

Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Economic Affairs Committee  
2 Representative Perry offered the following:

3  
4 **Amendment to Amendment (548733) by Representative Raburn**  
5 **(with title amendment)**

6 Between lines 835 and 836 of the amendment, insert:

7 Section 18. Section 319.30, Florida Statutes, is amended  
8 to read:

9 319.30 Definitions; dismantling, destruction, change of  
10 identity of motor vehicle or mobile home; salvage.—

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

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

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

17 (c) "Certificate of title" means a record that serves as  
18 evidence of ownership of a vehicle, whether such record is a  
19 paper certificate authorized by the department or by a motor

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20 vehicle department authorized to issue titles in another state  
21 or a certificate consisting of information stored in electronic  
22 form in the department's database.

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

28 (e) "Derelict motor vehicle" means:

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

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

46 (f) "Derelict motor vehicle certificate" means a  
47 certificate issued by the department which serves as evidence

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48 that a derelict motor vehicle will be dismantled or converted to  
49 scrap metal. This certificate may be obtained by completing a  
50 derelict motor vehicle certificate application authorized by the  
51 department. A derelict motor vehicle certificate may be  
52 reassigned only one time if the derelict motor vehicle  
53 certificate was completed by a licensed salvage motor vehicle  
54 dealer and the derelict motor vehicle was sold to another  
55 licensed salvage motor vehicle dealer or a secondary metals  
56 recycler.

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

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

71 (i) "Major component parts" means:

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

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

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

82           4. For mobile homes, the frame.

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

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

87           (l) "Mobile home" means mobile home as defined in s.  
88 320.01(2).

89           (m) "Motor vehicle" means motor vehicle as defined in s.  
90 320.01(1).

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

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

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

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

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

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

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

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

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

127        (w)~~(v)~~ "Seller" means the owner of record or a person who  
128 has physical possession and responsibility for a derelict motor  
129 vehicle and attests that possession of the vehicle was obtained  
130 through lawful means along with all ownership rights. A seller

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131 does not include a towing company, repair shop, or landlord  
132 unless the towing company, repair shop, or landlord has obtained  
133 title, salvage title, or a certificate of destruction in the  
134 name of the towing company, repair shop, or landlord.

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

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

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

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

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

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

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

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

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

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

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



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

240 3. Any person who knowingly violates this paragraph by  
241 selling, transporting, delivering, purchasing, or receiving a

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242 derelict motor vehicle without obtaining a certificate of title,  
243 salvage certificate of title, certificate of destruction, or  
244 derelict motor vehicle certificate application; enters false or  
245 fictitious information on a derelict motor vehicle certificate  
246 application; does not complete the derelict motor vehicle  
247 certificate application as required; does not obtain a legible  
248 copy of the seller's or owner's valid driver's license or  
249 identification card when required; does not make the required  
250 notification to the department; does not make the required  
251 notification to the National Motor Vehicle Title Information  
252 System; or destroys or dismantles a derelict motor vehicle  
253 without waiting the required time as set forth in subparagraph  
254 2. commits a felony of the third degree, punishable as provided  
255 in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

267 2. A motor vehicle or mobile home shall not be considered  
268 a "total loss" if the insurance company and owner of a motor  
269 vehicle or mobile home agree to repair, rather than to replace,

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270 the motor vehicle or mobile home. However, if the actual cost to  
271 repair the motor vehicle or mobile home to the insurance company  
272 exceeds 100 percent of the cost of replacing the wrecked or  
273 damaged motor vehicle or mobile home with one of like kind and  
274 quality, the owner shall forward to the department, within 72  
275 hours after the agreement, a request to brand the certificate of  
276 title with the words "Total Loss Vehicle." Such a brand shall  
277 become a part of the vehicle's title history.

278 (b) The owner, including persons who are self-insured, of  
279 any motor vehicle or mobile home which is considered to be  
280 salvage shall, within 72 hours after the motor vehicle or mobile  
281 home becomes salvage, forward the title to the motor vehicle or  
282 mobile home to the department for processing. However, an  
283 insurance company which pays money as compensation for total  
284 loss of a motor vehicle or mobile home shall obtain the  
285 certificate of title for the motor vehicle or mobile home, make  
286 the required notification to the National Motor Vehicle Title  
287 Information System, and, within 72 hours after receiving such  
288 certificate of title, shall forward such title to the department  
289 for processing. The owner or insurance company, as the case may  
290 be, may not dispose of a vehicle or mobile home that is a total  
291 loss before it has obtained a salvage certificate of title or  
292 certificate of destruction from the department. When applying  
293 for a salvage certificate of title or certificate of  
294 destruction, the owner or insurance company must provide the  
295 department with an estimate of the costs of repairing the  
296 physical and mechanical damage suffered by the vehicle for which  
297 a salvage certificate of title or certificate of destruction is

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298 sought. If the estimated costs of repairing the physical and  
299 mechanical damage, excluding the cost of labor, to the vehicle  
300 are equal to 80 percent or more of the current retail cost of  
301 the vehicle, as established in any official used car or used  
302 mobile home guide, the department shall declare the vehicle  
303 unrebuildable and print a certificate of destruction, which  
304 authorizes the dismantling or destruction of the motor vehicle  
305 or mobile home described therein. However, if the damaged motor  
306 vehicle is equipped with custom-lowered floors for wheelchair  
307 access or a wheelchair lift, the insurance company may, upon  
308 determining that the vehicle is repairable to a condition that  
309 is safe for operation on public roads, submit the certificate of  
310 title to the department for reissuance as a salvage rebuildable  
311 title and the addition of a title brand of "insurance-declared  
312 total loss." The certificate of destruction shall be  
313 reassignable a maximum of two times before dismantling or  
314 destruction of the vehicle shall be required, and shall  
315 accompany the motor vehicle or mobile home for which it is  
316 issued, when such motor vehicle or mobile home is sold for such  
317 purposes, in lieu of a certificate of title, and, thereafter,  
318 the department shall refuse issuance of any certificate of title  
319 for that vehicle. Nothing in this subsection shall be applicable  
320 when a vehicle is worth less than \$1,500 retail in undamaged  
321 condition in any official used motor vehicle guide or used  
322 mobile home guide or when a stolen motor vehicle or mobile home  
323 is recovered in substantially intact condition and is readily  
324 resalable without extensive repairs to or replacement of the  
325 frame or engine. Any person who knowingly violates this

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326 paragraph or falsifies any document to avoid the requirements of  
327 this paragraph commits a misdemeanor of the first degree,  
328 punishable as provided in s. 775.082 or s. 775.083.

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

333 (a) Nothing in this subsection shall be applicable when a  
334 vehicle defined in this section as a derelict or salvage was  
335 purchased or acquired from a foreign state requiring such  
336 vehicle's identification number plate to be surrendered to such  
337 state, provided the person shall have an affidavit from the  
338 seller describing the vehicle by manufacturer's serial number  
339 and the state to which such vehicle's identification number  
340 plate was surrendered.

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

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

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

362 (c) This chapter does not apply to anyone who removes,  
363 possesses, or replaces a manufacturer's or state-assigned  
364 identification number plate, in the course of performing repairs  
365 on a vehicle, that require such removal or replacement. If the  
366 repair requires replacement of a vehicle part that contains the  
367 manufacturer's or state-assigned identification number plate,  
368 the manufacturer's or state-assigned identification number plate  
369 that is assigned to the vehicle being repaired will be installed  
370 on the replacement part. The manufacturer's or state-assigned  
371 identification number plate that was removed from this  
372 replacement part will be installed on the part that was removed  
373 from the vehicle being repaired.

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

377 1. For each item of materials or major component parts  
378 purchased, the salvage motor vehicle dealer shall record the  
379 date of purchase and the name, address, and personal

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380 identification card number of the person selling such items, as  
381 well as the vehicle identification number, if available.

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

385 (b) Any person who violates this subsection commits a  
386 felony of the third degree, punishable as provided in s.  
387 775.082, s. 775.083, or s. 775.084.

388 (7)(a) In the event of a purchase by a secondary metals  
389 recycler, that has been issued a certificate of registration  
390 number, of:

391 1. Materials, prepared materials, or parts from any seller  
392 for purposes other than the processing of such materials,  
393 prepared materials, or parts, the purchaser shall obtain such  
394 documentation as may be required by this section and shall  
395 record the seller's name and address, date of purchase, and the  
396 personal identification card number of the person delivering  
397 such items.

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

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

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

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

421 (II) A valid salvage certificate of title issued in the  
422 name of the seller or properly endorsed, as required in s.  
423 319.22, over to the seller;

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

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

429 b. If a valid certificate of title, salvage certificate of  
430 title, certificate of destruction, or derelict motor vehicle  
431 certificate is not available and the motor vehicle or mobile  
432 home is a derelict motor vehicle, a derelict motor vehicle  
433 certificate application shall be completed by the seller or  
434 owner of the motor vehicle or mobile home, the seller's or  
435 owner's authorized transporter, and the registered secondary



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436 metals recycler at the time of sale, transport, or delivery to  
437 the registered secondary metals recycler to obtain a derelict  
438 motor vehicle certificate from the department. The derelict  
439 motor vehicle certificate application must be accompanied by a  
440 legible copy of the seller's or owner's valid Florida driver's  
441 license or Florida identification card, or a valid driver's  
442 license or identification card from another state. If the seller  
443 is not the owner of record of the vehicle being sold, the  
444 recycler shall, at the time of sale, ensure that a smudge-free  
445 right thumbprint, or other digit if the seller has no right  
446 thumb, of the seller is imprinted upon the derelict motor  
447 vehicle certificate application and that the legible copy of the  
448 seller's driver's license or identification card is affixed to  
449 the application and transmitted to the department. The derelict  
450 motor vehicle certificate shall be used by the owner, the  
451 owner's authorized transporter, and the registered secondary  
452 metals recycler. The registered secondary metals recycler shall  
453 make the required notification of the derelict motor vehicle to  
454 the National Motor Vehicle Title Information System and shall  
455 secure the derelict motor vehicle for 3 full business days,  
456 excluding weekends and holidays, if there is no active lien or a  
457 lien of 3 years or more on the department's records before  
458 destroying or dismantling the derelict motor vehicle and shall  
459 follow all reporting procedures established by the department,  
460 including electronic notification to the department or delivery  
461 of the original derelict motor vehicle certificate application  
462 to an agent of the department within 24 hours after receiving  
463 the derelict motor vehicle. If there is an active lien of less

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464 than 3 years on the derelict motor vehicle, the registered  
465 secondary metals recycler shall secure the derelict motor  
466 vehicle for 10 days. The department shall notify the lienholder  
467 of the application for a derelict motor vehicle certificate and  
468 shall notify the lienholder of its intention to remove the lien.  
469 Ten days after receipt of the motor vehicle derelict  
470 application, the department may remove the lien from its records  
471 if a written statement protesting removal of the lien is not  
472 received by the department from the lienholder within the 10-day  
473 period. However, if the lienholder files with the department and  
474 the registered secondary metals recycler within the 10-day  
475 period a written statement that the lien is still outstanding,  
476 the department shall not remove the lien and shall place an  
477 administrative hold on the record for 30 days to allow the  
478 lienholder to apply for title to the vehicle or a repossession  
479 certificate under s. 319.28. The registered secondary metals  
480 recycler must secure the derelict motor vehicle until the  
481 department's administrative stop is removed, the lienholder  
482 submits a lien satisfaction, or the lienholder takes possession  
483 of the vehicle.

484 c. Any person who knowingly violates this subparagraph by  
485 selling, transporting, delivering, purchasing, or receiving a  
486 motor vehicle, recreational motor vehicle, mobile home, or  
487 derelict motor vehicle without obtaining a certificate of title,  
488 salvage certificate of title, certificate of destruction, or  
489 derelict motor vehicle certificate; enters false or fictitious  
490 information on a derelict motor vehicle certificate application;  
491 does not complete the derelict motor vehicle certificate

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492 application as required or does not make the required  
493 notification to the department; does not make the required  
494 notification to the National Motor Vehicle Title Information  
495 System; does not obtain a legible copy of the seller's or  
496 owner's driver's license or identification card when required;  
497 or destroys or dismantles a derelict motor vehicle without  
498 waiting the required time as set forth in sub-subparagraph b.  
499 commits a felony of the third degree, punishable as provided in  
500 s. 775.082, s. 775.083, or s. 775.084.

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

508 (b) Any person who violates this subsection commits a  
509 felony of the third degree, punishable as provided in s.  
510 775.082, s. 775.083, or s. 775.084.

511 (8) (a) Secondary metals recyclers and salvage motor  
512 vehicle dealers shall return to the department on a monthly  
513 basis all certificates of title and salvage certificates of  
514 title that are required by this section to be obtained.  
515 Secondary metals recyclers and salvage motor vehicle dealers may  
516 elect to notify the department electronically through procedures  
517 established by the department when they receive each motor  
518 vehicle or mobile home, salvage motor vehicle or mobile home, or  
519 derelict motor vehicle with a certificate of title or salvage

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520 certificate of title through procedures established by the  
521 department. The department may adopt rules and establish fees as  
522 it deems necessary or proper for the administration of the  
523 electronic notification service.

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

536 (c) For the purpose of enforcement of this section, the  
537 department or its agents and employees have the same right of  
538 inspection as law enforcement officers as provided in s.  
539 812.055.

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

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548 holidays, to the salvage motor vehicle dealer or registered  
549 secondary metals recycler.

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

565 (f) This section does not authorize any person who is  
566 engaged in the business of recovering, towing, or storing  
567 vehicles pursuant to s. 713.78, and who is claiming a lien for  
568 performing labor or services on a motor vehicle or mobile home  
569 pursuant to s. 713.58, or is claiming that a motor vehicle or  
570 mobile home has remained on any premises after tenancy has  
571 terminated pursuant to s. 715.104, to use a derelict motor  
572 vehicle certificate application for the purpose of transporting,  
573 selling, disposing of, or delivering a motor vehicle to a  
574 salvage motor vehicle dealer or secondary metals recycler

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575 without obtaining the title or certificate of destruction  
576 required under s. 713.58, s. 713.78, or s. 715.104.

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

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

590 (i) The department shall charge a fee of \$3 for each  
591 derelict motor vehicle certificate delivered to the department  
592 or one of its agents for processing and shall mark the title  
593 record canceled. A service charge may be collected under s.  
594 320.04.

595 (j) The licensed salvage motor vehicle dealer or  
596 registered secondary metals recycler shall make all payments for  
597 the purchase of any derelict motor vehicle that is sold by a  
598 seller who is not the owner of record on file with the  
599 department by check or money order made payable to the seller  
600 and may not make payment to the authorized transporter. The  
601 licensed salvage motor vehicle dealer or registered secondary

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602 metals recycler may not cash the check that such dealer or  
603 recycler issued to the seller.

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

- 611 1. The policy and claim number.
- 612 2. The name and address of the insured.
- 613 3. The vehicle identification number.
- 614 4. The signature of an authorized representative of the  
615 insurance company.

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

627 (c) The independent entity shall make the required  
628 notification to the National Motor Vehicle Title Information  
629 System before releasing any damaged or dismantled motor vehicle

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630 to the owner or before applying for a certificate of destruction  
631 or salvage certificate of title.

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

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

641 (10) The department may adopt rules to implement an  
642 electronic system for issuing salvage certificates of title and  
643 certificates of destruction.

644 (11) Except as otherwise provided in this section, any  
645 person who violates this section commits a felony of the third  
646 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
647 775.084.

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**T I T L E A M E N D M E N T**

651 Remove line 4928 of the amendment and insert:  
652 certificate of repossession; amending s. 319.30, F.S.,  
653 relating to disposition of derelict motor vehicles;  
654 defining the term "National Motor Vehicle Title  
655 Information System"; requiring salvage motor vehicle  
656 dealers, insurance companies, and other persons to  
657 notify the system when receiving or disposing of such



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658 | a vehicle; requiring proof of such notification when  
659 | applying for a certificate of destruction or salvage  
660 | certificate of title; providing penalties;