

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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1 Committee/Subcommittee hearing bill: Commerce Committee  
2 Representative Santiago offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove lines 159-162 and insert:

6 (b) The insurer maintains a procedure that allows an agent  
7 to independently determine whether the notice of lapse has been  
8 sent to the insured.

9 (c) The insurer has no record of the current agent of  
10 record.

11 (d) The agent is employed by the insurer or an affiliate  
12 of the insurer.

13 Section 6. Paragraph (b) is amended and paragraph (d) is  
14 added to subsection (3) of section 319.30, Florida Statutes, to  
15 read:

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16 319.30 Definitions; dismantling, destruction, change of  
17 identity of motor vehicle or mobile home; salvage.—

18 (3)

19 (b) The owner, including persons who are self-insured, of  
20 a motor vehicle or mobile home that is considered to be salvage  
21 shall, within 72 hours after the motor vehicle or mobile home  
22 becomes salvage, forward the title to the motor vehicle or  
23 mobile home to the department for processing. However, an  
24 insurance company that pays money as compensation for the total  
25 loss of a motor vehicle or mobile home shall obtain the  
26 certificate of title for the motor vehicle or mobile home, make  
27 the required notification to the National Motor Vehicle Title  
28 Information System, and, within 72 hours after receiving such  
29 certificate of title, forward such title via electronic means,  
30 the United States Postal Service, or another commercially  
31 available delivery service to the department for processing. The  
32 owner or insurance company, as applicable, may not dispose of a  
33 vehicle or mobile home that is a total loss before it obtains a  
34 salvage certificate of title or certificate of destruction from  
35 the department. Effective July 1, 2020 ~~2023~~:

36 1. Thirty days after payment of a claim for compensation  
37 pursuant to this paragraph, the insurance company may receive a  
38 salvage certificate of title or certificate of destruction from  
39 the department if the insurance company is unable to obtain a  
40 properly assigned certificate of title from the owner or

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41 lienholder of the motor vehicle or mobile home, if the motor  
42 vehicle or mobile home does not carry an electronic lien on the  
43 title and the insurance company:

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

46 b. Has provided proof of payment of the total loss claim;  
47 and

48 c. Has provided an affidavit on letterhead signed by the  
49 insurance company or its authorized agent stating the attempts  
50 that have been made to obtain the title from the owner or  
51 lienholder and further stating that all attempts are to no  
52 avail. The affidavit must include a request that the salvage  
53 certificate of title or certificate of destruction be issued in  
54 the insurance company's name due to payment of a total loss  
55 claim to the owner or lienholder. The attempts to contact the  
56 owner may be by written request delivered in person or by first-  
57 class mail with a certificate of mailing to the owner's or  
58 lienholder's last known address.

59 2. If the owner or lienholder is notified of the request  
60 for title in person, the insurance company must provide an  
61 affidavit attesting to the in-person request for a certificate  
62 of title.

63 3. The request to the owner or lienholder for the  
64 certificate of title must include a complete description of the

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65 motor vehicle or mobile home and the statement that a total loss  
66 claim has been paid on the motor vehicle or mobile home.

67 (d) An electronic signature that is consistent with  
68 chapter 668 satisfies any signature required under this  
69 subsection.

70 Section 7. Subsection (2) of section 440.381, Florida  
71 Statutes, is amended to read:

72 440.381 Application for coverage; reporting payroll;  
73 payroll audit procedures; penalties.—

74 (2) Submission of an application that contains false,  
75 misleading, or incomplete information provided with the purpose  
76 of avoiding or reducing the amount of premiums for workers'  
77 compensation coverage is a felony of the second degree,  
78 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
79 The application must contain a statement that the filing of an  
80 application containing false, misleading, or incomplete  
81 information provided with the purpose of avoiding or reducing  
82 the amount of premiums for workers' compensation coverage is a  
83 felony of the third degree, punishable as provided in s.  
84 775.082, s. 775.083, or s. 775.084. The application must contain  
85 a sworn statement by the employer attesting to the accuracy of  
86 the information submitted and acknowledging the provisions of  
87 former s. 440.37(4). The application must contain a sworn  
88 statement by the agent attesting that the agent explained to the  
89 employer or officer the classification codes that are used for

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90 premium calculations. The sworn statements by the employer and  
91 the agent are not required to be notarized.

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**T I T L E   A M E N D M E N T**

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Remove line 22 and insert:

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certain circumstances; amending s. 319.30, F.S.; revising the

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manner in which insurance companies must forward motor vehicle

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or mobile home titles to the Department of Highway Safety and

101

Motor Vehicles under certain circumstances; authorizing

102

electronic signatures for certain purposes; amending s. 440.381,

103

F.S.; specifying requirements for workers' compensation

104

insurance applications; amending s. 627.7015, F.S.;