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LEGISLATIVE ACTION

Senate	.	House
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04/26/2013 01:27 PM	.	
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Senator Brandes moved the following:

1 **Senate Amendment to Amendment (218538) (with title**
2 **amendment)**

3
4 Between lines 958 and 959
5 insert:

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

8 319.30 Definitions; dismantling, destruction, change of
9 identity of motor vehicle or mobile home; salvage.—

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

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

13 (b) "Certificate of registration number" means the



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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



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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:

71 1. For motor vehicles other than motorcycles, any fender,



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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 maintained by the
92 United States Department of Justice to link the states' motor
93 vehicle title records, including Florida's Department of Highway
94 Safety and Motor Vehicles' title records, and ensure that
95 states, law enforcement agencies, and consumers have access to
96 vehicle titling, branding, and other information that enables
97 them to verify the accuracy and legality of a motor vehicle
98 title before purchase or title transfer of the vehicle occurs.

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



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101 prepared materials.

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

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

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

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

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

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

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

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



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

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

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

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

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

158 c. A valid certificate of destruction issued in the name of



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159 the seller or properly endorsed over to the seller.

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

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

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

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

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

185 2. If a valid certificate of title, salvage certificate of
186 title, or certificate of destruction is not available, a
187 derelict motor vehicle certificate application shall be



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



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

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



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

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

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

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

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



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275 title with the words "Total Loss Vehicle." Such a brand shall
276 become a part of the vehicle's title history.

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



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

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

331 (a) Nothing in this subsection shall be applicable when a
332 vehicle defined in this section as a derelict or salvage was



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

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

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

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

360 (c) This chapter does not apply to anyone who removes,
361 possesses, or replaces a manufacturer's or state-assigned



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

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

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

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

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

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

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



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

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

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

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

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

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



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420 319.22, over to the seller;

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

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

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



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



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478 until the department's administrative stop is removed, the
479 lienholder submits a lien satisfaction, or the lienholder takes
480 possession of the vehicle.

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

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

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



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507 775.082, s. 775.083, or s. 775.084.

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

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

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



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536 812.055.

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

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

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



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

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

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

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

592 (j) The licensed salvage motor vehicle dealer or registered
593 secondary metals recycler shall make all payments for the



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

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

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

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



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623 certificate of title.

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

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

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

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

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

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

646 And the title is amended as follows:

647 Delete line 4704

648 and insert:

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



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652 motor vehicle dealers, insurance companies, and other
653 persons to notify the system when receiving or
654 disposing of such a vehicle; requiring proof of such
655 notification when applying for a certificate of
656 destruction or salvage certificate of title; providing
657 penalties; amending s. 319.323, F.S., relating