



INFORMATION NOTICE

DIVISION OF MOTORIST SERVICES

DATE: 1/12/2022	Information Notice INFO22-003
SUBJECT: Landlord Tenant Transactions	

Overview:

In late 2020 through early 2021, the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) received an increase in the number of fraud complaints from law enforcement agencies investigating motor vehicles and mobile homes fraudulently obtained through the Landlord Tenant operation of law process. After reviewing these transactions for 10 months, providing applicable denial and approval guidance, and revising the procedure, we will no longer be reviewing each transaction for compliance.

Details:

Effectively immediately, please review each application for title applying to TL-16, Application for Certificate of Title Upon Disposition of Personal Property Under the Landlord-Tenant Act, and Chapter 715, Florida Statutes, according to the revised procedure, dated 10/20/21 for compliance.

Below were the most common denial reasons (not all encompassing):

- Incomplete applications (Sections were incomplete and there were missing signatures and/or dates).
- There was no established landlord tenant relationship.
- Valid identification for buyer/seller and the person signing as POA must be provided. The requirement for identification has always been a part of all motor vehicle, mobile home, and vessel transactions and is covered by procedure TL-01, Signature Requirements, along with the acceptance of an active SunBiz account to identify officers and/or agents authorized to sign for the business. The requirement for a power of attorney or a letter of authorization for title services, couriers, etc., is found in TL-02, Power of Attorney. Statutory authorization is listed in each procedure.
- If the landlord is claiming a mobile home or recreational vehicle to be worth less than \$500, they must provide photographs of all 4 exterior sides, photographs of the interior, and a photograph of the serial or manufacturer’s identification number. Based on the condition of the home, a certificate of destruction may be required.
- The mobile home location shown on HSMV 82040 is not the same as the location shown in the Notice of Right to Reclaim Abandoned Property.

- The Notice of Right to Reclaim Abandoned Property states the tenant/owner was evicted. Need a copy of the court ordered eviction and/or Writ of Possession.
- Need a POA or authorization for the individual signing on behalf of the Mobile Home Park (MHP) along with a copy of the driver license of the person signing or a copy of SUNBIZ showing the person to be an officer of the MHP.
- The newspaper advertisement does not follow the requirements of s.715.109, F.S. The advertisement must include the name of the former tenant, a description of the personal property, and the date, time, and place the sale will be held. The property shall be described in a manner reasonably adequate to permit the property owner to identify it.
- The proof of advertisement does not follow s.50.041 and s.50.051, F.S.
- The public sale was not advertised in a newspaper in circulation in the county where the personal property was left when the tenant vacated the premises.

If you find noncompliance, reject the transaction. If you suspect fraud, please follow the steps in motor vehicle procedure TL-56, Suspected Title, Registration, and/or Odometer Fraud.

REMINDER: FRAUD ALERTS pertaining to Warehouseman's Liens (INFO20-022) and Alternate Proof (INFO21-006) are still in effect.

Conclusion:

If you need additional information, please contact your next level of management or the Bureau of Motorist Services Support at (850) 617-3174.