

By Senator Perry

8-00289B-19

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1                   A bill to be entitled  
2       An act relating to damaged, dismantled, derelict, or  
3       salvage motor vehicles; amending s. 319.30, F.S.;  
4       authorizing a certain notice sent by certified mail  
5       that a motor vehicle is available for pickup to be  
6       sent by another commercially available delivery  
7       service that provides proof of delivery; requiring the  
8       notice to state that the owner has a specified period  
9       during which to pick up the vehicle; authorizing an  
10      independent entity to apply for a certificate of  
11      destruction or a certificate of title if the vehicle  
12      is not claimed within a specified time after the  
13      delivery or attempted delivery of the notice;  
14      specifying requirements for an independent entity if  
15      the Department of Highway Safety and Motor Vehicles'  
16      records do not contain the owner's address; requiring  
17      an independent entity to maintain specified records  
18      for a minimum period; authorizing an independent  
19      entity to provide an affidavit with specified  
20      statements if such entity is unable to obtain a lien  
21      satisfaction or a release of all liens on the motor  
22      vehicle; providing that notice to lienholders and  
23      attempts to obtain a release from lienholders may be  
24      by certain written request; amending s. 320.03, F.S.;  
25      authorizing an entity that processes certain  
26      transactions or certificates for derelict or salvage  
27      motor vehicles to be an authorized electronic filing  
28      system agent; deleting obsolete provisions;  
29      authorizing the department to adopt rules; providing

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30 effective dates.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Subsection (9) of section 319.30, Florida  
35 Statutes, is amended to read:

36 319.30 Definitions; dismantling, destruction, change of  
37 identity of motor vehicle or mobile home; salvage.—

38 (9) (a) An insurance company may notify an independent  
39 entity that obtains possession of a damaged or dismantled motor  
40 vehicle to release the vehicle to the owner. The insurance  
41 company shall provide the independent entity a release statement  
42 on a form prescribed by the department authorizing the  
43 independent entity to release the vehicle to the owner. The form  
44 must ~~shall~~, at a minimum, contain the following:

- 45 1. The policy and claim number.  
46 2. The name and address of the insured.  
47 3. The vehicle identification number.  
48 4. The signature of an authorized representative of the  
49 insurance company.

50 (b) The independent entity in possession of a motor vehicle  
51 must send a notice to the owner that the vehicle is available  
52 for pickup ~~pick-up~~ when it receives a release statement from the  
53 insurance company. The notice shall be sent by certified mail or  
54 by another commercially available delivery service that provides  
55 proof of delivery to the owner at the owner's address contained  
56 ~~reflected~~ in the department's records. The notice must state  
57 ~~inform the owner~~ that the owner has 30 days after delivery  
58 ~~receipt~~ of the notice to the owner at the owner's address to

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59 pick up the vehicle from the independent entity. If the motor  
60 vehicle is not claimed within 30 days after the delivery or  
61 attempted delivery of ~~the owner receives~~ the notice, the  
62 independent entity may apply for a certificate of destruction or  
63 a certificate of title.

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

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

69 2. Identify the latest titling jurisdiction of the vehicle  
70 through use of the National Motor Vehicle Title Information  
71 System and attempt to obtain the owner's address from that  
72 jurisdiction. If the jurisdiction returns an address that is  
73 different from the owner's address provided by the insurance  
74 company, the independent entity must send a notice that meets  
75 the requirements of paragraph (b) to both addresses.

76 (d) The independent entity shall maintain for a minimum of  
77 3 years the records related to the 30-day notice sent to the  
78 owner, the results of any National Motor Vehicle Title  
79 Information System searches, and the notification to the  
80 National Motor Vehicle Title Information System pursuant to  
81 paragraph (e).

82 (e) ~~(e)~~ The independent entity shall make the required  
83 notification to the National Motor Vehicle Title Information  
84 System before releasing any damaged or dismantled motor vehicle  
85 to the owner or before applying for a certificate of destruction  
86 or salvage certificate of title.

87 (f) ~~(d)~~ Upon applying for a certificate of destruction or

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88 salvage certificate of title, the independent entity shall  
89 provide a copy of the release statement from the insurance  
90 company to the independent entity, proof of providing the 30-day  
91 notice to the owner, proof of notification to the National Motor  
92 Vehicle Title Information System, and applicable fees. If the  
93 independent entity is unable to obtain a lien satisfaction or a  
94 release of all liens on the motor vehicle, the independent  
95 entity may provide an affidavit stating that notice was sent to  
96 all lienholders that the motor vehicle is available for pickup,  
97 30 days have passed since the notice was delivered or attempted  
98 to be delivered, attempts have been made to obtain a release  
99 from all lienholders, and all such attempts have been to no  
100 avail. The notice to lienholders and attempts to obtain a  
101 release from lienholders may be by written request delivered in  
102 person or by certified mail or another commercially available  
103 delivery service that provides proof of delivery to the  
104 lienholder at the lienholder's address.

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

108 Section 2. Effective October 1, 2019, subsection (10) of  
109 section 320.03, Florida Statutes, is amended to read:

110 320.03 Registration; duties of tax collectors;  
111 International Registration Plan.—

112 (10) Jurisdiction over the electronic filing system for use  
113 by authorized electronic filing system agents to electronically  
114 title or register motor vehicles, vessels, mobile homes, or off-  
115 highway vehicles; process title transactions, derelict motor  
116 vehicle certificates, and certificates of destruction for

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117 derelict and salvage motor vehicles pursuant to s. 319.30(2),  
118 (3), (7), and (8); issue or transfer registration license plates  
119 or decals; electronically transfer fees due for the title and  
120 registration process; and perform inquiries for title,  
121 registration, and lienholder verification and certification of  
122 service providers is expressly preempted to the state, and the  
123 department shall have regulatory authority over the system. The  
124 electronic filing system shall be available for use statewide  
125 and applied uniformly throughout the state. An entity that, in  
126 the normal course of its business, sells products that must be  
127 titled or registered;; provides title and registration services  
128 on behalf of its consumers;; or processes title transactions,  
129 derelict motor vehicle certificates, or certificates of  
130 destruction for derelict or salvage motor vehicles pursuant to  
131 s. 319.30(2), (3), (7), or (8) and that meets all established  
132 requirements may be an authorized electronic filing system agent  
133 and is ~~shall~~ not be precluded from participating in the  
134 electronic filing system in any county. Upon request from a  
135 qualified entity, the tax collector shall appoint the entity as  
136 an authorized electronic filing system agent for that county.  
137 ~~The department shall adopt rules in accordance with chapter 120~~  
138 ~~to replace the December 10, 2009, program standards and to~~  
139 ~~administer the provisions of this section, including, but not~~  
140 ~~limited to, establishing participation requirements,~~  
141 ~~certification of service providers, electronic filing system~~  
142 ~~requirements, and enforcement authority for noncompliance. The~~  
143 ~~December 10, 2009, program standards, excluding any standards~~  
144 ~~which conflict with this subsection, shall remain in effect~~  
145 ~~until the rules are adopted.~~ An authorized electronic filing

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146 system agent may charge a fee to the customer for use of the  
147 electronic filing system. The department may adopt rules to  
148 administer this subsection, including, but not limited to, rules  
149 establishing participation requirements, certification of  
150 service providers, electronic filing system requirements,  
151 disclosures, and enforcement authority for noncompliance.

152 Section 3. Except as otherwise expressly provided in this  
153 act, this act shall take effect July 1, 2019.