

**Florida Department of Highway Safety and Motor Vehicles  
Division of Motorist Services**

<b>PROCEDURE:</b> TL-28	<b>SUBJECT:</b> TRANSFER OF CERTIFICATE OF TITLE UPON SALE BY A SELF-SERVICE STORAGE FACILITY OR <u>A SELF-CONTAINED STORAGE UNIT</u> OWNER'S LIEN	
<b>DESCRIPTION AND USE:</b> 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 (FLHSMV) IN PROCESSING APPLICATIONS FOR TRANSFER OF CERTIFICATE OF TITLE UPON SALE BY A SELF-SERVICE STORAGE FACILITY OR A <u>SELF-CONTAINED STORAGE UNIT</u> OWNER'S LIEN		
<p>I. PROVISIONS OF LAW:</p> <p><a href="#">Section 83.805, Florida Statutes</a>, provides for the creation of a lien by sale of all personal property by the owner of a self-service storage facility or self-contained storage unit for non-payment of rental, labor or other charges in relation to the personal property.</p> <p><a href="#">Section 83.806, Florida Statutes</a>, provides for the enforcement of the lien created in Section 83.805.</p> <p><a href="#">Section 50.011, Florida Statutes</a>, provides that a newspaper which is printed and published periodically once a week (or more often) is in general circulation.</p> <p><a href="#">Section 50.031, Florida Statutes</a>, provides that a newspaper of “general circulation” is a newspaper (business) that (at the time of publication) has been in existence for at least one year.</p> <p>II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:</p> <p>The below documentation should be submitted to the tax collector's office or license plate agent when all statutory requirements are met:</p> <p>A. If the motor vehicle is CURRENTLY TITLED IN FLORIDA, submit each of the following:</p> <ol style="list-style-type: none"> <li>1. Form <a href="#">HSMV 82040 - Application for Certificate of Title with/without Registration</a> to be completed by the purchaser(s).</li> <li>2. A copy of the written notice which was delivered in person or sent by certified mail to the tenant and lienholder(s) at the address shown on the motor vehicle records of this or any other state.</li> </ol> <p>The written notice must include:</p> <ol style="list-style-type: none"> <li>a. An itemized statement of the storage facility or self-contained storage unit owner's claim showing the sum due at the time of the notice and the date when the sum became due.</li> </ol>		
<p><b><i>Revision(s) to this procedure: <u>Statutory review. Added links to statutes and forms. Added “Self-Contained Storage Unit” to description and subject areas.</u></i></b></p>		
<b>EFFECTIVE DATE:</b>  Immediately	<b>REVISION DATE:</b>  06/04/20	<b>PAGE:</b>  TL-28-01

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- b. The same description or a reasonably similar description of the personal property as provided in the rental agreement.
- c. A statement demanding payment within a specified time, no less than 14 days after delivery of the notice.
- d. A clear statement advising that, unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale or other disposition and will be sold or otherwise disposed of at a specified time and place.
- e. Provide the name, street address and telephone number of the storage facility owner whom the tenant may contact to respond to the notice.

If the notice was mailed, submit the original or certified copy of the post office returned receipt for the certified mail or the returned unclaimed and unopened returned letter(s) with all other requested documentation.

OR

If the notice was delivered in person, a notarized or perjury clause affidavit attesting to that fact must be submitted with all other required documentation.

- 3. A copy of the rental agreement.
- 4. A copy of the newspaper advertisement (after the specific date that was given for payment of the claim as shown in the notice) advertising the sale (which was published once a week for two consecutive weeks in a newspaper of general circulation in the area where the self-service storage facility or self-contained storage unit is located).

The advertisement must be published at least 15 calendar days prior to the date of the sale. The 15 calendar days do not include the date of the sale or the date of the advertisement.

OR

If there is no newspaper of general circulation in the area where the self-service storage facility or self-contained storage unit is located, follow these instructions:

Submit a copy of the advertisement which was posted at least ten calendar days prior to the date of the sale or other disposition, no fewer than three conspicuous (visible) places in the neighborhood where the storage facility is located.

The ten calendar days do not include the date of the posting or the date of the sale.

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The advertisement must include the following:

- a. A brief and general description of what is believed to constitute the personal property contained in the storage facility or self-contained storage unit.
  - b. The address of the storage facility or location of the self-contained storage unit and the name of the tenant.
  - c. The time, place and manner of the sale or other disposition, no sooner than 15 days after the date of the first publication.
  - d. The dates in which the advertisement was published or posted.
5. Pursuant to Section [83.806, Florida Statutes](#), a lien sale may also be conducted on a public website that customarily conducts personal property auctions.

In accordance with this statute, lien sales of vehicles and watercrafts on public auction websites becomes an option for the self-service storage facility or self-contained storage unit owner when the owner of the vehicle or watercraft being stored at the facility has an unpaid balance for 60 days after the balance due date has passed. Additionally, if the rental agreement contains a limit on the value of the property stored in the tenant's storage space, the limit is deemed to be the maximum value of the property stored.

The self-service storage facility or self-contained storage unit owner is NOT required to hold a license to post the property for an online sale/auction.

- a. If the property is sold, a bill of sale from the self-service storage facility or self-contained storage unit should be sent to the purchaser showing the selling price and a complete description of the vehicle. If the vehicle is not sold at the sale, the self-storage facility or self-contained storage unit owner MUST get a title issued in their name.
- b. The property may also be towed away by a wrecker service. If the property is towed from the facility or unit, the owner is not liable for any damages to the property once the wrecker service takes possession.
- c. The wrecker service taking possession of the property must comply with all notification and sale requirements.

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6. Lien satisfaction(s) for any lien(s), as shown on the motor vehicle records of this or any other state, if applicable.
7. Florida sales tax or specify the sales tax information on an accurately completed form HSMV 82040.
8. The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for a mobile home.
9. Title fees.

**B. If the motor vehicle was PREVIOUSLY TITLED OUT OF STATE:**

1. Form [HSMV 82042 - Vehicle Identification Number \(VIN\) and Odometer Verification](#), completed by the applicant(s) with the VIN verified as specified on the form.

Form HSMV 82040 may be used in lieu of the above listed form.

OR

An affidavit from the seller(s) and the purchaser(s) verifying that the VIN shown on the affidavit is identical to the VIN shown on the motor vehicle.

Verification is not required on any mobile home, trailer or semi-trailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

2. Verification of ownership and lien status information from the motor vehicle division of the state of previous registration, if applicable. Verification may be one of the following:
  - a. A computer-generated printout from the out-of-state motor vehicle division.
  - b. A letter on original letterhead stationery from the out-of-state motor vehicle division.
  - c. A photocopy of the current out-of-state Certificate of Title.
  - d. A copy of the teletype printout or a statement which shows the ownership information, lien status and the name of the law enforcement agency that provided the verification information.

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3. When the state in which the motor vehicle was previously registered is unknown, submit a notarized or perjury clause affidavit signed by an authorized representative of the self-storage company stating that fact. The affidavit must state that no license plate was on the motor vehicle when it was left at the facility or in the unit.
4. Documentation as listed under II, A, 1-9, is also required.

### III. MISCELLANEOUS INFORMATION:

- A. Before the sale, the tenant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred to redeem the property. Upon receipt of payment, the owner shall return the property to the tenant.
- B. If there is a balance after the owner of the storage facility or self-contained storage unit has satisfied his/her lien, it shall be held for delivery on demand to the tenant. A notice of any balance shall be delivered by the owner to the tenant in person or by certified mail to the last known address of the tenant. If the tenant or the secured lienholders do not claim the sale proceeds within two years of the date of sale, the proceeds shall be deemed abandoned and the owner shall have no further obligation regarding the payment of the proceeds.
- C. When a licensed motor vehicle dealer or individual purchases a motor, vehicle obtained by operation of law and does not have a negotiable Certificate of Title, the purchaser(s) must have the Certificate of Title issued in their name.
- D. A documentation check list is attached to this procedure as Exhibit A.
- E. Definitions are attached to this procedure as Exhibit B.
- F. A timeline is attached to this procedure as Exhibit C.

#### Historical Revisions:

**07/01/17: Pursuant to HB357, page 3 of this procedure provides that lien sales may be conducted by Self-Service Storage facility owners on certain websites. Additional requirements that also must be met by the facility owners are also listed.**

**EXHIBIT A**  
**LIEN CHECK LIST**

**FORMS**

**FLORIDA RECORD**

\_\_\_\_\_ HSMV 82040

**OUT-OF-STATE RECORD**

\_\_\_\_\_ HSMV 82040

\_\_\_\_\_ HSMV 82042, or the VIN verification section on form HSMV 82040

\_\_\_\_\_ Verification of title/lien status or affidavit stating previous state is "UNKNOWN"

\_\_\_\_\_ Copy of written notice which must contain:

\_\_\_\_\_ Itemized statement of owner's claim showing sum due, date due and description of contents.

\_\_\_\_\_ Demand for payment no less than 14 days.

\_\_\_\_\_ Statement explaining that unless the claim is paid within the requested specified time, the property will be disposed of.

\_\_\_\_\_ Proof that the written notice was:

Mailed (original or certified copy of the post office returned receipt card for the certified mail or the returned, unclaimed, and unopened certified letter(s).

OR,

Hand delivered (notarized or perjury clause affidavit, stating notice was hand delivered).

\_\_\_\_\_ Copy of the rental agreement.

Copy of ONE of the following Notices of Public Sale:

\_\_\_\_\_ Newspaper advertisement showing the name of the newspaper and the dated published.

OR,

\_\_\_\_\_ Posted advertisement.

The advertisement must contain the following:

\_\_\_\_\_ Brief and general description of contents.

\_\_\_\_\_ Address of storage facility and name of tenant.

\_\_\_\_\_ Time, place and manner of sale or disposition.

\_\_\_\_\_ The dates in which the advertisement was published or posted.

\_\_\_\_\_ Lien satisfaction(s), if applicable.

\_\_\_\_\_ Florida sales tax or specify sales tax information on form HSMV 82040.

\_\_\_\_\_ License plate number or non-use affidavit.

\_\_\_\_\_ Title fees.

**EXHIBIT B**

**DEFINITIONS**

<b>SELF-SERVICE STORAGE FACILITY</b>	Any real property designed and used for renting or leasing individual storage space for storing and removing personal property.
<b>OWNER</b>	The owner, operator, lessor, or sub lessor of a self-service storage facility or his agent or any other person authorized by him to manage the facility or to receive rent from a tenant under a rental agreement.
<b>TENANT</b>	A person or his sub lessee, successor, or assign entitled to the use of storage space at a self-service storage facility, under a rental agreement, to the exclusion of others.
<b>RENTAL AGREEMENT</b>	Any agreement or lease which establishes or modifies terms, conditions, rules, or any other provisions concerning the use and occupancy of a self-service storage facility.
<b>SELF-CONTAINED STORAGE UNIT</b>	Any unit no smaller than 600 cubic feet in size, including, but limited to, a trailer, box or other shipping container, which is leased by a tenant primarily for use as storage space whether the unit is located at a facility owned or operated by the owner or at another location designated by the tenant.

**EXHIBIT C**

**SELF-SERVICE STORAGE FACILITY OR SELF-CONTAINED STORAGE UNIT  
OWNER'S LIEN TIME-LINE**

