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LEGISLATIVE ACTION

Senate

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House

Floor: NC/2R

03/10/2016 05:28 PM

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Senator Abruzzo moved the following:

**Senate Amendment (with title amendment)**

Between lines 378 and 379  
insert:

Section 11. Paragraph (b) of subsection (3) of section  
319.30, Florida Statutes, is amended, and paragraph (c) is added  
to that subsection, to read:

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

(3)

(b) The owner, including persons who are self-insured, of a



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12 motor vehicle or mobile home that is considered to be salvage  
13 shall, within 72 hours after the motor vehicle or mobile home  
14 becomes salvage, forward the title to the motor vehicle or  
15 mobile home to the department for processing. However, an  
16 insurance company that pays money as compensation for the total  
17 loss of a motor vehicle or mobile home shall obtain the  
18 certificate of title for the motor vehicle or mobile home, make  
19 the required notification to the National Motor Vehicle Title  
20 Information System, and, within 72 hours after receiving such  
21 certificate of title, forward such title to the department for  
22 processing. The owner or insurance company, as applicable, may  
23 not dispose of a vehicle or mobile home that is a total loss  
24 before it obtains a salvage certificate of title or certificate  
25 of destruction from the department. Effective July 1, 2023:

26 1. Thirty days after payment of a claim for compensation  
27 pursuant to this paragraph, the insurance company may receive a  
28 salvage certificate of title or certificate of destruction from  
29 the department if the insurance company is unable to obtain a  
30 properly assigned certificate of title from the owner or  
31 lienholder of the motor vehicle or mobile home, if the motor  
32 vehicle or mobile home does not carry an electronic lien on the  
33 title and the insurance company:

34 a. Has obtained the release of all liens on the motor  
35 vehicle or mobile home;

36 b. Has provided proof of payment of the total loss claim;  
37 and

38 c. Has provided an affidavit on letterhead signed by the  
39 insurance company or its authorized agent stating the attempts  
40 that have been made to obtain the title from the owner or



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41 lienholder and further stating that all attempts are to no  
42 avail. The affidavit must include a request that the salvage  
43 certificate of title or certificate of destruction be issued in  
44 the insurance company's name due to payment of a total loss  
45 claim to the owner or lienholder. The attempts to contact the  
46 owner may be by written request delivered in person or by first-  
47 class mail with a certificate of mailing to the owner's or  
48 lienholder's last known address.

49 2. If the owner or lienholder is notified of the request  
50 for title in person, the insurance company must provide an  
51 affidavit attesting to the in-person request for a certificate  
52 of title.

53 3. The request to the owner or lienholder for the  
54 certificate of title must include a complete description of the  
55 motor vehicle or mobile home and the statement that a total loss  
56 claim has been paid on the motor vehicle or mobile home.

57 (c) When applying for a salvage certificate of title or  
58 certificate of destruction, the owner or insurance company must  
59 provide the department with an estimate of the costs of  
60 repairing the physical and mechanical damage suffered by the  
61 vehicle for which a salvage certificate of title or certificate  
62 of destruction is sought. If the estimated costs of repairing  
63 the physical and mechanical damage to the mobile home are equal  
64 to 80 percent or more of the current retail cost of the mobile  
65 home, as established in any official used mobile home guide, the  
66 department shall declare the mobile home unbuildable and print  
67 a certificate of destruction, which authorizes the dismantling  
68 or destruction of the mobile home. For a late model vehicle with  
69 a current retail cost of at least \$7,500 just prior to



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70 sustaining the damage that resulted in the total loss, as  
71 established in any official used car guide or valuation service,  
72 if the owner or insurance company determines that the estimated  
73 costs of repairing the physical and mechanical damage to the  
74 vehicle are equal to 90 percent or more of the current retail  
75 cost of the vehicle, as established in any official used motor  
76 vehicle guide or valuation service, the department shall declare  
77 the vehicle unrebuildable and print a certificate of  
78 destruction, which authorizes the dismantling or destruction of  
79 the motor vehicle. However, if the damaged motor vehicle is  
80 equipped with custom-lowered floors for wheelchair access or a  
81 wheelchair lift, the insurance company may, upon determining  
82 that the vehicle is repairable to a condition that is safe for  
83 operation on public roads, submit the certificate of title to  
84 the department for reissuance as a salvage rebuildable title and  
85 the addition of a title brand of "insurance-declared total  
86 loss." The certificate of destruction shall be reassignable a  
87 maximum of two times before dismantling or destruction of the  
88 vehicle is required, and shall accompany the motor vehicle or  
89 mobile home for which it is issued, when such motor vehicle or  
90 mobile home is sold for such purposes, in lieu of a certificate  
91 of title. The department may not issue a certificate of title  
92 for that vehicle. This subsection is not applicable if a mobile  
93 home is worth less than \$1,500 retail just prior to sustaining  
94 the damage that resulted in the total loss in any official used  
95 mobile home guide or when a stolen motor vehicle or mobile home  
96 is recovered in substantially intact condition and is readily  
97 resalable without extensive repairs to or replacement of the  
98 frame or engine. If a motor vehicle has a current retail cost of



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99 less than \$7,500 just prior to sustaining the damage that  
100 resulted in the total loss, as established in any official used  
101 motor vehicle guide or valuation service, or if the vehicle is  
102 not a late model vehicle, the owner or insurance company that  
103 pays money as compensation for the total loss of the motor  
104 vehicle shall obtain a certificate of destruction, if the motor  
105 vehicle is damaged, wrecked, or burned to the extent that the  
106 only residual value of the motor vehicle is as a source of parts  
107 or scrap metal, or if the motor vehicle comes into this state  
108 under a title or other ownership document that indicates that  
109 the motor vehicle is not repairable, is junked, or is for parts  
110 or dismantling only. A person who knowingly violates this  
111 paragraph or falsifies documentation to avoid the requirements  
112 of this paragraph commits a misdemeanor of the first degree,  
113 punishable as provided in s. 775.082 or s. 775.083.

114  
115 ===== T I T L E A M E N D M E N T =====

116 And the title is amended as follows:

117 Delete line 51

118 and insert:

119 operation of autonomous vehicles; amending s. 319.30,  
120 F.S.; authorizing insurance companies to receive a  
121 salvage certificate of title or certificate of  
122 destruction from the Department of Highway Safety and  
123 Motor Vehicles after a specified number of days after  
124 payment of a claim as of a specified date, subject to  
125 certain requirements; requiring insurance companies  
126 seeking such title or certificate of destruction to  
127 follow a specified procedure; providing requirements



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for the request; amending s. 320.525,