

1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 316.235, F.S.; authorizing a 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. 316.224, F.S.; conforming a
11 cross-reference; amending s. 319.30, F.S.; authorizing
12 a certain notice sent by certified mail that a motor
13 vehicle is available for pickup to be sent by another
14 commercially available delivery service that provides
15 proof of delivery; requiring the notice to state that
16 the owner has a specified period during which to pick
17 up the vehicle; authorizing an independent entity to
18 apply for a certificate of destruction or a
19 certificate of title if the vehicle is not claimed
20 within a specified time after the delivery or
21 attempted delivery of the notice; specifying
22 requirements for an independent entity if the
23 Department of Highway Safety and Motor Vehicles'
24 records do not contain the owner's address; requiring
25 an independent entity to maintain specified records

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26 for a minimum period; authorizing an independent
27 entity to provide an affidavit with specified
28 statements if such entity is unable to obtain a lien
29 satisfaction or a release of all liens on the motor
30 vehicle; providing that notice to lienholders and
31 attempts to obtain a release from lienholders may be
32 by certain written request; amending s. 320.03, F.S.;
33 authorizing an entity that processes certain
34 transactions or certificates for derelict or salvage
35 motor vehicles to be an authorized electronic filing
36 system agent; deleting obsolete provisions;
37 authorizing the department to adopt rules; providing
38 effective dates.

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

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42 Section 1. Subsections (3) through (6) of section 316.235,
43 Florida Statutes, are renumbered as subsections (4) through (7),
44 respectively, and a new subsection (3) is added to that section
45 to read:

46 316.235 Additional lighting equipment.—

47 (3) Any motor vehicle may be equipped with one or more
48 lamps or devices underneath the motor vehicle as long as such
49 lamps or devices do not emit light in violation of s.
50 316.2397(1) or (7) or s. 316.238.

51 Section 2. Subsections (1) and (3) and paragraph (c) of
 52 subsection (7) of section 316.2397, Florida Statutes, are
 53 amended to read:

54 316.2397 Certain lights prohibited; exceptions.—

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

61 (3) Vehicles of the fire department and fire patrol,
 62 including vehicles of volunteer firefighters as permitted under
 63 s. 316.2398, may show or display red or red and white lights.
 64 Vehicles of medical staff physicians or technicians of medical
 65 facilities licensed by the state as authorized under s.
 66 316.2398, ambulances as authorized under this chapter, and buses
 67 and taxicabs as authorized under s. 316.2399 may show or display
 68 red lights. Vehicles of the fire department, fire patrol, police
 69 vehicles, and such ambulances and emergency vehicles of
 70 municipal and county departments, public service corporations
 71 operated by private corporations, the Fish and Wildlife
 72 Conservation Commission, the Department of Environmental
 73 Protection, the Department of Transportation, the Department of
 74 Agriculture and Consumer Services, and the Department of
 75 Corrections as are designated or authorized by their respective

76 department or the chief of police of an incorporated city or any
77 sheriff of any county may operate emergency lights and sirens in
78 an emergency. Wreckers, mosquito control fog and spray vehicles,
79 and emergency vehicles of governmental departments or public
80 service corporations may show or display amber lights when in
81 actual operation or when a hazard exists provided they are not
82 used going to and from the scene of operation or hazard without
83 specific authorization of a law enforcement officer or law
84 enforcement agency. Wreckers must use amber rotating or flashing
85 lights while performing recoveries and loading on the roadside
86 day or night, and may use such lights while towing a vehicle on
87 wheel lifts, slings, or under reach if the operator of the
88 wrecker deems such lights necessary. A flatbed, car carrier, or
89 rollback may not use amber rotating or flashing lights when
90 hauling a vehicle on the bed unless it creates a hazard to other
91 motorists because of protruding objects. Further, escort
92 vehicles may show or display amber lights when in the actual
93 process of escorting overdimensioned equipment, material, or
94 buildings as authorized by law. Vehicles owned or leased by
95 private security agencies may show or display green and amber
96 lights, with either color being no greater than 50 percent of
97 the lights displayed, while the security personnel are engaged
98 in security duties on private or public property.

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

100 (c) For the lamps authorized under subsections (1), (2),

101 (3), (4), and (9), s. 316.2065, or s. 316.235(6) ~~s. 316.235(5)~~
102 which may flash.

103 Section 3. Section 316.2398, Florida Statutes, is amended
104 to read:

105 316.2398 Display or use of red or red and white warning
106 signals; motor vehicles of volunteer firefighters or medical
107 staff.—

108 (1) A privately owned vehicle belonging to an active
109 firefighter member of a regularly organized volunteer
110 firefighting company or association, while en route to the fire
111 station for the purpose of proceeding to the scene of a fire or
112 other emergency or while en route to the scene of a fire or
113 other emergency in the line of duty as an active firefighter
114 member of a regularly organized firefighting company or
115 association, may display or use red or red and white warning
116 signals. ~~or~~ A privately owned vehicle belonging to a medical
117 staff physician or technician of a medical facility licensed by
118 the state, while responding to an emergency in the line of duty,
119 may display or use red warning signals. Warning signals must be
120 visible from the front and from the rear of such vehicle,
121 subject to the following restrictions and conditions:

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

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

126 (c) In order for an active volunteer firefighter to
127 display such red or red and white warning signals on his or her
128 vehicle, the volunteer firefighter must first secure a written
129 permit from the chief executive officers of the firefighting
130 organization to use the red or red and white warning signals,
131 and this permit must be carried by the volunteer firefighter at
132 all times while the red or red and white warning signals are
133 displayed.

134 (2) ~~A It is unlawful for any~~ person who is not an active
135 firefighter member of a regularly organized volunteer
136 firefighting company or association or a physician or technician
137 of the medical staff of a medical facility licensed by the state
138 may not ~~to~~ display on any motor vehicle owned by him or her, at
139 any time, any red or red and white warning signals as described
140 in subsection (1).

141 (3) ~~It is unlawful for~~ An active volunteer firefighter may
142 not ~~to~~ operate any red or red and white warning signals as
143 authorized in subsection (1), except while en route to the fire
144 station for the purpose of proceeding to the scene of a fire or
145 other emergency, or while at or en route to the scene of a fire
146 or other emergency, in the line of duty.

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

151 (5) A violation of this section is a nonmoving violation,
152 punishable as provided in chapter 318. In addition, a any
153 volunteer firefighter who violates this section shall be
154 dismissed from membership in the firefighting organization by
155 the chief executive officers thereof.

156 Section 4. Subsection (3) of section 316.224, Florida
157 Statutes, is amended to read:

158 316.224 Color of clearance lamps, identification lamps,
159 side marker lamps, backup lamps, reflectors, and deceleration
160 lights.—

161 (3) All lighting devices and reflectors mounted on the
162 rear of any vehicle shall display or reflect a red color, except
163 the stop light or other signal device, which may be red, amber,
164 or yellow, and except that the light illuminating the license
165 plate shall be white and the light emitted by a backup lamp
166 shall be white or amber. Deceleration lights as authorized by s.
167 316.235(6) ~~s. 316.235(5)~~ shall display an amber color.

168 Section 5. Effective July 1, 2019, subsection (9) of
169 section 319.30, Florida Statutes, is amended to read:

170 319.30 Definitions; dismantling, destruction, change of
171 identity of motor vehicle or mobile home; salvage.—

172 (9) (a) An insurance company may notify an independent
173 entity that obtains possession of a damaged or dismantled motor
174 vehicle to release the vehicle to the owner. The insurance
175 company shall provide the independent entity a release statement

176 on a form prescribed by the department authorizing the
177 independent entity to release the vehicle to the owner. The form
178 must ~~shall~~, at a minimum, contain the following:

- 179 1. The policy and claim number.
- 180 2. The name and address of the insured.
- 181 3. The vehicle identification number.
- 182 4. The signature of an authorized representative of the
183 insurance company.

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

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

- 200 1. Send a notice that meets the requirements of paragraph

201 (b) to the owner's address that is provided by the insurance
202 company in the release statement.

203 2. Identify the latest titling jurisdiction of the vehicle
204 through use of the National Motor Vehicle Title Information
205 System and attempt to obtain the owner's address from that
206 jurisdiction. If the jurisdiction returns an address that is
207 different from the owner's address provided by the insurance
208 company, the independent entity must send a notice that meets
209 the requirements of paragraph (b) to both addresses.

210 (d) The independent entity shall maintain for a minimum of
211 3 years the records related to the 30-day notice sent to the
212 owner, the results of any National Motor Vehicle Title
213 Information System searches, and the notification to the
214 National Motor Vehicle Title Information System pursuant to
215 paragraph (e).

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

221 (f) ~~(d)~~ Upon applying for a certificate of destruction or
222 salvage certificate of title, the independent entity shall
223 provide a copy of the release statement from the insurance
224 company to the independent entity, proof of providing the 30-day
225 notice to the owner, proof of notification to the National Motor

226 | Vehicle Title Information System, and applicable fees. If the
 227 | independent entity is unable to obtain a lien satisfaction or a
 228 | release of all liens on the motor vehicle, the independent
 229 | entity may provide an affidavit stating that notice was sent to
 230 | all lienholders that the motor vehicle is available for pickup,
 231 | 30 days have passed since the notice was delivered or attempted
 232 | to be delivered, attempts have been made to obtain a release
 233 | from all lienholders, and all such attempts have been to no
 234 | avail. The notice to lienholders and attempts to obtain a
 235 | release from lienholders may be by written request delivered in
 236 | person or by certified mail or another commercially available
 237 | delivery service that provides proof of delivery to the
 238 | lienholder at the lienholder's address.

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

242 | Section 6. Subsection (10) of section 320.03, Florida
 243 | Statutes, is amended to read:

244 | 320.03 Registration; duties of tax collectors;
 245 | International Registration Plan.—

246 | (10) Jurisdiction over the electronic filing system for
 247 | use by authorized electronic filing system agents to
 248 | electronically title or register motor vehicles, vessels, mobile
 249 | homes, or off-highway vehicles; process title transactions,
 250 | derelict motor vehicle certificates, and certificates of

251 destruction for derelict and salvage motor vehicles pursuant to
252 s. 319.30(2), (3), (7), and (8); issue or transfer registration
253 license plates or decals; electronically transfer fees due for
254 the title and registration process; and perform inquiries for
255 title, registration, and lienholder verification and
256 certification of service providers is expressly preempted to the
257 state, and the department shall have regulatory authority over
258 the system. The electronic filing system shall be available for
259 use statewide and applied uniformly throughout the state. An
260 entity that, in the normal course of its business, sells
261 products that must be titled or registered;7 provides title and
262 registration services on behalf of its consumers; or processes
263 title transactions, derelict motor vehicle certificates, or
264 certificates of destruction for derelict or salvage motor
265 vehicles pursuant to s. 319.30(2), (3), (7), or (8) and that
266 meets all established requirements may be an authorized
267 electronic filing system agent and is ~~shall~~ not be precluded
268 from participating in the electronic filing system in any
269 county. Upon request from a qualified entity, the tax collector
270 shall appoint the entity as an authorized electronic filing
271 system agent for that county. ~~The department shall adopt rules~~
272 ~~in accordance with chapter 120 to replace the December 10, 2009,~~
273 ~~program standards and to administer the provisions of this~~
274 ~~section, including, but not limited to, establishing~~
275 ~~participation requirements, certification of service providers,~~

276 | ~~electronic filing system requirements, and enforcement authority~~
277 | ~~for noncompliance. The December 10, 2009, program standards,~~
278 | ~~excluding any standards which conflict with this subsection,~~
279 | ~~shall remain in effect until the rules are adopted. An~~
280 | authorized electronic filing system agent may charge a fee to
281 | the customer for use of the electronic filing system. The
282 | department may adopt rules to administer this subsection,
283 | including, but not limited to, rules establishing participation
284 | requirements, certification of service providers, electronic
285 | filing system requirements, disclosures, and enforcement
286 | authority for noncompliance.

287 | Section 7. Except as otherwise expressly provided in this
288 | act and except for this section, which shall take effect upon
289 | this act becoming a law, this act shall take effect October 1,
290 | 2019.