

By the Committee on Infrastructure and Security; and Senator Perry

596-02975-19

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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; requiring an independent entity
19 to provide proof of all lien satisfactions or proof of
20 a release of all liens on a motor vehicle upon
21 applying for a certificate of destruction or salvage
22 certificate of title; requiring an independent entity
23 to provide an affidavit with specified statements if
24 such entity is unable to obtain a lien satisfaction or
25 a release of all liens on the motor vehicle; providing
26 that notice to lienholders and attempts to obtain a
27 release from lienholders may be by certain written
28 request; amending s. 320.03, F.S.; authorizing an
29 entity that processes certain transactions or

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30 certificates for derelict or salvage motor vehicles to
31 be an authorized electronic filing system agent;
32 deleting obsolete provisions; authorizing the
33 department to adopt rules; providing effective dates.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

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

39 319.30 Definitions; dismantling, destruction, change of
40 identity of motor vehicle or mobile home; salvage.—

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

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

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

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59 ~~reflected~~ in the department's records. The notice must state
60 ~~inform the owner~~ that the owner has 30 days after delivery
61 ~~receipt~~ of the notice to the owner at the owner's address to
62 pick up the vehicle from the independent entity. If the motor
63 vehicle is not claimed within 30 days after the delivery or
64 attempted delivery of ~~the owner receives~~ the notice, the
65 independent entity may apply for a certificate of destruction or
66 a certificate of title.

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

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

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

80 (d) The independent entity shall maintain for a minimum of
81 3 years the records related to the 30-day notice sent to the
82 owner, the results of searches of the National Motor Vehicle
83 Title Information System or an equivalent commercially available
84 system, and the notification to the National Motor Vehicle Title
85 Information System made pursuant to paragraph (e).

86 (e) ~~(e)~~ The independent entity shall make the required
87 notification to the National Motor Vehicle Title Information

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88 System before releasing any damaged or dismantled motor vehicle
89 to the owner or before applying for a certificate of destruction
90 or salvage certificate of title.

91 (f)~~(d)~~ Upon applying for a certificate of destruction or
92 salvage certificate of title, the independent entity shall
93 provide a copy of the release statement from the insurance
94 company to the independent entity, proof of providing the 30-day
95 notice to the owner, proof of notification to the National Motor
96 Vehicle Title Information System, proof of all lien
97 satisfactions or proof of a release of all liens on the motor
98 vehicle, and applicable fees. If the independent entity is
99 unable to obtain a lien satisfaction or a release of all liens
100 on the motor vehicle, the independent entity must provide an
101 affidavit stating that notice was sent to all lienholders that
102 the motor vehicle is available for pickup, 30 days have passed
103 since the notice was delivered or attempted to be delivered
104 pursuant to this section, attempts have been made to obtain a
105 release from all lienholders, and all such attempts have been to
106 no avail. The notice to lienholders and attempts to obtain a
107 release from lienholders may be by written request delivered in
108 person or by certified mail or another commercially available
109 delivery service that provides proof of delivery to the
110 lienholder at the lienholder's address as provided on the
111 certificate of title and, if the address is different, as
112 designated with the Department of State pursuant to s.
113 655.0201(2).

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

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

119 320.03 Registration; duties of tax collectors;
120 International Registration Plan.—

121 (10) Jurisdiction over the electronic filing system for use
122 by authorized electronic filing system agents to electronically
123 title or register motor vehicles, vessels, mobile homes, or off-
124 highway vehicles; process title transactions, derelict motor
125 vehicle certificates, and certificates of destruction for
126 derelict and salvage motor vehicles pursuant to s. 319.30(2),
127 (3), (7), and (8); issue or transfer registration license plates
128 or decals; electronically transfer fees due for the title and
129 registration process; and perform inquiries for title,
130 registration, and lienholder verification and certification of
131 service providers is expressly preempted to the state, and the
132 department shall have regulatory authority over the system. The
133 electronic filing system shall be available for use statewide
134 and applied uniformly throughout the state. An entity that, in
135 the normal course of its business, sells products that must be
136 titled or registered;~~;~~ provides title and registration services
137 on behalf of its consumers; or processes title transactions,
138 derelict motor vehicle certificates, or certificates of
139 destruction for derelict or salvage motor vehicles pursuant to
140 s. 319.30(2), (3), (7), or (8) and that meets all established
141 requirements may be an authorized electronic filing system agent
142 and is ~~shall~~ not be precluded from participating in the
143 electronic filing system in any county. Upon request from a
144 qualified entity, the tax collector shall appoint the entity as
145 an authorized electronic filing system agent for that county.

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146 ~~The department shall adopt rules in accordance with chapter 120~~
147 ~~to replace the December 10, 2009, program standards and to~~
148 ~~administer the provisions of this section, including, but not~~
149 ~~limited to, establishing participation requirements,~~
150 ~~certification of service providers, electronic filing system~~
151 ~~requirements, and enforcement authority for noncompliance. The~~
152 ~~December 10, 2009, program standards, excluding any standards~~
153 ~~which conflict with this subsection, shall remain in effect~~
154 ~~until the rules are adopted. An authorized electronic filing~~
155 system agent may charge a fee to the customer for use of the
156 electronic filing system. The department may adopt rules to
157 administer this subsection, including, but not limited to, rules
158 establishing participation requirements, certification of
159 service providers, electronic filing system requirements,
160 disclosures, and enforcement authority for noncompliance.

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