Motor Vehicle Procedure Manual

Title and Lien

Transfer of Certificate of Title Upon Sale for Towing and Storage Lien or Application for Certificate of Destruction by Towing or Transport Company

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Legal Authority

Section 713.78, Florida Statutes – Liens for recovering, towing, or storing a motor vehicle or vessel.

Section 713.785, Florida Statutes – Liens for recovering, towing, or storing mobile homes.

Section 50.011, Florida Statutes – Where and in what language legal notices to be published.

Section 715.07, Florida Statutes – Requirements for notifying law enforcement after towing a motor vehicle or vessel; ordinance on travel limits for towing a motor vehicle or vessel based on county population size.

Description and Use

This procedure provides information and instructions to assist employees of the tax collector, license plate agents, and the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) in establishing requirements for transfer of Certificate of Title upon sale for towing and storage lien or when submitting an application for Certificate of Destruction.

Definitions

1. "Motor Vehicle" means any mobile item whether motorized or not, which is mounted on wheels. This would include Off-Highway vehicles.

2. "Vessel" refers to the description of watercraft, barge, and air boat used or capable of being used as a means of transportation on water, other than a seaplane or "documented vessel" as defined in s. 327.02(8), Florida Statutes.

3. "Wrecker" means any truck or other vehicle which is used to tow, carry, or otherwise transport motor vehicles or vessels upon the streets and highways of this state, and which is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

4. "National Motor Vehicle Information System" refers to the federally authorized electronic National Motor Vehicle Title Information System (NMVTIS).

5. "Equivalent commercially available system" means a service that charges a fee to provide vehicle information and that a minimum maintains records for those states participating in data sharing with NMVTIS.

6. "Good Faith Effort" means that a series of checks described in s. 713.78(4)(e), Florida Statutes have been performed by the tow company to establish the prior state of registration and for title.

7. "Third party service provider" means a qualified business entity that performs a series of actions described in s. 713.78(16)(a), Florida Statutes.

8. “Mobile home transport company” refers to a person regularly engaged in the business of transporting mobile homes.

9. “Private property” refers to land belonging to a person or entity kept for their exclusive use.

10. “Public property” refers to land belonging to a state, county, city, or town.

11. “Fair and reasonable fee” are fees as reflected per county or municipality ordinances for towing, recovery and storage of a motor vehicle or vessel. The county or municipality ordinances must be taken from the county or municipality where the motor vehicle or vessel was towed, stored, and advertised for sale.

12. “Mobile home park” means a use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.

13. “Writ of Possession” means a court order issued by the clerk to the sheriff describing the premises and commanding the sheriff to put the mobile home park owner in possession of the mobile home 24 hours after the notice has been posted on the premises.

Authority to Tow and Store a Motor Vehicle or Vessel

A person regularly engaged in the business of transporting motor vehicles or vessel(s) by wrecker, tow truck, or car carrier recovers, removes, or stores a motor vehicle or vessel may do so upon instructions from:

- The owner thereof.

- The owner or lessor; a person authorized by the owner or lessor of the property, on which such motor vehicle or vessel is wrongfully parked, and the removal is done in compliance with s. 715.07, Florida Statutes.

- The landlord or a person authorized by the landlord, when such motor vehicle or vessel remains on the premises after the terminated tenancy and the removal is done in compliance with s. 83.806 or s. 715.104, Florida Statutes.

- Any law enforcement agency.

When a person or entity requests a tow of a motor vehicle or vessel from a private property the tow company is required to notify local law enforcement within 30 minutes of the motor vehicle or vessel arriving at the storage facility. The tow company is expected to provide the date and time local law enforcement was notified of the tow and the name and badge number of the local law enforcement officer who was notified.

Requirements for a Notice of Lien for a Motor Vehicle or Vessel

s. 713.78, Florida Statutes, requires a tow company to utilize a third-party service provider to mail a Notice of Lien to registered owner(s), lienholder(s), and insurance companies of a motor vehicle or vessel. The Notice of Lien shall be for reasonable charges for recovery, towing and storage of a motor vehicle or vessel. No storage fee can be charged if the motor vehicle or vessel is stored for less than 6 hours. This applies to motor vehicles and vessels titled in Florida and titled out of state.

If the motor vehicle or vessel record indicates co-owners, whether joined by “and,” or joined by “or,” and both owners have different addresses, each owner must be notified at the appropriate address. If a motor vehicle or vessel record indicates a lienholder has more than one address, notification must be sent to each address.

The Notice of Lien to an insurance company would not be required when:

- The owner of the motor vehicle or vessel requested the tow company to tow and store the motor vehicle or vessel.
- The tow was ordered by code enforcement from a house or from a business in violation of the zoning.
- If the FLHSMV database shows the insurance information is not on file or the insurance policy has been cancelled and the date of the tow was after the insurance policy cancellation date.
- When the motor vehicle or vessel is titled out of state and the title jurisdiction does not release insurance information.

When the FLHSMV database shows a “Law Enforcement Block” for a motor vehicle or vessel which has been towed, the tow company must submit a completed copy of the Notice of Lien, and if required the Notice of Sale, which would exclude the registered owner(s) address, by certified mail to:

Florida Department of Highway Safety and Motor Vehicles
Division of Motorist Services
ATTN: Law Enforcement Block
2900 Apalachee Parkway, MS #57 – B231
Tallahassee, FL 32399

FLHSMV would then forward the Notice of Lien and the Notice of Sale to the owner(s).

When the FLHSMV database shows a "Privacy Act Block" for a motor vehicle or vessel which has been towed in accordance with s. 713.78, Florida Statutes, the tow company would be authorized to receive the information from any tax collector's office or license plate agency.

A. Third Party Service Provider:

A tow company must use a third party service provider approved by FLHSMV to transmit all notices required by s. 713.78, Florida Statutes. FLHSMV has approved the following third-party service providers:

- Auto Data Direct: www.ADD123.com
- Beacon Software www.Towlien.com

The third-party service provider is responsible for mailing the Notice of Lien requested by the tow company. The third-party service provider takes data from these requests such as the motor vehicle identification number (VIN) or hull identification number (HIN), license plate number, as well as the tow company's name and address, then electronically transmits it back to FLHSMV. The information for the Notice of Lien is displayed in the motor vehicle issuance system when processing title applications.

B. Notice of Lien:

The Notice of Lien must include the following:

1. Fact of possession of the motor vehicle or vessel.
2. The legal full name of the person who authorized the tow or the full name of the local law enforcement agency that authorized the tow. No abbreviations of the local law enforcement agency shall be accepted.

3. A lien is claimed for recovery charges, towing charges and for storage charges.

4. Charges have accrued and include an itemized statement of the amount.

5. The lien is subject to enforcement under law and that the registered owner(s) or lienholder(s), if any, has the right to a hearing.

6. Any motor vehicle or vessel that remains unclaimed, or for which the charges for recovery, towing, or storage remain unpaid, may be sold free of all prior liens 35 days after the motor vehicle or vessel is stored by the tow company. If the motor vehicle or vessel is more than 3 years of age, or 50 days after the motor vehicle or vessel is stored by the tow company if the motor vehicle or vessel is 3 years of age or less.

7. Address at which the motor vehicle or vessel is physically located.

8. The tow company may charge an administrative fee to the registered owner(s) or lienholder(s) to release the motor vehicle or vessel from the Notice of Lien. The administrative fee may not exceed $250.

9. If the Notice of Lien is returned undeliverable, the last 8 digits of the VIN or HIN must be clearly printed in the delivery address box and on the outside of the envelope. The tow company name, as registered with the Division of Corporations, and the physical address and telephone number must be clearly printed on the outside of the envelope.

C. Notice of Sale:

If the date of the sale was not included in the Notice of Lien, or the sale information has changed, a Notice of Sale must be sent to the registered owner(s) and lienholder(s) at the address provided by the state of record at least 30 days before the date of the sale of the motor vehicle or vessel.

D. Good Faith Notice to Law Enforcement:

If attempts to locate the name and address of the registered owner(s) or lienholder(s) prove unsuccessful, the tow company shall, within seven (7) business days, excluding Saturday and Sunday, after the date of tow, notify a local law enforcement agency where the motor vehicle or vessel is stored in writing by certified mail, or acknowledged hand delivery, that the tow company has been unable to locate the name and address of the registered owner(s) or lienholder(s) and a physical search of the motor vehicle or vessel has not returned ownership information. The local law

enforcement agency will run a 50 State Check in attempts to find registered owner information. The Good Faith Notice must be signed by the recipient at the local law enforcement agency.

- If the 50 State Check returns no state of record, the signed Good Faith Notice is required in lieu of the Notice of Lien.

- If the 50 State Check returns a state of record, the tow company must reach out to the title jurisdiction for the registered owner(s) and lienholder(s) information. The tow company must send the Notice of Lien to the registered owner(s) and lienholder(s) information provided by the local law enforcement agency. For the tow company to be able to charge storage fees on the Notice of Lien, please check the requirements found in section Timeframe After the Tow and Storage of a Motor Vehicle or Vessel.

E. Advertisement of Public Sale:

An advertisement of public sale of the motor vehicle or vessel must be placed in a general circulation newspaper, in business at least 2 years per s. 50.031, Florida Statutes, and circulate the publication at least 1 time per week. The newspaper must be published in the county where the motor vehicle or vessel was towed and stored and must be published 10 calendar days, including Saturday and Sunday, before the date of the sale. The advertisement must include the name of the tow company, the address where the motor vehicle or vessel is stored, and the date and time of the sale. If the public sale is to take place at a location different from the tow company address, the advertisement must include the address of the location where the sale is held. The public sale must be held in the county where the motor vehicle and vessel was towed and stored.

Timeframe after the Tow and Storage of a Motor Vehicle or Vessel

The Notice of Lien must be sent by certified mail to the registered owner(s), lienholder(s) and insurance company within 7 business days, excluding Saturday and Sunday, after the date of tow of the motor vehicle or vessel. This applies to motor vehicles and vessels titled in Florida or titled out of state. In no event shall the Notice of Lien be sent less than 30 days before the public sale of the motor vehicle or vessel.

The assessment of storage fees on the Notice of Lien are as follows:

- If the motor vehicle or vessel has registered owner(s) only and the Notice of Lien is sent within 7 days after the date of tow, storage fees may be charged for the entire dates of storage.

- If the motor vehicle or vessel has registered owner(s) only and the Notice of Lien is sent after 7 days after the date of tow, no storage fees may be charged to the registered owner(s).

- If the motor vehicle or vessel has registered owner(s) and lienholder(s) and the Notice of Lien is sent within 7 days after the date of tow, storage fees may be charged for the entire dates of storage.

- If the motor vehicle or vessel has registered owner(s) and a lienholder and the Notice of Lien is sent after 7 days after the date of tow, only the lienholder may be charged storage fees for 7 days of storage.

The 7 days are assessed after the date of tow and must be met regardless. If a Notice of Lien or Notice of Sale needs to be resent, to correct errors or if all registered owner(s), lienholder(s), or insurance company were not notified it must be completed within the 7 days after the date of tow to charge the fees above.

The Notice of Sale must be given to the registered owner(s), lienholder(s), or insurance company at least 30 days before the public sale only if:

- The Notice of Lien did not include the public sale information.

- The public sale information changed after the Notice of Lien had been mailed.

The Good Faith Notice, if required, must be submitted to local law enforcement agency within 7 business days, excluding Saturday and Sunday, after the date of tow.

An advertisement of public sale must be published in a newspaper of general circulation in the county where the motor vehicle or vessel was towed and stored and must be published at least 10 calendar days, including Saturday and Sunday, before the date of the public sale.

Authority to Sell a Motor Vehicle or Vessel

A tow company regularly engaged in the business of transporting motor vehicles or vessels by wrecker, tow truck or car carrier may sell such motor vehicle or vessels at public sale if a motor vehicle or vessel remains unclaimed or for which the charges for recovery, towing and storage are unpaid after meeting the following requirements:

- If the motor vehicle or vessel is more than 3 years of age and 35 days have passed after the date of tow.

- If the motor vehicle or vessel is 3 years of age or less and 50 days have passed after the date of tow .

The 35 or 50 calendar days, which include weekends and holidays, do not include the date of the tow or the date of the public sale.

To determine the age of the motor vehicle or vessel, the model year is the first year in the count. Example: In the year 2023, a motor vehicle with a model year of 2021 will have an age of 3. In the year 2023, a motor vehicle with a model year of 2020 will have an age of 4.

Required Documents for a Florida Certificate of Title or a Certificate of Destruction for a Motor Vehicle or Vessel

After a Notice of Lien has been mailed to the registered owner(s) and lienholder(s) of a motor vehicle or vessel which remains unclaimed or for which charges for recovery, towing and storage are unpaid and after a public sale has been held, the tow company may request a Florida Certificate of Title or a Certificate of Destruction. Below are the documents required to be submitted by the tow company to complete the title application.

If any of the documents and requirements found in this procedure are incomplete or incorrect the title application must be rejected. This may mean the Notice of Lien, Good Faith Notice, if applicable, the Notice of Sale, if applicable, and the advertisement of public sale must be re-sent or re-advertised. If the title application is rejected for being incomplete or incorrect that results in any notices being re-sent or re-advertised, the customer will still need to meet the requirements found in section Timeframe after the Tow and Storage of a Motor Vehicle or Vessel for correct assessment of storage fees.

A. Florida Certificate of Title:

   a. A completed form Application for Certificate of Motor Vehicle Title – HSMV 82040 MV for a motor vehicle or, a completed form Application for Certificate of Vessel Title – HSMV 82040 VS for a vessel.

   b. A copy of the Notice of Lien is required. If the Notice of Lien did not include the public sale information or if the public sale information changed after the Notice of Lien was mailed, a copy of the Notice of Sale is required. For detailed coverage on what is required on a Notice of Lien refer to section Requirements for a Notice of Lien for a Motor Vehicle or Vessel.

   c. The Notice of Lien will always be signed by an agent of the tow company, do not reject the transaction if the Notice of Lien has the agent name printed. The tow company business name cannot be used to sign the Notice of Lien.

d. A copy of the tow ticket, trip sheet, or impound invoice, which needs to include the following information:

    i. Full name, full address, and telephone number of the tow company.

    ii. Motor vehicle or vessel description including Year, Make, Model, Color, VIN or HIN, License plate number or Vessel registration number.

    iii. Complete address where the motor vehicle or vessel was towed from.

    iv. Complete address where the motor vehicle or vessel was stored.

    v. Date of tow, time of tow, time motor vehicle or vessel was stored.

    vi. Full legal name of person or entity that authorized the tow, or the full name of the local law enforcement agency that authorized the tow. No abbreviations of the local law enforcement agency shall be accepted.

    vii. Fee for the tow.

    viii. Total miles of the tow, the fee rate of tow per mile, total fee for the mileage.

    ix. Storage fee, per day.

    x. Itemized Recovery fees.

    xi. Administrative fee.

e. Proof of registered owner(s), lienholder(s) and insurance information for the motor vehicle or vessel for which the Notice of Lien was mailed provided by the title jurisdiction. Proof can be one of the following documents:

    i. A computer-generated printout from the title jurisdiction or an authorized provider.

    ii. A letter on original letterhead stationery from the title jurisdiction.

f. Proof of third-party mailing service, an electronic receipt from the third-party service provider that shows tracking information or other proof of mailing.

g. A certified copy of Form PS 3877 – Firm Mailing Book for Accountable Mail or a certified copy of the electronic version. The form must list the name of the registered owner(s), lienholder(s), and insurance company, their complete addresses, and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service to verify the Notice of Lien was mailed.

    i. If the certified Notice of Lien is returned undeliverable, tax collector or license plate agency personnel are responsible for opening the returned certified envelope. The tax collector or license plate agency personnel must place their initials and date of opening on the envelope. In lieu of a returned certified envelope, a certified copy of the PS 3877 indicating that the mailing was returned undeliverable is acceptable.

h. Signed Good Faith Notice, if required.

i. Proof of NMVTIS check, an electronic receipt from the third-party service provider that shows proof of check of the NMVTIS database.

j. Proof of advertisement of public sale, includes the name of the newspaper and the date the advertisement was published, and a copy of the newspaper advertisement.

k. If the motor vehicle or vessel was not sold at the public sale, the tow company must apply for a Certificate of Title in their name. On forms HSMV 82040 MV or HSMV 82040 VS they must fill out Section 5 Transfer Type by selecting the Other checkbox and must specify "713.78," and Section 9 Sales Tax Exemption Certification by selecting the Other checkbox and must specify "Obtained per Florida Statutes 713.78 or 713.785, for towing and storage charges."

B. Certificate of Destruction:

a. A completed form Application for Towing and Storage Certificate of Destruction – HSMV 82012.

b. A copy of the Notice of Lien is required. If the Notice of Lien did not include the public sale information or if the public sale information changed after the Notice of Lien was mailed, a copy of the Notice of Sale is required. For detailed coverage on what is required on a Notice of Lien refer to section Requirements for a Notice of Lien for a Motor Vehicle or Vessel.

c. The Notice of Lien will always be signed by an agent of the tow company, do not reject the transaction if the Notice of Lien has the agent name printed. The tow company business name cannot be used to sign the Notice of Lien.

d. A copy of the tow ticket, trip sheet, or impound invoice, which needs to include the following information:

    i. Full name, full address, and telephone number of the tow company.

    ii. Motor vehicle or vessel description including Year, Make, Model, Color, VIN or HIN, License plate number or Vessel registration number.

    iii. Complete address where the motor vehicle or vessel was towed from.

    iv. Complete address where the motor vehicle or vessel was stored.

    v. Date of tow, time of tow, time motor vehicle or vessel was stored.

    vi. Full legal name of person or entity that authorized the tow, or the full name of the local law enforcement agency that authorized the tow. No abbreviations of the local law enforcement agency shall be accepted.

    vii. Fee for the tow.

    viii. Total miles of the tow, the fee rate of tow per mile, total fee for the mileage.

    ix. Storage fee, per day.

    x. Itemized Recovery fees.

    xi. Administrative fee.

e. Proof of registered owner(s), lienholder(s) and insurance information for the motor vehicle or vessel for which the Notice of Lien was mailed provided by the title jurisdiction. Proof can be one of the following documents:

    i. A computer-generated printout from the title jurisdiction or an authorized provider.

    ii. A letter on original letterhead stationery from the title jurisdiction.

f. Proof of third-party mailing service, an electronic receipt from the third-party service provider that shows tracking information or other proof of mailing.

g. A certified copy of Form PS 3877 – Firm Mailing Book for Accountable Mail or a certified copy of the electronic version. The form must list the name of the registered owner(s), lienholder(s), and insurance company, their complete addresses, and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service to verify the Notice of Lien was mailed.

    i. If the certified Notice of Lien is returned undeliverable, tax collector or license plate agency personnel are responsible for opening the returned certified envelope. The tax collector or license plate agency personnel must place their initials and date of opening on the envelope. In lieu of a returned certified envelope, a certified copy of the PS 3877 indicating that the mailing was returned undeliverable is acceptable.

h. Signed Good Faith Notice, if required.

i. Proof of NMVTIS check and electronic receipt from the third-party service provider that shows proof of check of the NMVTIS database.

j. <u>Proof of reporting the motor vehicle to NMVTIS, through an authorized data consolidator, that reflects the motor vehicle is dismantled, junked, or rendered inoperable on the streets and highways.</u>

k. Proof of advertisement of public sale, includes the name of the newspaper and the date the advertisement was published, and a copy of the newspaper advertisement.

l. If the motor vehicle or vessel was not sold at the public sale, the tow company must apply for a Certificate of Destruction in their name.

Authority to Tow and Store a Mobile Home

A mobile home transport company regularly engaged in the business of transporting mobile home recovers, removes, or stores a mobile home may do so upon instructions from:

- The owner of the mobile home.

- Any law enforcement agency.

- A mobile home park owner who has a current Writ of Possession for a mobile home.

Requirements for Notice of Lien for a Mobile Home

s. 713.785, Florida Statutes, requires a mobile home transport company to mail a Notice of Lien to registered owner(s) and lienholder(s) of a mobile home. The Notice of Lien shall be for reasonable charges for recovery, towing and storage of the mobile home.

If the mobile home indicates co-owners, whether joined by "and," or joined by "or," and both owners have different addresses, each owner must be notified at the appropriate address. If the mobile home record indicates a lienholder has more than one address, notification must be sent to each address.

When the FLHSMV database shows a "Law Enforcement Block" for a mobile home which has been towed, the mobile home transport company must submit a completed copy of the Notice of Lien, and if required the Notice of Sale, which would exclude the registered owner(s) address, by certified mail to:

Florida Department of Highway Safety and Motor Vehicles
Division of Motorist Services
ATTN: Law Enforcement Block
2900 Apalachee Parkway, MS #57 – B231
Tallahassee, FL 32399

FLHSMV would then forward the Notice of Lien and the Notice of Sale to the owner(s).

When the FLHSMV database shows a "Privacy Act Block" for a mobile home which has been towed in accordance with s. 713.785, Florida Statutes, the mobile home transport company would be authorized to receive the information from any tax collector's office or license plate agency.

A. Notice of Lien:

   The Notice of Lien must be sent through certified mail with return receipt requested and must include the following:

   1. Fact of possession of the mobile home.

   2. Legal full name of the person who authorized the tow.

3. A lien is claimed for recovery charges, towing charges and for storage charges.

4. Charges have accrued and include an itemized statement of the amount.

5. The lien is subject to enforcement under law and that the registered owner(s) or lienholder(s), if any, has the right to a hearing.

6. Any mobile home that remains unclaimed, or for which the charges for towing or storage remain unpaid, may be sold free of all prior liens 35 days after the Writ of Possession was issued.

7. Address at which the mobile home is physically located.

8. If the date of sale was not included in the notice of lien or the sale information has changed, a notice of sale must be sent to the registered owner(s) and lienholder(s).

B. Notice of Sale:

If the date of the sale was not included in the Notice of Lien, or if the sale information has changed, a notice of sale must be sent to the registered owner(s) and lienholder(s) at the addresses provided by the state of record at least 15 days before the date of the sale of the mobile home.

C. Advertisement of Public Sale:

The advertisement of public sale of the mobile home must be placed in a general circulation newspaper in business at least 2 years, per s. 50.031, Florida Statutes, and circulates the publication at least 1 time per week. The newspaper must be published in the county where the mobile home was towed and stored and must be published 10 calendar days, including Saturday and Sunday, before the date of the sale. The advertisement must include the name of the mobile home transport company, the address where the mobile home is stored, and the date and time of the sale. The public sale must be held in the county where the mobile home was towed and stored.

Timeframe after the Tow and Storage of a Mobile Home

The Notice of Lien must be sent by certified mail to the registered owner(s) and lienholder(s) within 7 business days, excluding Saturday and Sunday, after the date of tow of the mobile home.

The Notice of Sale must be given to the registered owner(s) and lienholder(s) at least 15 days before the public sale only if:

- The Notice of Lien did not include the public sale information.
- The public sale information included in the Notice of Lien has changed after the Notice of Lien has been mailed.

The advertisement of public sale must be published in a newspaper of general circulation in the county where the mobile home is stored and must be published at least 10 calendar days, including Saturday and Sunday, before the date of the sale.

Authority to Sell a Mobile Home

A mobile home transport company regularly engaged in the business of transporting mobile home recovers, removes, or stores a mobile home may sell such mobile home at a public sale if the mobile home remains unclaimed or for which the charges for recovery, towing and storage are unpaid 35 days after the mobile home is stored by the mobile home transport company.

The 35 calendar days, which include weekends and holidays, do not include the date the mobile home was towed or the date of the public sale.

Required Documents for a Florida Certificate of Title or a Certificate of Destruction for a Mobile Home

After a Notice of Lien has been mailed to the registered owner(s) and lienholder(s) of a mobile home which remains unclaimed or for which charges for recovery, towing and storage are unpaid and after a public sale has been held the mobile home transport company may request a Florida Certificate of Title or a Certificate of Destruction. Below are the documents required to be submitted by the mobile home transport company to process the title application.

If any of the documents and requirements found in this procedure are incomplete or incorrect the application must be rejected. This may mean the Notice of Lien, the Notice of Sale, if applicable, and the advertisement of public sale must be re-sent or re-advertised.

A. Florida Certificate of Title:

    a. A completed form Application for Certificate of Mobile Home Title – HSMV 82040 MH.

b. A copy of the Notice of Lien is required. If the Notice of Lien did not include the public sale information or if the public sale information changed after the Notice of Lien was mailed, a copy of the Notice of Sale is required. For detailed coverage of what is required on a Notice of Lien refer to section Requirements of a Notice of Lien for a Mobile Home.

c. The Notice of Lien will always be signed by an agent of the mobile home transport company, do not reject the transaction if the Notice of Lien has the agent name printed. The mobile home transport company's business name cannot be used to sign the Notice of Lien.

d. A copy of the tow ticket, trip sheet, or impound invoice which needs to include the following information:

    i. Full name, full address, and telephone number of the mobile home transport company.

    ii. Mobile Home description including Year, Make, and VIN.

    iii. Complete address where the mobile home was towed from.

    iv. Complete address where the mobile home was stored.

    v. Date of tow, time of tow, time mobile home was stored.

    vi. Full legal name of person or entity that authorized the tow, or the full name of the local law enforcement agency that authorized the tow. No abbreviations of the local law enforcement agency shall be accepted.

    vii. Fee for the tow.

    viii. Total miles of the tow, the fee rate of tow per mile, total fee for the mileage.

    ix. Storage fee, per day.

    x. Itemized Recovery fees.

    xi. Administrative fee.

e. Proof of registered owner(s) and lienholder(s) information for the mobile home for which the Notice of Lien was mailed provided by the title jurisdiction. Proof can be one of the following documents:

   i. A computer-generated printout from the title jurisdiction or an authorized provider.

   ii. A letter on original letterhead stationery from the title jurisdiction.

f. A certified copy of Form PS 3877 – Firm Mailing Book for Accountable Mail or a certified copy of the electronic version. The form must list the name of the registered owner(s) and lienholder(s), their complete addresses, and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service to verify the Notice of Lien was mailed.

   i. If the Notice of Lien is returned undeliverable, tax collector or license plate agency personnel are responsible for opening the returned certified envelope. The tax collector or license plate agency personnel must place their initials and date of opening on the envelope. In lieu of a returned certified envelope, a certified copy of the PS 3877 indicating that the mailing was returned undeliverable is acceptable.

g. Proof of advertisement of public sale, includes the name of the newspaper and the date the advertisement was published, and a copy of the newspaper advertisement.

h. If the mobile home was not sold at the public sale, the mobile home transport company must apply for a Certificate of Title in their name.

i. When the mobile home transport company is applying for the title in their name on the form HSMV 82040 MH they must fill out Section 5 Transfer Type by selecting the Other checkbox and they must specify "713.785," and Section 9 Sales Tax Exemption Certification by selecting the Other checkbox and must specify "Obtained per Florida Statutes 713.78 or 713.785, for towing and storage charges."

B. Certificate of Destruction:

a. A completed form Application for Towing and Storage Certificate of Destruction - HSMV 82012.

b. A copy of the Notice of Lien is required. If the Notice of Lien did not include the public sale information or if the public sale information changed after the Notice of Lien was mailed, a

copy of the Notice of Sale is required. For detailed coverage of what is required on a Notice of Lien refer to section Requirements of a Notice of Lien for a Mobile Home.

c. The Notice of Lien will always be signed by an agent of the mobile home transport company, do not reject the transaction if the Notice of Lien has the agent name printed. The mobile home transport company's business name cannot be used to sign the Notice of Lien.

d. A copy of the tow ticket, trip sheet, or impound invoice which needs to include the following information:

    i. Full name, full address, and telephone number of the mobile home transport company.

    ii. Mobile Home description including Year, Make, and VIN.

    iii. Complete address where the mobile home was towed from.

    iv. Complete address where the mobile home was stored.

    v. Date of tow, time of tow, time mobile home was stored.

    vi. Full legal name of person or entity that authorized the tow, or the full name of the local law enforcement agency that authorized the tow. No abbreviations of the local law enforcement agency shall be accepted.

    vii. Fee for the tow.

    viii. Total miles of the tow, the fee rate of tow per mile, total fee for the mileage.

    ix. Storage fee, per day.

    x. Itemized Recovery fees.

    xi. Administrative fee.

e. Proof of registered owner(s) and lienholder(s) information for the mobile home for which the Notice of Lien was mailed provided by the title jurisdiction. Proof can be one of the following documents:

i. A computer-generated printout from the title jurisdiction or an authorized provider.

ii. A letter on original letterhead stationery from the title jurisdiction.

f. A certified copy of Form PS 3877 – Firm Mailing Book for Accountable Mail or a certified copy of the electronic version. The form must list the name of the registered owner(s) and lienholder(s), their complete addresses, and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service to verify the Notice of Lien was mailed.

   i. If the Notice of Lien is returned undeliverable, tax collector or license plate agency personnel are responsible for opening the returned certified envelope. The tax collector or license plate agency personnel must place their initials and date of opening on the envelope. In lieu of a returned certified envelope, a certified copy of the PS 3877 indicating that the mailing was returned undeliverable is acceptable.

g. Proof of advertisement of public sale, includes the name of the newspaper and the date the advertisement was published, and a copy of the newspaper advertisement.

h. If the mobile home was not sold at the public sale, the mobile home transport company must apply for a Certificate of Destruction in their name.

Wrecker Operator Lien

If a Certificate of Destruction was issued in the name of a tow company for a motor vehicle or vessel which was requested to be recovered, towed, and stored by a law enforcement agency for an abandoned motor vehicle or vessel the tow company may submit a Wrecker Operator Lien. The Wrecker Operator Lien submitted may not exceed 7 days of fees for recovery, towing, and storage of the motor vehicle or vessel.

If a Certificate of Destruction was issued in the name of a mobile home transport company for a mobile home which was requested to be recovered, towed, and stored by a law enforcement agency or a mobile home park owner with a Writ of Possession may submit a Wrecker Operator Lien. The Wrecker Operator Lien submitted may not exceed 7 days of fees for recovery, towing, and storage of the mobile home.

For information on adding, discharging, or disputing a Wrecker Operator Lien refer to FLHSMV Procedure RS-50.

Miscellaneous

A. All liens will be removed from the Certificate of Title issued under sections 713.78 or 713.785, Florida Statutes, unless otherwise provided by a court order.

B. When a licensed Florida motor vehicle dealer or an individual purchases a motor vehicle or vessel from a tow company or a mobile home from a mobile home transport company through operation of law, a Certificate of Title must be issued in the dealer's or individual's name before the motor vehicle, vessel, or mobile home can be sold to another person.

C. All tax collector offices or license plate agencies are authorized to disclose insurance information to any towing company requesting this information for any insured motor vehicle which has been towed in compliance with section 713.78, Florida Statutes.

D. If an owner of a motor vehicle, vessel or mobile home signs their title over to a tow company or a mobile home transport company, for towing and storage charges, and the tow company or mobile home transport company wishes to apply for a Certificate of Title the following would be required in order for the tow company or mobile home transport company to prove their exemption from sales tax: the Florida or out-of-state Certificate of Title properly completed for transfer to the tow company or mobile home transport company, "towing & storage" should be shown in the "selling price" section.

E. If the Certificate of Title is issued with an incorrect VIN or HIN and is returned for correction, a correspondence letter will be written stating the Certificate of Title is cancelled and the previous record, if applicable, is being reinstated on the FLHSMV database. Since the Notice of Lien and all documentation had an incorrect VIN or HIN the correction letter will also state that the registered owner(s) and lienholder(s) of record must be notified again, and the newspaper advertisement republished. In the event a Certificate of Title is issued with an incorrect VIN or HIN, proof of confidential VIN or HIN check performed by law enforcement must be submitted with the title application.

F. Once a Certificate of Destruction has been issued upon a motor vehicle, vessel, or mobile home it should be dismantled and rendered inoperable for the streets and highways of this state. A Certificate of Destruction cannot be issued on an Off-Highway vehicle.

G. A Certificate of Destruction cannot be issued if the record on FLHSMV's database reflects one of the following:

    a. Cancelled or Voided Florida record.

b. FCIC Stolen Stop.

c. Administrative Stop.

d. Correspondence Letter issued.

e. Pending Certificate of Title.

H. When a Certificate of Destruction has been issued and the tow company or mobile home transport company sells the motor vehicle, vessel, or mobile home for parts or scrap, each subsequent owner must be recorded on the Certificate of Destruction. The Certificate of Destruction shall be re-assignable a maximum of two times before dismantling or destruction of the motor vehicle, vessel, or mobile home. The Certificate of Destruction must accompany the motor vehicle, vessel, or mobile home for which it is issued when the motor vehicle, vessel, or mobile home is issued for that purpose.

I. The owner who finally dismantles or crushes the motor vehicle, vessel, or mobile home must retain the original Certificate of Destruction for three years. The copy of the Certificate of Destruction must be kept for three years by the tow company or mobile home transport company after being completed for transfer to a purchaser.

J. Once the Certificate of Destruction is issued, no Certificate of Title will be issued by FLHSMV. If the Certificate of Destruction is lost, form Application for Towing and Storage Certificate of Destruction – HSMV 82012 may be used to apply for a duplicate.

K. If the motor vehicle or vessel record is noted "Junk" prior to the date of tow, a Certificate of Destruction must be issued in lieu of a Certificate of Title.

L. If a tow company or mobile home transport company applies for a Certificate of Destruction on a motor vehicle, vessel, or mobile home where a Certificate of Destruction has already been issued, accept the application and contact the Field Support to process the application.

M. HSMV 82363 Application for Salvage Title/Certificate of Destruction – HSMV 82363 may be completed by the tow company or the person who purchased the motor vehicle at the public sale, showing "Salvage by Owner." A Salvage Rebuildable Certificate of Title will be issued if form HSMV 82363 is accurately completed and all requirements under TL-26 have been met.

N. The motor vehicle issuance system has been updated to display the information for the Notice of Lien and Notice of Sale that third-party service providers submit to FLHSMV electronically. Verify the

information displayed against the documents presented by the customer, if they do not match reject the transaction. If the customer claims they have paid the tow company or mobile home transport company for the recovery, towing and storage charges request a receipt of payment then process the title application, submit the receipt of payment with the transaction.

a. If the motor vehicle issuance system does not display the information for the Notice of Lien and Notice of Sale and all documents and requirements under TL-26 have been met, do not reject the transaction.

O. FLHSMV no longer issues Show Cause letters. If the date the Notice of Lien was mailed reflects the address of the registered owner(s) on file do not reject the transaction. Verify the address on file for the date the Notice of Lien was mailed through address history.

Revision(s) to Procedure

04/08/24: Added j. to B. Certificate of Destruction to Required Documents for a Certificate of Title or Certificate of Destruction for a Motor Vehicle or Vessel section. Added O. to Miscellaneous section.

03/24: Procedure rewritten for clarity. Biannual Review conducted.

3/23/21: Updated address for Law Enforcement Block on page 5 and 16. Added 30 days to Notice of Sale on page 3- and 30-days Notice of Claim of Lien on page 7. On page 3 C. (a) added under Notice of Claim of Lien: If the tow company fails to provide notice within the required timeframes to any person claiming a lien on the vehicle or vessel, the tow company may not charge the person more than 7 days of storage in addition to the towing charges. Updated Exhibit B Notice of Lien and L Notice of Sale includes 30 days and “any time before the sale of the vehicle or vessel”. Updated page 3, Notice of Claim of Lien with date March 25th. Updated page 4, Letter of Good Faith Effort with date March 26th. Exhibit E. added “Good Faith Effort.”

3/18/21: Conducted statutory review. Implemented 2019 legislation to reflect revision pursuant to Florida Statute 713.78. Added information about the Servicemembers Civil Relief Act and the Department of Defense’s Defense Manpower Data Center

Exhibit A

NOTICE OF CLAIM OF LIEN AND PROPOSED SALE OF A MOTOR VEHICLE, MOBILE HOME OR VESSEL

Date: _____

To: **Registered Owner**

Name: _____

Address: _____

City, State, Zip: _____

Lienholder

Name: _____

Address:_____

City, State, Zip: _____

Names and addresses of any other persons, including any other lienholders or insurance company, claiming an interest in the motor vehicle, mobile home, or vessel.

Name: _____

Address: _____

City, State, Zip: _____

Name: _____

Address: _____

City, State, Zip: _____

Lienor (Towing and Storage Company)

Name: _____

Address:_____

City, State, Zip: _____

Telephone: _____

Description of Motor Vehicle, Mobile Home, or Vessel

Year:____ Make:_____ VIN/HIN:_____

Location of Motor Vehicle, Mobile Home, or Vessel:

_____

_____

Each of you are hereby notified that the above described motor vehicle, mobile home or vessel was towed at the request of _____ (Person who Authorized Tow) on _____ (Date) and the above named towing or transport company is in possession of and claims a lien on the above described motor vehicle, mobile home, or vessel for recovery, towing, and storage charges accumulated in the amount of: Total $_____.

Itemized Charges: Towing Charges $_____, Total Storage Charges $_____, for ___ days, at $____ per day, Recovery Charges, if applicable $_____, and Administrative Fees $_____. The storage charges will continue to accumulate at the rate of $_____ per day.

The lien claimed by the above named towing or transport company is subject to enforcement pursuant to s.713.78 or 713.785, F.S., and unless said motor vehicle, mobile home or vessel is redeemed from said towing or transport company by payment as allowed by law, the above described motor vehicle, mobile home or vessel may be sold to satisfy the lien. If the motor vehicle, mobile home or vessel is not redeemed and that motor vehicle, mobile home or vessel remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens **after 35 days if the vehicle or vessel is more than 3 years of age and after 50 days if the vehicle or vessel is 3 years of age or less. The mobile home may be sold after 35 days.** The owner, lienholder, or insurance company, if any, has the right to a hearing as set forth in subsection (5). The above designated towing or transport company proposes to sell the motor vehicle, mobile home or vessel as follows:

Public sale to be held at _____ commencing at _____ AM/PM on the _____day of _____, 20_____.

Statement of Owners Rights

Notice that the owner, lienholder or insurance company within 10 days after the time they have knowledge of the location of the motor vehicle, mobile home or vessel, may file a complaint in the county court in which the motor vehicle, mobile home or vessel is stored to determine if their property was wrongfully taken or withing from them.

Notice that upon filing a complaint, an owner, lienholder, or insurance company may have their motor vehicle, mobile home or vessel released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing and storage to ensure the payment of such charges in the event they do not prevail.

Notice that any proceeds from the sale of the motor vehicle, mobile home, or vessel remaining after payment of the amount claimed to be due and owed to the towing or transport company will be deposited with the clerk of the circuit court for disposition upon court order pursuant to subsection (5) of s. 713.75, or 713.785, F.S.

Note: The 35 or 50 day time frame that the motor vehicle, mobile home or vessel must be held should not include the day of towing and storage, or the date of the sale. When a separate notice is sent 15 days prior to the sale date, the date the notice was mailed or the date of sale should not be included in the 15 days. The newspaper ad must be placed 10 days prior to the scheduled date of sale, but the 10 days should not include the date the notice was placed in the newspaper or the date of the sale.

Dated this _____ Day of _____, 20_____.

Towing Company or Transport Company _____
(Signature of Authorized Agent)

Note: This is a suggested form. This is not a prescribed form; however, it does contain all the information required.

Exhibit B

NOTICE OF SALE OF A MOTOR VEHICLE, MOBILE HOME OR VESSEL

Date: _____

To: **Registered Owner**

Name: _____

Address: _____

City, State, Zip: _____

Lienholder

Name: _____

Address:_____

City, State, Zip: _____

Names and addresses of any other persons, including any other lienholders or insurance company, claiming an interest in the motor vehicle, mobile home, or vessel.

Name: _____

Address: _____

City, State, Zip: _____

Name: _____

Address: _____

City, State, Zip: _____

Lienor (Towing and Storage Company)

Name: _____

Address:_____

City, State, Zip: _____

Telephone: _____

Description of Motor Vehicle, Mobile Home, or Vessel

Year:____ Make:_____ VIN/HIN:_____

Location of Motor Vehicle, Mobile Home, or Vessel:

_____

_____

The lien claimed by the above named towing or transport company is subject to enforcement pursuant to s.713.78 or 713.785, F.S., and unless said motor vehicle, mobile home or vessel is redeemed from said towing or transport company by payment as allowed by law, the above described motor vehicle, mobile home or vessel may be sold to satisfy the lien. If the motor vehicle, mobile home or vessel is not redeemed and that motor vehicle, mobile home or vessel remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens **after 35 days if the vehicle or vessel is more than 3 years of age and after 50 days if the vehicle or vessel is 3 years of age or less. The mobile home may be sold after 35 days.** The owner, lienholder, or insurance company, if any, has the right to a hearing as set forth in subsection (5). The above designated towing or transport company proposes to sell the motor vehicle, mobile home or vessel as follows:

Public sale to be held at _____ commencing at _____ AM/PM

on the _____day of _____, 20_____.

Statement of Owners Rights

Notice that the owner, lienholder or insurance company within 10 days after the time they have knowledge of the location of the motor vehicle, mobile home or vessel, may file a complaint in the county court in which the motor vehicle, mobile home or vessel is stored to determine if their property was wrongfully taken or withing from them.

Notice that upon filing a complaint, an owner, lienholder, or insurance company may have their motor vehicle, mobile home or vessel released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the charges for towing and storage to ensure the payment of such charges in the event they do not prevail.

Notice that any proceeds from the sale of the motor vehicle, mobile home, or vessel remaining after payment of the amount claimed to be due and owed to the towing or transport company will be deposited with the clerk of the circuit court for disposition upon court order pursuant to subsection (5) of s. 713.75, or 713.785, F.S.

Note: The 35 or 50 day time frame that the motor vehicle, mobile home or vessel must be held should not include the day of towing and storage, or the date of the sale. When a separate notice is sent 15 days prior to the sale date, the date the notice was mailed or the date of sale should not be included in the 15 days. The newspaper ad must be placed 10 days prior to the scheduled date of sale, but the 10 days should not include the date the notice was placed in the newspaper or the date of the sale.

Dated this _____ Day of _____, 20_____.

Towing Company or Transport Company _____

(Signature of Authorized Agent)

Note: This is a suggested form. This is not a prescribed form; however, it does contain all the information required.

GOOD FAITH NOTICE

(This Notice must be sent by certified mail or must be hand delivered.)

Date: _____

To: **Local Law Enforcement Agency**

Agency Name: _____

Address: _____

City, State, Zip: _____

From: **Lienor (Towing or Transport Company)**

Name of Lienor: _____

Address: _____

City, State, Zip: _____

Telephone: _____

Fax: _____

Description of Motor Vehicle, Mobile Home or Vessel

Year: _____ Make: _____ VIN/HIN: _____

The above named Lienor claims a lien pursuant to section s.713.78 or 713.785, F.S. on the above described motor vehicle, mobile home, or vessel for towing and storage charges.

A "Good Faith Effort" has been made by the lienor to include: A physical search of the vehicle or vessel, a check of the Florida Department of Highway Safety and Motor Vehicles Database and of the National Motor Vehicle title Information System (NMVTIS). The lienor has been unable to locate any registered owner, lienholder and insurance company information for the motor vehicle, mobile home or vessel.

If any information is located for the registered owner, lienholder and insurance company by the law enforcement agency, please forward that information to the above listed lienor.

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

_____
(Signature of Lienor)

Note: This is a suggested form. It is not a prescribed form; however, it does contain all the information required.