

Amendment No. 8

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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
20 vehicle department authorized to issue titles in another state

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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
48 that a derelict motor vehicle will be dismantled or converted to

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

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326 this paragraph commits a misdemeanor of the first degree,
327 punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

352 (b) It is unlawful for any person to knowingly possess,
353 sell, or exchange, offer to sell or exchange, or give away any

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

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

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

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

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

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

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

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

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

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

407 4.a. Motor vehicles, recreational vehicles, mobile homes,
408 or derelict motor vehicles from other than a secondary metals

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

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

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

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

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

428 | b. If a valid certificate of title, salvage certificate of
429 | title, certificate of destruction, or derelict motor vehicle
430 | certificate is not available and the motor vehicle or mobile
431 | home is a derelict motor vehicle, a derelict motor vehicle
432 | certificate application shall be completed by the seller or
433 | owner of the motor vehicle or mobile home, the seller's or
434 | owner's authorized transporter, and the registered secondary
435 | metals recycler at the time of sale, transport, or delivery to
436 | the registered secondary metals recycler to obtain a derelict

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

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

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

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

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

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

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

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521 it deems necessary or proper for the administration of the
522 electronic notification service.

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

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

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

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

564 (f) This section does not authorize any person who is
565 engaged in the business of recovering, towing, or storing
566 vehicles pursuant to s. 713.78, and who is claiming a lien for
567 performing labor or services on a motor vehicle or mobile home
568 pursuant to s. 713.58, or is claiming that a motor vehicle or
569 mobile home has remained on any premises after tenancy has
570 terminated pursuant to s. 715.104, to use a derelict motor
571 vehicle certificate application for the purpose of transporting,
572 selling, disposing of, or delivering a motor vehicle to a
573 salvage motor vehicle dealer or secondary metals recycler
574 without obtaining the title or certificate of destruction
575 required under s. 713.58, s. 713.78, or s. 715.104.

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

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

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

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

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

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

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

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

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

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

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

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

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

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Remove line 4928 of the amendment and insert:

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certificate of repossession; amending s. 319.30, F.S.;

654

relating to disposition of derelict motor vehicles;

655

defining the term "National Motor Vehicle Title

656

Information System"; requiring salvage motor vehicle

657

dealers, insurance companies, and other persons to

658

notify the system when receiving or disposing of such

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659 a vehicle; requiring proof of such notification when
660 applying for a certificate of destruction or salvage
661 certificate of title; providing penalties;
662
663