

1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 316.235, F.S.; authorizing a motor vehicle to be
4 equipped with certain lamps or devices under certain
5 circumstances; amending s. 316.2397, F.S.; authorizing
6 certain vehicles to display red and white lights;
7 amending s. 316.2398, F.S.; authorizing certain
8 vehicles to display red and white warning signals
9 under certain circumstances; providing requirements
10 and penalties; amending s. 316.224, F.S.; conforming a
11 cross-reference; amending s. 319.30, F.S.; authorizing
12 a certain notice sent by certified mail that a motor
13 vehicle is available for pickup to be sent by another
14 commercially available delivery service that provides
15 proof of delivery; requiring the notice to state that
16 the owner has a specified period during which to pick
17 up the vehicle; authorizing an independent entity to
18 apply for a certificate of destruction or a
19 certificate of title if the vehicle is not claimed
20 within a specified time after the delivery or
21 attempted delivery of the notice; specifying
22 requirements for an independent entity if the
23 Department of Highway Safety and Motor Vehicles'
24 records do not contain the owner's address; requiring
25 an independent entity to maintain specified records

26 for a minimum period; requiring an independent entity
27 to provide proof of all lien satisfactions or proof of
28 a release of all liens on a motor vehicle upon
29 applying for a certificate of destruction or salvage
30 certificate of title; requiring an independent entity
31 to provide an affidavit with specified statements if
32 such entity is unable to obtain a lien satisfaction or
33 a release of all liens on the motor vehicle; providing
34 that notice to lienholders and attempts to obtain a
35 release from lienholders may be by certain written
36 request; amending s. 320.03, F.S.; authorizing an
37 entity that processes certain transactions or
38 certificates for derelict or salvage motor vehicles to
39 be an authorized electronic filing system agent;
40 deleting obsolete provisions; authorizing the
41 department to adopt rules; amending s. 322.01, F.S.;
42 revising the definition of the term "authorized
43 emergency vehicle"; providing effective dates.

44
45 Be It Enacted by the Legislature of the State of Florida:

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47 Section 1. Subsections (3) through (6) of section 316.235,
48 Florida Statutes, are renumbered as subsections (4) through (7),
49 respectively, and a new subsection (3) is added to that section
50 to read:

51 316.235 Additional lighting equipment.—

52 (3) Any motor vehicle may be equipped with one or more
 53 lamps or devices underneath the motor vehicle as long as such
 54 lamps or devices do not emit light in violation of s.
 55 316.2397(1) or (7) or s. 316.238.

56 Section 2. Subsections (1) and (3) and paragraph (c) of
 57 subsection (7) of section 316.2397, Florida Statutes, are
 58 amended to read:

59 316.2397 Certain lights prohibited; exceptions.—

60 (1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be
 61 moved any vehicle or equipment upon any highway within this
 62 state with any lamp or device thereon showing or displaying a
 63 red, red and white, or blue light visible from directly in front
 64 thereof except for certain vehicles ~~hereinafter~~ provided in this
 65 section.

66 (3) Vehicles of the fire department and fire patrol,
 67 including vehicles of volunteer firefighters as permitted under
 68 s. 316.2398, may show or display red or red and white lights.
 69 Vehicles of medical staff physicians or technicians of medical
 70 facilities licensed by the state as authorized under s.
 71 316.2398, ambulances as authorized under this chapter, and buses
 72 and taxicabs as authorized under s. 316.2399 may show or display
 73 red lights. Vehicles of the fire department, fire patrol, police
 74 vehicles, and such ambulances and emergency vehicles of
 75 municipal and county departments, public service corporations

76 | operated by private corporations, the Fish and Wildlife
77 | Conservation Commission, the Department of Environmental
78 | Protection, the Department of Transportation, the Department of
79 | Agriculture and Consumer Services, and the Department of
80 | Corrections as are designated or authorized by their respective
81 | department or the chief of police of an incorporated city or any
82 | sheriff of any county may operate emergency lights and sirens in
83 | an emergency. Wreckers, mosquito control fog and spray vehicles,
84 | and emergency vehicles of governmental departments or public
85 | service corporations may show or display amber lights when in
86 | actual operation or when a hazard exists provided they are not
87 | used going to and from the scene of operation or hazard without
88 | specific authorization of a law enforcement officer or law
89 | enforcement agency. Wreckers must use amber rotating or flashing
90 | lights while performing recoveries and loading on the roadside
91 | day or night, and may use such lights while towing a vehicle on
92 | wheel lifts, slings, or under reach if the operator of the
93 | wrecker deems such lights necessary. A flatbed, car carrier, or
94 | rollback may not use amber rotating or flashing lights when
95 | hauling a vehicle on the bed unless it creates a hazard to other
96 | motorists because of protruding objects. Further, escort
97 | vehicles may show or display amber lights when in the actual
98 | process of escorting oversized equipment, material, or
99 | buildings as authorized by law. Vehicles owned or leased by
100 | private security agencies may show or display green and amber

101 lights, with either color being no greater than 50 percent of
102 the lights displayed, while the security personnel are engaged
103 in security duties on private or public property.

104 (7) Flashing lights are prohibited on vehicles except:

105 (c) For the lamps authorized under subsections (1), (2),
106 (3), (4), and (9), s. 316.2065, or s. 316.235(6) ~~s. 316.235(5)~~
107 which may flash.

108 Section 3. Section 316.2398, Florida Statutes, is amended
109 to read:

110 316.2398 Display or use of red or red and white warning
111 signals; motor vehicles of volunteer firefighters or medical
112 staff.—

113 (1) A privately owned vehicle belonging to an active
114 firefighter member of a regularly organized volunteer
115 firefighting company or association, while en route to the fire
116 station for the purpose of proceeding to the scene of a fire or
117 other emergency or while en route to the scene of a fire or
118 other emergency in the line of duty as an active firefighter
119 member of a regularly organized firefighting company or
120 association, may display or use red or red and white warning
121 signals. ~~or~~ A privately owned vehicle belonging to a medical
122 staff physician or technician of a medical facility licensed by
123 the state, while responding to an emergency in the line of duty,
124 may display or use red warning signals. Warning signals must be
125 visible from the front and from the rear of such vehicle,

126 | subject to the following restrictions and conditions:

127 | (a) No more than two red or red and white warning signals
128 | may be displayed.

129 | (b) No inscription of any kind may appear across the face
130 | of the lens of the red or red and white warning signal.

131 | (c) In order for an active volunteer firefighter to
132 | display such red or red and white warning signals on his or her
133 | vehicle, the volunteer firefighter must first secure a written
134 | permit from the chief executive officers of the firefighting
135 | organization to use the red or red and white warning signals,
136 | and this permit must be carried by the volunteer firefighter at
137 | all times while the red or red and white warning signals are
138 | displayed.

139 | (2) ~~A It is unlawful for any~~ person who is not an active
140 | firefighter member of a regularly organized volunteer
141 | firefighting company or association or a physician or technician
142 | of the medical staff of a medical facility licensed by the state
143 | may not ~~to~~ display on any motor vehicle owned by him or her, at
144 | any time, any red or red and white warning signals as described
145 | in subsection (1).

146 | (3) ~~It is unlawful for~~ An active volunteer firefighter may
147 | not ~~to~~ operate any red or red and white warning signals as
148 | authorized in subsection (1), except while en route to the fire
149 | station for the purpose of proceeding to the scene of a fire or
150 | other emergency, or while at or en route to the scene of a fire

151 or other emergency, in the line of duty.

152 (4) ~~It is unlawful for~~ A physician or technician of the
153 medical staff of a medical facility may not ~~to~~ operate any red
154 warning signals as authorized in subsection (1), except when
155 responding to an emergency in the line of duty.

156 (5) A violation of this section is a nonmoving violation,
157 punishable as provided in chapter 318. In addition, a any
158 volunteer firefighter who violates this section shall be
159 dismissed from membership in the firefighting organization by
160 the chief executive officers thereof.

161 Section 4. Subsection (3) of section 316.224, Florida
162 Statutes, is amended to read:

163 316.224 Color of clearance lamps, identification lamps,
164 side marker lamps, backup lamps, reflectors, and deceleration
165 lights.—

166 (3) All lighting devices and reflectors mounted on the
167 rear of any vehicle shall display or reflect a red color, except
168 the stop light or other signal device, which may be red, amber,
169 or yellow, and except that the light illuminating the license
170 plate shall be white and the light emitted by a backup lamp
171 shall be white or amber. Deceleration lights as authorized by s.
172 316.235(6) ~~s. 316.235(5)~~ shall display an amber color.

173 Section 5. Effective July 1, 2019, subsection (9) of
174 section 319.30, Florida Statutes, is amended to read:

175 319.30 Definitions; dismantling, destruction, change of

176 identity of motor vehicle or mobile home; salvage.—

177 (9) (a) An insurance company may notify an independent
 178 entity that obtains possession of a damaged or dismantled motor
 179 vehicle to release the vehicle to the owner. The insurance
 180 company shall provide the independent entity a release statement
 181 on a form prescribed by the department authorizing the
 182 independent entity to release the vehicle to the owner. The form
 183 must ~~shall~~, at a minimum, contain the following:

- 184 1. The policy and claim number.
- 185 2. The name and address of the insured.
- 186 3. The vehicle identification number.
- 187 4. The signature of an authorized representative of the
 188 insurance company.

189 (b) The independent entity in possession of a motor
 190 vehicle must send a notice to the owner that the vehicle is
 191 available for pickup ~~pick-up~~ when it receives a release
 192 statement from the insurance company. The notice shall be sent
 193 by certified mail or by another commercially available delivery
 194 service that provides proof of delivery to the owner at the
 195 owner's address contained ~~reflected~~ in the department's records.
 196 The notice must state ~~inform the owner~~ that the owner has 30
 197 days after delivery ~~receipt~~ of the notice to the owner at the
 198 owner's address to pick up the vehicle from the independent
 199 entity. If the motor vehicle is not claimed within 30 days after
 200 the delivery or attempted delivery of ~~the owner receives the~~

201 notice, the independent entity may apply for a certificate of
202 destruction or a certificate of title.

203 (c) If the department's records do not contain the owner's
204 address, the independent entity must do all of the following:

205 1. Send a notice that meets the requirements of paragraph
206 (b) to the owner's address that is provided by the insurance
207 company in the release statement.

208 2. Identify the latest titling jurisdiction of the vehicle
209 through use of the National Motor Vehicle Title Information
210 System or an equivalent commercially available system and
211 attempt to obtain the owner's address from that jurisdiction. If
212 the jurisdiction returns an address that is different from the
213 owner's address provided by the insurance company, the
214 independent entity must send a notice that meets the
215 requirements of paragraph (b) to both addresses.

216 (d) The independent entity shall maintain for a minimum of
217 3 years the records related to the 30-day notice sent to the
218 owner, the results of searches of the National Motor Vehicle
219 Title Information System or an equivalent commercially available
220 system, and the notification to the National Motor Vehicle Title
221 Information System made pursuant to paragraph (e).

222 (e) ~~(e)~~ The independent entity shall make the required
223 notification to the National Motor Vehicle Title Information
224 System before releasing any damaged or dismantled motor vehicle
225 to the owner or before applying for a certificate of destruction

226 or salvage certificate of title.

227 (f)~~(d)~~ Upon applying for a certificate of destruction or
228 salvage certificate of title, the independent entity shall
229 provide a copy of the release statement from the insurance
230 company to the independent entity, proof of providing the 30-day
231 notice to the owner, proof of notification to the National Motor
232 Vehicle Title Information System, proof of all lien
233 satisfactions or proof of a release of all liens on the motor
234 vehicle, and applicable fees. If the independent entity is
235 unable to obtain a lien satisfaction or a release of all liens
236 on the motor vehicle, the independent entity must provide an
237 affidavit stating that notice was sent to all lienholders that
238 the motor vehicle is available for pickup, 30 days have passed
239 since the notice was delivered or attempted to be delivered
240 pursuant to this section, attempts have been made to obtain a
241 release from all lienholders, and all such attempts have been to
242 no avail. The notice to lienholders and attempts to obtain a
243 release from lienholders may be by written request delivered in
244 person or by certified mail or another commercially available
245 delivery service that provides proof of delivery to the
246 lienholder at the lienholder's address as provided on the
247 certificate of title and to the address designated with the
248 Department of State pursuant to s. 655.0201(2) if such address
249 is different.

250 (g)~~(e)~~ The independent entity may not charge an owner of

251 the vehicle storage fees or apply for a title under s. 713.585
252 or s. 713.78.

253 Section 6. Subsection (10) of section 320.03, Florida
254 Statutes, is amended to read:

255 320.03 Registration; duties of tax collectors;
256 International Registration Plan.—

257 (10) Jurisdiction over the electronic filing system for
258 use by authorized electronic filing system agents to
259 electronically title or register motor vehicles, vessels, mobile
260 homes, or off-highway vehicles; process title transactions,
261 derelict motor vehicle certificates, and certificates of
262 destruction for derelict and salvage motor vehicles pursuant to
263 s. 319.30(2), (3), (7), and (8); issue or transfer registration
264 license plates or decals; electronically transfer fees due for
265 the title and registration process; and perform inquiries for
266 title, registration, and lienholder verification and
267 certification of service providers is expressly preempted to the
268 state, and the department shall have regulatory authority over
269 the system. The electronic filing system shall be available for
270 use statewide and applied uniformly throughout the state. An
271 entity that, in the normal course of its business, sells
272 products that must be titled or registered; ~~;~~ provides title and
273 registration services on behalf of its consumers; or processes
274 title transactions, derelict motor vehicle certificates, or
275 certificates of destruction for derelict or salvage motor

276 vehicles pursuant to s. 319.30(2), (3), (7), or (8) and that
277 meets all established requirements may be an authorized
278 electronic filing system agent and ~~is shall~~ not be precluded
279 from participating in the electronic filing system in any
280 county. Upon request from a qualified entity, the tax collector
281 shall appoint the entity as an authorized electronic filing
282 system agent for that county. ~~The department shall adopt rules~~
283 ~~in accordance with chapter 120 to replace the December 10, 2009,~~
284 ~~program standards and to administer the provisions of this~~
285 ~~section, including, but not limited to, establishing~~
286 ~~participation requirements, certification of service providers,~~
287 ~~electronic filing system requirements, and enforcement authority~~
288 ~~for noncompliance. The December 10, 2009, program standards,~~
289 ~~excluding any standards which conflict with this subsection,~~
290 ~~shall remain in effect until the rules are adopted. An~~
291 authorized electronic filing system agent may charge a fee to
292 the customer for use of the electronic filing system. The
293 department may adopt rules to administer this subsection,
294 including, but not limited to, rules establishing participation
295 requirements, certification of service providers, electronic
296 filing system requirements, disclosures, and enforcement
297 authority for noncompliance.

298 Section 7. Subsection (4) of section 322.01, Florida
299 Statutes, is amended to read:

300 322.01 Definitions.—As used in this chapter:

301 (4) "Authorized emergency vehicle" means a vehicle that is
302 equipped with extraordinary audible and visual warning devices,
303 that is authorized by s. 316.2397 to display red, red and white,
304 or blue lights, and that is on call to respond to emergencies.
305 The term includes, but is not limited to, ambulances, law
306 enforcement vehicles, fire trucks, and other rescue vehicles.
307 The term does not include wreckers, utility trucks, or other
308 vehicles that are used only incidentally for emergency purposes.

309 Section 8. Except as otherwise expressly provided in this
310 act and except for this section, which shall take effect upon
311 this act becoming a law, this act shall take effect October 1,
312 2019.