

## Motor Vehicle Procedure Manual

### Title and Lien

Application for Certificate of Title on a Motor Vehicle or Mobile Home Under a Court Order of Forfeiture to a Law Enforcement Agency

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### Legal Authority

Motor vehicles or mobile homes confiscated and, in turn, forfeited in accordance with the "Florida Contraband Forfeiture Act," [Sections 932.701-7055](#), F.S., may be titled to the law enforcement agency which confiscated the motor vehicle or mobile home. If deemed necessary to sell the motor vehicle or mobile home at a public auction, it may be titled to the purchaser.

[Section 319.33\(7\)\(a\)](#), Florida Statutes states: If all identifying numbers of a motor vehicle or mobile home do not exist or have been destroyed, removed, covered, altered, or defaced, or if the real identity of the motor vehicle or mobile home cannot be determined, the motor vehicle or mobile home shall constitute contraband and shall be subject to forfeiture by a seizing law enforcement agency, pursuant to applicable provisions of ss. 932.701-7055, Florida Statutes. Such motor vehicle shall not be operated on the streets and highways of the state unless, by written order of a court of competent jurisdictions, the department is directed to assign to the motor vehicle a replacement vehicle identification number which shall thereafter be used for identification purposes. If the motor vehicle is confiscated from a licensed motor vehicle dealer as defined in s. [320.27, Florida Statutes](#), the dealer's license shall be revoked.

## Description and Use

This procedure is provided to assist tax collector employees, license plate agency employees Florida Highway Safety and Motor Vehicles (FLHSMV) in establishing requirements for correspondence letters.

## Documentation Required and Special Instructions

If a law enforcement agency elects to take title to a forfeited motor vehicle or mobile home in that agency's name and certifies by a separate affidavit that the motor vehicle or mobile home has not and will not be used in law enforcement by the agency, the designation of "Police Vehicle" will not be shown on the certificate of title.

If the law enforcement agency decides, at a later date, to use the motor vehicle or mobile home, the certificate of title must be surrendered to the department to be reissued showing the designation "Police Vehicle."

- A. After the provisions of [Section 932.701-704](#), F.S., have been met, the following documentation must be submitted to a local tax collector's office when applying for a Florida Certificate of Title:
  1. If the motor vehicle or mobile home is titled in Florida:
    - a. A form HSMV 82040 [MV](#) or [MH](#), Application for Certificate of Title with/without Registration, accurately completed.
    - b. A copy of the Court Order of Forfeiture. The order will normally state that the motor vehicle or mobile home is forfeited "to the use of," or "to be sold by," the law enforcement agency making the seizure. Thus, the agency has the option of applying for a certificate of title in its name or immediately offering the motor vehicle or mobile home for sale at a public auction.
    - c. If the law enforcement agency sells the motor vehicle or mobile home at a public auction, the purchaser must submit:

The original, bill of sale, on original letterhead, which includes a complete description of the motor vehicle or mobile home including the year, make, model and vehicle identification number or a photocopy of the bill of sale certified to be a true and correct copy of the original.

d. Liens recorded against the motor vehicle or mobile home must be handled in one of the following ways:

1. The court order must reflect the lienholder as a party to the forfeiture proceedings and indicate whether the lien is satisfied or preserved.

If the order discharges or satisfies the lien, a clear certificate of title may be issued to the applicant.

2. If the court order directs the lien to be preserved, the seizing agency can sell the motor vehicle or mobile home at a public auction to pay off the lien.

The application for certificate of title to a motor vehicle or mobile home sold to satisfy the lien must include proof of notification to the lienholder, either in the order itself or by a separate notice mailed by certified mail, return receipt requested. A copy of the green receipt must be attached to the application. The purchaser at the sale can make an application based on the court order and bill of sale from the seizing agency. A clear certificate of title will be issued to the purchaser.

or,

3. If the court order directs the lien to be preserved and the law enforcement agency wishes to retain the motor vehicle, form [HSMV 82260](#), Lien Satisfaction, must be submitted to satisfy the lien.

If the court order does not mention any lien and there is an outstanding lien, it is to be considered satisfied.

4. If the law enforcement agency is to take possession of the motor vehicle or mobile home and continue an existing lien on the new certificate of title, the lienholder must be shown on the application for certificate of title.

- e. Florida sales tax or specify sales tax information on an accurately completed form HSMV 82040 [MV](#) or [MH](#), Application for Certificate of Title with/without Registration.
  - f. The Florida license plate number transferred to or purchased for the motor vehicle or a separate affidavit that the motor vehicle has not and will not be used in law enforcement by the agency and, that the motor vehicle will not be used on the public highways and roads of Florida. 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.
  - g. Title fees.
2. When there is no Florida Certificate of Title record covering the confiscated motor vehicle or mobile home, the applicant must submit the following:
- a. A form [HSMV 82042](#), Vehicle Identification Number and Odometer Verification, accurately completed by the purchaser(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 [VS](#), Application for Certificate of Title with/without Registration may be used in lieu of the above listed form [HSMV 82042](#).
- or,
- An affidavit from the seller(s) and the purchaser(s) verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle.
- Verification is not required for any mobile home; any trailer or semitrailer 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 as listed in Section II., 1., a-g, of this procedure.

## Miscellaneous Information

1. If the motor vehicle or mobile home was confiscated and all identifying numbers cannot be or have been destroyed, removed, covered, altered, or defaced, or if the real identity of the motor vehicle or mobile home cannot be determined, the court order must direct the department to assign a vehicle identification number to the motor vehicle or mobile home before a certificate of title can be issued.
2. When a licensed Florida Motor Vehicle dealer or an individual purchases a motor vehicle or mobile home from a law enforcement agency through operation of law, a certificate of title must be issued in the dealer's or individuals name before the motor vehicle or mobile home can be sold to another person. Revision(s) to this Procedure:
3. A documentation check list is attached to this procedure as Exhibit A.
4. Definitions are attached to this procedure as Exhibit B.
5. See Forms Appendix for a sample of the HSMV forms referred to in this procedure.

**EXHIBIT A**

**LAW ENFORCEMENT FORFEITURE CHECK LIST**

**FORMS**

**FLORIDA RECORD**

**OUT-OF-STATE RECORD**

\_\_\_\_\_ HSMV 82040 [MH](#), [MV](#), or [VS](#)

\_\_\_\_\_ HSMV 82040 [MH](#), [MV](#), or [VS](#)

\_\_\_\_\_ [HSMV 82042](#), or form 82040

\_\_\_\_\_ Copy of the Court Order of Forfeiture

\_\_\_\_\_ Bill of sale on original letterhead from the law enforcement agency if the motor vehicle or mobile home was sold at a public auction.

\_\_\_\_\_ Lien satisfaction(s) or instruction within the court Order of Forfeiture indicating that the lien is to be preserved or extinguished.

\_\_\_\_\_ Florida sales tax or specify sales tax information on form HSMV 82040 [MH](#), [MV](#), or [VS](#) Application for Certificate of Title with/without registration

\_\_\_\_\_ Florida license plate number or non-use affidavit or mobile home decal or RP decal

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

## Exhibit B

### EXHIBIT B

#### DEFINITIONS

CONFISCATE	To seize by a governmental authority.
CONTRABAND	Illegal traffic in goods prohibited by law.
ORDER OF FORFEITURE	A court order that allows a law enforcement agency to either sell or take title to property which has been confiscated during criminal activity.
COURT ORDER OF FORFEITURE	A final judgment in a criminal proceeding, directing that a confiscated motor vehicle, vessel, mobile home, etc., forfeited for the use and benefit of, or to be sold by, a law enforcement agency.

#### Revision(s) to Procedure

09/11/23 Biannual Review

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