

Motor Vehicle Procedure Manual
Title and Lien
Transfer of a Certificate of Title for Lost or Abandoned Property or Unclaimed Evidence by a Law Enforcement Agency

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Legal Authority

[Section 705.103, Florida Statutes](#), provides a procedure for law enforcement agencies regarding abandoned or lost property. When a law enforcement officer ascertains that an article of lost or abandoned property is present on public property and cannot be easily removed, the officer shall place a notice on the vehicle and mail a copy of the notice to the owner **on the date of posting or after**. If, at the end of 5 days after posting the notice and mailing a copy to the owner and lienholder (if applicable), the owner or person interested in the lost or abandoned property has not removed the property from public property or shown reasonable cause for failure to do so, the following shall apply:

For abandoned property, the law enforcement agency may retain any or all of the property for its own use or for use by the state or unit of local government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, sell the property, or notify the appropriate refuse removal service. For lost property, the officer shall take custody and the agency shall retain custody of the property for 90 days. The agency shall publish notice of the intended disposition of the property, as provided in this section, during the first 45 days of this time period. The law enforcement agency may retain

the property for use by the unit of government, trade such property to another unit of local government or state agency, donate the property to a charitable organization, surrender the property to the finder, or sell the property.

[Section 705.105, Florida Statutes](#), provides a procedure for law enforcement agencies regarding unclaimed evidence. The agency may elect to:

- Retain the property for an agency's own use.
- Transfer the property to another unit of state or local government.
- Donate the property to a charitable organization.
- Sell the property at public sale, pursuant to the provisions of [s. 705.103](#) or,
- If the property is not of appreciable value, the agency may elect to destroy it.

[Section 50.011, Florida Statutes](#), provides that a newspaper which is printed and published periodically once a week (or more often) is in general circulation.

[Section 50.031, Florida Statutes](#), 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 (1) year.

Description and Use

This procedure provides information and instructions to assist tax collector employees, license plate agency employees, and the Florida Highway Safety and Motor Vehicles (FLHSMV) in transferring of a certificate of title involving lost or abandoned property or unclaimed evidence by a law enforcement agency.

Documentation Required and Special Instructions

- A. the law enforcement agency elects to sell at public sale, a motor vehicle or mobile home, as lost property or unclaimed evidence, the applicant must submit the following documentation to the tax collector's office:
 1. If the motor vehicle or mobile home is titled in Florida:

- a. A form [Application for Certificate of Motor Vehicle Title - HSMV 82040 MV](#) or [Application for Certificate of Mobile Home Title – HSMV 82040 MH](#), accurately completed by the applicant.
- b. A copy of the notice (which was physically posted or placed on the vehicle by the law enforcement officer), that was mailed certified, return receipt requested, to the owner and lienholder (if applicable), **on the date of posting or after**. The original or certified copy of the post office return receipt card for the certified mail, or the returned, unclaimed, unopened, certified letter, must also be submitted.

The notice physically placed on the vehicle and mailed to the owner and all persons interested in the motor vehicle or mobile home should be in substantially the following form or contain this same information:

Notice to the owner and all persons interested in the attached property.

This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to [Chapter 705](#). The owner will be liable for the costs of removal, storage, and publication of notice.

Dated this: setting forth the date of posting of notice.

Signed: (setting forth name, title, address and telephone number of law enforcement officer).

- c. A copy of the newspaper advertisement showing the name of the newspaper and the date the advertisement was published. The advertisement must include a complete description of the motor vehicle or mobile home including the make, year, and vehicle identification number, date, time and location of the sale and state that the sale shall be subject to all liens.

Note: The advertisement must be published once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be held. The sale must be held at the nearest suitable place where the lost property is held or stored. If there is no

newspaper of general circulation in the county where the sale is to be held, the advertisement shall be posted at the door of the courthouse and at three other public places in the county at least 10 days prior to the sale.

Notice of the agency's intended disposition shall describe the property in a manner reasonably adequate to permit the rightful owner of the property to identify it.

- d. A bill of sale on original letterhead stationery from the law enforcement agency to the purchaser, which provides a complete description of the motor vehicle or mobile home including the make, year and vehicle identification number and states the sale is subject to any and all liens.
 - e. Lien satisfaction(s), for any lien(s), as shown on the motor vehicle records of this or any other state, if applicable.
 - f. Sales tax or specify sales tax information on an accurately completed form [HSMV 82040 MV](#) or [HSMV 82040 MH](#).
 - g. The Florida license plate 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 mobile homes.
 - h. Title fees.
2. If the motor vehicle or mobile home is titled out of state:
- a. A form [Vehicle Identification Number and Odometer Verification - HSMV 82042](#), accurately completed by the applicant(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form.

Form [HSMV 82040 MV](#) or [HSMV 82040 MH](#), may be used in lieu of the above listed form.

- b. Verification is not required on any mobile home; any 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.

Verification of title and lien status issued by the Motor Vehicle Division in the state where the motor vehicle or mobile home was last registered. The verification must contain a description

of the motor vehicle or mobile home including year, make and vehicle identification number. Verification may be one of the following:

1. A computer-generated printout from the out-of-state motor vehicle division.
 2. A letter on letterhead stationery from the out-of-state motor vehicle division.
 3. A photocopy of the current out-of-state certificate of title.
 4. A copy of the teletype printout or a statement which shows the ownership information, lien status and the name of the law enforcement agency who provided the verification information.
- c. When the state where the motor vehicle or mobile home was previously registered is unknown submit a notarized or perjury clause affidavit signed by an authorized representative of the law enforcement agency stating that fact.
- d. All items listed in [Documentation Required and Special Instructions, A, 1, a-h](#).
- B. If the law enforcement agency elects to retain, donate, surrender to the finder or trade a motor vehicle as lost property, the applicant or agency must submit the following documentation to the tax collector's office:
1. If the motor vehicle or mobile home is titled in Florida:
 - a. A form [HSMV 82040 MV](#) or [HSMV 82040 MH](#), or accurately completed by the applicant or an authorized representative of the law enforcement agency applying for title.
 - b. A copy of the notice (which was physically posted or placed on the vehicle by the law enforcement officer), that was mailed certified, return receipt requested, to the owner and lienholder (if applicable), **on the date of posting or after**. The original or certified copy of the post office return receipt card for the certified mail, or the returned, unclaimed, unopened, certified letter, must also be submitted.

The notice physically placed on the vehicle and mailed to the owner and all persons interested in the motor vehicle or mobile home should be in substantially the following form or contain this same information:

Notice to the owner and all persons interested in the attached property.

This Property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to Chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage and publication of notice.

Dated this: setting forth the date of posting of notice.

Signed: (setting forth name, title, address and telephone number of law enforcement officer).

- c. A notarized or perjury clause affidavit from the law enforcement agency which states that the property constitutes abandoned property according to the definition provided in [s. 705.101 \(3\)](#). The affidavit must also provide a complete description of the motor vehicle or mobile home including the make, year and vehicle identification number and state the disposition of the property (such as, the agency is retaining, trading, donating or selling the property).
- d. If sold, a bill of sale on original letterhead stationery from the law enforcement agency to the purchaser, which provides a complete description of the motor vehicle or mobile home including the make, year and vehicle identification number and states the sale is subject to any and all liens.
- e. Lien satisfaction(s), for any lien(s), as shown on the motor vehicle records of this or any other state, if applicable.
- f. Florida sales tax or specify sales tax information on an accurately completed form [HSMV 82040 MV](#) or [HSMV 82040 MH](#).

Note: If the agency is applying for title, they should show retaining pursuant to [s. 705.103](#) in the sales tax area on the form [HSMV 82040 MV](#) or [HSMV 82040 MH](#).

- g. The Florida license plate 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 mobile homes.
- h. Title fees.

2. If the motor vehicle or mobile home is titled out of state:

- a. A form [HSMV 82042](#), accurately completed by the applicant(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form.

Form [HSMV 82040 MV](#) or [HSMV 82040 MH](#), may be used in lieu of the above listed form.

Verification is not required on any mobile home; any 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.

- b. Verification of title and lien status issued by the Motor Vehicle Division in the state where the motor vehicle or mobile home was last registered. The verification must contain a complete description of the motor vehicle or Verification may be one of the following:

- 1. A computer-generated printout from the out-of-state motor vehicle division.

- 2. A letter on letterhead stationery from the out-of-state motor vehicle division.

A photocopy of the current out-of-state certificate of title.

- 3. A copy of the teletype printout or a statement which shows the ownership information, lien status and the name of the law enforcement agency who provided the verification information.

- c. When the state where the motor vehicle or mobile home was previously registered is unknown, submit a notarized or perjury clause affidavit signed by an authorized representative of the law enforcement agency stating that fact.

- d. All items listed in [Documentation Required and Special Instructions, C, 1, a-h](#).

- C. If the law enforcement agency elects to retain, transfer or donate the motor vehicle or mobile home as unclaimed evidence, the applicant or agency must submit the following documentation to the tax collector's office:

1. If the motor vehicle or mobile home is titled in Florida:
 - a. A form [HSMV 82040 MV](#) and [HSMV 82040 MH](#), accurately completed by the applicant or agency.
 - b. A notarized or perjury clause affidavit from the law enforcement agency which states that the property constitutes unclaimed evidence according to the definition provided in [s.705.101\(6\)](#) and the related proceedings have been over for a period of at least 60 days. The affidavit must also provide a complete description of the motor vehicle or mobile home including the make, year and vehicle identification number and state the disposition of the evidence (such as, the agency is retaining, transferring to another unit of government, or donating the property).
 - c. If transferred to another unit of state or local government, a bill of sale on original letterhead stationery from the law enforcement agency to the government agency, which provides a complete description of the motor vehicle or mobile home including the make, year and vehicle identification number and states the sale is subject to all liens.
 - d. Lien satisfaction(s), for any lien(s), as shown on the motor vehicle records of this or any other state, if applicable.
 - e. Florida sales tax or specify sales tax information on an accurately completed form [HSMV 82040 MV](#) or [HSMV 82040 MH](#).

NOTE: If the agency is applying for title, they should show retaining pursuant to [s. 705.105](#) in the sales tax area on the form [HSMV 82040 MV](#) or [HSMV 82040 MH](#). The Florida license plate 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 mobile homes.

- f. Title fees.
2. If the motor vehicle or mobile home is titled out of state:
 - a. A form [HSMV 82042](#), accurately completed by the applicant(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form.

Form [HSMV 82040 MV](#) or [HSMV 82040 MH](#), may be used in lieu of the above listed form.

Verification is not required on any mobile home; any 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.

- b. All items listed in [Documentation Required and Special Instructions, C, 1, a-g](#).

Miscellaneous Information

- A. When a licensed motor vehicle dealer or an individual purchases a motor vehicle or mobile home obtained by operation of law, a certificate of title must be issued in the dealer's or individual's name before the motor vehicle or mobile home can be sold.
- B. If any unclaimed evidence (motor vehicle or mobile home) is not of appreciable value, the law enforcement agency may elect to destroy it. The agency would not be required to obtain a certificate of title in their name prior to destroying the motor vehicle or mobile home.
- C. Since most abandoned property (motor vehicle or mobile home) is not of appreciable value, the law enforcement agency may elect to notify the appropriate refuse removal service. The agency would not be required to obtain a certificate of title in their name prior to having the motor vehicle or mobile home removed and destroyed.
- D. A documentation check list "Law Enforcement Selling Lost Property or Unclaimed Evidence at Public Sale" is attached to this procedure as [Exhibit A](#).
- E. A documentation check list "Law Enforcement Retaining, Donating, Surrendering or Trading Lost Property" is attached to this procedure as [Exhibit B](#).
- F. A documentation check list "Law Enforcement Retaining, Trading, Donating, or Selling Abandoned Property" is attached to this procedure as [Exhibit C](#).
- G. A documentation check list "Law Enforcement Retaining, Transferring or Donating Unclaimed Evidence" is attached to this procedure as [Exhibit D](#).
- H. A "Definitions" page is attached to this procedure as [Exhibit E](#).

- I. [Section 705.102, Florida Statutes](#), is attached as [Exhibit F](#).
- J. [Section 705.103, Florida Statutes](#), is attached as [Exhibit G](#).
- K. [Section 705.104-105, Florida Statutes](#), is attached as [Exhibit H](#).
- L. See Forms Appendix for a sample of the HSMV forms referred to in this procedure.

Revision(s) to Procedure

07/24: Updated the requirement of notice to owner of abandoned motor vehicle or mobile home.

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

Revised and clarified the entire procedure.

Exhibit A

Law Enforcement "Selling Lost Property or Unclaimed Evidence at Public Sale" Check List

Forms:

Florida Record

Out-Of-State Record

_____ [HSMV 82040 MV](#) or [HSMV 82040 MH](#)

_____ [HSMV 82040 MV](#)

or

[HSMV 82040 MH](#)

_____ [HSMV 82042](#), or the VIN verification section on form [HSMV 82040 MV](#) or [HSMV 82040 MH](#), (if applicable).

_____ Verification of title and lien status or an affidavit stating the previous state is "unknown."

_____ A copy of the notice sent to the owner and lienholder (if applicable) along with the original or certified copy of the post office return receipt card for the certified mail, or the returned, unclaimed, unopened, certified letter.

_____ A copy of the newspaper advertisement.

_____ The bill of sale on the original letterhead stationery from the law enforcement agency to the purchaser.

_____ Lien satisfaction(s), if applicable.

_____ Florida sales tax or specify the sales tax information on the form [HSMV 82040 MV](#) or [HSMV 82040 MH](#).

_____ A license plate number, non-use affidavit or mobile home or RP decal.

_____ Title fees

Exhibit B

Law Enforcement "Selling Lost Property or Unclaimed Evidence at Public Sale" Check List

Forms:

Florida Record

Out-Of-State Record

_____ [HSMV 82040 MV](#) or [HSMV 82040 MH](#)

_____ [HSMV 82040 MV](#)

or

[HSMV 82040 MH](#)

_____ [HSMV 82042](#), or the VIN verification section on form HSMV
[82040 MV](#) or [HSMV 82040 MH](#), (if applicable).

_____ Verification of title and lien status or an affidavit stating the previous state is "unknown."

_____ A copy of the notice sent to the owner and lienholder (if applicable) along with the original
or certified copy of the post office return receipt card for the certified mail, or the returned,
unclaimed, unopened, certified letter.

_____ A copy of the newspaper advertisement.

_____ The bill of sale on the original letterhead stationery from the law enforcement agency to the
purchaser.

_____ Lien satisfaction(s), if applicable.

_____ Florida sales tax or specify the sales tax information on the form [HSMV 82040 MV](#) or [HSMV 82040
MH](#).

_____ A license plate number, non-use affidavit or mobile home or RP decal.

_____ Title fees.

**Law Enforcement "Retaining, Trading, Donating, or
Selling Abandoned Property" Check List**

Forms

Florida Record

Out-Of-State Record

_____ [HSMV 82040 MV](#) or [HSMV 82040 MH](#)

_____ [HSMV 82040 MV](#)

or

[HSMV 82040 MH](#)

_____ [HSMV 82042](#), or the VIN
verification section on form
[HSMV 82040 MV](#) or [HSMV 82040 MH](#), (if applicable).

_____ Verification of title and lien status or an affidavit stating the previous state is "unknown."

_____ A copy of the notice sent to the owner and lienholder (if applicable) along with the original
or certified copy of the post office return receipt card for the certified mail, or the returned,
unclaimed, unopened, certified letter.

_____ A notarized perjury clause affidavit from the law enforcement agency stating the following:

_____ The property (must include a complete description) constitutes abandoned property according to
the definition provided in [s. 705.101\(3\)](#)

_____ The agency is retaining, trading, donating, or selling the property.

_____ If sold, the bill of sale on the original letterhead stationery from the law enforcement agency to
the purchaser.

_____ Lien satisfaction(s), if applicable.

_____ Florida sales tax or specify the sales tax information on the form [HSMV 82040 MV](#) or [HSMV 82040
MH](#).

_____ A license plate number, non-use affidavit or mobile home or RP decal.

_____ Title fees.

Note: Since most abandoned property (motor vehicle or mobile home) is not of appreciable value, the law enforcement agency may elect to notify the appropriate refuse removal service. The agency would not be required to obtain a certificate of title in their name prior to having the motor vehicle or mobile home removed and destroyed.

**Law Enforcement "Retaining, Transferring or
Donating Unclaimed Evidence" Check List**

Forms

Florida Record

Out-Of-State Record

_____ [HSMV 82040 MV](#) or [HSMV 82040 MH](#)

_____ [HSMV 82040 MV](#) or [HSMV 82040 MH](#)

_____ [HSMV 82042](#), or the VIN
verification section on form
[HSMV 82040 MV](#) or [HSMV 82040 MH](#), (if applicable).

_____ A notarized perjury clause affidavit from the law enforcement agency stating the following:

_____ The property (must include a complete description) constitutes unclaimed evidence according to the definition provided in [s. 705.101\(6\)](#) and the related proceedings have been over for a period of at least 60 days.

_____ The agency is retaining, transferring to another unit of government, or donating the property.

_____ If transferred to another unit of state or local government, the bill of sale on the original letterhead stationery from the law enforcement agency to the purchaser.

_____ Lien satisfaction(s), if applicable.

_____ Florida sales tax or specify the sales tax information on the form [HSMV 82040 MV](#) or [HSMV 82040 MH](#).

_____ Florida sales tax or specify the sales tax information on the form [HSMV 82040 MV](#) or [HSMV 82040 MH](#).

_____ Title fees.

Note: If a motor vehicle or mobile home is not of appreciable value, the law enforcement agency may elect to destroy it. The agency would not be required to obtain a certificate of title in their name prior to destroying the motor vehicle or mobile home.

Definitions

Abandoned Property	All tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner.
Law Enforcement Officer	Any person who is elected, appointed, or employed full time by any sheriff, any municipality, or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.
Local Government	The board of county commissioners of a county or the commission or council of any municipality in the county.
Lost Property	All tangible personal property which does not have an identifiable owner, and which has been mislaid on public property, upon a public conveyance, on premises used at the time for business purposes, or in parks, places of amusement, public recreation areas, or other places open to the public in a substantially operable, functioning condition or which has an apparent intrinsic value to the rightful owner.
Public Property	Lands and improvements owned by the Federal Government, the state, the county, or a municipality and includes sovereignty submerged lands located adjacent to the county or municipality, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, right-of-way and other similar property.

Unclaimed Evidence

Any tangible personal property, including cash, not included within the definition of "contraband article," as provided in [s. 932.701\(2\)](#) which was seized by a law enforcement agency, was intended for use in a criminal or quasi-criminal proceeding, and is retained by the law enforcement agency or the clerk of the county or circuit court for 60 days after the final disposition of the proceeding and to which no claim of ownership has been made.