



LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: WD	.	
04/26/2013 08:34 AM	.	
	.	

Senator Brandes moved the following:

Senate Amendment (with title amendment)

Between lines 1293 and 1294

insert:

Section 23. Section 319.30, Florida Statutes, is amended to read:

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

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

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

(b) "Certificate of registration number" means the certificate of registration number issued by the Department of



465940

14 Revenue of the State of Florida pursuant to s. 538.25.

15 (c) "Certificate of title" means a record that serves as
16 evidence of ownership of a vehicle, whether such record is a
17 paper certificate authorized by the department or by a motor
18 vehicle department authorized to issue titles in another state
19 or a certificate consisting of information stored in electronic
20 form in the department's database.

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

26 (e) "Derelict motor vehicle" means:

27 1. Any motor vehicle as defined in s. 320.01(1) or mobile
28 home as defined in s. 320.01(2), with or without all parts,
29 major parts, or major component parts, which is valued under
30 \$1,000, is at least 10 model years old, beginning with the model
31 year of the vehicle as year one, and is in such condition that
32 its highest or primary value is for sale, transport, or delivery
33 to a licensed salvage motor vehicle dealer or registered
34 secondary metals recycler for dismantling its component parts or
35 conversion to scrap metal; or

36 2. Any trailer as defined in s. 320.01(1), with or without
37 all parts, major parts, or major component parts, which is
38 valued under \$5,000, is at least 10 model years old, beginning
39 with the model year of the vehicle as year one, and is in such
40 condition that its highest or primary value is for sale,
41 transport, or delivery to a licensed salvage motor vehicle
42 dealer or registered secondary metals recycler for conversion to



465940

43 scrap metal.

44 (f) "Derelict motor vehicle certificate" means a
45 certificate issued by the department which serves as evidence
46 that a derelict motor vehicle will be dismantled or converted to
47 scrap metal. This certificate may be obtained by completing a
48 derelict motor vehicle certificate application authorized by the
49 department. A derelict motor vehicle certificate may be
50 reassigned only one time if the derelict motor vehicle
51 certificate was completed by a licensed salvage motor vehicle
52 dealer and the derelict motor vehicle was sold to another
53 licensed salvage motor vehicle dealer or a secondary metals
54 recycler.

55 (g) "Independent entity" means a business or entity that
56 may temporarily store damaged or dismantled motor vehicles
57 pursuant to an agreement with an insurance company and is
58 engaged in the sale or resale of damaged or dismantled motor
59 vehicles. The term does not include a wrecker operator, a towing
60 company, or a repair facility.

61 (h) "Junk" means any material which is or may have been a
62 motor vehicle or mobile home, with or without all component
63 parts, which is inoperable and which material is in such
64 condition that its highest or primary value is either in its
65 sale or transfer as scrap metal or for its component parts, or a
66 combination of the two, except when sold or delivered to or when
67 purchased, possessed, or received by a secondary metals recycler
68 or salvage motor vehicle dealer.

69 (i) "Major component parts" means:

70 1. For motor vehicles other than motorcycles, any fender,
71 hood, bumper, cowl assembly, rear quarter panel, trunk lid,



465940

72 door, decklid, floor pan, engine, frame, transmission, catalytic
73 converter, or airbag.

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

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

80 4. For mobile homes, the frame.

81 (j) "Major part" means the front-end assembly, cowl
82 assembly, or rear body section.

83 (k) "Materials" means motor vehicles, derelicts, and major
84 parts that are not prepared materials.

85 (l) "Mobile home" means mobile home as defined in s.
86 320.01(2).

87 (m) "Motor vehicle" means motor vehicle as defined in s.
88 320.01(1).

89 (n) "National Motor Vehicle Title Information System" means
90 the national mandated vehicle history database maintained by the
91 United States Department of Justice to link the states' motor
92 vehicle title records, including Florida's Department of Highway
93 Safety and Motor Vehicles' title records, and ensure that
94 states, law enforcement agencies, and consumers have access to
95 vehicle titling, branding, and other information that enables
96 them to verify the accuracy and legality of a motor vehicle
97 title before purchase or title transfer of the vehicle occurs.

98 (o) ~~(n)~~ "Parts" means parts of motor vehicles or
99 combinations thereof that do not constitute materials or
100 prepared materials.



465940

101 (p)~~(o)~~ "Prepared materials" means motor vehicles, mobile
102 homes, derelict motor vehicles, major parts, or parts that have
103 been processed by mechanically flattening or crushing, or
104 otherwise processed such that they are not the motor vehicle or
105 mobile home described in the certificate of title, or their only
106 value is as scrap metal.

107 (q)~~(p)~~ "Processing" means the business of performing the
108 manufacturing process by which ferrous metals or nonferrous
109 metals are converted into raw material products consisting of
110 prepared grades and having an existing or potential economic
111 value, or the purchase of materials, prepared materials, or
112 parts therefor.

113 (r)~~(q)~~ "Recreational vehicle" means a motor vehicle as
114 defined in s. 320.01(1).

115 (s)~~(r)~~ "Salvage" means a motor vehicle or mobile home which
116 is a total loss as defined in paragraph (3)(a).

117 (t)~~(s)~~ "Salvage certificate of title" means a salvage
118 certificate of title issued by the department or by another
119 motor vehicle department authorized to issue titles in another
120 state.

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

123 (v)~~(u)~~ "Secondary metals recycler" means secondary metals
124 recycler as defined in s. 538.18.

125 (w)~~(v)~~ "Seller" means the owner of record or a person who
126 has physical possession and responsibility for a derelict motor
127 vehicle and attests that possession of the vehicle was obtained
128 through lawful means along with all ownership rights. A seller
129 does not include a towing company, repair shop, or landlord



465940

130 unless the towing company, repair shop, or landlord has obtained
131 title, salvage title, or a certificate of destruction in the
132 name of the towing company, repair shop, or landlord.

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

146 (b)1. When a motor vehicle, recreational vehicle, or mobile
147 home is sold, transported, delivered to, or received by a
148 salvage motor vehicle dealer, the purchaser shall make the
149 required notification to the National Motor Vehicle Title
150 Information System and it shall be accompanied by:

151 a. A valid certificate of title issued in the name of the
152 seller or properly endorsed, as required in s. 319.22, over to
153 the seller;

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

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



465940

159 2. Any person who knowingly violates this paragraph by
160 selling, transporting, delivering, purchasing, or receiving a
161 motor vehicle, recreational vehicle, or mobile home without
162 obtaining a properly endorsed certificate of title, salvage
163 certificate of title, or certificate of destruction from the
164 owner or does not make the required notification to the National
165 Motor Vehicle Title Information System commits a felony of the
166 third degree, punishable as provided in s. 775.082, s. 775.083,
167 or s. 775.084.

168 (c)1. When a derelict motor vehicle is sold, transported,
169 or delivered to a licensed salvage motor vehicle dealer, the
170 purchaser shall make the required notification of the derelict
171 motor vehicle to the National Motor Vehicle Title Information
172 System and record the date of purchase and the name, address,
173 and valid Florida driver ~~driver's~~ license number or valid
174 Florida identification card number, or a valid driver ~~driver's~~
175 license number or identification card number issued by another
176 state, of the person selling the derelict motor vehicle, and it
177 shall be accompanied by:

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

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

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

184 2. If a valid certificate of title, salvage certificate of
185 title, or certificate of destruction is not available, a
186 derelict motor vehicle certificate application shall be
187 completed by the seller or owner of the motor vehicle or mobile



465940

188 home, the seller's or owner's authorized transporter, and the
189 licensed salvage motor vehicle dealer at the time of sale,
190 transport, or delivery to the licensed salvage motor vehicle
191 dealer. The derelict motor vehicle certificate application shall
192 be used by the seller or owner, the seller's or owner's
193 authorized transporter, and the licensed salvage motor vehicle
194 dealer to obtain a derelict motor vehicle certificate from the
195 department. The derelict motor vehicle certificate application
196 must be accompanied by a legible copy of the seller's or owner's
197 valid Florida driver's license or Florida identification card,
198 or a valid driver ~~driver's~~ license or identification card issued
199 by another state. If the seller is not the owner of record of
200 the vehicle being sold, the dealer shall, at the time of sale,
201 ensure that a smudge-free right thumbprint, or other digit if
202 the seller has no right thumb, of the seller is imprinted upon
203 the derelict motor vehicle certificate application and that a
204 legible copy of the seller's driver ~~driver's~~ license or
205 identification card is affixed to the application and
206 transmitted to the department. The licensed salvage motor
207 vehicle dealer shall make the required notification of the
208 derelict motor vehicle to the National Motor Vehicle Title
209 Information System and secure the derelict motor vehicle for 3
210 full business days, excluding weekends and holidays, if there is
211 no active lien or a lien of 3 years or more on the department's
212 records before destroying or dismantling the derelict motor
213 vehicle and shall follow all reporting procedures established by
214 the department, including electronic notification to the
215 department or delivery of the original derelict motor vehicle
216 certificate application to an agent of the department within 24



465940

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

238 3. Any person who knowingly violates this paragraph by
239 selling, transporting, delivering, purchasing, or receiving a
240 derelict motor vehicle without obtaining a certificate of title,
241 salvage certificate of title, certificate of destruction, or
242 derelict motor vehicle certificate application; enters false or
243 fictitious information on a derelict motor vehicle certificate
244 application; does not complete the derelict motor vehicle
245 certificate application as required; does not obtain a legible



465940

246 copy of the seller's or owner's valid driver ~~driver's~~ license or
247 identification card when required; does not make the required
248 notification to the department; does not make the required
249 notification to the National Motor Vehicle Title Information
250 System; or destroys or dismantles a derelict motor vehicle
251 without waiting the required time as set forth in subparagraph
252 2. commits a felony of the third degree, punishable as provided
253 in s. 775.082, s. 775.083, or s. 775.084.

254 (3)(a)1. As used in this section, a motor vehicle or mobile
255 home is a "total loss":

256 a. When an insurance company pays the vehicle owner to
257 replace the wrecked or damaged vehicle with one of like kind and
258 quality or when an insurance company pays the owner upon the
259 theft of the motor vehicle or mobile home; or

260 b. When an uninsured motor vehicle or mobile home is
261 wrecked or damaged and the cost, at the time of loss, of
262 repairing or rebuilding the vehicle is 80 percent or more of the
263 cost to the owner of replacing the wrecked or damaged motor
264 vehicle or mobile home with one of like kind and quality.

265 2. A motor vehicle or mobile home shall not be considered a
266 "total loss" if the insurance company and owner of a motor
267 vehicle or mobile home agree to repair, rather than to replace,
268 the motor vehicle or mobile home. However, if the actual cost to
269 repair the motor vehicle or mobile home to the insurance company
270 exceeds 100 percent of the cost of replacing the wrecked or
271 damaged motor vehicle or mobile home with one of like kind and
272 quality, the owner shall forward to the department, within 72
273 hours after the agreement, a request to brand the certificate of
274 title with the words "Total Loss Vehicle." Such a brand shall



465940

275 become a part of the vehicle's title history.

276 (b) The owner, including persons who are self-insured, of
277 any motor vehicle or mobile home which is considered to be
278 salvage shall, within 72 hours after the motor vehicle or mobile
279 home becomes salvage, forward the title to the motor vehicle or
280 mobile home to the department for processing. However, an
281 insurance company which pays money as compensation for total
282 loss of a motor vehicle or mobile home shall obtain the
283 certificate of title for the motor vehicle or mobile home, make
284 the required notification to the National Motor Vehicle Title
285 Information System, and, within 72 hours after receiving such
286 certificate of title, shall forward such title to the department
287 for processing. The owner or insurance company, as the case may
288 be, may not dispose of a vehicle or mobile home that is a total
289 loss before it has obtained a salvage certificate of title or
290 certificate of destruction from the department. When applying
291 for a salvage certificate of title or certificate of
292 destruction, the owner or insurance company must provide the
293 department with an estimate of the costs of repairing the
294 physical and mechanical damage suffered by the vehicle for which
295 a salvage certificate of title or certificate of destruction is
296 sought. If the estimated costs of repairing the physical and
297 mechanical damage to the vehicle are equal to 80 percent or more
298 of the current retail cost of the vehicle, as established in any
299 official used car or used mobile home guide, the department
300 shall declare the vehicle unbuildable and print a certificate
301 of destruction, which authorizes the dismantling or destruction
302 of the motor vehicle or mobile home described therein. However,
303 if the damaged motor vehicle is equipped with custom-lowered



465940

304 floors for wheelchair access or a wheelchair lift, the insurance
305 company may, upon determining that the vehicle is repairable to
306 a condition that is safe for operation on public roads, submit
307 the certificate of title to the department for reissuance as a
308 salvage rebuildable title and the addition of a title brand of
309 "insurance-declared total loss." The certificate of destruction
310 shall be reassignable a maximum of two times before dismantling
311 or destruction of the vehicle shall be required, and shall
312 accompany the motor vehicle or mobile home for which it is
313 issued, when such motor vehicle or mobile home is sold for such
314 purposes, in lieu of a certificate of title, and, thereafter,
315 the department shall refuse issuance of any certificate of title
316 for that vehicle. Nothing in this subsection shall be applicable
317 when a vehicle is worth less than \$1,500 retail in undamaged
318 condition in any official used motor vehicle guide or used
319 mobile home guide or when a stolen motor vehicle or mobile home
320 is recovered in substantially intact condition and is readily
321 resalable without extensive repairs to or replacement of the
322 frame or engine. Any person who knowingly violates this
323 paragraph or falsifies any document to avoid the requirements of
324 this paragraph commits a misdemeanor of the first degree,
325 punishable as provided in s. 775.082 or s. 775.083.

326 (4) It is unlawful for any person to have in his or her
327 possession any motor vehicle or mobile home when the
328 manufacturer's or state-assigned identification number plate or
329 serial plate has been removed therefrom.

330 (a) Nothing in this subsection shall be applicable when a
331 vehicle defined in this section as a derelict or salvage was
332 purchased or acquired from a foreign state requiring such



465940

333 vehicle's identification number plate to be surrendered to such
334 state, provided the person shall have an affidavit from the
335 seller describing the vehicle by manufacturer's serial number
336 and the state to which such vehicle's identification number
337 plate was surrendered.

338 (b) Nothing in this subsection shall be applicable if a
339 certificate of destruction has been obtained for the vehicle.

340 (5) (a) It is unlawful for any person to knowingly possess,
341 sell, or exchange, offer to sell or exchange, or give away any
342 certificate of title or manufacturer's or state-assigned
343 identification number plate or serial plate of any motor
344 vehicle, mobile home, or derelict that has been sold as salvage
345 contrary to the provisions of this section, and it is unlawful
346 for any person to authorize, direct, aid in, or consent to the
347 possession, sale, or exchange or to offer to sell, exchange, or
348 give away such certificate of title or manufacturer's or state-
349 assigned identification number plate or serial plate.

350 (b) It is unlawful for any person to knowingly possess,
351 sell, or exchange, offer to sell or exchange, or give away any
352 manufacturer's or state-assigned identification number plate or
353 serial plate of any motor vehicle or mobile home that has been
354 removed from the motor vehicle or mobile home for which it was
355 manufactured, and it is unlawful for any person to authorize,
356 direct, aid in, or consent to the possession, sale, or exchange
357 or to offer to sell, exchange, or give away such manufacturer's
358 or state-assigned identification number plate or serial plate.

359 (c) This chapter does not apply to anyone who removes,
360 possesses, or replaces a manufacturer's or state-assigned
361 identification number plate, in the course of performing repairs



465940

362 on a vehicle, that require such removal or replacement. If the
363 repair requires replacement of a vehicle part that contains the
364 manufacturer's or state-assigned identification number plate,
365 the manufacturer's or state-assigned identification number plate
366 that is assigned to the vehicle being repaired will be installed
367 on the replacement part. The manufacturer's or state-assigned
368 identification number plate that was removed from this
369 replacement part will be installed on the part that was removed
370 from the vehicle being repaired.

371 (6) (a) In the event of a purchase by a salvage motor
372 vehicle dealer of materials or major component parts for any
373 reason, the purchaser shall:

374 1. For each item of materials or major component parts
375 purchased, the salvage motor vehicle dealer shall record the
376 date of purchase and the name, address, and personal
377 identification card number of the person selling such items, as
378 well as the vehicle identification number, if available.

379 2. With respect to each item of materials or major
380 component parts purchased, obtain such documentation as may be
381 required by subsection (2).

382 (b) Any person who violates this subsection commits a
383 felony of the third degree, punishable as provided in s.
384 775.082, s. 775.083, or s. 775.084.

385 (7) (a) In the event of a purchase by a secondary metals
386 recycler, that has been issued a certificate of registration
387 number, of:

388 1. Materials, prepared materials, or parts from any seller
389 for purposes other than the processing of such materials,
390 prepared materials, or parts, the purchaser shall obtain such



465940

391 documentation as may be required by this section and shall
392 record the seller's name and address, date of purchase, and the
393 personal identification card number of the person delivering
394 such items.

395 2. Parts or prepared materials from any seller for purposes
396 of the processing of such parts or prepared materials, the
397 purchaser shall record the seller's name and address and date of
398 purchase and, in the event of a purchase transaction consisting
399 primarily of parts or prepared materials, the personal
400 identification card number of the person delivering such items.

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

404 4.a. Motor vehicles, recreational vehicles, mobile homes,
405 or derelict motor vehicles from other than a secondary metals
406 recycler for purposes of the processing of such motor vehicles,
407 recreational vehicles, mobile homes, or derelict motor vehicles,
408 the purchaser shall make the required notification to the
409 National Motor Vehicle Title Information record the date of
410 purchase and the name, address, and personal identification card
411 number of the person selling such items and shall obtain the
412 following documentation from the seller with respect to each
413 item purchased:

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

417 (II) A valid salvage certificate of title issued in the
418 name of the seller or properly endorsed, as required in s.
419 319.22, over to the seller;



465940

420 (III) A valid certificate of destruction issued in the name
421 of the seller or properly endorsed over to the seller; or

422 (IV) A valid derelict motor vehicle certificate obtained
423 from the department by a licensed salvage motor vehicle dealer
424 and properly reassigned to the secondary metals recycler.

425 b. If a valid certificate of title, salvage certificate of
426 title, certificate of destruction, or derelict motor vehicle
427 certificate is not available and the motor vehicle or mobile
428 home is a derelict motor vehicle, a derelict motor vehicle
429 certificate application shall be completed by the seller or
430 owner of the motor vehicle or mobile home, the seller's or
431 owner's authorized transporter, and the registered secondary
432 metals recycler at the time of sale, transport, or delivery to
433 the registered secondary metals recycler to obtain a derelict
434 motor vehicle certificate from the department. The derelict
435 motor vehicle certificate application must be accompanied by a
436 legible copy of the seller's or owner's valid Florida driver
437 ~~driver's~~ license or Florida identification card, or a valid
438 driver ~~driver's~~ license or identification card from another
439 state. If the seller is not the owner of record of the vehicle
440 being sold, the recycler shall, at the time of sale, ensure that
441 a smudge-free right thumbprint, or other digit if the seller has
442 no right thumb, of the seller is imprinted upon the derelict
443 motor vehicle certificate application and that the legible copy
444 of the seller's driver ~~driver's~~ license or identification card
445 is affixed to the application and transmitted to the department.
446 The derelict motor vehicle certificate shall be used by the
447 owner, the owner's authorized transporter, and the registered
448 secondary metals recycler. The registered secondary metals



465940

449 recycler shall make the required notification of the derelict
450 motor vehicle to the National Motor Vehicle Title Information
451 System and shall secure the derelict motor vehicle for 3 full
452 business days, excluding weekends and holidays, if there is no
453 active lien or a lien of 3 years or more on the department's
454 records before destroying or dismantling the derelict motor
455 vehicle and shall follow all reporting procedures established by
456 the department, including electronic notification to the
457 department or delivery of the original derelict motor vehicle
458 certificate application to an agent of the department within 24
459 hours after receiving the derelict motor vehicle. If there is an
460 active lien of less than 3 years on the derelict motor vehicle,
461 the registered secondary metals recycler shall secure the
462 derelict motor vehicle for 10 days. The department shall notify
463 the lienholder of the application for a derelict motor vehicle
464 certificate and shall notify the lienholder of its intention to
465 remove the lien. Ten days after receipt of the motor vehicle
466 derelict application, the department may remove the lien from
467 its records if a written statement protesting removal of the
468 lien is not received by the department from the lienholder
469 within the 10-day period. However, if the lienholder files with
470 the department and the registered secondary metals recycler
471 within the 10-day period a written statement that the lien is
472 still outstanding, the department shall not remove the lien and
473 shall place an administrative hold on the record for 30 days to
474 allow the lienholder to apply for title to the vehicle or a
475 repossession certificate under s. 319.28. The registered
476 secondary metals recycler must secure the derelict motor vehicle
477 until the department's administrative stop is removed, the



465940

478 lienholder submits a lien satisfaction, or the lienholder takes
479 possession of the vehicle.

480 c. Any person who knowingly violates this subparagraph by
481 selling, transporting, delivering, purchasing, or receiving a
482 motor vehicle, recreational motor vehicle, mobile home, or
483 derelict motor vehicle without obtaining a certificate of title,
484 salvage certificate of title, certificate of destruction, or
485 derelict motor vehicle certificate; enters false or fictitious
486 information on a derelict motor vehicle certificate application;
487 does not complete the derelict motor vehicle certificate
488 application as required or does not make the required
489 notification to the department; does not make the required
490 notification to the National Motor Vehicle Title Information
491 System; does not obtain a legible copy of the seller's or
492 owner's driver ~~driver's~~ license or identification card when
493 required; or destroys or dismantles a derelict motor vehicle
494 without waiting the required time as set forth in sub-
495 subparagraph b. commits a felony of the third degree, punishable
496 as provided in s. 775.082, s. 775.083, or s. 775.084.

497 5. Major parts from other than a secondary metals recycler
498 for purposes of the processing of such major parts, the
499 purchaser shall record the seller's name, address, date of
500 purchase, and the personal identification card number of the
501 person delivering such items, as well as the vehicle
502 identification number, if available, of each major part
503 purchased.

504 (b) Any person who violates this subsection commits a
505 felony of the third degree, punishable as provided in s.
506 775.082, s. 775.083, or s. 775.084.



465940

507 (8) (a) Secondary metals recyclers and salvage motor vehicle
508 dealers shall return to the department on a monthly basis all
509 certificates of title and salvage certificates of title that are
510 required by this section to be obtained. Secondary metals
511 recyclers and salvage motor vehicle dealers may elect to notify
512 the department electronically through procedures established by
513 the department when they receive each motor vehicle or mobile
514 home, salvage motor vehicle or mobile home, or derelict motor
515 vehicle with a certificate of title or salvage certificate of
516 title through procedures established by the department. The
517 department may adopt rules and establish fees as it deems
518 necessary or proper for the administration of the electronic
519 notification service.

520 (b) Secondary metals recyclers and salvage motor vehicle
521 dealers shall keep originals, or a copy in the event the
522 original was returned to the department, of all certificates of
523 title, salvage certificates of title, certificates of
524 destruction, derelict motor vehicle certificates, and all other
525 information required by this section to be recorded or obtained,
526 on file in the offices of such secondary metals recyclers or
527 salvage motor vehicle dealers for a period of 3 years after the
528 date of purchase of the items reflected in such certificates of
529 title, salvage certificates of title, certificates of
530 destruction, or derelict motor vehicle certificates. These
531 records shall be maintained in chronological order.

532 (c) For the purpose of enforcement of this section, the
533 department or its agents and employees have the same right of
534 inspection as law enforcement officers as provided in s.
535 812.055.



465940

536 (d) Whenever the department, its agent or employee, or any
537 law enforcement officer has reason to believe that a stolen or
538 fraudulently titled motor vehicle, mobile home, recreational
539 vehicle, salvage motor vehicle, or derelict motor vehicle is in
540 the possession of a salvage motor vehicle dealer or secondary
541 metals recycler, the department, its agent or employee, or the
542 law enforcement officer may issue an extended hold notice, not
543 to exceed 5 additional business days, excluding weekends and
544 holidays, to the salvage motor vehicle dealer or registered
545 secondary metals recycler.

546 (e) Whenever a salvage motor vehicle dealer or registered
547 secondary metals recycler is notified by the department, its
548 agent or employee, or any law enforcement officer to hold a
549 motor vehicle, mobile home, recreational vehicle, salvage motor
550 vehicle, or derelict motor vehicle that is believed to be stolen
551 or fraudulently titled, the salvage motor vehicle dealer or
552 registered secondary metals recycler shall hold the motor
553 vehicle, mobile home, recreational vehicle, salvage motor
554 vehicle, or derelict motor vehicle and may not dismantle or
555 destroy the motor vehicle, mobile home, recreational vehicle,
556 salvage motor vehicle, or derelict motor vehicle until it is
557 recovered by a law enforcement officer, the hold is released by
558 the department or the law enforcement officer placing the hold,
559 or the 5 additional business days have passed since being
560 notified of the hold.

561 (f) This section does not authorize any person who is
562 engaged in the business of recovering, towing, or storing
563 vehicles pursuant to s. 713.78, and who is claiming a lien for
564 performing labor or services on a motor vehicle or mobile home



565 pursuant to s. 713.58, or is claiming that a motor vehicle or
566 mobile home has remained on any premises after tenancy has
567 terminated pursuant to s. 715.104, to use a derelict motor
568 vehicle certificate application for the purpose of transporting,
569 selling, disposing of, or delivering a motor vehicle to a
570 salvage motor vehicle dealer or secondary metals recycler
571 without obtaining the title or certificate of destruction
572 required under s. 713.58, s. 713.78, or s. 715.104.

573 (g) The department shall accept all properly endorsed and
574 completed derelict motor vehicle certificate applications and
575 shall issue a derelict motor vehicle certificate having an
576 effective date that authorizes when a derelict motor vehicle is
577 eligible for dismantling or destruction. The electronic
578 information obtained from the derelict motor vehicle certificate
579 application shall be stored electronically and shall be made
580 available to authorized persons after issuance of the derelict
581 motor vehicle certificate in the Florida Real Time Vehicle
582 Information System.

583 (h) The department is authorized to adopt rules pursuant to
584 ss. 120.536(1) and 120.54 establishing policies and procedures
585 to administer and enforce this section.

586 (i) The department shall charge a fee of \$3 for each
587 derelict motor vehicle certificate delivered to the department
588 or one of its agents for processing and shall mark the title
589 record canceled. A service charge may be collected under s.
590 320.04.

591 (j) The licensed salvage motor vehicle dealer or registered
592 secondary metals recycler shall make all payments for the
593 purchase of any derelict motor vehicle that is sold by a seller



465940

594 who is not the owner of record on file with the department by
595 check or money order made payable to the seller and may not make
596 payment to the authorized transporter. The licensed salvage
597 motor vehicle dealer or registered secondary metals recycler may
598 not cash the check that such dealer or recycler issued to the
599 seller.

600 (9) (a) An insurance company may notify an independent
601 entity that obtains possession of a damaged or dismantled motor
602 vehicle to release the vehicle to the owner. The insurance
603 company shall provide the independent entity a release statement
604 on a form prescribed by the department authorizing the
605 independent entity to release the vehicle to the owner. The form
606 shall, at a minimum, contain the following:

- 607 1. The policy and claim number.
- 608 2. The name and address of the insured.
- 609 3. The vehicle identification number.
- 610 4. The signature of an authorized representative of the
611 insurance company.

612 (b) The independent entity in possession of a motor vehicle
613 must send a notice to the owner that the vehicle is available
614 for pick up when it receives a release statement from the
615 insurance company. The notice shall be sent by certified mail to
616 the owner at the owner's address reflected in the department's
617 records. The notice must inform the owner that the owner has 30
618 days after receipt of the notice to pick up the vehicle from the
619 independent entity. If the motor vehicle is not claimed within
620 30 days after the owner receives the notice, the independent
621 entity may apply for a certificate of destruction or a
622 certificate of title.



465940

623 (c) The independent entity shall make the required
624 notification to the National Motor Vehicle Title Information
625 System before releasing any damaged or dismantled motor vehicle
626 to the owner or before applying for a certificate of destruction
627 or salvage certificate of title.

628 (d)~~(e)~~ Upon applying for a certificate of destruction or
629 salvage certificate of title, the independent entity shall
630 provide a copy of the release statement from the insurance
631 company to the independent entity, proof of providing the 30-day
632 notice to the owner, proof of notification to the National Motor
633 Vehicle Title Information System, and applicable fees.

634 (e)~~(d)~~ The independent entity may not charge an owner of
635 the vehicle storage fees or apply for a title under s. 713.585
636 or s. 713.78.

637 (10) The department may adopt rules to implement an
638 electronic system for issuing salvage certificates of title and
639 certificates of destruction.

640 (11) Except as otherwise provided in this section, any
641 person who violates this section commits a felony of the third
642 degree, punishable as provided in s. 775.082, s. 775.083, or s.
643 775.084.

644
645 ===== T I T L E A M E N D M E N T =====

646 And the title is amended as follows:

647 Delete line 91

648 and insert:

649 Relating to disposition of derelict motor vehicles;
650 defining the term "National Motor Vehicle Title
651 Information System"; requiring salvage motor vehicle



465940

652 dealers, insurance companies, and other persons to
653 notify the system when receiving or disposing of such
654 a vehicle; requiring proof of such notification when
655 applying for a certificate of destruction or salvage
656 certificate of title; providing penalties;