

By the Committees on Appropriations; and Infrastructure and Security; and Senator Perry

576-04163-19

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1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 316.235, F.S.; authorizing any motor vehicle to be
4 equipped with certain lamps or devices under certain
5 circumstances; amending s. 316.2397, F.S.; authorizing
6 certain vehicles to display red and white lights;
7 amending s. 316.2398, F.S.; authorizing certain
8 vehicles to display red and white warning signals
9 under certain circumstances; providing requirements
10 and penalties; amending s. 319.30, F.S.; authorizing
11 an insurance company to provide an independent entity
12 with a certain release statement authorizing it to
13 release a vehicle to the lienholder; authorizing a
14 certain notice sent by certified mail that a motor
15 vehicle is available for pickup to be sent by another
16 commercially available delivery service that provides
17 proof of delivery; requiring the notice to state that
18 the owner has a specified period during which to pick
19 up the vehicle; authorizing an independent entity to
20 apply for a certificate of destruction or a
21 certificate of title if the vehicle is not claimed
22 within a specified time after the delivery or
23 attempted delivery of the notice; specifying
24 requirements for an independent entity if Department
25 of Highway Safety and Motor Vehicles records do not
26 contain the owner's address; requiring an independent
27 entity to maintain specified records for a minimum
28 period; requiring an independent entity to provide
29 proof of all lien satisfactions or proof of a release

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30 of all liens on a motor vehicle upon applying for a
31 certificate of destruction or salvage certificate of
32 title; requiring an independent entity to provide an
33 affidavit with specified statements if such entity is
34 unable to obtain a lien satisfaction or a release of
35 all liens on the motor vehicle; providing that notice
36 to lienholders and attempts to obtain a release from
37 lienholders may be by certain written request;
38 amending s. 320.03, F.S.; authorizing specified
39 entities that process certain transactions or
40 certificates for derelict or salvage motor vehicles to
41 be authorized electronic filing system agents;
42 deleting obsolete provisions; authorizing the
43 department to adopt rules; amending s. 316.224, F.S.;
44 conforming a cross-reference; providing effective
45 dates.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Present subsections (3) through (6) of section
50 316.235, Florida Statutes, are redesignated as subsections (4)
51 through (7), respectively, and a new subsection (3) is added to
52 that section, to read:

53 316.235 Additional lighting equipment.—

54 (3) Any motor vehicle may be equipped with one or more
55 lamps or devices underneath the motor vehicle as long as such
56 lamps or devices do not emit light in violation of s.
57 316.2397(1) or (7) or s. 316.238.

58 Section 2. Subsections (1) and (3) and paragraph (c) of

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59 subsection (7) of section 316.2397, Florida Statutes, are
60 amended to read:

61 316.2397 Certain lights prohibited; exceptions.-

62 (1) A ~~No~~ person may not ~~shall~~ drive or move or cause to be
63 moved any vehicle or equipment upon any highway within this
64 state with any lamp or device thereon showing or displaying a
65 red, red and white, or blue light visible from directly in front
66 thereof except for certain vehicles ~~hereinafter~~ provided in this
67 section.

68 (3) Vehicles of the fire department and fire patrol,
69 including vehicles of volunteer firefighters as permitted under
70 s. 316.2398, may show or display red or red and white lights.
71 Vehicles of medical staff physicians or technicians of medical
72 facilities licensed by the state as authorized under s.
73 316.2398, ambulances as authorized under this chapter, and buses
74 and taxicabs as authorized under s. 316.2399 may show or display
75 red lights. Vehicles of the fire department, fire patrol, police
76 vehicles, and such ambulances and emergency vehicles of
77 municipal and county departments, public service corporations
78 operated by private corporations, the Fish and Wildlife
79 Conservation Commission, the Department of Environmental
80 Protection, the Department of Transportation, the Department of
81 Agriculture and Consumer Services, and the Department of
82 Corrections as are designated or authorized by their respective
83 department or the chief of police of an incorporated city or any
84 sheriff of any county may operate emergency lights and sirens in
85 an emergency. Wreckers, mosquito control fog and spray vehicles,
86 and emergency vehicles of governmental departments or public
87 service corporations may show or display amber lights when in

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88 actual operation or when a hazard exists provided they are not
89 used going to and from the scene of operation or hazard without
90 specific authorization of a law enforcement officer or law
91 enforcement agency. Wreckers must use amber rotating or flashing
92 lights while performing recoveries and loading on the roadside
93 day or night, and may use such lights while towing a vehicle on
94 wheel lifts, slings, or under reach if the operator of the
95 wrecker deems such lights necessary. A flatbed, car carrier, or
96 rollback may not use amber rotating or flashing lights when
97 hauling a vehicle on the bed unless it creates a hazard to other
98 motorists because of protruding objects. Further, escort
99 vehicles may show or display amber lights when in the actual
100 process of escorting overdimensioned equipment, material, or
101 buildings as authorized by law. Vehicles owned or leased by
102 private security agencies may show or display green and amber
103 lights, with either color being no greater than 50 percent of
104 the lights displayed, while the security personnel are engaged
105 in security duties on private or public property.

106 (7) Flashing lights are prohibited on vehicles except:

107 (c) For the lamps authorized under subsections (1), (2),
108 (3), (4), and (9), s. 316.2065, or s. 316.235(6) ~~s. 316.235(5)~~
109 which may flash.

110 Section 3. Section 316.2398, Florida Statutes, is amended
111 to read:

112 316.2398 Display or use of red or red and white warning
113 signals; motor vehicles of volunteer firefighters or medical
114 staff.—

115 (1) A privately owned vehicle belonging to an active
116 firefighter member of a regularly organized volunteer

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117 firefighting company or association, while en route to the fire
118 station for the purpose of proceeding to the scene of a fire or
119 other emergency or while en route to the scene of a fire or
120 other emergency in the line of duty as an active firefighter
121 member of a regularly organized firefighting company or
122 association, may display or use red or red and white warning
123 signals. ~~or~~ A privately owned vehicle belonging to a medical
124 staff physician or technician of a medical facility licensed by
125 the state, while responding to an emergency in the line of duty,
126 may display or use red warning signals. Warning signals must be
127 visible from the front and from the rear of such vehicle,
128 subject to the following restrictions and conditions:

129 (a) No more than two red or red and white warning signals
130 may be displayed.

131 (b) No inscription of any kind may appear across the face
132 of the lens of the red or red and white warning signal.

133 (c) In order for an active volunteer firefighter to display
134 such red or red and white warning signals on his or her vehicle,
135 the volunteer firefighter must first secure a written permit
136 from the chief executive officers of the firefighting
137 organization to use the red or red and white warning signals,
138 and this permit must be carried by the volunteer firefighter at
139 all times while the red or red and white warning signals are
140 displayed.

141 (2) ~~A It is unlawful for any person who is not an active~~
142 ~~firefighter member of a regularly organized volunteer~~
143 ~~firefighting company or association or a physician or technician~~
144 ~~of the medical staff of a medical facility licensed by the state~~
145 may not ~~to~~ display on any motor vehicle owned by him or her, at

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146 any time, any red or red and white warning signals as described
147 in subsection (1).

148 (3) ~~It is unlawful for~~ An active volunteer firefighter may
149 not ~~to~~ operate any red or red and white warning signals as
150 authorized in subsection (1), except while en route to the fire
151 station for the purpose of proceeding to the scene of a fire or
152 other emergency, or while at or en route to the scene of a fire
153 or other emergency, in the line of duty.

154 (4) ~~It is unlawful for~~ A physician or technician of the
155 medical staff of a medical facility may not ~~to~~ operate any red
156 warning signals as authorized in subsection (1), except when
157 responding to an emergency in the line of duty.

158 (5) A violation of this section is a nonmoving violation,
159 punishable as provided in chapter 318. In addition, a any
160 volunteer firefighter who violates this section shall be
161 dismissed from membership in the firefighting organization by
162 the chief executive officers thereof.

163 Section 4. Subsection (9) of section 319.30, Florida
164 Statutes, is amended to read:

165 319.30 Definitions; dismantling, destruction, change of
166 identity of motor vehicle or mobile home; salvage.—

167 (9) (a) An insurance company may notify an independent
168 entity that obtains possession of a damaged or dismantled motor
169 vehicle to release the vehicle to the owner. The insurance
170 company shall provide the independent entity a release statement
171 on a form prescribed by the department authorizing the
172 independent entity to release the vehicle to the owner or
173 lienholder. The form must ~~shall~~, at a minimum, contain the
174 following:

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- 175 1. The policy and claim number.
176 2. The name and address of the insured.
177 3. The vehicle identification number.
178 4. The signature of an authorized representative of the
179 insurance company.

180 (b) The independent entity in possession of a motor vehicle
181 must send a notice to the owner that the vehicle is available
182 for pickup ~~pick up~~ when it receives a release statement from the
183 insurance company. The notice shall be sent by certified mail or
184 by another commercially available delivery service that provides
185 proof of delivery to the owner at the owner's address contained
186 ~~reflected~~ in the department's records. The notice must state
187 ~~inform the owner~~ that the owner has 30 days after delivery
188 ~~receipt~~ of the notice to the owner at the owner's address to
189 pick up the vehicle from the independent entity. If the motor
190 vehicle is not claimed within 30 days after the delivery or
191 attempted delivery of the owner receives the notice, the
192 independent entity may apply for a certificate of destruction or
193 a certificate of title.

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

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

199 2. Identify the latest titling jurisdiction of the vehicle
200 through use of the National Motor Vehicle Title Information
201 System or an equivalent commercially available system and
202 attempt to obtain the owner's address from that jurisdiction. If
203 the jurisdiction returns an address that is different from the

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204 owner's address provided by the insurance company, the
205 independent entity must send a notice that meets the
206 requirements of paragraph (b) to both addresses.

207 (d) The independent entity shall maintain for a minimum of
208 3 years the records related to the 30-day notice sent to the
209 owner, the results of searches of the National Motor Vehicle
210 Title Information System or an equivalent commercially available
211 system, and the notification to the National Motor Vehicle Title
212 Information System made pursuant to paragraph (e).

213 (e)~~(e)~~ The independent entity shall make the required
214 notification to the National Motor Vehicle Title Information
215 System before releasing any damaged or dismantled motor vehicle
216 to the owner or before applying for a certificate of destruction
217 or salvage certificate of title.

218 (f)~~(d)~~ Upon applying for a certificate of destruction or
219 salvage certificate of title, the independent entity shall
220 provide a copy of the release statement from the insurance
221 company to the independent entity, proof of providing the 30-day
222 notice to the owner, proof of notification to the National Motor
223 Vehicle Title Information System, proof of all lien
224 satisfactions or proof of a release of all liens on the motor
225 vehicle, and applicable fees. If the independent entity is
226 unable to obtain a lien satisfaction or a release of all liens
227 on the motor vehicle, the independent entity must provide an
228 affidavit stating that notice was sent to all lienholders that
229 the motor vehicle is available for pickup, 30 days have passed
230 since the notice was delivered or attempted to be delivered
231 pursuant to this section, attempts have been made to obtain a
232 release from all lienholders, and all such attempts have been to

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233 no avail. The notice to lienholders and attempts to obtain a
234 release from lienholders may be by written request delivered in
235 person or by certified mail or another commercially available
236 delivery service that provides proof of delivery to the
237 lienholder at the lienholder's address as provided on the
238 certificate of title and, if the address is different, as
239 designated with the Department of State pursuant to s.
240 655.0201(2).

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

244 Section 5. Effective October 1, 2019, subsection (10) of
245 section 320.03, Florida Statutes, is amended to read:

246 320.03 Registration; duties of tax collectors;
247 International Registration Plan.—

248 (10) Jurisdiction over the electronic filing system for use
249 by authorized electronic filing system agents to electronically
250 title or register motor vehicles, vessels, mobile homes, or off-
251 highway vehicles; process title transactions, derelict motor
252 vehicle certificates, and certificates of destruction for
253 derelict and salvage motor vehicles pursuant to s. 319.30(2),
254 (3), (7), and (8); issue or transfer registration license plates
255 or decals; electronically transfer fees due for the title and
256 registration process; and perform inquiries for title,
257 registration, and lienholder verification and certification of
258 service providers is expressly preempted to the state, and the
259 department shall have regulatory authority over the system. The
260 electronic filing system shall be available for use statewide
261 and applied uniformly throughout the state. An entity that, in

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262 the normal course of its business, sells products that must be
263 titled or registered and that, provides title and registration
264 services on behalf of its consumers and a licensed salvage motor
265 vehicle dealer or motor vehicle auction or insurance company
266 that, pursuant to s. 319.30(2), (3), (7), or (8) and in the
267 normal course of its business, processes title transactions,
268 derelict motor vehicle certificates, or certificates of
269 destruction for derelict or salvage motor vehicles physically
270 located in this state, any of which ~~and~~ meets all established
271 requirements, may be an authorized electronic filing system
272 agent and is ~~shall not be~~ precluded from participating in the
273 electronic filing system in any county. Upon request from a
274 qualified entity, the tax collector shall appoint the entity as
275 an authorized electronic filing system agent for that county.
276 ~~The department shall adopt rules in accordance with chapter 120~~
277 ~~to replace the December 10, 2009, program standards and to~~
278 ~~administer the provisions of this section, including, but not~~
279 ~~limited to, establishing participation requirements,~~
280 ~~certification of service providers, electronic filing system~~
281 ~~requirements, and enforcement authority for noncompliance. The~~
282 ~~December 10, 2009, program standards, excluding any standards~~
283 ~~which conflict with this subsection, shall remain in effect~~
284 ~~until the rules are adopted.~~ An authorized electronic filing
285 system agent may charge a fee to the customer for use of the
286 electronic filing system. The department may adopt rules to
287 administer this subsection, including, but not limited to, rules
288 establishing participation requirements, certification of
289 service providers, electronic filing system requirements,
290 disclosures, and enforcement authority for noncompliance.

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291 Section 6. Subsection (3) of section 316.224, Florida
292 Statutes, is amended to read:

293 316.224 Color of clearance lamps, identification lamps,
294 side marker lamps, backup lamps, reflectors, and deceleration
295 lights.—

296 (3) All lighting devices and reflectors mounted on the rear
297 of any vehicle shall display or reflect a red color, except the
298 stop light or other signal device, which may be red, amber, or
299 yellow, and except that the light illuminating the license plate
300 shall be white and the light emitted by a backup lamp shall be
301 white or amber. Deceleration lights as authorized by s.
302 316.235(6) ~~s. 316.235(5)~~ shall display an amber color.

303 Section 7. Except as otherwise expressly provided in this
304 act, this act shall take effect July 1, 2019.