicles,  
389 the purchaser shall record the date of purchase and the name,  
390 address, and personal identification card number of the person  
391 selling such items and shall obtain the following documentation  
392 from the seller with respect to each item purchased:

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

396 (II) A valid salvage certificate of title issued in the  
397 name of the seller or properly endorsed, as required in s.  
398 319.22, over to the seller;

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

401 (IV) ~~(III)~~ A valid derelict motor vehicle certificate  
402 obtained from the department ~~completed~~ by a licensed salvage  
403 motor vehicle dealer and properly reassigned to the secondary  
404 metals recycler.

405 b. If a valid certificate of title, salvage certificate of  
406 title, certificate of destruction, or derelict motor vehicle

2010792e1

407 certificate is not available and the motor vehicle or mobile  
408 home is a derelict motor vehicle, a derelict motor vehicle  
409 certificate application shall be completed by the seller or  
410 owner of the motor vehicle or mobile home, the seller's or  
411 owner's authorized transporter, and the registered secondary  
412 metals recycler at the time of sale, transport, or delivery to  
413 the registered secondary metals recycler to obtain a derelict  
414 motor vehicle certificate from the department. The derelict  
415 motor vehicle certificate application must be accompanied by a  
416 legible copy of the seller's or owner's valid Florida driver's  
417 license or Florida identification card, or a valid driver's  
418 license or identification card from another state. If the seller  
419 is not the owner of record of the vehicle being sold, the  
420 recycler shall, at the time of sale, acquire a smudge-free right  
421 thumbprint, or other digit if the seller has no right thumb, of  
422 the seller is imprinted upon the derelict motor vehicle  
423 certificate application, and that the legible copy of the  
424 seller's driver's license or identification card is affixed to  
425 the application and transmitted to the department. The derelict  
426 motor vehicle certificate shall be used by the owner, the  
427 owner's authorized transporter, and the registered secondary  
428 metals recycler. The registered secondary metals recycler shall  
429 secure the derelict motor vehicle for 3 full business days,  
430 excluding weekends and holidays, if there is no active lien or a  
431 lien of 3 years or more on the department's records before  
432 destroying or dismantling the derelict motor vehicle and shall  
433 follow all reporting procedures established by the department,  
434 including electronic notification to the department or delivery  
435 of the original derelict motor vehicle certificate application

2010792e1

436 to an agent of the department within 24 hours after receiving  
437 the derelict motor vehicle. If there is an active lien of 3  
438 years or less on the derelict motor vehicle, the registered  
439 secondary metals recycler shall secure the derelict motor  
440 vehicle for 10 days. The department shall notify the lienholder  
441 of the application for a derelict motor vehicle certificate and  
442 shall notify the lienholder of its intention to remove the lien.  
443 Ten days after receipt of the motor vehicle derelict  
444 application, the department may remove the lien from its records  
445 if a written statement protesting removal of the lien is not  
446 received by the department from the lienholder within the 10-day  
447 period. However, if the lienholder files with the department and  
448 the registered secondary metals recycler within the 10-day  
449 period a written statement that the lien is still outstanding,  
450 the department shall not remove the lien and shall place an  
451 administrative hold on the record for 30 days to allow the  
452 lienholder to apply for title to the vehicle or a repossession  
453 certificate under s. 319.28. The registered secondary metals  
454 recycler must secure the derelict motor vehicle until the  
455 department's administrative stop is removed, the lienholder  
456 submits a lien satisfaction, or the lienholder takes possession  
457 of the vehicle.

458 c. Any person who knowingly ~~willfully and deliberately~~  
459 violates this subparagraph by selling, transporting, delivering,  
460 purchasing, or receiving a motor vehicle, recreational motor  
461 vehicle, mobile home, or derelict motor vehicle without  
462 obtaining a certificate of title, salvage certificate of title,  
463 certificate of destruction, or derelict motor vehicle  
464 certificate; enters false or fictitious information on a



2010792e1

465 derelict motor vehicle certificate application; does not  
466 complete the derelict motor vehicle certificate application as  
467 required or does not make the required notification to the  
468 department; does not obtain a legible copy of the seller's or  
469 owner's driver's license or identification card when required;  
470 or destroys or dismantles a derelict motor vehicle without  
471 waiting the required time as set forth in sub-subparagraph b. ~~3~~  
472 ~~full business days~~ commits a felony of the third degree,  
473 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

474 5. Major parts from other than a secondary metals recycler  
475 for purposes of the processing of such major parts, the  
476 purchaser shall record the seller's name, address, date of  
477 purchase, and the personal identification card number of the  
478 person delivering such items, as well as the vehicle  
479 identification number, if available, of each major part  
480 purchased.

481 (8) (a) Secondary metals recyclers and salvage motor vehicle  
482 dealers shall return to the department on a monthly basis all  
483 certificates of title and salvage certificates of title that are  
484 required by this section to be obtained. Secondary metals  
485 recyclers and salvage motor vehicle dealers may elect to notify  
486 the department electronically through procedures established by  
487 the department when they receive each motor vehicle or mobile  
488 home, salvage motor vehicle or mobile home, or derelict motor  
489 vehicle with a certificate of title or salvage certificate of  
490 title through procedures established by the department. The  
491 department may adopt rules and establish fees as it deems  
492 necessary or proper for the administration of the electronic  
493 notification service.

2010792e1

494 (b) Secondary metals recyclers and salvage motor vehicle  
495 dealers shall keep originals, or a copy in the event the  
496 original was returned to the department, of all certificates of  
497 title, salvage certificates of title, certificates of  
498 destruction, derelict motor vehicle certificates, and all other  
499 information required by this section to be recorded or obtained,  
500 on file in the offices of such secondary metals recyclers or  
501 salvage motor vehicle dealers for a period of 3 years after the  
502 date of purchase of the items reflected in such certificates of  
503 title, salvage certificates of title, certificates of  
504 destruction, or derelict motor vehicle certificates. These  
505 records shall be maintained in chronological order.

506 (c) For the purpose of enforcement of this section, the  
507 department or its agents and employees have the same right of  
508 inspection as law enforcement officers as provided in s.  
509 812.055.

510 (d) Whenever the department, its agent or employee, or any  
511 law enforcement officer has reason to believe that a stolen or  
512 fraudulently titled motor vehicle, mobile home, recreational  
513 vehicle, salvage motor vehicle, or derelict motor vehicle is in  
514 the possession of a salvage motor vehicle dealer or secondary  
515 metals recycler, the department, its agent or employee, or the  
516 law enforcement officer may issue an extended ~~a~~ hold notice, not  
517 to exceed 5 additional business days, excluding weekends and  
518 holidays, to the salvage motor vehicle dealer or registered  
519 secondary metals recycler.

520 (e) Whenever a salvage motor vehicle dealer or registered  
521 secondary metals recycler is notified by the department, its  
522 agent or employee, or any law enforcement officer to hold a

2010792e1

523 motor vehicle, mobile home, recreational vehicle, salvage motor  
524 vehicle, or derelict motor vehicle that is believed to be stolen  
525 or fraudulently titled, the salvage motor vehicle dealer or  
526 registered secondary metals recycler shall hold the motor  
527 vehicle, mobile home, recreational vehicle, salvage motor  
528 vehicle, or derelict motor vehicle and may not dismantle or  
529 destroy the motor vehicle, mobile home, recreational vehicle,  
530 salvage motor vehicle, or derelict motor vehicle until it is  
531 recovered by a law enforcement officer, the hold is released by  
532 the department or the law enforcement officer placing the hold,  
533 or the extended 5 additional business ~~working~~ days have passed  
534 since being notified of the hold.

535 (f) This section does not authorize any person who is  
536 engaged in the business of recovering, towing, or storing  
537 vehicles pursuant to s. 713.78, and who is claiming a lien for  
538 performing labor or services on a motor vehicle or mobile home  
539 pursuant to s. 713.58, or is claiming that a motor vehicle or  
540 mobile home has remained on any premises after tenancy has  
541 terminated pursuant to s. 715.104, to use a derelict motor  
542 vehicle certificate application for the purpose of transporting,  
543 selling, disposing, or delivering of a motor vehicle at a  
544 salvage motor vehicle dealer or metal recycler without obtaining  
545 the title or certificate of destruction required under s.  
546 713.58, s. 713.78, or s. 715.104.

547 (g) The department shall accept all properly endorsed and  
548 completed derelict motor vehicle certificate applications and  
549 shall issue a derelict motor vehicle certificate having an  
550 effective date that authorizes when a derelict motor vehicle is  
551 eligible for dismantling or destruction. The electronic

2010792e1

552 information obtained from the derelict motor vehicle certificate  
553 application shall be stored electronically and shall be made  
554 available to authorized persons after issuance of the derelict  
555 motor vehicle certificate in the Florida Real Time Vehicle  
556 Information System.

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

560 (i)~~(g)~~ The department shall charge a fee of \$3 for each  
561 derelict motor vehicle certificate delivered to the department  
562 or one of its agents for processing and shall mark the title  
563 record canceled. A service charge may be collected under s.  
564 320.04.

565 (j) The licensed salvage motor vehicle dealer or registered  
566 secondary metals recycler shall make all payments for the  
567 purchase of any derelict motor vehicle that is sold by a seller  
568 who is not the owner of record on file with the department by  
569 check or money order made payable to the seller and may not make  
570 payment to the authorized transporter. The licensed salvage  
571 motor vehicle dealer or registered secondary metals recycler may  
572 not cash the check that such dealer or recycler issued to the  
573 seller.

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