



544216

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
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The Committee on Transportation (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraphs (g) and (j) of subsection (1), paragraph (b) of subsection (3), and subsection (9) of section 319.30, Florida Statutes, are amended, and paragraph (y) is added to subsection (1) of that section, to read:

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



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

12 (g) "Independent entity" means a business or entity that
13 may temporarily store damaged or dismantled motor vehicles or
14 vessels pursuant to an agreement with an insurance company and
15 that is engaged in the sale or resale of damaged or dismantled
16 motor vehicles or vessels. The term does not include a wrecker
17 operator, a towing company, or a repair facility.

18 (j) "Major component parts" means:

19 1. Except as provided in subparagraph 3., for motor
20 vehicles other than motorcycles, any fender, hood, bumper, cowl
21 assembly, rear quarter panel, trunk lid, door, decklid, floor
22 pan, engine, frame, transmission, catalytic converter, or
23 airbag.

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

28 3. For electric, hybrid, or plug-in hybrid motor vehicles
29 or trucks, in addition to the parts listed in subparagraphs 1.
30 and 2., respectively, any electric traction motor, electronic
31 transmission, charge port, DC power converter, onboard charger,
32 power electronics controller, thermal system, traction battery
33 pack, or airbag.

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

37 ~~5.4.~~ For mobile homes, the frame.

38 (y) "Vessel" has the same meaning as in s. 713.78(1)(b).

39 (3)



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40 (b) The owner, including persons who are self-insured, of a
41 motor vehicle or mobile home ~~that is~~ considered to be salvage
42 shall, within 72 hours after the motor vehicle or mobile home
43 becomes salvage, forward the title to the motor vehicle or
44 mobile home to the department for processing. However, and
45 except as provided in this paragraph for a motor vehicle or
46 mobile home retained by the owner in connection with a total
47 loss claim settlement, an insurance company that pays money as
48 compensation for the total loss of a motor vehicle or mobile
49 home shall obtain the certificate of title for the motor vehicle
50 or mobile home, make the required notification to the National
51 Motor Vehicle Title Information System, and, within 72 hours
52 after receiving such certificate of title, forward such title by
53 the United States Postal Service, by another commercial delivery
54 service, or by electronic means, when such means are made
55 available by the department, to the department for processing.
56 However, if the owner retains possession of a motor vehicle or
57 mobile home in connection with a total loss claim settlement for
58 such motor vehicle or mobile home, the owner must, within 72
59 hours after the motor vehicle or mobile home becomes salvage, or
60 the insurance company must, within 72 hours after receiving the
61 certificate of title for such motor vehicle or mobile home,
62 forward the certificate of title to the motor vehicle or mobile
63 home to the department for processing, and the department must
64 issue a salvage certificate of title or certificate of
65 destruction directly to the motor vehicle or mobile home owner
66 rather than to the insurance company or its agent. The owner or
67 insurance company, as applicable, may not dispose of a motor
68 vehicle or mobile home that is a total loss before it obtains a



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69 salvage certificate of title or certificate of destruction from
70 the department. ~~Effective January 1, 2020:~~

71 1. Thirty days after payment of a claim for compensation
72 pursuant to this paragraph, the insurance company may receive a
73 salvage certificate of title or certificate of destruction from
74 the department if the insurance company is unable to obtain a
75 properly assigned paper certificate of title from the owner or
76 lienholder of the motor vehicle or mobile home or a properly
77 completed assignment of an electronic certificate of title from
78 the owner of, ~~if the motor vehicle or mobile home does not carry~~
79 ~~an electronic lien on the title~~ and the insurance company:

80 a. Has obtained the release of all liens on the motor
81 vehicle or mobile home, or has paid the amount due to the
82 lienholder and has obtained proof that the lienholder accepts
83 payment as satisfying the amount due to the lienholder;

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

86 c. Has attested on a form provided by the department and
87 signed by the insurance company or its authorized agent stating
88 the attempts that have been made to obtain the paper certificate
89 of title or a properly completed assignment of an electronic
90 certificate of title from the owner or lienholder and further
91 stating that all attempts are to no avail. The form must include
92 a request that the salvage certificate of title or certificate
93 of destruction be issued in the insurance company's name due to
94 payment of a total loss claim to the owner or lienholder. The
95 attempts to contact the owner or lienholder may be by written
96 request delivered in person or by first-class mail with a
97 certificate of mailing to the owner's last known address or



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98 lienholder's last known address, respectively.

99 2. If the owner or lienholder is notified of the request
100 for title or assignment of title in person, the insurance
101 company must provide an affidavit attesting to the in-person
102 request for a certificate of title or assignment of title.

103 3. The request to the owner or lienholder for the
104 certificate of title or to the owner or lienholder for the
105 assignment of title must include a complete description of the
106 motor vehicle or mobile home and the statement that a total loss
107 claim has been paid on the motor vehicle or mobile home.

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

112 (9) (a) An insurance company may notify an independent
113 entity that obtains possession of a damaged or dismantled motor
114 vehicle or vessel to release the vehicle or vessel to the owner.
115 The insurance company shall provide the independent entity a
116 release statement on a form prescribed by the department
117 authorizing the independent entity to release the vehicle or
118 vessel to the owner or lienholder. The form must, at a minimum,
119 contain the following:

- 120 1. The policy and claim number.
121 2. The name and address of the insured.
122 3. The vehicle identification number or vessel hull
123 identification number.

124 4. The signature of an authorized representative of the
125 insurance company.

126 (b) The independent entity in possession of a motor vehicle



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127 or vessel must send a notice to the owner that the motor vehicle
128 or vessel is available for pickup when it receives a release
129 statement from the insurance company. The notice must ~~shall~~ be
130 sent by certified mail or by another commercially available
131 delivery service that provides proof of delivery to the owner at
132 the owner's address contained in the department's records. The
133 notice must state that the owner has 30 days after delivery of
134 the notice to the owner at the owner's address to pick up the
135 motor vehicle or vessel from the independent entity. If the
136 motor vehicle or vessel is not claimed within 30 days after the
137 delivery or attempted delivery of the notice, the independent
138 entity may apply for a certificate of destruction, a salvage
139 certificate of title, or a certificate of title for a motor
140 vehicle or a certificate of title as defined in s. 328.0015 for
141 a vessel. For a vessel that is hull damaged as defined in s.
142 328.0015, the application must indicate "Hull Damaged."

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

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

148 2. For a motor vehicle, identify the latest titling
149 jurisdiction of the vehicle through use of the National Motor
150 Vehicle Title Information System or an equivalent commercially
151 available system and attempt to obtain the owner's address from
152 that jurisdiction. If the jurisdiction returns an address that
153 is different from the owner's address provided by the insurance
154 company, the independent entity must send a notice that meets
155 the requirements of paragraph (b) to both addresses.



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156 (d) The independent entity shall maintain for at least a
157 ~~minimum of~~ 3 years the records related to the 30-day notice sent
158 to the owner. For motor vehicles, the independent entity shall
159 also maintain for at least 3 years the results of searches of
160 the National Motor Vehicle Title Information System or an
161 equivalent commercially available system, and the notification
162 to the National Motor Vehicle Title Information System made
163 pursuant to paragraph (e).

164 (e) The independent entity shall make the required
165 notification to the National Motor Vehicle Title Information
166 System before releasing any damaged or dismantled motor vehicle
167 to the owner or before applying for a certificate of destruction
168 or salvage certificate of title. The independent entity is not
169 required to notify the National Motor Vehicle Title Information
170 System before releasing any damaged or dismantled vessel to the
171 owner or before applying for a certificate of title as defined
172 in s. 328.0015.

173 (f) Upon applying for a certificate of destruction, ~~or~~
174 salvage certificate of title, or certificate of title for a
175 motor vehicle or for a certificate of title as described in
176 paragraph (b) for a vessel, the independent entity shall provide
177 a copy of the release statement from the insurance company to
178 the independent entity, proof of providing the 30-day notice to
179 the owner, proof of notification to the National Motor Vehicle
180 Title Information System if required, proof of all lien
181 satisfactions or proof of a release of all liens on the motor
182 vehicle or vessel, and applicable fees. If the independent
183 entity is unable to obtain a lien satisfaction or a release of
184 all liens on the motor vehicle or vessel, the independent entity



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185 must provide an affidavit stating that notice was sent to all
186 lienholders that the motor vehicle or vessel is available for
187 pickup, 30 days have passed since the notice was delivered or
188 attempted to be delivered pursuant to this section, attempts
189 have been made to obtain a release from all lienholders, and all
190 such attempts have been to no avail. The notice to lienholders
191 and attempts to obtain a release from lienholders may be by
192 written request delivered in person or by certified mail or
193 another commercially available delivery service that provides
194 proof of delivery to the lienholder at the lienholder's address
195 as provided on the certificate of title for a motor vehicle or
196 on the certificate of title as defined in s. 328.0015 for a
197 vessel and to the address designated with the Department of
198 State pursuant to s. 655.0201(2) if such address is different.

199 (g) The independent entity may not charge an owner of the
200 vehicle or vessel storage fees or apply for a title under s.
201 713.585 or s. 713.78.

202 Section 2. For the purpose of incorporating the amendment
203 made by this act to section 319.30, Florida Statutes, in a
204 reference thereto, paragraph (b) of subsection (1) of section
205 319.14, Florida Statutes, is reenacted to read:

206 319.14 Sale of motor vehicles registered or used as
207 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
208 nonconforming vehicles, custom vehicles, or street rod vehicles;
209 conversion of low-speed vehicles.-

210 (1)

211 (b) A person may not knowingly offer for sale, sell, or
212 exchange a rebuilt vehicle until the department has stamped in a
213 conspicuous place on the certificate of title for the vehicle



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214 words stating that the vehicle has been rebuilt or assembled
215 from parts, or is a kit car, glider kit, replica, flood vehicle,
216 custom vehicle, or street rod vehicle unless proper application
217 for a certificate of title for a vehicle that is rebuilt or
218 assembled from parts, or is a kit car, glider kit, replica,
219 flood vehicle, custom vehicle, or street rod vehicle has been
220 made to the department in accordance with this chapter and the
221 department has conducted the physical examination of the vehicle
222 to assure the identity of the vehicle and all major component
223 parts, as defined in s. 319.30(1), which have been repaired or
224 replaced. Thereafter, the department shall affix a decal to the
225 vehicle, in the manner prescribed by the department, showing the
226 vehicle to be rebuilt.

227 Section 3. For the purpose of incorporating the amendment
228 made by this act to section 319.30, Florida Statutes, in a
229 reference thereto, paragraph (b) of subsection (1) of section
230 319.141, Florida Statutes, is reenacted to read:

231 319.141 Rebuilt motor vehicle inspection program.—

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

233 (b) "Rebuilt inspection services" means an examination of a
234 rebuilt vehicle and a properly endorsed certificate of title,
235 salvage certificate of title, or manufacturer's statement of
236 origin and an application for a rebuilt certificate of title, a
237 rebuilder's affidavit, a photograph of the junk or salvage
238 vehicle taken before repairs began, if available, a photograph
239 of the interior driver and passenger sides of the vehicle if
240 airbags were previously deployed and replaced, receipts or
241 invoices for all major component parts, as defined in s. 319.30,
242 and repairs which were changed, and proof that notice of



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243 rebuilding of the vehicle has been reported to the National
244 Motor Vehicle Title Information System.

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

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247 ===== T I T L E A M E N D M E N T =====

248 And the title is amended as follows:

249 Delete everything before the enacting clause
250 and insert:

251 A bill to be entitled

252 An act relating to salvage; amending s. 319.30, F.S.;

253 revising and defining terms; revising provisions

254 relating to obtaining a salvage certificate of title

255 or certificate of destruction; exempting the

256 Department of Highway Safety and Motor Vehicles from

257 liability to certain persons as a result of the

258 issuance of such certificates; providing requirements

259 for an independent entity's release of a damaged or

260 dismantled vessel to the owner; authorizing the

261 independent entity to apply for certain certificates

262 for an unclaimed vessel; providing requirements for

263 such application; specifying provisions to which the

264 independent entity is subject; prohibiting the

265 independent entity from charging vessel storage fees;

266 reenacting ss. 319.14(1)(b) and 319.141(1)(b), F.S.,

267 relating to the sale of motor vehicles registered or

268 used as specified vehicles and the definition of the

269 term "rebuilt inspection services" as used in the

270 rebuilt motor vehicle inspection program,

271 respectively, to incorporate the amendment made to s.



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319.30, F.S., in references thereto; providing an
effective date.