

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 an insurance company to provide an independent entity
13 with a certain release statement authorizing it to
14 release a vehicle to the lienholder; authorizing a
15 certain notice sent by certified mail that a motor
16 vehicle is available for pickup to be sent by another
17 commercially available delivery service that provides
18 proof of delivery; requiring the notice to state that
19 the owner has a specified period during which to pick
20 up the vehicle; authorizing an independent entity to
21 apply for a certificate of destruction or a
22 certificate of title if the vehicle is not claimed
23 within a specified time after the delivery or
24 attempted delivery of the notice; specifying
25 requirements for an independent entity if the

26 Department of Highway Safety and Motor Vehicles'
27 records do not contain the owner's address; requiring
28 an independent entity to maintain specified records
29 for a minimum period; requiring an independent entity
30 to provide proof of all lien satisfactions or proof of
31 a release of all liens on a motor vehicle upon
32 applying for a certificate of destruction or salvage
33 certificate of title; requiring an independent entity
34 to provide an affidavit with specified statements if
35 such entity is unable to obtain a lien satisfaction or
36 a release of all liens on the motor vehicle; providing
37 that notice to lienholders and attempts to obtain a
38 release from lienholders may be by certain written
39 request; amending s. 320.03, F.S.; authorizing
40 specified entities that process certain transactions
41 or certificates for derelict or salvage motor vehicles
42 to be authorized electronic filing system agents;
43 deleting obsolete provisions; authorizing the
44 department to adopt rules; amending s. 322.01, F.S.;;
45 revising the definition of the term "authorized
46 emergency vehicle"; providing effective dates.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Subsections (3) through (6) of section 316.235,

51 Florida Statutes, are renumbered as subsections (4) through (7),
 52 respectively, and a new subsection (3) is added to that section
 53 to read:

54 316.235 Additional lighting equipment.—

55 (3) Any motor vehicle may be equipped with one or more
 56 lamps or devices underneath the motor vehicle as long as such
 57 lamps or devices do not emit light in violation of s.
 58 316.2397(1) or (7) or s. 316.238.

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

62 316.2397 Certain lights prohibited; exceptions.—

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

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

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

101 process of escorting oversized equipment, material, or
102 buildings as authorized by law. Vehicles owned or leased by
103 private security agencies may show or display green and amber
104 lights, with either color being no greater than 50 percent of
105 the lights displayed, while the security personnel are engaged
106 in security duties on private or public property.

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

108 (c) For the lamps authorized under subsections (1), (2),
109 (3), (4), and (9), s. 316.2065, or s. 316.235(6) ~~s. 316.235(5)~~
110 which may flash.

111 Section 3. Section 316.2398, Florida Statutes, is amended
112 to read:

113 316.2398 Display or use of red or red and white warning
114 signals; motor vehicles of volunteer firefighters or medical
115 staff.—

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

126 | the state, while responding to an emergency in the line of duty,
127 | may display or use red warning signals. Warning signals must be
128 | visible from the front and from the rear of such vehicle,
129 | subject to the following restrictions and conditions:

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

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

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

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

149 | (3) ~~It is unlawful for~~ An active volunteer firefighter may
150 | not ~~to~~ operate any red or red and white warning signals as

151 authorized in subsection (1), except while en route to the fire
 152 station for the purpose of proceeding to the scene of a fire or
 153 other emergency, or while at or en route to the scene of a fire
 154 or other emergency, in the line of duty.

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

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

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

166 316.224 Color of clearance lamps, identification lamps,
 167 side marker lamps, backup lamps, reflectors, and deceleration
 168 lights.—

169 (3) All lighting devices and reflectors mounted on the
 170 rear of any vehicle shall display or reflect a red color, except
 171 the stop light or other signal device, which may be red, amber,
 172 or yellow, and except that the light illuminating the license
 173 plate shall be white and the light emitted by a backup lamp
 174 shall be white or amber. Deceleration lights as authorized by s.
 175 316.235(6) ~~s. 316.235(5)~~ shall display an amber color.

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

178 319.30 Definitions; dismantling, destruction, change of
 179 identity of motor vehicle or mobile home; salvage.—

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

- 188 1. The policy and claim number.
- 189 2. The name and address of the insured.
- 190 3. The vehicle identification number.
- 191 4. The signature of an authorized representative of the
 192 insurance company.

193 (b) The independent entity in possession of a motor
 194 vehicle must send a notice to the owner that the vehicle is
 195 available for pickup ~~pick-up~~ when it receives a release
 196 statement from the insurance company. The notice shall be sent
 197 by certified mail or by another commercially available delivery
 198 service that provides proof of delivery to the owner at the
 199 owner's address contained ~~reflected~~ in the department's records.
 200 The notice must state ~~inform the owner~~ that the owner has 30

201 days after delivery receipt of the notice to the owner at the
202 owner's address to pick up the vehicle from the independent
203 entity. If the motor vehicle is not claimed within 30 days after
204 the delivery or attempted delivery of ~~the owner receives~~ the
205 notice, the independent entity may apply for a certificate of
206 destruction or a certificate of title.

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

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

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

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

226 ~~(e)~~ The independent entity shall make the required
227 notification to the National Motor Vehicle Title Information
228 System before releasing any damaged or dismantled motor vehicle
229 to the owner or before applying for a certificate of destruction
230 or salvage certificate of title.

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

251 certificate of title and to the address designated with the
252 Department of State pursuant to s. 655.0201(2) if such address
253 is different.

254 ~~(g)(e)~~ The independent entity may not charge an owner of
255 the vehicle storage fees or apply for a title under s. 713.585
256 or s. 713.78.

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

259 320.03 Registration; duties of tax collectors;
260 International Registration Plan.—

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

276 | products that must be titled or registered and that, provides
277 | title and registration services on behalf of its consumers and a
278 | licensed salvage motor vehicle dealer or motor vehicle auction
279 | or insurance company that, pursuant to s. 319.30(2), (3), (7),
280 | or (8) and in the normal course of its business, processes title
281 | transactions, derelict motor vehicle certificates, or
282 | certificates of destruction for derelict or salvage motor
283 | vehicles physically located in this state, any of which and
284 | meets all established requirements, may be an authorized
285 | electronic filing system agent and is ~~shall~~ not be precluded
286 | from participating in the electronic filing system in any
287 | county. Upon request from a qualified entity, the tax collector
288 | shall appoint the entity as an authorized electronic filing
289 | system agent for that county. ~~The department shall adopt rules~~
290 | ~~in accordance with chapter 120 to replace the December 10, 2009,~~
291 | ~~program standards and to administer the provisions of this~~
292 | ~~section, including, but not limited to, establishing~~
293 | ~~participation requirements, certification of service providers,~~
294 | ~~electronic filing system requirements, and enforcement authority~~
295 | ~~for noncompliance. The December 10, 2009, program standards,~~
296 | ~~excluding any standards which conflict with this subsection,~~
297 | ~~shall remain in effect until the rules are adopted. An~~
298 | authorized electronic filing system agent may charge a fee to
299 | the customer for use of the electronic filing system. The
300 | department may adopt rules to administer this subsection,

301 including, but not limited to, rules establishing participation
302 requirements, certification of service providers, electronic
303 filing system requirements, disclosures, and enforcement
304 authority for noncompliance.

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

307 322.01 Definitions.—As used in this chapter:

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

316 Section 8. Except as otherwise expressly provided in this
317 act and except for this section, which shall take effect upon
318 this act becoming a law, this act shall take effect October 1,
319 2019.