

20241350er

1  
2 An act relating to salvage; amending s. 319.30, F.S.;  
3 revising and defining terms; revising provisions  
4 relating to obtaining a salvage certificate of title  
5 or certificate of destruction; exempting the  
6 Department of Highway Safety and Motor Vehicles from  
7 liability to certain persons as a result of the  
8 issuance of such certificates; providing requirements  
9 for an independent entity's release of a damaged or  
10 dismantled vessel to the owner; authorizing the  
11 independent entity to apply for certain certificates  
12 for an unclaimed vessel; providing requirements for  
13 such application; specifying provisions to which the  
14 independent entity is subject; prohibiting the  
15 independent entity from charging vessel storage fees;  
16 reenacting ss. 319.14(1)(b) and 319.141(1)(b), F.S.,  
17 relating to the sale of motor vehicles registered or  
18 used as specified vehicles and the definition of the  
19 term "rebuilt inspection services" as used in the  
20 rebuilt motor vehicle inspection program,  
21 respectively, to incorporate the amendment made to s.  
22 319.30, F.S., in references thereto; providing an  
23 effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Paragraphs (g) and (j) of subsection (1),  
28 paragraph (b) of subsection (3), and subsection (9) of section  
29 319.30, Florida Statutes, are amended, and paragraph (y) is

20241350er

30 added to subsection (1) of that section, to read:

31 319.30 Definitions; dismantling, destruction, change of  
32 identity of motor vehicle, vessel, or mobile home; salvage.—

33 (1) As used in this section, the term:

34 (g) "Independent entity" means a business or entity that  
35 may temporarily store damaged or dismantled motor vehicles or  
36 vessels pursuant to an agreement with an insurance company and  
37 that is engaged in the sale or resale of damaged or dismantled  
38 motor vehicles or vessels. The term does not include a wrecker  
39 operator, a towing company, or a repair facility.

40 (j) "Major component parts" means:

41 1. Except as provided in subparagraph 3., for motor  
42 vehicles other than motorcycles, any fender, hood, bumper, cowl  
43 assembly, rear quarter panel, trunk lid, door, decklid, floor  
44 pan, engine, frame, transmission, catalytic converter, or  
45 airbag.

46 2. Except as provided in subparagraph 3., for trucks, in  
47 addition to those parts listed in subparagraph 1., any truck  
48 bed, including dump, wrecker, crane, mixer, cargo box, or any  
49 bed which mounts to a truck frame.

50 3. For electric, hybrid, or plug-in hybrid motor vehicles  
51 or trucks, in addition to the parts listed in subparagraphs 1.  
52 and 2., respectively, any electric traction motor, electronic  
53 transmission, charge port, DC power converter, onboard charger,  
54 power electronics controller, thermal system, traction battery  
55 pack, or airbag.

56 4. For motorcycles, the body assembly, frame, fenders, gas  
57 tanks, engine, cylinder block, heads, engine case, crank case,  
58 transmission, drive train, front fork assembly, and wheels.

20241350er

59        ~~5.4.~~ For mobile homes, the frame.  
60        (y) "Vessel" has the same meaning as in s. 713.78(1)(b).  
61        (3)  
62        (b) The owner, including persons who are self-insured, of a  
63 motor vehicle or mobile home ~~that is~~ considered to be salvage  
64 shall, within 72 hours after the motor vehicle or mobile home  
65 becomes salvage, forward the title to the motor vehicle or  
66 mobile home to the department for processing. However, and  
67 except as provided in this paragraph for a motor vehicle or  
68 mobile home retained by the owner in connection with a total  
69 loss claim settlement, an insurance company that pays money as  
70 compensation for the total loss of a motor vehicle or mobile  
71 home shall obtain the certificate of title for the motor vehicle  
72 or mobile home, make the required notification to the National  
73 Motor Vehicle Title Information System, and, within 72 hours  
74 after receiving such certificate of title, forward such title by  
75 the United States Postal Service, by another commercial delivery  
76 service, or by electronic means, when such means are made  
77 available by the department, to the department for processing.  
78 However, if the owner retains possession of a motor vehicle or  
79 mobile home in connection with a total loss claim settlement for  
80 such motor vehicle or mobile home, the owner must, within 72  
81 hours after the motor vehicle or mobile home becomes salvage, or  
82 the insurance company must, within 72 hours after receiving the  
83 certificate of title for such motor vehicle or mobile home,  
84 forward the certificate of title to the motor vehicle or mobile  
85 home to the department for processing, and the department must  
86 issue a salvage certificate of title or certificate of  
87 destruction directly to the motor vehicle or mobile home owner

20241350er

88 rather than to the insurance company or its agent. The owner or  
89 insurance company, as applicable, may not dispose of a motor  
90 vehicle or mobile home that is a total loss before it obtains a  
91 salvage certificate of title or certificate of destruction from  
92 the department. ~~Effective January 1, 2020:~~

93 1. Thirty days after payment of a claim for compensation  
94 pursuant to this paragraph, the insurance company may receive a  
95 salvage certificate of title or certificate of destruction from  
96 the department if the insurance company is unable to obtain a  
97 properly assigned paper certificate of title from the owner or  
98 lienholder of the motor vehicle or mobile home or a properly  
99 completed assignment of an electronic certificate of title from  
100 the owner of, ~~if the motor vehicle or mobile home does not carry~~  
101 ~~an electronic lien on the title~~ and the insurance company:

102 a. Has obtained the release of all liens on the motor  
103 vehicle or mobile home, or has paid the amount due to the  
104 lienholder and has obtained proof that the lienholder accepts  
105 payment as satisfying the amount due to the lienholder;

106 b. Has attested on a form provided by the department that  
107 payment of the total loss claim has been distributed; and

108 c. Has attested on a form provided by the department and  
109 signed by the insurance company or its authorized agent stating  
110 the attempts that have been made to obtain the paper certificate  
111 of title or a properly completed assignment of an electronic  
112 certificate of title from the owner or lienholder and further  
113 stating that all attempts are to no avail. The form must include  
114 a request that the salvage certificate of title or certificate  
115 of destruction be issued in the insurance company's name due to  
116 payment of a total loss claim to the owner or lienholder. The

20241350er

117 attempts to contact the owner or lienholder may be by written  
118 request delivered in person or by first-class mail with a  
119 certificate of mailing to the owner's last known address or  
120 lienholder's last known address, respectively.

121 2. If the owner or lienholder is notified of the request  
122 for title or assignment of title in person, the insurance  
123 company must provide an affidavit attesting to the in-person  
124 request for a certificate of title or assignment of title.

125 3. The request to the owner or lienholder for the  
126 certificate of title or to the owner for the assignment of title  
127 must include a complete description of the motor vehicle or  
128 mobile home and the statement that a total loss claim has been  
129 paid on the motor vehicle or mobile home.

130 4. The department is not liable and may not be held liable  
131 to an owner, a lienholder, or any other person as a result of  
132 the issuance of a salvage certificate of title or a certificate  
133 of destruction pursuant to subparagraph 1.

134 (9) (a) An insurance company may notify an independent  
135 entity that obtains possession of a damaged or dismantled motor  
136 vehicle or vessel to release the vehicle or vessel to the owner.  
137 The insurance company shall provide the independent entity a  
138 release statement on a form prescribed by the department  
139 authorizing the independent entity to release the vehicle or  
140 vessel to the owner or lienholder. The form must, at a minimum,  
141 contain the following:

142 1. The policy and claim number.

143 2. The name and address of the insured.

144 3. The vehicle identification number or vessel hull  
145 identification number.

20241350er

146 4. The signature of an authorized representative of the  
147 insurance company.

148 (b) The independent entity in possession of a motor vehicle  
149 or vessel must send a notice to the owner that the motor vehicle  
150 or vessel is available for pickup when it receives a release  
151 statement from the insurance company. The notice must ~~shall~~ be  
152 sent by certified mail or by another commercially available  
153 delivery service that provides proof of delivery to the owner at  
154 the owner's address contained in the department's records. The  
155 notice must state that the owner has 30 days after delivery of  
156 the notice to the owner at the owner's address to pick up the  
157 motor vehicle or vessel from the independent entity. If the  
158 motor vehicle or vessel is not claimed within 30 days after the  
159 delivery or attempted delivery of the notice, the independent  
160 entity may apply for a certificate of destruction, a salvage  
161 certificate of title, or a certificate of title for a motor  
162 vehicle or a certificate of title as defined in s. 328.0015 for  
163 a vessel. For a vessel that is hull damaged as defined in s.  
164 328.0015, the application must indicate "Hull Damaged."

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

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

170 2. For a motor vehicle, identify the latest titling  
171 jurisdiction of the vehicle through use of the National Motor  
172 Vehicle Title Information System or an equivalent commercially  
173 available system and attempt to obtain the owner's address from  
174 that jurisdiction. If the jurisdiction returns an address that

20241350er

175 is different from the owner's address provided by the insurance  
176 company, the independent entity must send a notice that meets  
177 the requirements of paragraph (b) to both addresses.

178 (d) The independent entity shall maintain for at least a  
179 ~~minimum of~~ 3 years the records related to the 30-day notice sent  
180 to the owner. For motor vehicles, the independent entity shall  
181 also maintain for at least 3 years the results of searches of  
182 the National Motor Vehicle Title Information System or an  
183 equivalent commercially available system, and the notification  
184 to the National Motor Vehicle Title Information System made  
185 pursuant to paragraph (e).

186 (e) The independent entity shall make the required  
187 notification to the National Motor Vehicle Title Information  
188 System before releasing any damaged or dismantled motor vehicle  
189 to the owner or before applying for a certificate of destruction  
190 or salvage certificate of title. The independent entity is not  
191 required to notify the National Motor Vehicle Title Information  
192 System before releasing any damaged or dismantled vessel to the  
193 owner or before applying for a certificate of title as defined  
194 in s. 328.0015.

195 (f) Upon applying for a certificate of destruction, ~~or~~  
196 salvage certificate of title, or certificate of title for a  
197 motor vehicle or for a certificate of title as described in  
198 paragraph (b) for a vessel, the independent entity shall provide  
199 a copy of the release statement from the insurance company to  
200 the independent entity, proof of providing the 30-day notice to  
201 the owner, proof of notification to the National Motor Vehicle  
202 Title Information System if required, proof of all lien  
203 satisfactions or proof of a release of all liens on the motor

20241350er

204 vehicle or vessel, and applicable fees. If the independent  
205 entity is unable to obtain a lien satisfaction or a release of  
206 all liens on the motor vehicle or vessel, the independent entity  
207 must provide an affidavit stating that notice was sent to all  
208 lienholders that the motor vehicle or vessel is available for  
209 pickup, 30 days have passed since the notice was delivered or  
210 attempted to be delivered pursuant to this section, attempts  
211 have been made to obtain a release from all lienholders, and all  
212 such attempts have been to no avail. The notice to lienholders  
213 and attempts to obtain a release from lienholders may be by  
214 written request delivered in person or by certified mail or  
215 another commercially available delivery service that provides  
216 proof of delivery to the lienholder at the lienholder's address  
217 as provided on the certificate of title for a motor vehicle or  
218 on the certificate of title as defined in s. 328.0015 for a  
219 vessel and to the address designated with the Department of  
220 State pursuant to s. 655.0201(2) if such address is different.

221 (g) The independent entity may not charge an owner of the  
222 vehicle or vessel storage fees or apply for a title under s.  
223 713.585 or s. 713.78.

224 Section 2. For the purpose of incorporating the amendment  
225 made by this act to section 319.30, Florida Statutes, in a  
226 reference thereto, paragraph (b) of subsection (1) of section  
227 319.14, Florida Statutes, is reenacted to read:

228 319.14 Sale of motor vehicles registered or used as  
229 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,  
230 nonconforming vehicles, custom vehicles, or street rod vehicles;  
231 conversion of low-speed vehicles.-

232 (1)



20241350er

233 (b) A person may not knowingly offer for sale, sell, or  
234 exchange a rebuilt vehicle until the department has stamped in a  
235 conspicuous place on the certificate of title for the vehicle  
236 words stating that the vehicle has been rebuilt or assembled  
237 from parts, or is a kit car, glider kit, replica, flood vehicle,  
238 custom vehicle, or street rod vehicle unless proper application  
239 for a certificate of title for a vehicle that is rebuilt or  
240 assembled from parts, or is a kit car, glider kit, replica,  
241 flood vehicle, custom vehicle, or street rod vehicle has been  
242 made to the department in accordance with this chapter and the  
243 department has conducted the physical examination of the vehicle  
244 to assure the identity of the vehicle and all major component  
245 parts, as defined in s. 319.30(1), which have been repaired or  
246 replaced. Thereafter, the department shall affix a decal to the  
247 vehicle, in the manner prescribed by the department, showing the  
248 vehicle to be rebuilt.

249 Section 3. For the purpose of incorporating the amendment  
250 made by this act to section 319.30, Florida Statutes, in a  
251 reference thereto, paragraph (b) of subsection (1) of section  
252 319.141, Florida Statutes, is reenacted to read:

253 319.141 Rebuilt motor vehicle inspection program.—

254 (1) As used in this section, the term:

255 (b) "Rebuilt inspection services" means an examination of a  
256 rebuilt vehicle and a properly endorsed certificate of title,  
257 salvage certificate of title, or manufacturer's statement of  
258 origin and an application for a rebuilt certificate of title, a  
259 builder's affidavit, a photograph of the junk or salvage  
260 vehicle taken before repairs began, if available, a photograph  
261 of the interior driver and passenger sides of the vehicle if

20241350er

262   airbags were previously deployed and replaced, receipts or  
263   invoices for all major component parts, as defined in s. 319.30,  
264   and repairs which were changed, and proof that notice of  
265   rebuilding of the vehicle has been reported to the National  
266   Motor Vehicle Title Information System.

267         Section 4. This act shall take effect July 1, 2024.