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576-03886-19

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

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 an insurance company to provide an
5 independent entity with a certain release statement
6 authorizing it to release a vehicle to the lienholder;
7 authorizing a certain notice sent by certified mail
8 that a motor vehicle is available for pickup to be
9 sent by another commercially available delivery
10 service that provides proof of delivery; requiring the
11 notice to state that the owner has a specified period
12 during which to pick up the vehicle; authorizing an
13 independent entity to apply for a certificate of
14 destruction or a certificate of title if the vehicle
15 is not claimed within a specified time after the
16 delivery or attempted delivery of the notice;
17 specifying requirements for an independent entity if
18 the Department of Highway Safety and Motor Vehicles'
19 records do not contain the owner's address; requiring
20 an independent entity to maintain specified records
21 for a minimum period; requiring an independent entity
22 to provide proof of all lien satisfactions or proof of
23 a release of all liens on a motor vehicle upon
24 applying for a certificate of destruction or salvage
25 certificate of title; requiring an independent entity
26 to provide an affidavit with specified statements if



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27 such entity is unable to obtain a lien satisfaction or
28 a release of all liens on the motor vehicle; providing
29 that notice to lienholders and attempts to obtain a
30 release from lienholders may be by certain written
31 request; amending s. 320.03, F.S.; authorizing
32 specified entities that process certain transactions
33 or certificates for derelict or salvage motor vehicles
34 to be authorized electronic filing system agents;
35 deleting obsolete provisions; authorizing the
36 department to adopt rules; providing effective dates.
37

38 Be It Enacted by the Legislature of the State of Florida:
39

40 Section 1. Subsection (9) of section 319.30, Florida
41 Statutes, is amended to read:

42 319.30 Definitions; dismantling, destruction, change of
43 identity of motor vehicle or mobile home; salvage.—

44 (9) (a) An insurance company may notify an independent
45 entity that obtains possession of a damaged or dismantled motor
46 vehicle to release the vehicle to the owner. The insurance
47 company shall provide the independent entity a release statement
48 on a form prescribed by the department authorizing the
49 independent entity to release the vehicle to the owner or
50 lienholder. The form must ~~shall~~, at a minimum, contain the
51 following:

- 52 1. The policy and claim number.
- 53 2. The name and address of the insured.
- 54 3. The vehicle identification number.
- 55 4. The signature of an authorized representative of the



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56 insurance company.

57 (b) The independent entity in possession of a motor vehicle
58 must send a notice to the owner that the vehicle is available
59 for pickup ~~pick up~~ when it receives a release statement from the
60 insurance company. The notice shall be sent by certified mail or
61 by another commercially available delivery service that provides
62 proof of delivery to the owner at the owner's address contained
63 ~~reflected~~ in the department's records. The notice must state
64 ~~inform the owner~~ that the owner has 30 days after delivery
65 ~~receipt~~ of the notice to the owner at the owner's address to
66 pick up the vehicle from the independent entity. If the motor
67 vehicle is not claimed within 30 days after the delivery or
68 attempted delivery of ~~the owner receives~~ the notice, the
69 independent entity may apply for a certificate of destruction or
70 a certificate of title.

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

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

76 2. Identify the latest titling jurisdiction of the vehicle
77 through use of the National Motor Vehicle Title Information
78 System or an equivalent commercially available system and
79 attempt to obtain the owner's address from that jurisdiction. If
80 the jurisdiction returns an address that is different from the
81 owner's address provided by the insurance company, the
82 independent entity must send a notice that meets the
83 requirements of paragraph (b) to both addresses.

84 (d) The independent entity shall maintain for a minimum of



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85 3 years the records related to the 30-day notice sent to the
86 owner, the results of searches of the National Motor Vehicle
87 Title Information System or an equivalent commercially available
88 system, and the notification to the National Motor Vehicle Title
89 Information System made pursuant to paragraph (e).

90 (e) ~~(e)~~ The independent entity shall make the required
91 notification to the National Motor Vehicle Title Information
92 System before releasing any damaged or dismantled motor vehicle
93 to the owner or before applying for a certificate of destruction
94 or salvage certificate of title.

95 (f) ~~(d)~~ Upon applying for a certificate of destruction or
96 salvage certificate of title, the independent entity shall
97 provide a copy of the release statement from the insurance
98 company to the independent entity, proof of providing the 30-day
99 notice to the owner, proof of notification to the National Motor
100 Vehicle Title Information System, proof of all lien
101 satisfactions or proof of a release of all liens on the motor
102 vehicle, and applicable fees. If the independent entity is
103 unable to obtain a lien satisfaction or a release of all liens
104 on the motor vehicle, the independent entity must provide an
105 affidavit stating that notice was sent to all lienholders that
106 the motor vehicle is available for pickup, 30 days have passed
107 since the notice was delivered or attempted to be delivered
108 pursuant to this section, attempts have been made to obtain a
109 release from all lienholders, and all such attempts have been to
110 no avail. The notice to lienholders and attempts to obtain a
111 release from lienholders may be by written request delivered in
112 person or by certified mail or another commercially available
113 delivery service that provides proof of delivery to the



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114 lienholder at the lienholder's address as provided on the
115 certificate of title and, if the address is different, as
116 designated with the Department of State pursuant to s.
117 655.0201(2).

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

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

123 320.03 Registration; duties of tax collectors;
124 International Registration Plan.—

125 (10) Jurisdiction over the electronic filing system for use
126 by authorized electronic filing system agents to electronically
127 title or register motor vehicles, vessels, mobile homes, or off-
128 highway vehicles; process title transactions, derelict motor
129 vehicle certificates, and certificates of destruction for
130 derelict and salvage motor vehicles pursuant to s. 319.30(2),
131 (3), (7), and (8); issue or transfer registration license plates
132 or decals; electronically transfer fees due for the title and
133 registration process; and perform inquiries for title,
134 registration, and lienholder verification and certification of
135 service providers is expressly preempted to the state, and the
136 department shall have regulatory authority over the system. The
137 electronic filing system shall be available for use statewide
138 and applied uniformly throughout the state. An entity that, in
139 the normal course of its business, sells products that must be
140 titled or registered or that, provides title and registration
141 services on behalf of its consumers and a licensed salvage motor
142 vehicle dealer or motor vehicle auction or insurance company



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143 that, pursuant to s. 319.30(2), (3), (7), or (8) and in the
144 normal course of its business, processes title transactions,
145 derelict motor vehicle certificates, or certificates of
146 destruction for derelict or salvage motor vehicles physically
147 located in this state, any of which and meets all established
148 requirements, may be an authorized electronic filing system
149 agent and ~~is shall~~ not be precluded from participating in the
150 electronic filing system in any county. Upon request from a
151 qualified entity, the tax collector shall appoint the entity as
152 an authorized electronic filing system agent for that county.
153 ~~The department shall adopt rules in accordance with chapter 120~~
154 ~~to replace the December 10, 2009, program standards and to~~
155 ~~administer the provisions of this section, including, but not~~
156 ~~limited to, establishing participation requirements,~~
157 ~~certification of service providers, electronic filing system~~
158 ~~requirements, and enforcement authority for noncompliance. The~~
159 ~~December 10, 2009, program standards, excluding any standards~~
160 ~~which conflict with this subsection, shall remain in effect~~
161 ~~until the rules are adopted.~~ An authorized electronic filing
162 system agent may charge a fee to the customer for use of the
163 electronic filing system. The department may adopt rules to
164 administer this subsection, including, but not limited to, rules
165 establishing participation requirements, certification of
166 service providers, electronic filing system requirements,
167 disclosures, and enforcement authority for noncompliance.

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