

| |
|---------------------------------------|
| Motor Vehicle Procedure Manual |
| Registration |
| Transfer of License Plates |
| RS-05 |

Table of Contents

Legal Authority 1

Description and Use 2

Class Codes Exempt From Transfer Fee 2

Transfer Fee Required 2

Transfer of Mobile Home Decals..... 2

Notification of Transfer of Registration License Plate..... 3

Electronic Temporary Registration (ETR) System 3

Electronic Filing System (EFS) 4

Non-ETR or Non-EFS Dealers..... 4

Name Change on a Registration 4

Transfer of License Plate for a Trust or Trustee 5

Transfer of License Plate to Surviving Spouse..... 5

General Information..... 6

Revision(s) to Procedure..... 7

Exhibit A Legal Opinion on Certificate of Conversion 8

Legal Authority

[Section 320.0609, Florida Statutes](#), authorizes the transfer and exchange of license plates and the collection of or exemption from a transfer fee when a replacement vehicle is registered in the same owner's name, in the name of at least one of the previous owners of the license plate, or in the surviving spouse's name.

[Section 320.0609 \(7\), Florida Statutes](#), authorizes the Department or its agents to verify necessary information through the electronic file of death records maintained by the Department of Health when a surviving spouse of a registered motor vehicle owner requests a registration certificate and transfer of registration license plate.

[Section 320.0609\(8\)\(a\), Florida Statutes](#), provides that when a vehicle owner transfers a registration license plate to a replacement or substitute vehicle the owner acquires from a licensed motor vehicle dealer, the dealer shall provide to the department in a timely manner and via an electronic system administered by the department, information required by the department regarding the transfer. Additionally, the dealer shall give the owner written notice documenting the transfer if the dealer cannot timely provide the required transfer information to the department due to system or connectivity problems. The dealer shall maintain all records required by the department which must be open to inspection by the department or its agents during reasonable business hours.

Section 320.0609(8)(b), Florida Statutes, provides that a dealer is not required to comply with paragraph (a) if the department's records are otherwise modified on the date of transfer to reflect that the transfer has occurred.

Description and Use

This procedure provides information and instructions to assist employees of the tax collector, license plate agent and the Florida Department of Highway Safety and Motor Vehicles with the transfer of license plates.

Class Codes Exempt From Transfer Fee

The transfer fee is not required when the original and replacement vehicles are both in any of the following class codes: 01, 31, 37, 96 and 97.

Refer to the [Motor Vehicle/Mobile Home Class Code/Fee Chart](#) for all applicable fees

Transfer Fee Required

If the class code of the original or replacement motor vehicle is not listed in Section II, the transfer fee is required, unless:

1. The license plate is expired and is being transferred and renewed in the same transaction.
2. The license plate is being transferred to the same vehicle.

EXAMPLE:

When a license plate is registered to the lessee/registrant and the lessee purchases the lease vehicle. Credit is allowed from the previously paid registration tax to the new license plate.

Transfer of Mobile Home Decals

[See Procedure RS-10](#) for information about transferring mobile home decals.

Notification of Transfer of Registration License Plate

When a vehicle is purchased from a Florida licensed motor vehicle dealer as a replacement motor vehicle and there is a valid Florida license plate to be transferred, a registration is printed with the electronic temporary transfer, which allows the license plate to be transferred and affixed to the replacement motor vehicle.

Electronic Temporary Registration (ETR) System

The ETR System enables all licensed Florida dealerships to submit license plate transfer information to the department electronically at the time of sale and transfer of the metal license plate.

Electronic Temporary Transfer of Metal Plate

The electronic temporary transfer of a metal license plate is only required when the metal license plate is physically affixed to the newly acquired vehicle.

EXAMPLE:

A customer purchases a vehicle from a dealer and has a metal license plate to transfer to the new vehicle. The dealer enters the individual's personal and vehicle information using the ETR System. This information is verified against FRVIS. If everything is in order, the registration is transferred to the new vehicle. The dealer then affixes the customer's metal license plate on the customer's new vehicle. The customer leaves the dealership displaying his/her metal license plate on the rear of his/her vehicle.

- A. If the ETR System does not authorize the transfer of the metal plate or if the plate is not on site at the time of the transaction, the ETR dealer may issue a temporary print on demand license plate or visit the tax collector's office to transfer the plate.
- B. An ETR dealer may issue a pre-printed temporary license plate ONLY in case of an ETR System outage. The dealer must report the issuance to the department electronically within one business day (excluding weekends and holidays) of issuing the temporary license plate. For additional requirements for issuing a pre-printed temporary license plate, see Procedure [RS-31](#) Temporary License Plate.
- C. If the customer does not have a metal license plate to transfer, the dealer must issue a temporary print on demand license plate or visit the tax collector's office to purchase the metal plate.

Only one valid license plate may be displayed at any time on a motor vehicle. Therefore, a regular license plate and a temporary license plate cannot be displayed

Electronic Filing System (EFS)

The EFS allows the transfer of the metal plate to the newly acquired vehicle. An EFS dealer enters the license plate transfer information, transfers the metal license plate to the new vehicle and prints the new registration for the customer.

Non-ETR or Non-EFS Dealers

A dealer that does not use the EFS or the ETR System MUST visit a tax collector's office to have the appropriate transaction performed before allowing the customer to drive the vehicle off the lot.

The transaction may be one of the following:

- issuance of a temporary license plate
- temporary transfer of a metal license plate or
- issuance of the permanent title and registration.

Name Change on a Registration

When an individual or company has a legal name change, FRVIS should be updated with the new information. Once updated, all DMS records for that customer will reflect the change. Therefore, when a registration is issued/printed, it will reflect the new name.

The customer may elect to change the name on their actual title from the old name to the new name after FRVIS has been changed. If so, the customer may present his/her current title to the clerk to process a "modify title" transaction and issue a new title with the new name.

The following are the requirements for changing the name:

A. FOR AN INDIVIDUAL:

For an individual with a Florida driver license or identification card, the credential with the name change must be presented. For individuals who have not been issued a Florida driver license or identification card the tax collector and license plate agency personnel may request verification of a name change if they cannot determine the person is who they say they are by the documents presented for the transaction.

B. FOR A CORPORATION:

A corporate name change is when everything about the corporation remains the same except the name. The corporation must provide a legal corporate name change affidavit filed with the Florida Department of State. Any other name change of companies, businesses or corporations requires the issuance of a new license plate.

Legal opinion on using a Certificate of Conversion (EXHIBIT A) filed with the Department of State to change the name of a company and transfer plate/registration from an Incorporation (Inc) to a limited liability company (LLC).

FOR A FICTITIOUS NAME:

A fictitious name change is when a person/company changes the name that they are doing business as. The customer must provide a copy of the Fictitious Name Change registered/filed with the Florida Department of State.

The definition of "fictitious name" is any name under which a person transacts business in this state, other than the person's legal name.

EXAMPLE: "Don's Tree Service" changes to "Don's Complete Outdoor Service".

Transfer of License Plate for a Trust or Trustee

When an original registration is in an individual's name or joint ownership of more than one individual and the applicant(s) wants to register in the name of a Trust or Trustee, a new license plate must be issued because the owner has now become an entity other than a natural person.

If a license plate has previously been issued in the name of an individual, the license plate may be transferred to a vehicle titled in the name of a Trust but registered in the individual's name as a registrant. The individual must provide an affidavit that he/she has the beneficial use of the vehicle. When the customer record is created, mark the TRUST Flag with an "X" on the customer Detail Maintenance Screen, then a license plate may be issued or transferred to the vehicle in an individual's name as a registrant.

Transfer of License Plate to Surviving Spouse

- A. A license plate may be transferred to a surviving spouse upon the death of the owner of a motor vehicle if a copy of the death certificate is provided as documentation. If a death certificate is not available use the information below to access the needed documentation.

The Department of Health (DOH) death file records can be queried through the "Death File Inquiry" screen in FRVIS to obtain death information in lieu of the actual death certificate. After retrieving the death file information, the user should print the information and attach it with the other transaction documents for the customer record. The Death File Inquiry print out is confidential and should not be given to the customer.

1. The license plate cannot be transferred if it was issued to the decedent under a qualifying condition (example: disabled veteran); however, the surviving spouse may transfer the plate if he/she meets any necessary qualifications. Refer to Procedure [RS-15](#) for additional information.

2. A new validation decal must be issued to the surviving spouse to coincide with their date of birth; credit is allowed from the previously paid registration to the new registration.
3. A surviving spouse may use credit from the deceased spouse's license plate towards the license plate of a newly purchased vehicle.

EXAMPLE: The customer is buying a new vehicle from a dealer and wants to use their deceased spouse's license plate for credit.

Before transferring the license plate to the newly purchased vehicle, the surviving spouse must first transfer the license plate into his/her name to receive the credit. This is necessary because FRVIS does not allow the credit to be transferred once the decedent's vehicle is sold to an owner other than the surviving spouse. The transaction must be processed as a "Registration Transfer of Ownership".

General Information

- A. The seller of a motor vehicle should retain the license plate, so it can be transferred or exchanged for a replacement license plate. If a replacement vehicle is not purchased, no refund is permitted per section 320.15, Florida Statutes. Credit is allowed towards the purchase of another license plate only during the remainder of the registration period. If the seller does not transfer the license plate to another vehicle, he/she should cancel the insurance and surrender the license plate to avoid a driver's license suspension.
- B. Proof of motor vehicle insurance is required when transferring a license plate.**
- C. A license plate may be transferred to another motor vehicle even if the vehicle from which the license plate was removed has not been sold or otherwise disposed. An affidavit must be submitted by the owner stating the vehicle is not operational, is in storage, or will not be operated on the streets and highways of this state. Refer to Procedure [RS-30](#) for additional information.
- D. A new validation decal is required anytime an expiration date is being changed.
- E. When a license plate is issued in names joined by "and" or "or", the license plate may be transferred to either individual's name or to one of the previous owners in joint ownership with a new owner.
- F. When a special license plate is being transferred from two names to one, the license plate agency must view the documentation of eligibility for the remaining owner (example: military license plate, wheelchair suffix or Amateur Radio license plates).
- G. Registration tax is prorated monthly in all Transfer Registration transactions processed on FRVIS. The number of months is based on the effective date of the transaction.

If the date the replacement vehicle was obtained is the date the license plate should have been transferred, the clerk should change the effective date to be the date in which the transfer should have occurred. This action will cause the correct credit months and the correct tax months to be calculated on FRVIS. When the motor vehicle is to remain the same, the clerk should use the "Transfer Registration Ownership" transaction in FRVIS.

- H. An expired registration must be renewed or extended upon transfer of registration to a newly acquired vehicle even when the transfer occurs during the month it is due for renewal.
- I. Question: Does the electronic temporary transfer expire?

Answer: Yes, the electronic temporary transfer expires when the current registration expires. The registration must be permanently transferred before it can be renewed. Take note that a metal plate is not eligible for an electronic temporary transfer if less than 30 days remain on its current registration.

EXAMPLE: A customer purchases a vehicle on September 1 and has a metal plate to transfer. The customer's birthday is December 15, the date his/her registration/metal plate will expire. Since more than 30 days remain in the current registration period, the license plate is eligible for a temporary transfer. The dealer will temporarily transfer the metal plate using the ETR System. Within the next 30 days, the dealer must submit the paperwork to a tax collector office to have the title work and permanent transfer processed. Until the permanent transfer is completed, the registration is NOT eligible for any other FRVIS transaction except Duplicate Registration.

Question: What happens if a deal falls through and the vehicle is returned?

Answer: The dealer is required to restore the registration back to the original vehicle. The dealer can accomplish this using the ETR System.

Revision(s) to Procedure

- 06/07/22: Revised language to state "**Proof of motor vehicle insurance is required when transferring a license plate.**"
- 10/23/19: Proof of motor vehicle insurance is not required when transferring a license plate unless the registration period is being extended.
- 03/29/19: Statutory review, Updated section A, pg. 4 For an Individual, added legal opinion section B, and added a Historical Revisions section. Added Exhibit A.
- 06/25/10: Removed outdated and added current Florida Statute on pg. 1, removed specific fee information from page 1, added information about ETR, EFS, and non-ETR/EFS to pages 2 and 3, re-lettered sections on pages 2-5, and replaced item I and added J questions and answers on page 6.

Exhibit A Legal Opinion on Certificate of Conversion

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
OFFICE OF GENERAL COUNSEL**

June 28, 2016

TO: **DEBORAH ROBY**
Deputy Director, Motorist Services

VIA: **STEPHEN D. HURM**
General Counsel

FROM: **PAM JORDAN ANDERSON**
Assistant General Counsel

SUBJECT: **Use of Certificate of Conversion filed with
Department of State for Plate/Registration Transfer
Docket Number: 2016-0019636**

You have asked for a legal opinion on the following issue:

Can a Certificate of Conversion filed with the Department of State be used to change the name of a company and transfer plate/registration from "Inc." to "LLC?"

BRIEF ANSWER:

Yes. A Certificate of Conversion filed with the Department of State can be used to change the existence of a company from a corporation to a limited liability company (LLC) and transfer the plate/registrations.

DISCUSSION:

Section 607.1112, Fla. Stat., establishes the requirements for converting a corporation to an LLC. Section 607.1113, Fla. Stat., details the specifics of a "certificate of conversion" once the conversion has been accomplished. Section 607.1114, Fla. Stat., outlines the effects of a conversion of a corporation to an LLC.

As provided by s. 607.1114, Fla. Stat., when a domestic corporation is converted to an LLC, the new entity "is for all purposes the same entity that existed before the conversion." This includes title to all property, claims, liabilities and obligations, and rights of creditors.

Since the Legislature clearly intended that all of the rights and obligations of a corporation are to remain the same once the conversion to the new form as an LLC has been accomplished, the Department of Highway Safety and Motor Vehicles may accept the Certified Conversion Certificate filed with the Department of State for title and registration purposes.

Deborah Roby
June 28, 2016
Page 2

CONCLUSION:

A Certificate of Conversion filed with the Department of State may be accepted by the Department of Highway Safety and Motor Vehicles for the purposes of transferring license plates and motor vehicle registrations from the name of a corporation that has converted to an LLC.

If you have additional questions, please feel free to contact the Office of General Counsel. Please refer to the above docket number when submitting future inquiries regarding this matter.

/PJA

cc: Robert Kynoch, Director, Motorist Services
Rick White, Deputy Director, Motorist Services