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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 3794 and 3795  
insert:

Section 66. Subsections (1), (2), (3), (7), (8), (9), and (11) of section 319.30, Florida Statutes, are amended, and a new subsection (11) is added to that section, 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).



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13 (b) "Certificate of registration number" means the  
14 certificate of registration number issued by the Department of  
15 Revenue of the State of Florida pursuant to s. 538.25.

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

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

27 (e) "Derelict motor vehicle" means:

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

37 2. Any trailer as defined in s. 320.01(1), with or without  
38 all parts, major parts, or major component parts, which is  
39 valued under \$5,000, is at least 10 model years old, beginning  
40 with the model year of the vehicle as year one, and is in such  
41 condition that its highest or primary value is for sale,



42 transport, or delivery to a licensed salvage motor vehicle  
43 dealer or registered secondary metals recycler for conversion to  
44 scrap metal.

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

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

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

70 (i) "Major component parts" means:



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71           1. For motor vehicles other than motorcycles, any fender,  
72 hood, bumper, cowl assembly, rear quarter panel, trunk lid,  
73 door, decklid, floor pan, engine, frame, transmission, catalytic  
74 converter, or airbag.

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

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

81           4. For mobile homes, the frame.

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

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

86           (l) "Mobile home" means mobile home as defined in s.  
87 320.01(2).

88           (m) "Motor vehicle" means motor vehicle as defined in s.  
89 320.01(1).

90           (n) "National Motor Vehicle Title Information System" means  
91 the national mandated vehicle history database required under 28  
92 C.F.R. part 25 and maintained for the United States Department  
93 of Justice that links the states' motor vehicle title records,  
94 including the department's motor vehicle title records, and  
95 requires the reporting of junk and salvage motor vehicles in  
96 order to ensure that states, law enforcement agencies, and  
97 consumers have access to vehicle titling, branding, and other  
98 information that enables them to verify the accuracy and  
99 legality of motor vehicle titles before purchase or title



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100 transfer of the vehicle occurs.

101 (o) "Nonrepairable vehicle" means a vehicle of a type  
102 otherwise subject to registration that:

103 1. Has no resale value except as a source of parts or scrap  
104 metal or that the owner irreversibly designates as a source of  
105 parts or scrap metal or for destruction; or

106 2. Has little or no resale value other than its worth as a  
107 source of a vehicle identification number that could be used  
108 illegally; and

109 a. Has been substantially stripped as a result of theft;

110 b. Is missing all of the bolt-on sheet metal body panels,  
111 all of the doors and hatches, substantially all of the interior  
112 components, and substantially all of the grill and light  
113 assemblies; or

114 c. Is a substantially burned vehicle that:

115 (I) Has burned to the extent that there are no more usable  
116 or repairable body or interior components, tires and wheels, or  
117 drive train components; or

118 (II) The owner irreversibly designates for destruction or  
119 as having little or no resale value other than its worth as a  
120 source of scrap metal or as a source of a vehicle identification  
121 number that could be used illegally.

122 (p) ~~(n)~~ "Parts" means parts of motor vehicles or  
123 combinations thereof that do not constitute materials or  
124 prepared materials.

125 (q) ~~(o)~~ "Prepared materials" means motor vehicles, mobile  
126 homes, derelict motor vehicles, major parts, or parts that have  
127 been processed by mechanically flattening or crushing, or  
128 otherwise processed such that they are not the motor vehicle or



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

131 (r)~~(p)~~ "Processing" means the business of performing the  
132 manufacturing process by which ferrous metals or nonferrous  
133 metals are converted into raw material products consisting of  
134 prepared grades and having an existing or potential economic  
135 value, or the purchase of materials, prepared materials, or  
136 parts therefor.

137 (s)~~(q)~~ "Recreational vehicle" means a motor vehicle as  
138 defined in s. 320.01(1).

139 (t)~~(r)~~ "Salvage" means a motor vehicle or mobile home which  
140 is a total loss as defined in paragraph (3)(a).

141 (u)~~(s)~~ "Salvage certificate of title" means a salvage  
142 certificate of title issued by the department or by another  
143 motor vehicle department authorized to issue titles in another  
144 state.

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

147 (w)~~(u)~~ "Secondary metals recycler" means secondary metals  
148 recycler as defined in s. 538.18.

149 (x) "Self-insured entity" means a person, firm, business,  
150 company, or corporation, including a rental car company, that  
151 self-insures its own inventory or company vehicles.

152 (y)~~(v)~~ "Seller" means the owner of record or a person who  
153 has physical possession and responsibility for a derelict motor  
154 vehicle and attests that possession of the vehicle was obtained  
155 through lawful means along with all ownership rights. A seller  
156 does not include a towing company, repair shop, or landlord  
157 unless the towing company, repair shop, or landlord has obtained



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158 title, salvage title, or a certificate of destruction in the  
159 name of the towing company, repair shop, or landlord.

160 (2) (a) Each person mentioned as owner in the last issued  
161 certificate of title, when such motor vehicle or mobile home is  
162 dismantled, destroyed, or changed in such manner that it is not  
163 the motor vehicle or mobile home described in the certificate of  
164 title, shall surrender his or her certificate of title to the  
165 department, and thereupon the department shall, with the consent  
166 of any lienholders noted thereon, enter a cancellation upon its  
167 records. Upon cancellation of a certificate of title in the  
168 manner prescribed by this section, the department may cancel and  
169 destroy all certificates in that chain of title. Any person who  
170 knowingly violates this paragraph commits a misdemeanor of the  
171 second degree, punishable as provided in s. 775.082 or s.  
172 775.083.

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

176 a. A valid certificate of title issued in the name of the  
177 seller or properly endorsed, as required in s. 319.22, over to  
178 the seller;

179 b. A valid salvage certificate of title issued in the name  
180 of the seller or properly endorsed, as required in s. 319.22,  
181 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. Any person who knowingly violates this paragraph by  
185 selling, transporting, delivering, purchasing, or receiving a  
186 motor vehicle, recreational vehicle, or mobile home without



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187 obtaining a properly endorsed certificate of title, salvage  
188 certificate of title, or certificate of destruction from the  
189 owner commits a felony of the third degree, punishable as  
190 provided in s. 775.082, s. 775.083, or s. 775.084.

191 (c)1. When a derelict motor vehicle is sold, transported,  
192 or delivered to a licensed salvage motor vehicle dealer, the  
193 purchaser shall record the date of purchase and the name,  
194 address, and valid Florida driver's license number or valid  
195 Florida identification card number, or a valid driver's license  
196 number or identification card number issued by another state, of  
197 the person selling the derelict motor vehicle, and it shall be  
198 accompanied by:

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

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

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

205 2. If a valid certificate of title, salvage certificate of  
206 title, or certificate of destruction is not available, a  
207 derelict motor vehicle certificate application shall be  
208 completed by the seller or owner of the motor vehicle or mobile  
209 home, the seller's or owner's authorized transporter, and the  
210 licensed salvage motor vehicle dealer at the time of sale,  
211 transport, or delivery to the licensed salvage motor vehicle  
212 dealer. The derelict motor vehicle certificate application shall  
213 be used by the seller or owner, the seller's or owner's  
214 authorized transporter, and the licensed salvage motor vehicle  
215 dealer to obtain a derelict motor vehicle certificate from the





216 department. The derelict motor vehicle certificate application  
217 must be accompanied by a legible copy of the seller's or owner's  
218 valid Florida driver's license or Florida identification card,  
219 or a valid driver's license or identification card issued by  
220 another state. If the seller is not the owner of record of the  
221 vehicle being sold, the dealer shall, at the time of sale,  
222 ensure that a smudge-free right thumbprint, or other digit if  
223 the seller has no right thumb, of the seller is imprinted upon  
224 the derelict motor vehicle certificate application and that a  
225 legible copy of the seller's driver's license or identification  
226 card is affixed to the application and transmitted to the  
227 department. The licensed salvage motor vehicle dealer shall  
228 secure the derelict motor vehicle for 3 full business days,  
229 excluding weekends and holidays, if there is no active lien or a  
230 lien of 3 years or more on the department's records before  
231 destroying or dismantling the derelict motor vehicle and shall  
232 follow all reporting procedures established by the department,  
233 including electronic notification to the department or delivery  
234 of the original derelict motor vehicle certificate application  
235 to an agent of the department within 24 hours after receiving  
236 the derelict motor vehicle. If there is an active lien of less  
237 than 3 years on the derelict motor vehicle, the licensed salvage  
238 motor vehicle dealer shall secure the derelict motor vehicle for  
239 10 days. The department shall notify the lienholder that a  
240 derelict motor vehicle certificate has been issued and shall  
241 notify the lienholder of its intention to remove the lien. Ten  
242 days after receipt of the motor vehicle derelict certificate  
243 application, the department may remove the lien from its records  
244 if a written statement protesting removal of the lien is not



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245 received by the department from the lienholder within the 10-day  
246 period. However, if the lienholder files with the department and  
247 the licensed salvage motor vehicle dealer within the 10-day  
248 period a written statement that the lien is still outstanding,  
249 the department shall not remove the lien and shall place an  
250 administrative hold on the record for 30 days to allow the  
251 lienholder to apply for title to the vehicle or a repossession  
252 certificate under s. 319.28. The licensed salvage motor vehicle  
253 dealer must secure the derelict motor vehicle until the  
254 department's administrative stop is removed, the lienholder  
255 submits a lien satisfaction, or the lienholder takes possession  
256 of the vehicle. The licensed salvage motor vehicle dealer may  
257 require the lienholder to reimburse him or her only for the  
258 dealer's purchase price of the derelict vehicle and shall not  
259 include any towing costs, storage fees, administrative fees, or  
260 other costs.

261 3. Any person who knowingly violates this paragraph by  
262 selling, transporting, delivering, purchasing, or receiving a  
263 derelict motor vehicle without obtaining a certificate of title,  
264 salvage certificate of title, certificate of destruction, or  
265 derelict motor vehicle certificate application; enters false or  
266 fictitious information on a derelict motor vehicle certificate  
267 application; does not complete the derelict motor vehicle  
268 certificate application as required; does not obtain a legible  
269 copy of the seller's or owner's valid driver's license or  
270 identification card when required; does not make the required  
271 notification to the department; or destroys or dismantles a  
272 derelict motor vehicle without waiting the required time as set  
273 forth in subparagraph 2. commits a felony of the third degree,



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

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

277 a. When an insurance company pays the vehicle owner to  
278 replace the wrecked or damaged vehicle with one of like kind and  
279 quality or when an insurance company pays the owner upon the  
280 theft of the motor vehicle or mobile home; or

281 b. When an uninsured or self-insured motor vehicle or  
282 mobile home is wrecked or damaged and the cost, at the time of  
283 loss, of repairing or rebuilding the vehicle is 80 percent or  
284 more of the cost to the owner of replacing the wrecked or  
285 damaged motor vehicle or mobile home with one of like kind and  
286 quality.

287 2. A motor vehicle or mobile home shall not be considered a  
288 "total loss" if the insurance company and owner of a motor  
289 vehicle or mobile home agree to repair, rather than to replace,  
290 the motor vehicle or mobile home. ~~However, if the actual cost to~~  
291 ~~repair the motor vehicle or mobile home to the insurance company~~  
292 ~~exceeds 100 percent of the cost of replacing the wrecked or~~  
293 ~~damaged motor vehicle or mobile home with one of like kind and~~  
294 ~~quality, the owner shall forward to the department, within 72~~  
295 ~~hours after the agreement, a request to brand the certificate of~~  
296 ~~title with the words "Total Loss Vehicle." Such a brand shall~~  
297 ~~become a part of the vehicle's title history.~~

298 (b) The owner, including ~~persons who are~~ self-insured  
299 entities, of any motor vehicle or mobile home which is  
300 considered to be salvage shall, within 72 hours after the motor  
301 vehicle or mobile home becomes salvage, forward the title to the  
302 motor vehicle or mobile home to the department for processing.



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303 However, an insurance company which pays money as compensation  
304 for total loss of a motor vehicle or mobile home shall obtain  
305 the certificate of title for the motor vehicle or mobile home  
306 and, within 72 hours after receiving such certificate of title,  
307 shall forward such title to the department for processing and  
308 make the required notification to the National Motor Vehicle  
309 Title Information System. The owner, ~~or~~ insurance company, or  
310 self-insured entity as the case may be, may not dispose of a  
311 vehicle or mobile home that is a total loss before it has  
312 obtained a salvage certificate of title or certificate of  
313 destruction from the department. When applying for a salvage  
314 certificate of title or certificate of destruction, the owner,  
315 ~~or~~ insurance company, or self-insured entity must provide the  
316 department with an estimate of the costs of repairing the  
317 physical and mechanical damage suffered by the vehicle for which  
318 a salvage certificate of title or certificate of destruction is  
319 sought. If the motor vehicle is a nonrepairable vehicle  
320 ~~estimated costs of repairing the physical and mechanical damage~~  
321 ~~to the vehicle are equal to 80 percent or more of the current~~  
322 ~~retail cost of the vehicle, as established in any official used~~  
323 ~~car or used mobile home guide~~, the department shall declare the  
324 vehicle a nonrepairable vehicle ~~unrebuildable~~ and print a  
325 certificate of destruction, which authorizes the dismantling or  
326 destruction of the motor vehicle or mobile home described  
327 therein. However, if the damaged motor vehicle is equipped with  
328 custom-lowered floors for wheelchair access or a wheelchair  
329 lift, the insurance company may, upon determining that the  
330 vehicle is repairable to a condition that is safe for operation  
331 on public roads, submit the certificate of title to the



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332 department for reissuance as a salvage rebuildable title and the  
333 addition of a title brand of "insurance-declared total loss."  
334 The certificate of destruction shall be reassignable a maximum  
335 of two times before dismantling or destruction of the vehicle  
336 shall be required, and shall accompany the motor vehicle or  
337 mobile home for which it is issued, when such motor vehicle or  
338 mobile home is sold for such purposes, in lieu of a certificate  
339 of title, and, thereafter, the department shall refuse issuance  
340 of any certificate of title for that vehicle. Nothing in this  
341 subsection shall be applicable when a vehicle is worth less than  
342 \$1,500 retail in undamaged condition in any official used motor  
343 vehicle guide or used mobile home guide or when a stolen motor  
344 vehicle or mobile home is recovered in substantially intact  
345 condition with all major component parts present and is readily  
346 resalable without extensive repairs ~~to or replacement of the~~  
347 ~~frame or engine~~. Any person who knowingly violates this  
348 paragraph or falsifies any document to avoid the requirements of  
349 this paragraph commits a misdemeanor of the first degree,  
350 punishable as provided in s. 775.082 or s. 775.083.

351 (7) (a) In the event of a purchase by a secondary metals  
352 recycler, that has been issued a certificate of registration  
353 number, of:

354 1. Materials, prepared materials, or parts from any seller  
355 for purposes other than the processing of such materials,  
356 prepared materials, or parts, the purchaser shall obtain such  
357 documentation as may be required by this section and shall  
358 record the seller's name and address, date of purchase, and the  
359 personal identification card number of the person delivering  
360 such items.



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361           2. Parts or prepared materials from any seller for purposes  
362 of the processing of such parts or prepared materials, the  
363 purchaser shall record the seller's name and address and date of  
364 purchase and, in the event of a purchase transaction consisting  
365 primarily of parts or prepared materials, the personal  
366 identification card number of the person delivering such items.

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

370           4.a. Motor vehicles, recreational vehicles, mobile homes,  
371 or derelict motor vehicles from other than a secondary metals  
372 recycler for purposes of the processing of such motor vehicles,  
373 recreational vehicles, mobile homes, or derelict motor vehicles,  
374 the purchaser shall record the date of purchase and the name,  
375 address, and personal identification card number of the person  
376 selling such items and shall obtain the following documentation  
377 from the seller with respect to each item purchased:

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

381           (II) A valid salvage certificate of title issued in the  
382 name of the seller or properly endorsed, as required in s.  
383 319.22, over to the seller;

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

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

389           b. If a valid certificate of title, salvage certificate of



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390 title, certificate of destruction, or derelict motor vehicle  
391 certificate is not available and the motor vehicle or mobile  
392 home is a derelict motor vehicle, a derelict motor vehicle  
393 certificate application shall be completed by the seller or  
394 owner of the motor vehicle or mobile home, the seller's or  
395 owner's authorized transporter, and the registered secondary  
396 metals recycler at the time of sale, transport, or delivery to  
397 the registered secondary metals recycler to obtain a derelict  
398 motor vehicle certificate from the department. The derelict  
399 motor vehicle certificate application must be accompanied by a  
400 legible copy of the seller's or owner's valid Florida driver's  
401 license or Florida identification card, or a valid driver's  
402 license or identification card from another state. If the seller  
403 is not the owner of record of the vehicle being sold, the  
404 recycler shall, at the time of sale, ensure that a smudge-free  
405 right thumbprint, or other digit if the seller has no right  
406 thumb, of the seller is imprinted upon the derelict motor  
407 vehicle certificate application and that the legible copy of the  
408 seller's driver's license or identification card is affixed to  
409 the application and transmitted to the department. The derelict  
410 motor vehicle certificate shall be used by the owner, the  
411 owner's authorized transporter, and the registered secondary  
412 metals recycler. The registered secondary metals recycler shall  
413 secure the derelict motor vehicle for 3 full business days,  
414 excluding weekends and holidays, if there is no active lien or a  
415 lien of 3 years or more on the department's records before  
416 destroying or dismantling the derelict motor vehicle and shall  
417 follow all reporting procedures established by the department,  
418 including electronic notification to the department or delivery



419 of the original derelict motor vehicle certificate application  
420 to an agent of the department within 24 hours after receiving  
421 the derelict motor vehicle. If there is an active lien of less  
422 than 3 years on the derelict motor vehicle, the registered  
423 secondary metals recycler shall secure the derelict motor  
424 vehicle for 10 days. The department shall notify the lienholder  
425 of the application for a derelict motor vehicle certificate and  
426 shall notify the lienholder of its intention to remove the lien.  
427 Ten days after receipt of the motor vehicle derelict  
428 application, the department may remove the lien from its records  
429 if a written statement protesting removal of the lien is not  
430 received by the department from the lienholder within the 10-day  
431 period. However, if the lienholder files with the department and  
432 the registered secondary metals recycler within the 10-day  
433 period a written statement that the lien is still outstanding,  
434 the department shall not remove the lien and shall place an  
435 administrative hold on the record for 30 days to allow the  
436 lienholder to apply for title to the vehicle or a repossession  
437 certificate under s. 319.28. The registered secondary metals  
438 recycler must secure the derelict motor vehicle until the  
439 department's administrative stop is removed, the lienholder  
440 submits a lien satisfaction, or the lienholder takes possession  
441 of the vehicle. The registered secondary metals recycler may  
442 require the lienholder to reimburse him or her only for the  
443 recycler's purchase price of derelict vehicle and shall not  
444 include any towing cost, storage fees, administrative fees, or  
445 other costs.

446 c. Any person who knowingly violates this subparagraph by  
447 selling, transporting, delivering, purchasing, or receiving a





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448 motor vehicle, recreational motor vehicle, mobile home, or  
449 derelict motor vehicle without obtaining a certificate of title,  
450 salvage certificate of title, certificate of destruction, or  
451 derelict motor vehicle certificate; enters false or fictitious  
452 information on a derelict motor vehicle certificate application;  
453 does not complete the derelict motor vehicle certificate  
454 application as required or does not make the required  
455 notification to the department; does not obtain a legible copy  
456 of the seller's or owner's driver's license or identification  
457 card when required; or destroys or dismantles a derelict motor  
458 vehicle without waiting the required time as set forth in sub-  
459 subparagraph b. commits a felony of the third degree, punishable  
460 as provided in s. 775.082, s. 775.083, or s. 775.084.

461 5. Major parts from other than a secondary metals recycler  
462 for purposes of the processing of such major parts, the  
463 purchaser shall record the seller's name, address, date of  
464 purchase, and the personal identification card number of the  
465 person delivering such items, as well as the vehicle  
466 identification number, if available, of each major part  
467 purchased.

468 (b) Any person who violates this subsection commits a  
469 felony of the third degree, punishable as provided in s.  
470 775.082, s. 775.083, or s. 775.084.

471 (8) (a) Secondary metals recyclers and salvage motor vehicle  
472 dealers shall return to the department on a monthly basis all  
473 certificates of title and salvage certificates of title that are  
474 required by this section to be obtained. Secondary metals  
475 recyclers and salvage motor vehicle dealers may elect to notify  
476 the department electronically through procedures established by



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477 the department when they receive each motor vehicle or mobile  
478 home, salvage motor vehicle or mobile home, or derelict motor  
479 vehicle with a certificate of title or salvage certificate of  
480 title through procedures established by the department. The  
481 department may adopt rules and establish fees as it deems  
482 necessary or proper for the administration of the electronic  
483 notification service.

484 (b) Secondary metals recyclers and salvage motor vehicle  
485 dealers shall keep originals, or a copy in the event the  
486 original was returned to the department, of all certificates of  
487 title, salvage certificates of title, certificates of  
488 destruction, derelict motor vehicle certificates, proof of  
489 reporting to the National Motor Vehicle Title Information  
490 System, and all other information required by this section to be  
491 recorded or obtained, on file in the offices of such secondary  
492 metals recyclers or salvage motor vehicle dealers for a period  
493 of 3 years after the date of purchase of the items reflected in  
494 such certificates of title, salvage certificates of title,  
495 certificates of destruction, or derelict motor vehicle  
496 certificates. These records shall be maintained in chronological  
497 order.

498 (c) Secondary metals recyclers and salvage motor vehicle  
499 dealers shall on a monthly basis make the required notifications  
500 on all junk, derelict motor vehicles, or salvage motor vehicles  
501 that were obtained in whole or part to the National Motor  
502 Vehicle Title Information System as required in 28 C.F.R. part  
503 25.

504 (d)~~(e)~~ For the purpose of enforcement of this section, the  
505 department or its agents and employees have the same right of



506 inspection as law enforcement officers as provided in s.  
507 812.055.

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

518 (f)~~(e)~~ Whenever a salvage motor vehicle dealer or  
519 registered secondary metals recycler is notified by the  
520 department, its agent or employee, or any law enforcement  
521 officer to hold a motor vehicle, mobile home, recreational  
522 vehicle, salvage motor vehicle, or derelict motor vehicle that  
523 is believed to be stolen or fraudulently titled, the salvage  
524 motor vehicle dealer or registered secondary metals recycler  
525 shall hold the motor vehicle, mobile home, recreational vehicle,  
526 salvage motor vehicle, or derelict motor vehicle and may not  
527 dismantle or destroy the motor vehicle, mobile home,  
528 recreational vehicle, salvage motor vehicle, or derelict motor  
529 vehicle until it is recovered by a law enforcement officer, the  
530 hold is released by the department or the law enforcement  
531 officer placing the hold, or the 5 additional business days have  
532 passed since being notified of the hold.

533 (g)~~(f)~~ This section does not authorize any person who is  
534 engaged in the business of recovering, towing, or storing



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535 vehicles pursuant to s. 713.78, and who is claiming a lien for  
536 performing labor or services on a motor vehicle or mobile home  
537 pursuant to s. 713.58, or is claiming that a motor vehicle or  
538 mobile home has remained on any premises after tenancy has  
539 terminated pursuant to s. 715.104, to use a derelict motor  
540 vehicle certificate application for the purpose of transporting,  
541 selling, disposing of, or delivering a motor vehicle to a  
542 salvage motor vehicle dealer or secondary metals recycler  
543 without obtaining the title or certificate of destruction  
544 required under s. 713.58, s. 713.78, or s. 715.104.

545 (h)~~(g)~~ The department shall accept all properly endorsed  
546 and completed derelict motor vehicle certificate applications  
547 and shall issue a derelict motor vehicle certificate having an  
548 effective date that authorizes when a derelict motor vehicle is  
549 eligible for dismantling or destruction. The electronic  
550 information obtained from the derelict motor vehicle certificate  
551 application shall be stored electronically and shall be made  
552 available to authorized persons after issuance of the derelict  
553 motor vehicle certificate in the Florida Real Time Vehicle  
554 Information System.

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

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

563 (k)~~(j)~~ The licensed salvage motor vehicle dealer or



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

572 (9) (a) An insurance company may notify an independent  
573 entity that obtains possession of a damaged or dismantled motor  
574 vehicle to release the vehicle to the owner. The insurance  
575 company shall provide the independent entity a release statement  
576 on a form prescribed by the department authorizing the  
577 independent entity to release the vehicle to the owner. The form  
578 shall, at a minimum, contain the following:

- 579 1. The policy and claim number.  
580 2. The name and address of the insured.  
581 3. The vehicle identification number.  
582 4. The signature of an authorized representative of the  
583 insurance company.

584 (b) The independent entity in possession of a motor vehicle  
585 must send a notice to the owner that the vehicle is available  
586 for pick up when it receives a release statement from the  
587 insurance company. The notice shall be sent by certified mail to  
588 the owner at the owner's address reflected in the department's  
589 records. The notice must inform the owner that the owner has 30  
590 days after receipt of the notice to pick up the vehicle from the  
591 independent entity. If the motor vehicle is not claimed within  
592 30 days after the owner receives the notice, the independent



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593 entity may apply for a certificate of destruction or a  
594 certificate of title.

595 (c) The independent entity shall make the required  
596 notification to the National Motor Vehicle Title Information  
597 System before releasing any damaged or dismantled motor vehicle  
598 to the owner or before applying for a certificate of destruction  
599 or salvage certificate of title.

600 (d)~~(e)~~ Upon applying for a certificate of destruction or  
601 salvage certificate of title, the independent entity shall  
602 provide a copy of the release statement from the insurance  
603 company to the independent entity, proof of providing the 30-day  
604 notice to the owner, proof of notification to the National Motor  
605 Vehicle Title Information System, and applicable fees.

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

609 (11) All salvage motor vehicle dealers, secondary metals  
610 recyclers, auctions, independent entities, or self-insured  
611 entities that deal in salvage motor vehicles must be registered  
612 with the National Motor Vehicle Title Information System and  
613 shall be required to provide their registration number before  
614 being licensed by the department or before processing any  
615 certificate of title, salvage certificate of title, certificate  
616 of destruction, or derelict certificate by the department.

617 (12)~~(11)~~ Except as otherwise provided in this section, any  
618 person who violates this section commits a felony of the third  
619 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
620 775.084.

621 Section 67. Subsections (1), (2), (3), (4), (9), and (13)



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622 of section 713.585, Florida Statutes, are amended to read:

623       713.585 Enforcement of lien by sale of motor vehicle.—A  
624 person claiming a lien under s. 713.58 for performing labor or  
625 services on a motor vehicle may enforce such lien by sale of the  
626 vehicle in accordance with the following procedures:

627       (1) The lienor must give notice, by certified mail, return  
628 receipt requested, within 15 business days, excluding Saturday  
629 and Sunday, from the beginning date of the assessment of storage  
630 charges on said motor vehicle, to the registered owner of the  
631 vehicle, to the customer as indicated on the order for repair,  
632 and to all other persons claiming an interest in or lien  
633 thereon, as disclosed by the records of the Department of  
634 Highway Safety and Motor Vehicles or as disclosed by the records  
635 of any ~~of a~~ corresponding agency of any other state in which the  
636 vehicle is identified through a records check of the National  
637 Motor Vehicle Title Information System as being the current  
638 state where the vehicle is titled ~~appears registered~~. Such  
639 notice must contain:

640       (a) A description of the vehicle (year, make, vehicle  
641 identification number) and its location.

642       (b) The name and address of the owner of the vehicle, the  
643 customer as indicated on the order for repair, and any person  
644 claiming an interest in or lien thereon.

645       (c) The name, address, and telephone number of the lienor.

646       (d) Notice that the lienor claims a lien on the vehicle for  
647 labor and services performed and storage charges, if any, and  
648 the cash sum which, if paid to the lienor, would be sufficient  
649 to redeem the vehicle from the lien claimed by the lienor.

650       (e) Notice that the lien claimed by the lienor is subject



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651 to enforcement pursuant to this section and that the vehicle may  
652 be sold to satisfy the lien.

653 (f) If known, the date, time, and location of any proposed  
654 or scheduled sale of the vehicle. No vehicle may be sold earlier  
655 than 60 days after completion of the repair work.

656 (g) Notice that the owner of the vehicle or any person  
657 claiming an interest in or lien thereon has a right to a hearing  
658 at any time prior to the scheduled date of sale by filing a  
659 demand for hearing with the clerk of the circuit court in the  
660 county in which the vehicle is held and mailing copies of the  
661 demand for hearing to all other owners and lienors as reflected  
662 on the notice.

663 (h) Notice that the owner of the vehicle has a right to  
664 recover possession of the vehicle without instituting judicial  
665 proceedings by posting bond in accordance with the provisions of  
666 s. 559.917.

667 (i) Notice that any proceeds from the sale of the vehicle  
668 remaining after payment of the amount claimed to be due and  
669 owing to the lienor will be deposited with the clerk of the  
670 circuit court for disposition upon court order pursuant to  
671 subsection (8).

672 (2) If attempts to locate the owner or lienholder are  
673 unsuccessful after a check of the records of the Department of  
674 Highway Safety and Motor Vehicles and any state disclosed by the  
675 check of the National Motor Vehicle Title Information System,  
676 the lienor must notify the local law enforcement agency in  
677 writing by certified mail or acknowledged hand delivery that the  
678 lienor has been unable to locate the owner or lienholder, that a  
679 physical search of the vehicle has disclosed no ownership





680 information, and that a good faith effort, including records  
681 checks of the Department of Highway Safety and Motor Vehicles  
682 database and the National Motor Vehicle Title Information  
683 System, has been made. A description of the motor vehicle which  
684 includes the year, make, and identification number must be given  
685 on the notice. This notification must take place within 15  
686 business days, excluding Saturday and Sunday, from the beginning  
687 date of the assessment of storage charges on said motor vehicle.  
688 For purposes of this paragraph, the term "good faith effort"  
689 means that the following checks have been performed by the  
690 company to establish the prior state of registration and title:

691 (a) A check of the Department of Highway Safety and Motor  
692 Vehicles database for the owner and any lienholder.

693 (b) A check of the federally mandated electronic National  
694 Motor Vehicle Title Information System to determine the state of  
695 registration when there is not a current title or registration  
696 record for the vehicle on file with the Department of Highway  
697 Safety and Motor Vehicles.

698 (c) ~~(a)~~ A check of vehicle for any type of tag, tag record,  
699 temporary tag, or regular tag;

700 (d) ~~(b)~~ A check of vehicle for inspection sticker or other  
701 stickers and decals that could indicate the state of possible  
702 registration; and

703 (e) ~~(c)~~ A check of the interior of the vehicle for any  
704 papers that could be in the glove box, trunk, or other areas for  
705 the state of registration.

706 (3) If the date of the sale was not included in the notice  
707 required in subsection (1), notice of the sale must be sent by  
708 certified mail, return receipt requested, not less than 15 days



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709 before the date of sale, to the customer as indicated on the  
710 order for repair, and to all other persons claiming an interest  
711 in or lien on the motor vehicle, as disclosed by the records of  
712 the Department of Highway Safety and Motor Vehicles or of a  
713 corresponding agency of any other state in which the vehicle  
714 appears to have been registered after completion of a check of  
715 the National Motor Vehicle Title Information System. ~~After~~  
716 ~~diligent search and inquiry, if the name and address of the~~  
717 ~~registered owner or the owner of the recorded lien cannot be~~  
718 ~~ascertained, the requirements for this notice may be~~  
719 ~~disregarded.~~

720 (4) The lienor, at least 15 days before the proposed or  
721 scheduled date of sale of the vehicle, shall publish the notice  
722 required by this section once in a newspaper circulated in the  
723 county where the vehicle is held. A certificate of compliance  
724 with the notification provisions of this section, verified by  
725 the lienor, together with a copy of the notice and return  
726 receipt for mailing of the notice required by this section, ~~and~~  
727 proof of publication, and checks of the Department of Highway  
728 Safety and Motor Vehicles and the National Motor Vehicle Title  
729 Information System, must be duly and expeditiously filed with  
730 the clerk of the circuit court in the county where the vehicle  
731 is held. The lienor, at the time of filing the certificate of  
732 compliance, must pay to the clerk of that court a service charge  
733 of \$10 for indexing and recording the certificate.

734 (9) A copy of the certificate of compliance and the report  
735 of sale, certified by the clerk of the court, and proof of the  
736 required check of the National Motor Vehicle Title Information  
737 System shall constitute satisfactory proof for application to



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738 the Department of Highway Safety and Motor Vehicles for transfer  
739 of title, together with any other proof required by any rules  
740 and regulations of the department.

741 (13) A failure to make good faith efforts as defined in  
742 subsection (2) precludes the imposition of any storage charges  
743 against the vehicle. If a lienor fails to provide notice to any  
744 person claiming a lien on a vehicle under subsection (1) within  
745 15 business days after the assessment of storage charges have  
746 begun, then the lienor is precluded from charging for more than  
747 15 days of storage, but failure to provide timely notice does  
748 not affect charges made for repairs, adjustments, or  
749 modifications to the vehicle or the priority of liens on the  
750 vehicle.

751 Section 68. Section 713.78, Florida Statutes, is amended to  
752 read:

753 713.78 Liens for recovering, towing, or storing vehicles  
754 and vessels.—

755 (1) For the purposes of this section, the term:

756 (a) "Vehicle" means any mobile item, whether motorized or  
757 not, which is mounted on wheels.

758 (b) "Vessel" means every description of watercraft, barge,  
759 and airboat used or capable of being used as a means of  
760 transportation on water, other than a seaplane or a "documented  
761 vessel" as defined in s. 327.02(9).

762 (c) "Wrecker" means any truck or other vehicle which is  
763 used to tow, carry, or otherwise transport motor vehicles or  
764 vessels upon the streets and highways of this state and which is  
765 equipped for that purpose with a boom, winch, car carrier, or  
766 other similar equipment.



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767           (d) "National Motor Vehicle Title Information System" means  
768 the federally authorized electronic National Motor Vehicle Title  
769 Information System.

770           (2) Whenever a person regularly engaged in the business of  
771 transporting vehicles or vessels by wrecker, tow truck, or car  
772 carrier recovers, removes, or stores a vehicle or vessel upon  
773 instructions from:

774           (a) The owner thereof;

775           (b) The owner or lessor, or a person authorized by the  
776 owner or lessor, of property on which such vehicle or vessel is  
777 wrongfully parked, and the removal is done in compliance with s.  
778 715.07; ~~or~~

779           (c) The landlord or a person authorized by the landlord,  
780 when such motor vehicle or vessel remained on the premises after  
781 the tenancy terminated and the removal is done in compliance  
782 with s. 715.104; or

783           (d)~~(e)~~ Any law enforcement agency,

784  
785 she or he shall have a lien on the vehicle or vessel for a  
786 reasonable towing fee and for a reasonable storage fee; except  
787 that no storage fee shall be charged if the vehicle is stored  
788 for less than 6 hours.

789           (3) This section does not authorize any person to claim a  
790 lien on a vehicle for fees or charges connected with the  
791 immobilization of such vehicle using a vehicle boot or other  
792 similar device pursuant to s. 715.07.

793           (4) (a) Any person regularly engaged in the business of  
794 recovering, towing, or storing vehicles or vessels who comes  
795 into possession of a vehicle or vessel pursuant to subsection



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796 (2), and who claims a lien for recovery, towing, or storage  
797 services, shall give notice to the registered owner, the  
798 insurance company insuring the vehicle notwithstanding the  
799 provisions of s. 627.736, and to all persons claiming a lien  
800 thereon, as disclosed by the records in the Department of  
801 Highway Safety and Motor Vehicles or as disclosed by the records  
802 of any ~~of a~~ corresponding agency in any other state in which the  
803 vehicle is identified through a records check of the National  
804 Motor Vehicle Title Information System as being titled or  
805 registered.

806 (b) Whenever any law enforcement agency authorizes the  
807 removal of a vehicle or vessel or whenever any towing service,  
808 garage, repair shop, or automotive service, storage, or parking  
809 place notifies the law enforcement agency of possession of a  
810 vehicle or vessel pursuant to s. 715.07(2)(a)2., the law  
811 enforcement agency of the jurisdiction where the vehicle or  
812 vessel is stored shall contact the Department of Highway Safety  
813 and Motor Vehicles, or the appropriate agency of the state of  
814 registration, if known, within 24 hours through the medium of  
815 electronic communications, giving the full description of the  
816 vehicle or vessel. Upon receipt of the full description of the  
817 vehicle or vessel, the department shall search its files to  
818 determine the owner's name, the insurance company insuring the  
819 vehicle or vessel, and whether any person has filed a lien upon  
820 the vehicle or vessel as provided in s. 319.27(2) and (3) and  
821 notify the applicable law enforcement agency within 72 hours.  
822 The person in charge of the towing service, garage, repair shop,  
823 or automotive service, storage, or parking place shall obtain  
824 such information from the applicable law enforcement agency



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825 within 5 days after the date of storage and shall give notice  
826 pursuant to paragraph (a). The department may release the  
827 insurance company information to the requestor notwithstanding  
828 the provisions of s. 627.736.

829 (c) Notice by certified mail shall be sent within 7  
830 business days after the date of storage of the vehicle or vessel  
831 to the registered owner, the insurance company insuring the  
832 vehicle notwithstanding the provisions of s. 627.736, and all  
833 persons of record claiming a lien against the vehicle or vessel.  
834 It shall state the fact of possession of the vehicle or vessel,  
835 that a lien as provided in subsection (2) is claimed, that  
836 charges have accrued and the amount thereof, that the lien is  
837 subject to enforcement pursuant to law, and that the owner or  
838 lienholder, if any, has the right to a hearing as set forth in  
839 subsection (5), and that any vehicle or vessel which remains  
840 unclaimed, or for which the charges for recovery, towing, or  
841 storage services remain unpaid, may be sold free of all prior  
842 liens after 35 days if the vehicle or vessel is more than 3  
843 years of age or after 50 days if the vehicle or vessel is 3  
844 years of age or less.

845 (d) If attempts to locate the name and address of the owner  
846 or lienholder prove unsuccessful, the towing-storage operator  
847 shall, after 7 working days, excluding Saturday and Sunday, of  
848 the initial tow or storage, notify the public agency of  
849 jurisdiction where the vehicle or vessel is stored in writing by  
850 certified mail or acknowledged hand delivery that the towing-  
851 storage company has been unable to locate the name and address  
852 of the owner or lienholder and a physical search of the vehicle  
853 or vessel has disclosed no ownership information and a good



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854 faith effort has been made, including records checks of the  
855 Department of Highway Safety and Motor Vehicles and the National  
856 Motor Vehicle Title Information System databases. For purposes  
857 of this paragraph and subsection (9), "good faith effort" means  
858 that the following checks have been performed by the company to  
859 establish prior state of registration and for title:

860 1. Check of the Department of Highway Safety and Motor  
861 Vehicles database for the owner and any lienholder.

862 2. Check of the electronic National Motor Vehicle Title  
863 Information System to determine the state of registration when  
864 there is not a current registration record for the vehicle on  
865 file with the Department of Highway Safety and Motor Vehicles.

866 ~~3.1.~~ Check of vehicle or vessel for any type of tag, tag  
867 record, temporary tag, or regular tag.

868 ~~4.2.~~ Check of law enforcement report for tag number or  
869 other information identifying the vehicle or vessel, if the  
870 vehicle or vessel was towed at the request of a law enforcement  
871 officer.

872 ~~5.3.~~ Check of trip sheet or tow ticket of tow truck  
873 operator to see if a tag was on vehicle or vessel at beginning  
874 of tow, if private tow.

875 ~~6.4.~~ If there is no address of the owner on the impound  
876 report, check of law enforcement report to see if an out-of-  
877 state address is indicated from driver license information.

878 ~~7.5.~~ Check of vehicle or vessel for inspection sticker or  
879 other stickers and decals that may indicate a state of possible  
880 registration.

881 ~~8.6.~~ Check of the interior of the vehicle or vessel for any  
882 papers that may be in the glove box, trunk, or other areas for a



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883 state of registration.

884 ~~9.7.~~ Check of vehicle for vehicle identification number.

885 ~~10.8.~~ Check of vessel for vessel registration number.

886 ~~11.9.~~ Check of vessel hull for a hull identification number  
887 which should be carved, burned, stamped, embossed, or otherwise  
888 permanently affixed to the outboard side of the transom or, if  
889 there is no transom, to the outmost seaboard side at the end of  
890 the hull that bears the rudder or other steering mechanism.

891 (5) (a) The owner of a vehicle or vessel removed pursuant to  
892 the provisions of subsection (2), or any person claiming a lien,  
893 other than the towing-storage operator, within 10 days after the  
894 time she or he has knowledge of the location of the vehicle or  
895 vessel, may file a complaint in the county court of the county  
896 in which the vehicle or vessel is stored to determine if her or  
897 his property was wrongfully taken or withheld from her or him.

898 (b) Upon filing of a complaint, an owner or lienholder may  
899 have her or his vehicle or vessel released upon posting with the  
900 court a cash or surety bond or other adequate security equal to  
901 the amount of the charges for towing or storage and lot rental  
902 amount to ensure the payment of such charges in the event she or  
903 he does not prevail. Upon the posting of the bond and the  
904 payment of the applicable fee set forth in s. 28.24, the clerk  
905 of the court shall issue a certificate notifying the lienor of  
906 the posting of the bond and directing the lienor to release the  
907 vehicle or vessel. At the time of such release, after reasonable  
908 inspection, she or he shall give a receipt to the towing-storage  
909 company reciting any claims she or he has for loss or damage to  
910 the vehicle or vessel or the contents thereof.

911 (c) Upon determining the respective rights of the parties,





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912 the court may award damages, attorney's fees, and costs in favor  
913 of the prevailing party. In any event, the final order shall  
914 provide for immediate payment in full of recovery, towing, and  
915 storage fees by the vehicle or vessel owner or lienholder; or  
916 the agency ordering the tow; or the owner, lessee, or agent  
917 thereof of the property from which the vehicle or vessel was  
918 removed.

919 (6) Any vehicle or vessel which is stored pursuant to  
920 subsection (2) and which remains unclaimed, or for which  
921 reasonable charges for recovery, towing, or storing remain  
922 unpaid, and any contents not released pursuant to subsection  
923 (10), may be sold by the owner or operator of the storage space  
924 for such towing or storage charge after 35 days from the time  
925 the vehicle or vessel is stored therein if the vehicle or vessel  
926 is more than 3 years of age or after 50 days following the time  
927 the vehicle or vessel is stored therein if the vehicle or vessel  
928 is 3 years of age or less. The sale shall be at public sale for  
929 cash. If the date of the sale was not included in the notice  
930 required in subsection (4), notice of the sale shall be given to  
931 the person in whose name the vehicle or vessel is registered and  
932 to all persons claiming a lien on the vehicle or vessel as shown  
933 on the records of the Department of Highway Safety and Motor  
934 Vehicles or of any ~~the~~ corresponding agency in any other state  
935 in which the vehicle is identified through a records check of  
936 the National Motor Vehicle Title Information System as being  
937 titled. Notice shall be sent by certified mail to the owner of  
938 the vehicle or vessel and the person having the recorded lien on  
939 the vehicle or vessel at the address shown on the records of the  
940 registering agency and shall be mailed not less than 15 days



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941 before the date of the sale. After diligent search and inquiry,  
942 if the name and address of the registered owner or the owner of  
943 the recorded lien cannot be ascertained, the requirements of  
944 notice by mail may be dispensed with. In addition to the notice  
945 by mail, public notice of the time and place of sale shall be  
946 made by publishing a notice thereof one time, at least 10 days  
947 prior to the date of the sale, in a newspaper of general  
948 circulation in the county in which the sale is to be held. The  
949 proceeds of the sale, after payment of reasonable towing and  
950 storage charges, and costs of the sale, in that order of  
951 priority, shall be deposited with the clerk of the circuit court  
952 for the county if the owner or lienholder is absent, and the  
953 clerk shall hold such proceeds subject to the claim of the owner  
954 or lienholder legally entitled thereto. The clerk shall be  
955 entitled to receive 5 percent of such proceeds for the care and  
956 disbursement thereof. The certificate of title issued under this  
957 law shall be discharged of all liens unless otherwise provided  
958 by court order. The owner or lienholder may file a complaint  
959 after the vehicle or vessel has been sold in the county court of  
960 the county in which it is stored. Upon determining the  
961 respective rights of the parties, the court may award damages,  
962 attorney's fees, and costs in favor of the prevailing party.

963 (7) (a) A wrecker operator recovering, towing, or storing  
964 vehicles or vessels is not liable for damages connected with  
965 such services, theft of such vehicles or vessels, or theft of  
966 personal property contained in such vehicles or vessels,  
967 provided that such services have been performed with reasonable  
968 care and provided, further, that, in the case of removal of a  
969 vehicle or vessel upon the request of a person purporting, and



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970 reasonably appearing, to be the owner or lessee, or a person  
971 authorized by the owner or lessee, of the property from which  
972 such vehicle or vessel is removed, such removal has been done in  
973 compliance with s. 715.07. Further, a wrecker operator is not  
974 liable for damage to a vehicle, vessel, or cargo that obstructs  
975 the normal movement of traffic or creates a hazard to traffic  
976 and is removed in compliance with the request of a law  
977 enforcement officer.

978 (b) For the purposes of this subsection, a wrecker operator  
979 is presumed to use reasonable care to prevent the theft of a  
980 vehicle or vessel or of any personal property contained in such  
981 vehicle stored in the wrecker operator's storage facility if all  
982 of the following apply:

983 1. The wrecker operator surrounds the storage facility with  
984 a chain-link or solid-wall type fence at least 6 feet in height;

985 2. The wrecker operator has illuminated the storage  
986 facility with lighting of sufficient intensity to reveal persons  
987 and vehicles at a distance of at least 150 feet during  
988 nighttime; and

989 3. The wrecker operator uses one or more of the following  
990 security methods to discourage theft of vehicles or vessels or  
991 of any personal property contained in such vehicles or vessels  
992 stored in the wrecker operator's storage facility:

993 a. A night dispatcher or watchman remains on duty at the  
994 storage facility from sunset to sunrise;

995 b. A security dog remains at the storage facility from  
996 sunset to sunrise;

997 c. Security cameras or other similar surveillance devices  
998 monitor the storage facility; or



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999           d. A security guard service examines the storage facility  
1000 at least once each hour from sunset to sunrise.

1001           (c) Any law enforcement agency requesting that a motor  
1002 vehicle be removed from an accident scene, street, or highway  
1003 must conduct an inventory and prepare a written record of all  
1004 personal property found in the vehicle before the vehicle is  
1005 removed by a wrecker operator. However, if the owner or driver  
1006 of the motor vehicle is present and accompanies the vehicle, no  
1007 inventory by law enforcement is required. A wrecker operator is  
1008 not liable for the loss of personal property alleged to be  
1009 contained in such a vehicle when such personal property was not  
1010 identified on the inventory record prepared by the law  
1011 enforcement agency requesting the removal of the vehicle.

1012           (8) A person regularly engaged in the business of  
1013 recovering, towing, or storing vehicles or vessels, except a  
1014 person licensed under chapter 493 while engaged in  
1015 "repossession" activities as defined in s. 493.6101, may not  
1016 operate a wrecker, tow truck, or car carrier unless the name,  
1017 address, and telephone number of the company performing the  
1018 service is clearly printed in contrasting colors on the driver  
1019 and passenger sides of its vehicle. The name must be in at least  
1020 3-inch permanently affixed letters, and the address and  
1021 telephone number must be in at least 1-inch permanently affixed  
1022 letters.

1023           (9) Failure to make good faith best efforts to comply with  
1024 the notice requirements of this section shall preclude the  
1025 imposition of any storage charges against such vehicle or  
1026 vessel.

1027           (10) Persons who provide services pursuant to this section



1028 shall permit vehicle or vessel owners, lienholders, insurance  
1029 company representatives, or their agents, which agency is  
1030 evidenced by an original writing acknowledged by the owner  
1031 before a notary public or other person empowered by law to  
1032 administer oaths, to inspect the towed vehicle or vessel and  
1033 shall release to the owner, lienholder, or agent the vehicle,  
1034 vessel, or all personal property not affixed to the vehicle or  
1035 vessel which was in the vehicle or vessel at the time the  
1036 vehicle or vessel came into the custody of the person providing  
1037 such services.

1038 (11) (a) Any person regularly engaged in the business of  
1039 recovering, towing, or storing vehicles or vessels who comes  
1040 into possession of a vehicle or vessel pursuant to subsection  
1041 (2) and who has complied with the provisions of subsections (3)  
1042 and (6), when such vehicle or vessel is to be sold for purposes  
1043 of being dismantled, destroyed, or changed in such manner that  
1044 it is not the motor vehicle or vessel described in the  
1045 certificate of title, shall report the vehicle to the National  
1046 Motor Vehicle Title Information System and apply to the  
1047 Department of Highway Safety and Motor Vehicles ~~county tax~~  
1048 ~~collector~~ for a certificate of destruction. A certificate of  
1049 destruction, which authorizes the dismantling or destruction of  
1050 the vehicle or vessel described therein, shall be reassignable a  
1051 maximum of two times before dismantling or destruction of the  
1052 vehicle shall be required, and shall accompany the vehicle or  
1053 vessel for which it is issued, when such vehicle or vessel is  
1054 sold for such purposes, in lieu of a certificate of title. The  
1055 application for a certificate of destruction must include proof  
1056 of reporting to the National Motor Vehicle Title Information



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1057 System and an affidavit from the applicant that it has complied  
1058 with all applicable requirements of this section and, if the  
1059 vehicle or vessel is not registered in this state or any other  
1060 state, by a statement from a law enforcement officer that the  
1061 vehicle or vessel is not reported stolen, and shall be  
1062 accompanied by such documentation as may be required by the  
1063 department.

1064 (b) The Department of Highway Safety and Motor Vehicles  
1065 shall charge a fee of \$3 for each certificate of destruction. A  
1066 service charge of \$4.25 shall be collected and retained by the  
1067 tax collector who processes the application.

1068 (c) The Department of Highway Safety and Motor Vehicles may  
1069 adopt such rules as it deems necessary or proper for the  
1070 administration of this subsection.

1071 (12) (a) Any person who violates any provision of subsection  
1072 (1), subsection (2), subsection (4), subsection (5), subsection  
1073 (6), or subsection (7) is guilty of a misdemeanor of the first  
1074 degree, punishable as provided in s. 775.082 or s. 775.083.

1075 (b) Any person who violates the provisions of subsections  
1076 (8) through (11) is guilty of a felony of the third degree,  
1077 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1078 (c) Any person who uses a false or fictitious name, gives a  
1079 false or fictitious address, or makes any false statement in any  
1080 application or affidavit required under the provisions of this  
1081 section is guilty of a felony of the third degree, punishable as  
1082 provided in s. 775.082, s. 775.083, or s. 775.084.

1083 (d) Employees of the Department of Highway Safety and Motor  
1084 Vehicles and law enforcement officers are authorized to inspect  
1085 the records of any person regularly engaged in the business of



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1086 recovering, towing, or storing vehicles or vessels or  
1087 transporting vehicles or vessels by wrecker, tow truck, or car  
1088 carrier, to ensure compliance with the requirements of this  
1089 section. Any person who fails to maintain records, or fails to  
1090 produce records when required in a reasonable manner and at a  
1091 reasonable time, commits a misdemeanor of the first degree,  
1092 punishable as provided in s. 775.082 or s. 775.083.

1093 (13) (a) Upon receipt by the Department of Highway Safety  
1094 and Motor Vehicles of written notice from a wrecker operator who  
1095 claims a wrecker operator's lien under paragraph (2) (c) or  
1096 paragraph (2) (d) for recovery, towing, or storage of an  
1097 abandoned vehicle or vessel upon instructions from any law  
1098 enforcement agency, for which a certificate of destruction has  
1099 been issued under subsection (11) and the vehicle has been  
1100 reported to the National Motor Vehicle Title Information System,  
1101 the department shall place the name of the registered owner of  
1102 that vehicle or vessel on the list of those persons who may not  
1103 be issued a license plate or revalidation sticker for any motor  
1104 vehicle under s. 320.03(8). If the vehicle or vessel is owned  
1105 jointly by more than one person, the name of each registered  
1106 owner shall be placed on the list. The notice of wrecker  
1107 operator's lien shall be submitted on forms provided by the  
1108 department, which must include:

1109 1. The name, address, and telephone number of the wrecker  
1110 operator.

1111 2. The name of the registered owner of the vehicle or  
1112 vessel and the address to which the wrecker operator provided  
1113 notice of the lien to the registered owner under subsection (4).

1114 3. A general description of the vehicle or vessel,



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1115 including its color, make, model, body style, and year.

1116 4. The vehicle identification number (VIN); registration  
1117 license plate number, state, and year; validation decal number,  
1118 state, and year; vessel registration number; hull identification  
1119 number; or other identification number, as applicable.

1120 5. The name of the person or the corresponding law  
1121 enforcement agency that requested that the vehicle or vessel be  
1122 recovered, towed, or stored.

1123 6. The amount of the wrecker operator's lien, not to exceed  
1124 the amount allowed by paragraph (b).

1125 (b) For purposes of this subsection only, the amount of the  
1126 wrecker operator's lien for which the department will prevent  
1127 issuance of a license plate or revalidation sticker may not  
1128 exceed the amount of the charges for recovery, towing, and  
1129 storage of the vehicle or vessel for 7 days. These charges may  
1130 not exceed the maximum rates imposed by the ordinances of the  
1131 respective county or municipality under ss. 125.0103(1)(c) and  
1132 166.043(1)(c). This paragraph does not limit the amount of a  
1133 wrecker operator's lien claimed under subsection (2) or prevent  
1134 a wrecker operator from seeking civil remedies for enforcement  
1135 of the entire amount of the lien, but limits only that portion  
1136 of the lien for which the department will prevent issuance of a  
1137 license plate or revalidation sticker.

1138 (c)1. The registered owner of a vehicle or vessel may  
1139 dispute a wrecker operator's lien, by notifying the department  
1140 of the dispute in writing on forms provided by the department,  
1141 if at least one of the following applies:

1142 a. The registered owner presents a notarized bill of sale  
1143 proving that the vehicle or vessel was sold in a private or





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1144 casual sale before the vehicle or vessel was recovered, towed,  
1145 or stored.

1146 b. The registered owner presents proof that the Florida  
1147 certificate of title of the vehicle or vessel was sold to a  
1148 licensed dealer as defined in s. 319.001 before the vehicle or  
1149 vessel was recovered, towed, or stored.

1150 c. The records of the department were marked "sold" prior  
1151 to the date of the tow.

1152  
1153 If the registered owner's dispute of a wrecker operator's lien  
1154 complies with one of these criteria, the department shall  
1155 immediately remove the registered owner's name from the list of  
1156 those persons who may not be issued a license plate or  
1157 revalidation sticker for any motor vehicle under s. 320.03(8),  
1158 thereby allowing issuance of a license plate or revalidation  
1159 sticker. If the vehicle or vessel is owned jointly by more than  
1160 one person, each registered owner must dispute the wrecker  
1161 operator's lien in order to be removed from the list. However,  
1162 the department shall deny any dispute and maintain the  
1163 registered owner's name on the list of those persons who may not  
1164 be issued a license plate or revalidation sticker for any motor  
1165 vehicle under s. 320.03(8) if the wrecker operator has provided  
1166 the department with a certified copy of the judgment of a court  
1167 which orders the registered owner to pay the wrecker operator's  
1168 lien claimed under this section. In such a case, the amount of  
1169 the wrecker operator's lien allowed by paragraph (b) may be  
1170 increased to include no more than \$500 of the reasonable costs  
1171 and attorney's fees incurred in obtaining the judgment. The  
1172 department's action under this subparagraph is ministerial in



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1173 nature, shall not be considered final agency action, and is  
1174 appealable only to the county court for the county in which the  
1175 vehicle or vessel was ordered removed.

1176         2. A person against whom a wrecker operator's lien has been  
1177 imposed may alternatively obtain a discharge of the lien by  
1178 filing a complaint, challenging the validity of the lien or the  
1179 amount thereof, in the county court of the county in which the  
1180 vehicle or vessel was ordered removed. Upon filing of the  
1181 complaint, the person may have her or his name removed from the  
1182 list of those persons who may not be issued a license plate or  
1183 revalidation sticker for any motor vehicle under s. 320.03(8),  
1184 thereby allowing issuance of a license plate or revalidation  
1185 sticker, upon posting with the court a cash or surety bond or  
1186 other adequate security equal to the amount of the wrecker  
1187 operator's lien to ensure the payment of such lien in the event  
1188 she or he does not prevail. Upon the posting of the bond and the  
1189 payment of the applicable fee set forth in s. 28.24, the clerk  
1190 of the court shall issue a certificate notifying the department  
1191 of the posting of the bond and directing the department to  
1192 release the wrecker operator's lien. Upon determining the  
1193 respective rights of the parties, the court may award damages  
1194 and costs in favor of the prevailing party.

1195         3. If a person against whom a wrecker operator's lien has  
1196 been imposed does not object to the lien, but cannot discharge  
1197 the lien by payment because the wrecker operator has moved or  
1198 gone out of business, the person may have her or his name  
1199 removed from the list of those persons who may not be issued a  
1200 license plate or revalidation sticker for any motor vehicle  
1201 under s. 320.03(8), thereby allowing issuance of a license plate



1202 or revalidation sticker, upon posting with the clerk of court in  
1203 the county in which the vehicle or vessel was ordered removed, a  
1204 cash or surety bond or other adequate security equal to the  
1205 amount of the wrecker operator's lien. Upon the posting of the  
1206 bond and the payment of the application fee set forth in s.  
1207 28.24, the clerk of the court shall issue a certificate  
1208 notifying the department of the posting of the bond and  
1209 directing the department to release the wrecker operator's lien.  
1210 The department shall mail to the wrecker operator, at the  
1211 address upon the lien form, notice that the wrecker operator  
1212 must claim the security within 60 days, or the security will be  
1213 released back to the person who posted it. At the conclusion of  
1214 the 60 days, the department shall direct the clerk as to which  
1215 party is entitled to payment of the security, less applicable  
1216 clerk's fees.

1217 4. A wrecker operator's lien expires 5 years after filing.  
1218 (d) Upon discharge of the amount of the wrecker operator's  
1219 lien allowed by paragraph (b), the wrecker operator must issue a  
1220 certificate of discharged wrecker operator's lien on forms  
1221 provided by the department to each registered owner of the  
1222 vehicle or vessel attesting that the amount of the wrecker  
1223 operator's lien allowed by paragraph (b) has been discharged.  
1224 Upon presentation of the certificate of discharged wrecker  
1225 operator's lien by the registered owner, the department shall  
1226 immediately remove the registered owner's name from the list of  
1227 those persons who may not be issued a license plate or  
1228 revalidation sticker for any motor vehicle under s. 320.03(8),  
1229 thereby allowing issuance of a license plate or revalidation  
1230 sticker. Issuance of a certificate of discharged wrecker



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1231 operator's lien under this paragraph does not discharge the  
1232 entire amount of the wrecker operator's lien claimed under  
1233 subsection (2), but only certifies to the department that the  
1234 amount of the wrecker operator's lien allowed by paragraph (b),  
1235 for which the department will prevent issuance of a license  
1236 plate or revalidation sticker, has been discharged.

1237 (e) When a wrecker operator files a notice of wrecker  
1238 operator's lien under this subsection, the department shall  
1239 charge the wrecker operator a fee of \$2, which shall be  
1240 deposited into the General Revenue Fund. A service charge of  
1241 \$2.50 shall be collected and retained by the tax collector who  
1242 processes a notice of wrecker operator's lien.

1243 (f) This subsection applies only to the annual renewal in  
1244 the registered owner's birth month of a motor vehicle  
1245 registration and does not apply to the transfer of a  
1246 registration of a motor vehicle sold by a motor vehicle dealer  
1247 licensed under chapter 320, except for the transfer of  
1248 registrations which includes the annual renewals. This  
1249 subsection does not apply to any vehicle registered in the name  
1250 of the lessor. This subsection does not affect the issuance of  
1251 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

1252 (g) The Department of Highway Safety and Motor Vehicles may  
1253 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
1254 this subsection.

1255  
1256 ===== T I T L E A M E N D M E N T =====

1257 And the title is amended as follows:

1258 Delete line 235

1259 and insert:



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1260 provisions to changes made by the act; amending s.  
1261 319.30, F.S.; defining the terms "National Motor  
1262 Vehicle Title Information System," "nonrepairable  
1263 vehicle," and "self-insured entity" in connection with  
1264 the dismantling, destruction, change of identity of  
1265 motor vehicles or mobile homes, and the salvage of  
1266 such vehicles; providing for the department to declare  
1267 certain vehicles as nonrepairable and print a  
1268 certificate of destruction; permitting a licensed  
1269 salvage motor vehicle dealer or a registered secondary  
1270 metals recycler to seek reimbursement for the purchase  
1271 price of a derelict vehicle from a lienholder and  
1272 prohibiting the recovery of any other costs; including  
1273 a self-insured motor vehicle or mobile home in the  
1274 existing framework for determining a total loss  
1275 vehicle; requiring a self-insured entity that is the  
1276 owner of a motor vehicle or mobile home that is  
1277 considered salvage to forward the title to the motor  
1278 vehicle or mobile home to the department for  
1279 processing within 72 hours after the motor vehicle or  
1280 mobile home becomes salvage; requiring an insurance  
1281 company that pays money as compensation for a salvaged  
1282 motor vehicle or mobile home to obtain the certificate  
1283 of title, and within 72 hours, forward the certificate  
1284 of title to the department for processing, and make  
1285 the required notification to the National Motor  
1286 Vehicle Title Information System; requiring a self-  
1287 insured entity to provide the department with an  
1288 estimate of the costs of repairing the physical and



1289 mechanical damage suffered by the vehicle for which a  
1290 salvage certificate of title or certificate of  
1291 destruction is sought; requiring that a vehicle for  
1292 which a certificate of destruction is sought to  
1293 authorize the dismantling or destruction of the motor  
1294 vehicle or mobile home by a licensed salvage motor  
1295 vehicle dealer; requiring secondary metals recyclers  
1296 and salvage motor vehicle dealers to keep an original,  
1297 or a copy in the event the original was returned to  
1298 the department, of proof of reporting to the National  
1299 Motor Vehicle Title Information System; requiring  
1300 secondary metals recyclers and salvage motor vehicle  
1301 dealers to make certain reports on a monthly basis;  
1302 requiring an independent entity to make notification  
1303 to the National Motor Vehicle Title Information System  
1304 before releasing any damaged or dismantled motor  
1305 vehicle to the owner or before applying for a  
1306 certificate of destruction or salvage certificate of  
1307 title; requiring all salvage motor vehicle dealers,  
1308 secondary metals recyclers, auctions, independent  
1309 entities, or self-insured entities that operate in  
1310 salvage motor vehicles to register with the National  
1311 Motor Vehicle Title Information System; amending s.  
1312 713.585, F.S.; requiring that a lienholder check the  
1313 National Motor Vehicle Title Information System or the  
1314 records of any corresponding agency of any other state  
1315 before enforcing a lien by selling the motor vehicle;  
1316 requiring the lienholder to notify the local law  
1317 enforcement agency in writing by certified mail



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1318           informing the law enforcement agency that the  
1319           lienholder has made a good faith effort to locate the  
1320           owner or lienholder; specifying that a good faith  
1321           effort includes a check of the Department of Highway  
1322           Safety and Motor Vehicles database records and the  
1323           National Motor Vehicle Title Information System;  
1324           setting requirements for notification of the sale of  
1325           the vehicle as a way to enforce a lien; requiring the  
1326           lienholder to publish notice; requiring the lienholder  
1327           to keep a record of proof of checking the National  
1328           Motor Vehicle Title Information System; amending s.  
1329           713.78, F.S.; revising provisions for enforcement of a  
1330           lien for recovering, towing, or storing a vehicle or  
1331           vessel; providing an