

By Senator DiCeglie

18-00854-24

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1                   A bill to be entitled  
2           An act relating to salvage; amending s. 319.30, F.S.;  
3           revising the definitions of the terms "independent  
4           entity" and "major component parts"; defining the term  
5           "vessel"; revising provisions relating to obtaining a  
6           salvage certificate of title or certificate of  
7           destruction; exempting the Department of Highway  
8           Safety and Motor Vehicles from liability to certain  
9           persons as a result of the issuance of such  
10          certificate; providing requirements for an independent  
11          entity's release to the owner of a damaged or  
12          dismantled vessel; authorizing the independent entity  
13          to apply for certain certificates for an unclaimed  
14          vessel; providing requirements for such application;  
15          specifying provisions to which the independent entity  
16          is subject; prohibiting the independent entity from  
17          charging vessel storage fees; amending s. 328.0015,  
18          F.S.; revising the definition of the term "hull  
19          damaged"; reenacting ss. 319.14(1)(b) and  
20          319.141(1)(b), F.S., relating to the sale of motor  
21          vehicles registered or used as taxicabs, police  
22          vehicles, lease vehicles, rebuilt vehicles,  
23          nonconforming vehicles, custom vehicles, or street rod  
24          vehicles and the definition of the term "rebuilt  
25          inspection services" as used in the rebuilt motor  
26          vehicle inspection program, respectively, to  
27          incorporate the amendments made to s. 319.30, F.S., in  
28          references thereto; providing an effective date.  
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18-00854-24

20241350\_\_

30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Paragraphs (g) and (j) of subsection (1),  
33 paragraph (b) of subsection (3), and subsection (9) of section  
34 319.30, Florida Statutes, are amended, and paragraph (y) is  
35 added to subsection (1) of that section, to read:

36 319.30 Definitions; dismantling, destruction, change of  
37 identity of motor vehicle or mobile home; salvage.—

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

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

45 (j) "Major component parts" means:

46 1. Except as provided in subparagraph 3., for motor  
47 vehicles other than motorcycles, any fender, hood, bumper, cowl  
48 assembly, rear quarter panel, trunk lid, door, decklid, floor  
49 pan, engine, frame, transmission, catalytic converter, or  
50 airbag.

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

55 3. For electric, hybrid, or plug-in hybrid motor vehicles  
56 or trucks, in addition to the parts listed in subparagraphs 1.  
57 and 2., respectively, any electric traction motor, electronic  
58 transmission, charge port, DC power converter, onboard charger,

18-00854-24

20241350\_\_

59 power electronics controller, thermal system, traction battery  
60 pack, or airbag.

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

64 5.4. For mobile homes, the frame.

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

66 (3)

67 (b) The owner, including persons who are self-insured, of a  
68 motor vehicle or mobile home ~~that is~~ considered to be salvage  
69 shall, within 72 hours after the motor vehicle or mobile home  
70 becomes salvage, forward the title to the motor vehicle or  
71 mobile home to the department for processing. However, an  
72 insurance company that pays money as compensation for the total  
73 loss of a motor vehicle or mobile home shall obtain the  
74 certificate of title for the motor vehicle or mobile home, make  
75 the required notification to the National Motor Vehicle Title  
76 Information System, and, within 72 hours after receiving such  
77 certificate of title, forward such title by the United States  
78 Postal Service, by another commercial delivery service, or by  
79 electronic means, when such means are made available by the  
80 department, to the department for processing. However, if the  
81 owner maintains possession of a total loss vehicle or mobile  
82 home, the insurance company or owner must, within 72 hours after  
83 the motor vehicle or mobile home becomes salvage and is retained  
84 by the owner, forward the 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 from the department directly to the vehicle owner

18-00854-24

20241350\_\_

88 rather than to the insurance company or its agent. The owner or  
89 insurance company, as applicable, may not dispose of a vehicle  
90 or mobile home that is a total loss before it obtains a salvage  
91 certificate of title or certificate of destruction from the  
92 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 or electronic certificate of title from  
98 the owner or lienholder of the motor vehicle or mobile home, ~~if~~  
99 ~~the motor vehicle or mobile home does not carry an electronic~~  
100 ~~lien on the title~~ and the insurance company:

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

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

107 c. Has attested on a form provided by the department and  
108 signed by the insurance company or its authorized agent stating  
109 the attempts that have been made to obtain the title from the  
110 owner or lienholder and further stating that all attempts are to  
111 no avail. The form must include a request that the salvage  
112 certificate of title or certificate of destruction be issued in  
113 the insurance company's name due to payment of a total loss  
114 claim to the owner or lienholder. The attempts to contact the  
115 owner or lienholder may be by written request delivered in  
116 person or by first-class mail with a certificate of mailing to

18-00854-24

20241350\_\_

117 the owner's or the lienholder's last known address,  
118 respectively.

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

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

127  
128 The department is not liable and may not be held liable to an  
129 owner, a lienholder, or any other person as a result of the  
130 issuance of a salvage certificate of title or a certificate of  
131 destruction pursuant to this paragraph.

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

140 1. The policy and claim number.

141 2. The name and address of the insured.

142 3. The vehicle identification number or vessel hull  
143 identification number.

144 4. The signature of an authorized representative of the  
145 insurance company.

18-00854-24

20241350\_\_

146 (b) The independent entity in possession of a motor vehicle  
147 or vessel must send a notice to the owner that the vehicle or  
148 vessel is available for pickup when it receives a release  
149 statement from the insurance company. The notice must ~~shall~~ be  
150 sent by certified mail or by another commercially available  
151 delivery service that provides proof of delivery to the owner at  
152 the owner's address contained in the department's records. The  
153 notice must state that the owner has 30 days after delivery of  
154 the notice to the owner at the owner's address to pick up the  
155 vehicle or vessel from the independent entity. If the motor  
156 vehicle or vessel is not claimed within 30 days after the  
157 delivery or attempted delivery of the notice, the independent  
158 entity may apply for a certificate of destruction, a salvage  
159 certificate of title, or a certificate of title. For a hull-  
160 damaged vessel, the independent entity shall comply with s.  
161 328.045, as applicable.

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

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

167 2. For a vehicle, identify the latest titling jurisdiction  
168 of the vehicle through use of the National Motor Vehicle Title  
169 Information System or an equivalent commercially available  
170 system and attempt to obtain the owner's address from that  
171 jurisdiction. If the jurisdiction returns an address ~~that is~~  
172 different from the owner's address provided by the insurance  
173 company, the independent entity must send a notice that meets  
174 the requirements of paragraph (b) to both addresses.

18-00854-24

20241350\_\_

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

183 (e) The independent entity shall make the required  
184 notification to the National Motor Vehicle Title Information  
185 System before releasing any damaged or dismantled motor vehicle  
186 to the owner or before applying for a certificate of destruction  
187 or salvage certificate of title. The independent entity is not  
188 required to notify the National Motor Vehicle Title Information  
189 System before releasing any damaged or dismantled vessel to the  
190 owner or before applying for a certificate of title.

191 (f) Upon applying for a certificate of destruction, ~~or~~  
192 salvage certificate of title, or certificate of title, the  
193 independent entity shall provide a copy of the release statement  
194 from the insurance company to the independent entity, proof of  
195 providing the 30-day notice to the owner, proof of notification  
196 to the National Motor Vehicle Title Information System if  
197 required, proof of all lien satisfactions or proof of a release  
198 of all liens on the motor vehicle or vessel, and applicable  
199 fees. If the independent entity is unable to obtain a lien  
200 satisfaction or a release of all liens on the motor vehicle or  
201 vessel, the independent entity must provide an affidavit stating  
202 that notice was sent to all lienholders that the motor vehicle  
203 or vessel is available for pickup, 30 days have passed since the

18-00854-24

20241350\_\_

204 notice was delivered or attempted to be delivered pursuant to  
205 this section, attempts have been made to obtain a release from  
206 all lienholders, and all such attempts have been to no avail.  
207 The notice to lienholders and attempts to obtain a release from  
208 lienholders may be by written request delivered in person or by  
209 certified mail or another commercially available delivery  
210 service that provides proof of delivery to the lienholder at the  
211 lienholder's address as provided on the certificate of title and  
212 to the address designated with the Department of State pursuant  
213 to s. 655.0201(2) if such address is different.

214 (g) The independent entity may not charge an owner of the  
215 vehicle or vessel storage fees or apply for a title under s.  
216 713.585 or s. 713.78.

217 Section 2. Paragraph (n) of subsection (1) of section  
218 328.0015, Florida Statutes, is amended to read:

219 328.0015 Definitions.—

220 (1) As used in this part, the term:

221 (n) "Hull damaged" means compromised with respect to ~~the~~  
222 ~~integrity of~~ a vessel's hull by a collision or ~~allision~~ damage  
223 that involves a major separation of the hull to the deck joint  
224 or transom or a stringer damage that creates a significant risk  
225 to the integrity of the vessel's hull; a ~~lightning strike that~~  
226 penetrates the hull in more than one location; ~~fire~~ or  
227 explosion damage involving a significant portion of the hull;  
228 or ~~running aground, sinking, or a similar event occurring~~  
229 ~~occurrence, or the sinking of a vessel~~ in a manner that creates  
230 a significant risk to the integrity of the vessel's hull.

231 Section 3. For the purpose of incorporating the amendment  
232 made by this act to section 319.30, Florida Statutes, in a



18-00854-24

20241350\_\_

233 reference thereto, paragraph (b) of subsection (1) of section  
234 319.14, Florida Statutes, is reenacted to read:

235 319.14 Sale of motor vehicles registered or used as  
236 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,  
237 nonconforming vehicles, custom vehicles, or street rod vehicles;  
238 conversion of low-speed vehicles.—

239 (1)

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

256 Section 4. For the purpose of incorporating the amendment  
257 made by this act to section 319.30, Florida Statutes, in a  
258 reference thereto, paragraph (b) of subsection (1) of section  
259 319.141, Florida Statutes, is reenacted to read:

260 319.141 Rebuilt motor vehicle inspection program.—

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

18-00854-24

20241350\_\_

262 (b) "Rebuilt inspection services" means an examination of a  
263 rebuilt vehicle and a properly endorsed certificate of title,  
264 salvage certificate of title, or manufacturer's statement of  
265 origin and an application for a rebuilt certificate of title, a  
266 rebuilder's affidavit, a photograph of the junk or salvage  
267 vehicle taken before repairs began, if available, a photograph  
268 of the interior driver and passenger sides of the vehicle if  
269 airbags were previously deployed and replaced, receipts or  
270 invoices for all major component parts, as defined in s. 319.30,  
271 and repairs which were changed, and proof that notice of  
272 rebuilding of the vehicle has been reported to the National  
273 Motor Vehicle Title Information System.

274 Section 5. This act shall take effect July 1, 2024.