

By Senator DiCeglie

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

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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,

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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

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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

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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.

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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.

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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

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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

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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:

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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.