

By the Committees on Criminal and Civil Justice Appropriations;  
and Criminal Justice; and Senators Baker and Storms

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1                                   A bill to be entitled  
2           An act relating to derelict motor vehicles and mobile  
3           homes; amending s. 319.241, F.S.; revising provisions  
4           relating to an application for the removal of a lien  
5           from the files of the Department of Highway Safety and  
6           Motor Vehicles or from the certificate of title;  
7           authorizing the department to remove the lien from its  
8           files within a specified period after receiving an  
9           application for a derelict motor vehicle certificate  
10          and notification to the lienholder, unless a written  
11          statement protesting such removal is received;  
12          amending s. 319.30, F.S.; revising certain  
13          definitions; revising requirements for disposition of  
14          a motor vehicle, recreational vehicle, or mobile home  
15          that is sold, transported, or delivered to a salvage  
16          motor vehicle dealer or a secondary metals recycler;  
17          requiring certificates of title to conform to  
18          specified provisions; providing for the dealer or  
19          recycler to apply to the Department of Highway Safety  
20          and Motor Vehicles for a derelict motor vehicle  
21          certificate if the certificate of title, salvage  
22          certificate of title, or certificate of destruction is  
23          not available; requiring the derelict motor vehicle  
24          certificate application to be completed by the seller  
25          or owner of the motor vehicle or mobile home, the  
26          seller's or owner's authorized transporter, or the  
27          dealer or recycler; requiring certain identification  
28          information be included with the application; revising  
29          the types of documentation that a secondary metals

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30       recycler must obtain; permitting recyclers to obtain  
31       salvage certificates of title from sellers or owners  
32       as a valid method of documentation; providing that a  
33       person engaged in the business of recovering, towing,  
34       or storing vehicles may not claim certain liens, claim  
35       that certain vehicles have remained on any premises  
36       after tenancy has terminated, or use the derelict  
37       motor vehicle certificate application to transport,  
38       sell, or dispose of a motor vehicle at a salvage motor  
39       vehicle dealer or metal recycler without otherwise  
40       obtaining title to the vehicle or a certificate of  
41       destruction; requiring that the department accept all  
42       properly endorsed and completed derelict motor vehicle  
43       certificate applications and issue such certification  
44       having an effective date that authorizes when the  
45       vehicle is eligible for dismantling or destruction;  
46       requiring that such electronic information be stored  
47       and made available to authorized persons; requiring  
48       that all licensed salvage motor vehicle dealers or  
49       registered secondary metals recyclers make all  
50       payments for the purchase of any derelict motor  
51       vehicle that is sold by a seller who is not the owner  
52       of record by check or money order; providing an  
53       effective date.

54  
55       Be It Enacted by the Legislature of the State of Florida:

56  
57       Section 1. Section 319.241, Florida Statutes, is amended to  
58       read:

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59           319.241 Removal of lien from records.—The owner of a motor  
60 vehicle or mobile home upon which a lien has been filed with the  
61 department or noted upon a certificate of title for a period of  
62 5 years may apply to the department in writing for such lien to  
63 be removed from the department files or from the certificate of  
64 title. The application shall be accompanied by evidence  
65 satisfactory to the department that the applicant has notified  
66 the lienholder by certified mail, not less than 20 days prior to  
67 the date of the application, of his or her intention to apply to  
68 the department for removal of the lien. Ten days after receipt  
69 of the application, the department may remove the lien from its  
70 files or from the certificate of title, as the case may be, if  
71 no statement in writing protesting removal of the lien is  
72 received by the department from the lienholder within the 10-day  
73 period. If, however, the lienholder files with the department  
74 within the 10-day period a written statement that the lien is  
75 still outstanding, the department shall not remove the lien  
76 until the lienholder presents a satisfaction of lien to the  
77 department. Ten days after the receipt of an application for a  
78 derelict motor vehicle certificate and notification to the  
79 lienholder, the department may remove the lien from the derelict  
80 motor vehicle record if a written statement protesting removal  
81 of the lien is not received by the department from the  
82 lienholder within the 10-day period.

83           Section 2. Subsections (1) and (2), paragraph (b) of  
84 subsection (3), paragraph (a) of subsection (7), and subsection  
85 (8) of section 319.30, Florida Statutes, are amended to read:

86           319.30 Definitions; dismantling, destruction, change of  
87 identity of motor vehicle or mobile home; salvage.—

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

89 (a) "Certificate of destruction" means the certificate  
90 issued pursuant to s. 713.78(11) or s. 713.785(7) (a).

91 (b) "Certificate of registration number" means the  
92 certificate of registration number issued by the Department of  
93 Revenue of the State of Florida pursuant to s. 538.25.

94 (c) "Certificate of title" means a record that serves as  
95 evidence of ownership of a vehicle, whether such record is a  
96 paper certificate authorized by the department or by a motor  
97 vehicle department authorized to issue titles in another state  
98 or a certificate consisting of information stored in electronic  
99 form in the department's database.

100 (d) "Derelict" means any material which is or may have been  
101 a motor vehicle or mobile home, which is not a major part or  
102 major component part, which is inoperable, and which is in such  
103 condition that its highest or primary value is in its sale or  
104 transfer as scrap metal.

105 (e) "Derelict motor vehicle" means any motor vehicle as  
106 defined in s. 320.01(1) or mobile home as defined in s.  
107 320.01(2), with or without all parts, major parts, or major  
108 component parts, which is valued under \$1,000, is at least 10  
109 model years old, beginning with the model year of the vehicle as  
110 year one, and is in such condition that its highest or primary  
111 value is for sale, transport, or delivery to a licensed salvage  
112 motor vehicle dealer or registered secondary metals recycler for  
113 dismantling its component parts or conversion to scrap metal.

114 (f) "Derelict motor vehicle certificate" means a  
115 certificate issued by the department which serves as evidence  
116 that a derelict motor vehicle will be dismantled or converted to

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117 scrap metal. This certificate may be obtained by completing a  
118 derelict motor vehicle certificate application authorized by the  
119 department. ~~completed by the derelict motor vehicle owner, the~~  
120 ~~owner's authorized transporter when different from the owner,~~  
121 ~~and the licensed salvage motor vehicle dealer or the registered~~  
122 ~~secondary metals recycler and submitted to the department for~~  
123 ~~cancellation of the title record of the derelict motor vehicle.~~  
124 A derelict motor vehicle certificate may be reassigned only one  
125 time if the derelict motor vehicle certificate was completed by  
126 a licensed salvage motor vehicle dealer and the derelict motor  
127 vehicle was sold to another licensed salvage motor vehicle  
128 dealer or a secondary metals recycler.

129 (g) "Junk" means any material which is or may have been a  
130 motor vehicle or mobile home, with or without all component  
131 parts, which is inoperable and which material is in such  
132 condition that its highest or primary value is either in its  
133 sale or transfer as scrap metal or for its component parts, or a  
134 combination of the two, except when sold or delivered to or when  
135 purchased, possessed, or received by a secondary metals recycler  
136 or salvage motor vehicle dealer.

137 (h) "Major component parts" means:

138 1. For motor vehicles other than motorcycles, any fender  
139 ~~the front end assembly (fenders, hood, grill, and bumper),~~ cowl  
140 assembly, rear ~~body section (both quarter panel panels,~~ trunk  
141 lid, door, decklid, ~~and bumper),~~ floor pan, ~~door assemblies,~~  
142 engine, frame, transmission, catalytic converter, or ~~and~~ airbag.

143 2. For trucks, in addition to those parts listed in  
144 subparagraph 1., any truck bed, including dump, wrecker, crane,  
145 mixer, cargo box, or any bed which mounts to a truck frame.

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146 3. For motorcycles, the body assembly, frame, fenders, gas  
147 tanks, engine, cylinder block, heads, engine case, crank case,  
148 transmission, drive train, front fork assembly, and wheels.

149 4. For mobile homes, the frame.

150 (i) "Major part" means the front-end assembly, cowl  
151 assembly, or rear body section.

152 (j) "Materials" means motor vehicles, derelicts, and major  
153 parts that are not prepared materials.

154 (k) "Mobile home" means mobile home as defined in s.  
155 320.01(2).

156 (l) "Motor vehicle" means motor vehicle as defined in s.  
157 320.01(1).

158 (m) "Parts" means parts of motor vehicles or combinations  
159 thereof that do not constitute materials or prepared materials.

160 ~~(n) "Personal identification card" means personal~~  
161 ~~identification card as defined in s. 538.18(5).~~

162 (n) ~~(p)~~ "Prepared materials" means motor vehicles, mobile  
163 homes, derelict motor vehicles, major parts, or parts that have  
164 been processed by mechanically flattening or crushing, or  
165 otherwise processed such that they are not the motor vehicle or  
166 mobile home described in the certificate of title, or their only  
167 value is as scrap metal.

168 (o) ~~(p)~~ "Processing" means the business of performing the  
169 manufacturing process by which ferrous metals or nonferrous  
170 metals are converted into raw material products consisting of  
171 prepared grades and having an existing or potential economic  
172 value, or the purchase of materials, prepared materials, or  
173 parts therefor.

174 (p) ~~(q)~~ "Recreational vehicle" means a motor vehicle as

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175 defined in s. 320.01(1).

176 (q)~~(r)~~ "Salvage" means a motor vehicle or mobile home which  
177 is a total loss as defined in paragraph (3)(a).

178 (r)~~(s)~~ "Salvage certificate of title" means a salvage  
179 certificate of title issued by the department or by another  
180 motor vehicle department authorized to issue titles in another  
181 state.

182 (s)~~(t)~~ "Salvage motor vehicle dealer" means salvage motor  
183 vehicle dealer as defined in s. 320.27(1)(c)5.

184 (t)~~(u)~~ "Secondary metals recycler" means secondary metals  
185 recycler as defined in s. 538.18(8).

186 (u) "Seller" means the owner of record or a person who has  
187 physical possession and responsibility for a derelict motor  
188 vehicle and attests that possession of the vehicle was obtained  
189 through lawful means along with all ownership rights. A seller  
190 does not include a towing company, repair shop, or landlord  
191 unless the towing company, repair shop, or landlord has obtained  
192 title, salvage title, or a certificate of destruction in the  
193 name of the towing company, repair shop, or landlord.

194 (2)(a) Each person mentioned as owner in the last issued  
195 certificate of title, when such motor vehicle or mobile home is  
196 dismantled, destroyed, or changed in such manner that it is not  
197 the motor vehicle or mobile home described in the certificate of  
198 title, shall surrender his or her certificate of title to the  
199 department, and thereupon the department shall, with the consent  
200 of any lienholders noted thereon, enter a cancellation upon its  
201 records. Upon cancellation of a certificate of title in the  
202 manner prescribed by this section, the department may cancel and  
203 destroy all certificates in that chain of title. Any person who

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204 ~~knowingly willfully and deliberately~~ violates this paragraph  
205 commits a misdemeanor of the second degree, punishable as  
206 provided in s. 775.082 or s. 775.083.

207 (b)1. When a motor vehicle, recreational vehicle, or mobile  
208 home is sold, transported, ~~or~~ delivered to, or received by a  
209 salvage motor vehicle dealer, it shall be accompanied by:

210 a. A valid certificate of title issued in the name of the  
211 seller or properly endorsed, as required in s. 319.22, over to  
212 the seller;

213 b. A valid salvage certificate of title issued in the name  
214 of the seller or properly endorsed, as required in s. 319.22,  
215 over to the seller; or

216 c. A valid certificate of destruction issued in the name of  
217 the seller or properly endorsed over to the seller.

218 2. Any person who ~~knowingly willfully and deliberately~~  
219 violates this paragraph by selling, transporting, delivering,  
220 purchasing, or receiving a motor vehicle, recreational vehicle,  
221 or mobile home without obtaining a properly endorsed certificate  
222 of title, salvage certificate of title, or certificate of  
223 destruction from the owner commits a felony of the third degree,  
224 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

225 (c)1. When a derelict motor vehicle is sold, transported,  
226 or delivered to a licensed salvage motor vehicle dealer, the  
227 purchaser shall record the date of purchase and the name,  
228 address, and valid Florida driver's license number or valid  
229 Florida identification card number, or a valid driver's license  
230 number or identification card number issued by another state,  
231 ~~personal identification card number~~ of the person selling the  
232 derelict motor vehicle, and it shall be accompanied by:

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233 a. A valid certificate of title issued in the name of the  
234 seller or properly endorsed over to the seller;

235 b. A valid salvage certificate of title issued in the name  
236 of the seller or properly endorsed over to the seller; or

237 c. A valid certificate of destruction issued in the name of  
238 the seller or properly endorsed over to the seller.

239 2. If a valid ~~the~~ certificate of title, salvage certificate  
240 of title, or certificate of destruction is not available, a  
241 derelict motor vehicle certificate application shall be  
242 completed by the seller or owner of the motor vehicle or mobile  
243 home, the seller's or owner's authorized transporter, and the  
244 licensed salvage motor vehicle dealer at the time of sale,  
245 transport, or delivery to the licensed salvage motor vehicle  
246 dealer. The derelict motor vehicle certificate application shall  
247 be used by the seller or owner, the seller's or owner's  
248 authorized transporter, and the licensed salvage motor vehicle  
249 dealer to obtain a derelict motor vehicle certificate from the  
250 department. The derelict motor vehicle certificate application  
251 must be accompanied by a legible copy of the seller's or owner's  
252 valid Florida driver's license or Florida identification card,  
253 or a valid driver's license or identification card issued by  
254 another state. If the seller is not the owner of record of the  
255 vehicle being sold, the dealer shall, at the time of sale,  
256 acquire a smudge-free right thumbprint, or other digit if the  
257 seller has no right thumb, of the seller is imprinted upon the  
258 derelict motor vehicle certificate application and that a  
259 legible copy of the seller's driver's license or identification  
260 card is affixed to the application and transmitted to the  
261 department. The licensed salvage motor vehicle dealer shall

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262 secure the derelict motor vehicle ~~or mobile home~~ for 3 full  
263 business days, excluding weekends and holidays, if there is no  
264 active lien or a lien of 3 years or more on the department's  
265 records before destroying or dismantling the derelict motor  
266 vehicle and shall follow all reporting procedures established by  
267 the department, including electronic notification to the  
268 department or delivery of the original derelict motor vehicle  
269 certificate application to an agent of the department within 24  
270 hours after receiving the derelict motor vehicle. If there is an  
271 active lien of 3 years or less on the derelict motor vehicle,  
272 the licensed salvage motor vehicle dealer shall secure the  
273 derelict motor vehicle for 10 days. The department shall notify  
274 the lienholder that a derelict motor vehicle certificate has  
275 been issued and shall notify the lienholder of its intention to  
276 remove the lien. Ten days after receipt of the motor vehicle  
277 derelict certificate application, the department may remove the  
278 lien from its records if a written statement protesting removal  
279 of the lien is not received by the department from the  
280 lienholder within the 10-day period. However, if the lienholder  
281 files with the department and the licensed salvage motor vehicle  
282 dealer within the 10-day period a written statement that the  
283 lien is still outstanding, the department shall not remove the  
284 lien and shall place an administrative hold on the record for 30  
285 days to allow the lienholder to apply for title to the vehicle  
286 or a repossession certificate under s. 319.28. The licensed  
287 salvage motor vehicle dealer must secure the derelict motor  
288 vehicle until the department's administrative stop is removed,  
289 the lienholder submits a lien satisfaction, or the lienholder  
290 takes possession of the vehicle.

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291           3. Any person who knowingly ~~willfully and deliberately~~  
292 violates this paragraph by selling, transporting, delivering,  
293 purchasing, or receiving a derelict motor vehicle without  
294 obtaining a certificate of title, salvage certificate of title,  
295 certificate of destruction, or derelict motor vehicle  
296 certificate application; enters false or fictitious information  
297 on a derelict motor vehicle certificate application; does not  
298 complete the derelict motor vehicle certificate application as  
299 required; does not obtain a legible copy of the seller's or  
300 owner's valid driver's license or identification card when  
301 required; ~~or~~ does not make the required notification to the  
302 department; or destroys or dismantles a derelict motor vehicle  
303 without waiting the required time as set forth in subparagraph  
304 2. 3 full business days commits a felony of the third degree,  
305 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

306           (3)

307           (b) The owner, including persons who are self-insured, of  
308 any motor vehicle or mobile home which is considered to be  
309 salvage shall, within 72 hours after the motor vehicle or mobile  
310 home becomes salvage, forward the title to the motor vehicle or  
311 mobile home to the department for processing. However, an  
312 insurance company which pays money as compensation for total  
313 loss of a motor vehicle or mobile home shall obtain the  
314 certificate of title for the motor vehicle or mobile home and,  
315 within 72 hours after receiving such certificate of title, shall  
316 forward such title to the department for processing. The owner  
317 or insurance company, as the case may be, may not dispose of a  
318 vehicle or mobile home that is a total loss before it has  
319 obtained a salvage certificate of title or certificate of

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320 destruction from the department. When applying for a salvage  
321 certificate of title or certificate of destruction, the owner or  
322 insurance company must provide the department with an estimate  
323 of the costs of repairing the physical and mechanical damage  
324 suffered by the vehicle for which a salvage certificate of title  
325 or certificate of destruction is sought. If the estimated costs  
326 of repairing the physical and mechanical damage to the vehicle  
327 are equal to 80 percent or more of the current retail cost of  
328 the vehicle, as established in any official used car or used  
329 mobile home guide, the department shall declare the vehicle  
330 unbuildable and print a certificate of destruction, which  
331 authorizes the dismantling or destruction of the motor vehicle  
332 or mobile home described therein. However, if the damaged motor  
333 vehicle is equipped with custom-lowered floors for wheelchair  
334 access or a wheelchair lift, the insurance company may, upon  
335 determining that the vehicle is repairable to a condition that  
336 is safe for operation on public roads, submit the certificate of  
337 title to the department for reissuance as a salvage buildable  
338 title and the addition of a title brand of "insurance-declared  
339 total loss." The certificate of destruction shall be  
340 reassignable a maximum of two times before dismantling or  
341 destruction of the vehicle shall be required, and shall  
342 accompany the motor vehicle or mobile home for which it is  
343 issued, when such motor vehicle or mobile home is sold for such  
344 purposes, in lieu of a certificate of title, and, thereafter,  
345 the department shall refuse issuance of any certificate of title  
346 for that vehicle. Nothing in this subsection shall be applicable  
347 when a vehicle is worth less than \$1,500 retail in undamaged  
348 condition in any official used motor vehicle guide or used

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349 mobile home guide or when a stolen motor vehicle or mobile home  
350 is recovered in substantially intact condition and is readily  
351 resalable without extensive repairs to or replacement of the  
352 frame or engine. Any person who knowingly ~~willfully and~~  
353 ~~deliberately~~ violates this paragraph or falsifies any document  
354 to avoid the requirements of this paragraph commits a  
355 misdemeanor of the first degree, punishable as provided in s.  
356 775.082 or s. 775.083.

357 (7) (a) In the event of a purchase by a secondary metals  
358 recycler, that has been issued a certificate of registration  
359 number, of:

360 1. Materials, prepared materials, or parts from any seller  
361 for purposes other than the processing of such materials,  
362 prepared materials, or parts, the purchaser shall obtain such  
363 documentation as may be required by this section and shall  
364 record the seller's name and address, date of purchase, and the  
365 personal identification card number of the person delivering  
366 such items.

367 2. Parts or prepared materials from any seller for purposes  
368 of the processing of such parts or prepared materials, the  
369 purchaser shall record the seller's name and address and date of  
370 purchase and, in the event of a purchase transaction consisting  
371 primarily of parts or prepared materials, the personal  
372 identification card number of the person delivering such items.

373 3. Materials from another secondary metals recycler for  
374 purposes of the processing of such materials, the purchaser  
375 shall record the seller's name and address and date of purchase.

376 4.a. Motor vehicles, recreational vehicles, mobile homes,  
377 or derelict motor vehicles from other than a secondary metals

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378 recycler for purposes of the processing of such motor vehicles,  
379 recreational vehicles, mobile homes, or derelict motor vehicles,  
380 the purchaser shall record the date of purchase and the name,  
381 address, and personal identification card number of the person  
382 selling such items and shall obtain the following documentation  
383 from the seller with respect to each item purchased:

384 (I) A valid certificate of title issued in the name of the  
385 seller or properly endorsed, as required in s. 319.22, over to  
386 the seller;

387 (II) A valid salvage certificate of title issued in the  
388 name of the seller or properly endorsed, as required in s.  
389 319.22, over to the seller;

390 (III) ~~(II)~~ A valid certificate of destruction issued in the  
391 name of the seller or properly endorsed over to the seller; or

392 (IV) ~~(III)~~ A valid derelict motor vehicle certificate  
393 obtained from the department ~~completed~~ by a licensed salvage  
394 motor vehicle dealer and properly reassigned to the secondary  
395 metals recycler.

396 b. If a valid certificate of title, salvage certificate of  
397 title, certificate of destruction, or derelict motor vehicle  
398 certificate is not available and the motor vehicle or mobile  
399 home is a derelict motor vehicle, a derelict motor vehicle  
400 certificate application shall be completed by the seller or  
401 owner of the motor vehicle or mobile home, the seller's or  
402 owner's authorized transporter, and the registered secondary  
403 metals recycler at the time of sale, transport, or delivery to  
404 the registered secondary metals recycler to obtain a derelict  
405 motor vehicle certificate from the department. The derelict  
406 motor vehicle certificate application must be accompanied by a

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407 legible copy of the seller's or owner's valid Florida driver's  
408 license or Florida identification card, or a valid driver's  
409 license or identification card from another state. If the seller  
410 is not the owner of record of the vehicle being sold, the  
411 recycler shall, at the time of sale, acquire a smudge-free right  
412 thumbprint, or other digit if the seller has no right thumb, of  
413 the seller is imprinted upon the derelict motor vehicle  
414 certificate application, and that the legible copy of the  
415 seller's driver's license or identification card is affixed to  
416 the application and transmitted to the department. The derelict  
417 motor vehicle certificate shall be used by the owner, the  
418 owner's authorized transporter, and the registered secondary  
419 metals recycler. The registered secondary metals recycler shall  
420 secure the derelict motor vehicle for 3 full business days,  
421 excluding weekends and holidays, if there is no active lien or a  
422 lien of 3 years or more on the department's records before  
423 destroying or dismantling the derelict motor vehicle and shall  
424 follow all reporting procedures established by the department,  
425 including electronic notification to the department or delivery  
426 of the original derelict motor vehicle certificate application  
427 to an agent of the department within 24 hours after receiving  
428 the derelict motor vehicle. If there is an active lien of 3  
429 years or less on the derelict motor vehicle, the registered  
430 secondary metals recycler shall secure the derelict motor  
431 vehicle for 10 days. The department shall notify the lienholder  
432 of the application for a derelict motor vehicle certificate and  
433 shall notify the lienholder of its intention to remove the lien.  
434 Ten days after receipt of the motor vehicle derelict  
435 application, the department may remove the lien from its records

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436 if a written statement protesting removal of the lien is not  
437 received by the department from the lienholder within the 10-day  
438 period. However, if the lienholder files with the department and  
439 the registered secondary metals recycler within the 10-day  
440 period a written statement that the lien is still outstanding,  
441 the department shall not remove the lien and shall place an  
442 administrative hold on the record for 30 days to allow the  
443 lienholder to apply for title to the vehicle or a repossession  
444 certificate under s. 319.28. The registered secondary metals  
445 recycler must secure the derelict motor vehicle until the  
446 department's administrative stop is removed, the lienholder  
447 submits a lien satisfaction, or the lienholder takes possession  
448 of the vehicle.

449 c. Any person who knowingly ~~willfully and deliberately~~  
450 violates this subparagraph by selling, transporting, delivering,  
451 purchasing, or receiving a motor vehicle, recreational motor  
452 vehicle, mobile home, or derelict motor vehicle without  
453 obtaining a certificate of title, salvage certificate of title,  
454 certificate of destruction, or derelict motor vehicle  
455 certificate; enters false or fictitious information on a  
456 derelict motor vehicle certificate application; does not  
457 complete the derelict motor vehicle certificate application as  
458 required or does not make the required notification to the  
459 department; does not obtain a legible copy of the seller's or  
460 owner's driver's license or identification card when required;  
461 or destroys or dismantles a derelict motor vehicle without  
462 waiting the required time as set forth in sub-subparagraph b. 3  
463 ~~full business days~~ commits a felony of the third degree,  
464 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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465           5. Major parts from other than a secondary metals recycler  
466 for purposes of the processing of such major parts, the  
467 purchaser shall record the seller's name, address, date of  
468 purchase, and the personal identification card number of the  
469 person delivering such items, as well as the vehicle  
470 identification number, if available, of each major part  
471 purchased.

472           (8) (a) Secondary metals recyclers and salvage motor vehicle  
473 dealers shall return to the department on a monthly basis all  
474 certificates of title and salvage certificates of title that are  
475 required by this section to be obtained. Secondary metals  
476 recyclers and salvage motor vehicle dealers may elect to notify  
477 the department electronically through procedures established by  
478 the department when they receive each motor vehicle or mobile  
479 home, salvage motor vehicle or mobile home, or derelict motor  
480 vehicle with a certificate of title or salvage certificate of  
481 title through procedures established by the department. The  
482 department may adopt rules and establish fees as it deems  
483 necessary or proper for the administration of the electronic  
484 notification service.

485           (b) Secondary metals recyclers and salvage motor vehicle  
486 dealers shall keep originals, or a copy in the event the  
487 original was returned to the department, of all certificates of  
488 title, salvage certificates of title, certificates of  
489 destruction, derelict motor vehicle certificates, and all other  
490 information required by this section to be recorded or obtained,  
491 on file in the offices of such secondary metals recyclers or  
492 salvage motor vehicle dealers for a period of 3 years after the  
493 date of purchase of the items reflected in such certificates of

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494 title, salvage certificates of title, certificates of  
495 destruction, or derelict motor vehicle certificates. These  
496 records shall be maintained in chronological order.

497 (c) For the purpose of enforcement of this section, the  
498 department or its agents and employees have the same right of  
499 inspection as law enforcement officers as provided in s.  
500 812.055.

501 (d) Whenever the department, its agent or employee, or any  
502 law enforcement officer has reason to believe that a stolen or  
503 fraudulently titled motor vehicle, mobile home, recreational  
504 vehicle, salvage motor vehicle, or derelict motor vehicle is in  
505 the possession of a salvage motor vehicle dealer or secondary  
506 metals recycler, the department, its agent or employee, or the  
507 law enforcement officer may issue an extended a hold notice, not  
508 to exceed 5 additional business days, excluding weekends and  
509 holidays, to the salvage motor vehicle dealer or registered  
510 secondary metals recycler.

511 (e) Whenever a salvage motor vehicle dealer or registered  
512 secondary metals recycler is notified by the department, its  
513 agent or employee, or any law enforcement officer to hold a  
514 motor vehicle, mobile home, recreational vehicle, salvage motor  
515 vehicle, or derelict motor vehicle that is believed to be stolen  
516 or fraudulently titled, the salvage motor vehicle dealer or  
517 registered secondary metals recycler shall hold the motor  
518 vehicle, mobile home, recreational vehicle, salvage motor  
519 vehicle, or derelict motor vehicle and may not dismantle or  
520 destroy the motor vehicle, mobile home, recreational vehicle,  
521 salvage motor vehicle, or derelict motor vehicle until it is  
522 recovered by a law enforcement officer, the hold is released by

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523 the department or the law enforcement officer placing the hold,  
524 or the extended 5 additional business ~~working~~ days have passed  
525 since being notified of the hold. If a stolen or fraudulently  
526 titled motor vehicle, mobile home, recreational vehicle, salvage  
527 motor vehicle, or derelict motor vehicle is recovered by a law  
528 enforcement officer, the salvage motor vehicle dealer or  
529 secondary metals recycler shall bear the burden of any loss  
530 resulting from its recovery or seizure.

531 (f) This section does not authorize any person who is  
532 engaged in the business of recovering, towing, or storing  
533 vehicles pursuant to s. 713.78, and who is claiming a lien for  
534 performing labor or services on a motor vehicle or mobile home  
535 pursuant to s. 713.58, or is claiming that a motor vehicle or  
536 mobile home has remained on any premises after tenancy has  
537 terminated pursuant to s. 715.104, to use a derelict motor  
538 vehicle certificate application for the purpose of transporting,  
539 selling, disposing, or delivering of a motor vehicle at a  
540 salvage motor vehicle dealer or metal recycler without obtaining  
541 the title or certificate of destruction required under s.  
542 713.58, s. 713.78, or s. 715.104.

543 (g) The department shall accept all properly endorsed and  
544 completed derelict motor vehicle certificate applications and  
545 shall issue a derelict motor vehicle certificate having an  
546 effective date that authorizes when a derelict motor vehicle is  
547 eligible for dismantling or destruction. The electronic  
548 information obtained from the derelict motor vehicle certificate  
549 application shall be stored electronically and shall be made  
550 available to authorized persons after issuance of the derelict  
551 motor vehicle certificate in the Florida Real Time Vehicle

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552 Information System.

553 (h)~~(f)~~ The department is authorized to adopt rules pursuant  
554 to ss. 120.536(1) and 120.54 establishing policies and  
555 procedures to administer and enforce this section.

556 (i)~~(g)~~ The department shall charge a fee of \$3 for each  
557 derelict motor vehicle certificate delivered to the department  
558 or one of its agents for processing and shall mark the title  
559 record canceled. A service charge may be collected under s.  
560 320.04.

561 (j) The licensed salvage motor vehicle dealer or registered  
562 secondary metals recycler shall make all payments for the  
563 purchase of any derelict motor vehicle that is sold by a seller  
564 who is not the owner of record on file with the department by  
565 check or money order made payable to the seller and may not make  
566 payment to the authorized transporter. The licensed salvage  
567 motor vehicle dealer or registered secondary metals recycler may  
568 not cash the check that such dealer or recycler issued to the  
569 seller.

570 Section 3. This act shall take effect July 1, 2010.