

Motor Vehicle Procedure Manual

Title and Lien

**Application for Certificate of Title Upon Disposition of Personal Property
Under the Landlord-Tenant Act**

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Legal Authority

Section 715.101, Florida Statutes, provides that all tenancies to which part I or part II of Chapter 83 are applicable, and to tenancies after a writ of possession has been issued pursuant to s.723.062.

[Section 715.104, Florida Statutes](#), provides for the notification to the former tenant of the personal property remaining on the premises after tenancy has terminated.

[Section 715.105, Florida Statutes](#), provides for a form of notice to the former tenant.

[Section 715.106, Florida Statutes](#), provides for a form of notice to owner other than former tenant.

[Section 715.108, Florida Statutes](#), provides for the release of personal property to the owner, if the owner pays the reasonable costs of storage and advertising and takes possession of the property not later than the date specified in the notice for taking possession.

[Section 715.109, Florida Statutes](#), provides for the sale of abandoned property at public sale by competitive bidding, if the property is not released pursuant to s. 715.108, Florida Statutes. However, if the landlord reasonably believes that the total resale value of the property not released is less than \$500, she or he may retain such property for her or his own use or dispose of it in any manner he/she chooses. Nothing in this section shall be construed to preclude the landlord or tenant from bidding on the property at the public sale. The successful bidder's title is subject to ownership rights, liens and security interest which have priority by law.

[Section 715.111, Florida Statutes](#), provides for the assessing of storage costs.

[Section 50.041, Florida Statutes](#), provides proof of publication; uniform affidavits required.

[Section 50.051, Florida Statutes](#), provides proof of publication, form of uniform affidavits.

Description and Use

This procedure provides information and instructions to guide employees of the Tax Collector's office, License Plate Agents, and the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) in the issuance of a title obtained through operation of law, landlord-tenant. As of July 01, 2023, FLHSMV has updated the Form HSMV 82040 Application for Certificate of Title With/Without Registration. HSMV 82040 has been updated into three separate forms:

- HSMV 82040 MV – Application for Certificate of Motor Vehicle Title - [HSMV 82040 MV](#)

HSMV 82040 MV should be used when processing applications for certificate of title for the following vehicle types:

- AU – Auto
- BS – Bus
- MC – Motorcycle
- OH – Off-Highway
- TO – Tools
- TR – Truck
- TT – Travel Trailers
- VT – Vehicle Trailers

- HSMV 82040 VS – Application for Certificate of Vessel Title – [HSMV 82040 VS](#)

HSMV 82040 VS should be used when processing applications for certificate of title for the following vehicle type: VS – Vessel

- HSMV 82040 MH – Application for Certificate of Mobile Home – [HSMV 82040 MH](#)

HSMV 82040 MH should be used when processing applications for certificate of title for the following vehicle type: MH – Mobile Home

Effective July 01, 2023, all certificate of Florida titles issued for Vessels will be required to be processed using Form HSMV 82040 VS – Application for Certificate of Vessel Title. The signed Form HSMV 82041 will no longer be accepted in lieu of Form HSMV 82040 VS.

FLHSMV anticipates accepting the current HSMV 82040 – Application for Certificate of Title With/Without Registration for Motor Vehicles and Mobile Homes until December 31, 2023.

Effective January 01, 2024, all certificate of Florida titles issued for Motor Vehicles and Mobile Homes will be required to be processed using Forms HSMV 82040 MV – Application for Certificate of Motor Vehicle Title and HSMV 82040 MH – Application for Certificate of Mobile Home Title.

Definitions

The following definitions apply to the issuance of a title obtained through operation of law, landlord-tenant:

1. “Dwelling Unit” means a structure or part of a structure that is rented for use as a home, residence, or sleeping place by one person or by two or more persons who maintain a common household. Or a mobile home rented by a tenant. Or a structure or part of a structure that is furnished, with or without rent, as an incident of employment for use as a home, residence, or sleeping place by one or more persons.
2. “Landlord” means any operator, keeper, lessor, or sublessor of furnished or unfurnished premises for rent, or her or his agent or successor-in-interest.
3. “Residential Manufactured Home” (modular home) means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.
4. “Mobile Home” means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to required utilities and includes plumbing, heating, air-conditioning, and electrical systems contained therein.
5. “Premises” includes any common areas associated therewith.
6. “Personal Property” for the purpose of the Landlord-Tenant procedure, is defined as any motor vehicle or recreational vehicle - see s.320.01(1)(a) and (b); mobile home or manufactured home – see s.320.01(2)(a) and (b); vessel – see s.328.0015(ee); or off-highway vehicle – see s.317.0003(6).
7. “Property Owner” means any person other than the landlord who has any right, title, or interest in personal property.
8. “Prudent Person” means an individual who uses good judgement or common sense in handling practical matters. The actions of a person exercising common sense in a similar situation are the guide in determining whether an individual’s actions were reasonable.

9. “Reasonable Belief” means the actual knowledge or belief a prudent person should have without making an investigation, including any investigation of public records; except that when the landlord has specific information indicating that such an investigation would more probably than not reveal pertinent information and the cost of such an investigation would be reasonable in relation to the probable value of the personal property involved, the term “reasonable belief” includes the actual knowledge or belief a prudent person would have if such an investigation were made.
10. “Rent” means the periodic payments due the landlord from the tenant for occupancy under a rental agreement and any other payments due the landlord from the tenant as may be designated as rent in a written agreement.
11. “Rental Agreement” means any written agreement, or oral agreement if for less duration than 1 year, providing for use and occupancy of premises.
12. “Suitable Place for Public Sale” for the purpose of the Landlord-Tenant procedure, is defined as – for a mobile or manufactured home the sale is to be held in the general location of the property to which the mobile or manufactured home is attached or on the mobile home dealer’s lot to which the mobile or manufactured home has been relocated for sale; for a motor vehicle, recreational vehicle or vessel the sale is to be held at the nearest suitable place, in the county where the personal property was left by the former tenant(s).
13. “Tenant” means any paying guest, lessee, or sublessee of any premises for rent, whether a dwelling unit or not.

Eligibility Criteria

The landlord-tenant procedure can only be used when there is a landlord, a tenant, and periodic rental payments which are substantiated with written proof.

Personal property abandoned on private property when there is no landlord, no tenant, and no periodic rental payments should be reported to a local law enforcement agency for handling.

Customers who cannot prove a landlord-tenant relationship and those who cannot provide all required documentation, must provide a Florida court order (declaratory judgment) for ownership.

Notification to the Former Tenant and Notification to any Other Person Believed to be the Owner of the Personal Property

When personal property remains on the premises after a tenancy has terminated or expired and the premises have been vacated by the tenant(s), through eviction or otherwise, the landlord must give written notice to the former tenant(s) and to any other person the landlord reasonably believes to be the owner of the personal property.

The notice must provide a description of the property reasonably adequate to allow the former tenant(s) or owner to identify it. For a motor vehicle, recreational vehicle, or vessel the description would include at least the manufacturer, make, color, vehicle identification number, year (if known), and license plate number. For a vessel, also include the registration number and hull identification number, along with the motor manufacturer and horsepower. For vessels that are left on a trailer, descriptive information for the trailer must be included.

The notice should also include that reasonable storage charges and advertising fees, if applicable, will be charged before the property is returned prior to the sale. If the property is stored on the landlord's premises, the cost shall be the fair rental value of the space reasonably required for such storage, for the term the property is stored.

The notice must state where the property may be claimed and the date before which the claim must be made. If the notice is personally delivered, the specified date must be not less than 10 days after the date it was delivered. If the notice is mailed, the specified date must not be less than 15 days after the notice was deposited in the mail.

The notice will be personally delivered or sent by first-class mail, postage prepaid, to the former tenant(s) or person believed to be the owner of the property at their last known address. If the landlord has reason to believe the notification will not be received at their last known address, the landlord must deliver or mail the notification to another address where the notification is expected to be received by the former tenant(s) or person believed to be the owner of the property.

If the property is believed to be worth less than \$500, additional information to substantiate the value of the property must be provided, such as Kelly Blue Book or NADA guides, photographs of all 4 sides of the exterior of the property to include the VIN under the windshield and in the door jamb, if applicable, the HIN if the property is a vessel, and the frame for a motorcycle; photographs of the interior of the property, and other acceptable proof.

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.

See Exhibit B for a sample Notice of Right to Reclaim Abandoned Property (Former Tenant) which substantially satisfies the requirements of s.715.104, F.S. See Exhibit C for a sample Notice of Right to Reclaim Abandoned Property (Owner Other Than Former Tenant).

Assessing Costs of Storage

When the former tenant(s) claim personal property, they are required to pay the reasonable costs of storage for all personal property remaining on the premises at the termination of the tenancy, which costs are unpaid at the time the claim is made.

When an owner other than the former tenant(s) claim personal property, they are required to pay the reasonable costs of storage for only the property for which they claim an interest.

The landlord may not charge more than one person for the same costs.

If the landlord stores the personal property on the premises, the costs of storage shall be the fair rental value of the space reasonably required for such storage for the term of the storage.

Release of Personal Property

The personal property described in the notice shall be released by the landlord to the former tenant(s) or the landlord may release the property to any person the landlord reasonably believes to be the owner of the property; if that person pays the reasonable costs of storage and advertising and takes possession of the property on or before the date stated in the notice for taking possession.

When the personal property is not released on or before the date stated in the notice for taking possession, and the notice stated that the personal property would be sold at a public sale, the landlord may only release the personal property to the former tenant(s) if it is claimed prior to the time it is sold and reasonable costs of storage, advertising, and sale, up to the time the property is withdrawn from the sale, is paid.

Advertising the Public Sale

Notice of the time and place of the public sale shall be given by an advertisement of the sale published once a week for 2 consecutive weeks in a newspaper of general circulation where the sale is to be held. The sale must take place at least 10 days after the first publication and the last publication must take place at least 5 days before the sale is to be held.

The sale must be held at the nearest suitable place to that where the personal property is held or stored. "Suitable Place for Public Sale" for the purpose of the Landlord-Tenant procedure, is defined as – for a mobile or manufactured home the sale is to be held in the general location of the property to which the mobile or manufactured home is attached or on the mobile home dealer's lot to which the mobile or manufactured home has been relocated for sale; for a motor vehicle, recreational vehicle or vessel the sale is to be held at the nearest suitable place, in the county where the personal property was left by the former tenant(s).

The advertisement must include the name of the former tenant(s), 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.

Public Sale

The personal property shall be sold at a public sale by competitive bidding. The landlord and the former tenant(s) may bid on the property at the public sale. The successful bidder's title to the personal property is subject to ownership rights, liens, and security interests which have priority by law.

If there are any liens on the personal property for which a lien satisfaction is not provided, the lien must be carried forward to the new owner.

A bill of sale must be provided to the successful bidder.

After deduction of the costs of storage, advertising, and sale, any balance of the proceeds of the sale which is not claimed by the former tenant(s) or an owner other than the tenant shall be paid into the treasury of the county in which the sale took place not later than 30 days after the date of the sale. The former tenant(s) or other owner or other person having interest in the funds may claim the balance within 1 year from the date of payment to the county by making application to the county.

Applying for Title

Identification

The customer applying for title and any agent or courier, signing for the customer, or presenting the paperwork for processing must provide acceptable proof of identification:

- Valid driver license or identification card issued by Florida or another state or U.S. Territory – American Samoa, Guam, Marianas, Puerto Rico, and U.S. Virgin Islands, or Canada, or
- Valid passport or passport card from any country, or
- Be a business registered with the Department of State Division of Corporations that can be verified as an active business in SunBiz or provide an active business license from a Florida city or county that can be verified.

The officer/agent signing for the business must specify their “official title” on the paperwork. If proof that they are an officer/agent of the business cannot be found in SunBiz, they must provide an original letter on business letterhead authorizing them to sign for the company which is signed by someone other than themselves. If they are the sole owner of the business this must be stated in the letter or provided by an affidavit with a perjury clause.

If the customer cannot provide acceptable identification, as shown above, or if the business does not have an ACTIVE business license in Florida, the transaction must be rejected.

Documentation and Special Instructions

Power of Attorney

If the person signing on behalf of the individual customer or company is authorized by a power of attorney, they must provide a copy of their acceptable identification along with the original power of attorney.

Rental Agreement

A copy of the rental agreement signed by the landlord and the tenant must be provided. If the lease was for less than 1 year and there was an oral agreement this should be substantiated by the proof of periodic rental payments.

Periodic Rental Payments

Proof of periodic rental payments must be provided for leases less than 1 year.

Form HSMV 82040

Form HSMV 82040 is required for every title transaction. All required information must be complete and legible.

- Section 8 may be completed in lieu of a separate motor vehicle identification number (VIN) verification on form HSMV 82042.
- Section 9 must be completed if the Florida based business has a Florida sales tax registration number.

Form HSMV 82040 - Mobile Homes, Residential Manufactured Buildings (Modular Homes)

When applying for title(s) for a mobile home that has two or more sides (double-wide, triple-wide, etc.) with the exception of form HSMV 82040 which is required to be completed for each side; all other documentation should be placed with Side A and a comment should be placed in the motor vehicle issuance system comment section for Side B and any additional sides stating “all documentation with Side A” then list the title number for Side A in the motor vehicle issuance system comment field. The total amount of the sales tax collected will be shown on Side A with a comment in the motor vehicle issuance system stating that fact.

Residential manufactured buildings (modular homes) placed on a mobile home lot in a mobile home park, recreational vehicle park, mobile home condominium, cooperative, or subdivision prior to October 1, 2015, were not required to be titled, the homes obtained a registration only. However, the owner may request to have the existing home titled and registered.

If the request for title and registration is made by the new owner who obtained the home through the landlord-tenant process an inspection of the modular homes’ identification number is required to be completed by **an employee of the Dealer Services Regional Office that serves the county where the home is located.**

Form HSMV 82042

A VIN verification is required by Section 319.23(7) for all vehicles that were previously titled out-of-state. The VIN verification for an out-of-state motor vehicle must include an inspection of the confidential VIN by an employee of the Dealer Services Regional Office **that serves the county of residence of the owner of the vehicle.**

Bill of Sale

The bill of sale must contain a complete description of the personal property, including the title number and/or the motor vehicle, or mobile home, or hull identification number. It should also

include the full names and addresses of the seller and purchaser with their signatures, the date of the sale and the purchase price.

Ownership Rights, Liens, and Security Interests

The successful bidder's title is subject to ownership rights, liens, and security interests which have priority by law.

If there are any liens on the personal property for which a lien satisfaction is not provided, the lien must be carried forward to the new owner.

Copy of the Notice of Right to Reclaim Abandoned Property, Former Tenant(s) or Owner Other Than Former Tenant

The notice must contain all the required information and if hand printed be clear and legible. The notice must include the landlord's signature or the signature of a person who is signing on behalf of the landlord as shown on a POA or authorization letter. The dates provided in the letter must coincide with the dates of advertising and public sale if one is to be held. See Exhibit B – Former Tenant and Exhibit C – Owner Other Than Former Tenant.

Landlord Affidavit

A Landlord Affidavit is provided as Exhibits D, Owner of the Property (Individual); and E, Owner of the Property (Business/Corporation). The appropriate form must be submitted with each transaction.

Revision(s) to Procedure

06/26/23 Added instructions for the new Form HSMV 82040s

Added Exhibit F; Added Landlord Affidavit – Owner of the Property, Individual or Business /Corporation to Exhibit A. New language added under section -Form HSMV 82040 - Mobile Homes, Residential Manufactured Buildings (Modular Homes) on pg. 8.

08/30/21: Conducted statutory annual review and a complete revision of procedure. Added legislative legal authority “[Section 715.101, Florida Statutes](#), provides that all tenancies to which part I or part II of Chapter 83 are applicable, and to tenancies after a writ of possession has been issued pursuant to s.723.062”.

Exhibit A Landlord – Tenant Checklist

Landlord – Tenant Checklist

- _____ Form HSMV 82040
- _____ Form HSMV 82042 or Section 8 of HSMV 82040, if applicable
- _____ Copy of the Notice of Right to Reclaim Abandoned Property, Former Tenant **and** Owner Other Than Former Tenant, when applicable
- _____ Customer/Owner/Agent/Courier Identification
- _____ Power of Attorney or Letter of Authorization
- _____ Proof of Mailing (No less than 15 days prior to the sale.) **or** Proof of Personal Delivery (No less than 10 days prior to sale).
- _____ Copy of newspaper advertisement including a complete description of the property in the format as described in s.50.041 and s.50.051, F.S.

_____ **Landlord Affidavit – Owner of the Property, Individual or Business/Corporation**

- _____ Rental Agreement, copy
- _____ Proof of Periodic Rental payments
- _____ Photographs and proof of the value of the property, if requested
- _____ Bill of sale if the property is sold at the public sale
- _____ Subsidiary documentation – mobile home parks (see Note below)
- _____ Satisfaction for all liens, or liens carried forward to the new owner
- _____ Proof of Florida insurance, if applicable
- _____ Title and registration fees
- _____ Sales tax or sales tax registration number, if applicable

All documents must be accurately completed, signed, and legible.

Note: For mobile or modular homes that are being titled in a name other than that of the mobile home park where the landlord-tenant transaction took place, a direct connection of ownership must be made from that mobile home park to the mobile home dealer or other corporation taking ownership via the title. This direct connection should be shown through ACTIVE SUNBIZ accounts connecting the business to their corporate ownership.

Exhibit B Notice of Rights to Reclaim Abandoned Property (Former Tenant)

Notice of Rights to Reclaim Abandoned Property (Former Tenant)

Name: _____

Current Address: _____

City, State & Zip: _____

When you vacated the premises at: _____

_____, the following personal property remained: _____

(Include year, make, model, and vehicle/ mobile home/hull identification number)

You may claim this property at: _____

Unless you pay the reasonable costs of storage and advertising, if any, for the above-described property and take possession of the property which you claim, not later than _____ (insert date not fewer than 10 days after notice is personally delivered or, if mailed, not fewer than 15 days after notice is deposited in the mail) this property may be disposed of pursuant to s.715.109.

Check the statement below which applies:

___ If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the costs of storage, advertising and sale are deducted, the remaining money will be paid over to the county. You may claim the remaining money at any time within 1 year after the county receives the money.

___ Because this property is believed to be worth less than \$500, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated above.

Under penalty of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Printed Name of Landlord

Signature of Landlord

Date

Address of Landlord

Telephone Number of Landlord

Exhibit C Notice of Rights to Reclaim Abandoned Property (Other Than Former Tenant)

Notice of Right to Reclaim Abandoned Property (Owner Other Than Former Tenant)

Name: _____

Address: _____

City, State & Zip: _____

When _____ vacated the premises

at: _____, the following personal property

remained: _____

(Include year, make, model, and vehicle/ mobile home/hull identification number)

If you own this property, you may claim it at _____

Unless you pay the reasonable costs of storage and advertising, if any, for the above-described property and take possession of the property to which you are entitled, not later than _____ (insert date not fewer than 10 days after notice is personally delivered or, if mailed, not fewer than 15 days after notice is deposited in the mail) this property may be disposed of pursuant to s.715.109.

Check the statement below which applies:

___ If you fail to reclaim the property, it will be sold at a public sale after notice of the sale has been given by publication. You have the right to bid on the property at this sale. After the property is sold and the costs of storage, advertising and sale are deducted, the remaining money will be paid over to the county. You may claim the remaining money at any time within 1 year after the county receives the money.

___ Because this property is believed to be worth less than \$500, it may be kept, sold, or destroyed without further notice if you fail to reclaim it within the time indicated above.

Under penalty of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Printed Name of Landlord

Signature of Landlord

Date

Address of Landlord

Telephone Number of Landlord

Exhibit D Landlord Affidavit - Owner of the Property (Individual)

Landlord Affidavit

Landlord – Owner of the Property (Individual)

I, _____, am the owner of the property at
(name as shown on the records of the property appraiser)

_____, as shown in the records of the
(provide address of rental property including lot, suite, or apartment number)

_____ County Property Appraiser _____
(County Name) (Tenant's Name)

was the tenant on the lease/rental agreement from _____ to _____ and

abandoned the lease/rental agreement on _____.

Under penalty of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Printed Name of Landlord

Signature of Landlord

Date

Exhibit E Landlord Affidavit - Owner of the Property (Business/Corporation)

Landlord Affidavit

Landlord – Owner of the Property (Business/Corporation)

I, _____, am the _____ of the property
(Name as shown in the business records of the business/corporation.) (Title)

located at _____, owned by
(provide address of rental property)

_____, as shown in the records of the
(Business or Corporation Name)

_____ County Property Appraiser. _____
(County Name) (Tenant's Name)

the tenant on the lease/rental agreement from _____ to _____ and

abandoned the lease/rental agreement on _____.

Under penalty of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Printed Name of Landlord

Signature of Landlord

Date

Exhibit F Affidavit of Mailing or Personal Delivery

Affidavit of Mailing or Personal Delivery

YEAR _____ MAKE _____ VIN/HIN _____

I hereby affirm that on _____, I mailed the forms, Notice of Right to Reclaim Abandoned Property, Former Tenant, or Owner Other Than Former Tenant, to all parties identified in this transaction, by first class mail.

OR,

I hereby affirm that on _____ at this time _____ at this location, _____, I personally delivered a Notice of Right to Reclaim Abandoned Property, Former Tenant, or Owner Other Than Former Tenant, to _____ who is the former tenant or who is the owner of the property.

Under penalty of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Signature

Printed Name

Date