

**Motor Vehicle Procedure Manual**

**Title and Lien**

**Notice of Lien, Subsequent Lien Actions and Court Orders**

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**Legal Authority**

[Section 319.235, Florida Statutes](#), provides that when a motor vehicle or mobile home is titled in the names of two or more persons as co-owners joined by the conjunction of “or” each co-owner shall be deemed to have granted to any other co-owner the absolute right to place a lien or encumbrance on the motor vehicle or mobile home; and the signature of one co-owner shall constitute proper execution of the notice of lien. However, when the motor vehicle or mobile home is titled in the names of two or more persons as co-owners joined by the conjunction of “and,” the signature of each co-owner is required to place a lien or encumbrance.

[Section 319.24\(4\), Florida Statutes](#), provides for the owner of a motor vehicle or mobile home or the director or director’s designee of the state child support enforcement program to place a subsequent lien on a motor vehicle or mobile home. If the first lienholder fails, neglects, or refuses to forward the certificate of title to the department within 10 days from the date of the owner’s or director’s or director’s designee’s request, the department, on the written request of the subsequent lienholder or an assignee thereof, shall demand in writing that the first lienholder return the title for the notation of the second or subsequent lien or encumbrance.

[Section 319.24\(8\), Florida Statutes](#), provides if there are one or more liens or encumbrances on the motor vehicle or mobile home, the department shall electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions shall be electronically transmitted to the department and must include the name and address of the person or entity satisfying the

lien. When electronic transmission of liens and lien satisfactions is used, the issuance of a certificate of title may be waived until the last lien is satisfied and a clear certificate of title is issued to the owner of the vehicle.

[Section 319.27\(7\), Florida Statutes](#), requires the department to establish and administer an electronic titling program that requires the electronic recording of vehicle title information for new, transferred and corrected certificates of title. Lienholder shall electronically transmit liens and lien satisfactions to the department in a format determined by the department. Individuals and lienholders who the department determines are not normally engaged in the business or practice of financing vehicles are exempt from the electronic titling requirement.

[Section 319.32\(4\), Florida Statutes](#), provides that the department shall charge a fee of \$7 for each lien placed on a motor vehicle by the state child support enforcement program pursuant to s. 319.24, Florida Statutes.

[Section 328.15, Florida Statutes](#), provides for filing of notices of liens, notations of liens on title certificates and recording of liens.

[Section 328.16\(4\), Florida Statutes](#), provides that a lien on a vessel shall be noted on the face of the Florida certificate of title. If there are one or more liens or encumbrances on a vessel, the department shall electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions shall be electronically transmitted to the department and must include the name and address of the person or entity satisfying the lien. When electronic transmission of liens and lien satisfactions are used, the issuance of certificate of title may be waived until the last lien is satisfied and a clear certificate of title issued to the owner of the vessel.

[Section 328.30\(2\), Florida Statutes](#), provides that the department may issue an electronic certificate of title in lieu of printing a paper title.

[Section 328.30\(3\), Florida Statutes](#), provides that the department may collect electronic mail addresses and use electronic mail in lieu of the United States Postal Service to provide renewal notices.

## 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 processing title applications involving notices of lien, subsequent liens, lien actions and court orders.

## General Information

[s. 319.27\(3\), Florida Statutes](#), and [s. 328.15\(1\), Florida Statutes](#), provide that a person may file a notice of lien regarding a motor vehicle, mobile home, or vessel. The date of filing the notice of lien shall be the date of its receipt by the department, tax collector or license plate agency. Therefore, the “lien receipt date” must be captured in the motor vehicle issuance system on all title transactions where a lien is added (i.e., transfer with lien, original with lien, etc.). The date of filing is different from the lien date. The lien date is the date that the security agreement or other similar instrument was executed. The receipt or file date is the date it is received by the processing agency. The transaction date is the date it is entered into the system. The receipt date and the transaction date may be the same date, but not always. The agency must date stamp the signed document that specifies the lien.

## Documentation Required and Special Instructions

### A. “Lien Add” – Initial Lien:

- a. The Florida certificate of title, unless the FLHSMV database reflects “Electronic Title.”
- b. Section 1 and 2 of form [Application for Notice of Lien/Reassignment of Lien or Notice to First Lienholder of Subsequent Lien - HSMV 82139](#), accurately completed and signed by the owner(s).
- c. A form [Application for Notice of Lien/Reassignment of Lien or Notice to First Lienholder of Subsequent Lien - HSMV 82139](#), must be completed if the lienholder wishes to authorize the title (for the motor vehicle or mobile home) to be mailed to the registered owner. This does not apply to vessels.
- d. Title and lien fees.

### B. “Lien Reassignment” – Application for Reassignment of Lien:

- a. The Florida certificate of title, unless the FLHSMV database reflects “Electronic Title.”
- b. Sections 1 and 3 of form [Application for Notice of Lien/Reassignment of Lien or Notice to First Lienholder of Subsequent Lien - HSMV 82139](#), accurately completed by an authorized agent for the lienholder currently shown on the certificate of title as assignor and by an authorized agent for the new lienholder as assignee.
- c. Title and lien fees.

C. "Subsequent Lien:"

a. The subsequent lienholder must send a copy by certified mail, return receipt requested, or form [Application for Notice of Lien/Reassignment of Lien or Notice to First Lienholder of Subsequent Lien - HSMV 82139](#). Sections 1, 2, and 4 of form [HSMV 82139](#) must be accurately completed and signed by the owner of the record. Upon receiving the returned certified postal receipt card from the first lienholder, the subsequent lienholder must submit the following documentation to the tax collector office, license plate agency or FLHSMV:

i. The original accurately completed form [HSMV 82139](#).

ii. The signed original or certified copy of the post office returned receipt card for the certified mail or the returned unclaimed certified letter(s). Tax collector or license plate agency personnel are responsible for opening the returned unclaimed certified envelope and submitting it and all contents with the application. The initials of the clerk opening the envelope and verifying the contents and the date opened must be shown on the outside front of the envelope. Letters marked "Forwarding Order Expired" are acceptable.

If the applicant does not wish to follow the above steps to obtain a copy of a green receipt or a copy of the delivery records, they must re-mail the certified letter to the first lienholder.

If the certified return receipt is lost and the certified mailing has not been returned, comply with K. of section Documentation Required and Special Instructions.

If the FLHSMV database reflects "Electronic Title," no further action is required from the first lienholder.

iii. Title and lien fees.

b. The first lienholder is required to mail the following documentation directly to the FLHSMV at the address shown below:

Florida Department of Highway Safety and Motor Vehicles  
Direct Mail and Issuance, RM #A330  
2900 Apalachee Parkway, MS #72  
Tallahassee, FL 32399-0622

i. The Florida certificate of title, unless the FLHSMV database reflects "Electronic Title."

- ii. The copy of form [HSMV 82139](#) received by certified mail.

D. Child Support Liens:

a. “Lien Add” Initial Lien:

- i. The Florida certificate of title unless the FLHSMV database reflects “Electronic Title.”
- ii. Sections 1 and 2 of form [Application for Notice of Lien/Reassignment of Lien or Notice to First Lienholder of Subsequent Lien - HSMV 82139](#), accurately completed and signed by the director or director’s designee of the State Child Support Enforcement Program.
- iii. Title and lien fees

This transaction is only processed by FLHSMV. A child support lien is exempt from the ELT requirements; therefore, this customer will not be required to have an ELT vendor.

b. “Subsequent Lien:”

The subsequent lienholder must send a copy by certified mail, return receipt requested, of form [HSMV 82139](#). Sections 1, 2, and 4 of form [HSMV 82139](#) must be accurately completed and signed by the director or the director’s designee of the State Child Support Enforcement Program.

Upon receiving the returned certified postal receipt card from the first lienholder, the subsequent lienholder must submit the following documentation to FLHSMV:

- i. The original accurately completed form [HSMV 82139](#).
- ii. The signed original or certified copy of the post office returned receipt card for the certified mail or the returned unclaimed certified letter(s). Tax collector or license plate agency personnel are responsible for opening the returned unclaimed certified envelope and submitting it and all contents with the application. The initials of the clerk opening the envelope and verifying the contents along with the date opened must be shown on the outside front of the envelope. Letters marked “Forwarding Order Expired” are acceptable.  
If the certified return receipt is lost and the certified mailing has not been returned, comply with L. of section Documentation Required and Special Instructions.

- iii. Title and lien fees.

This transaction is only processed by the FLHSMV.

E. Florida Court Order Directing Issuance:

a. "Lien Add" Initial Lien:

- i. A photocopy of the court order showing the vehicle identification number(s) of specific motor vehicle(s) and directing FLHSMV to place the lien on the certificate of title.
- ii. Section 1 and 2 of form [Application for Notice of Lien/Reassignment of Lien or Notice to First Lienholder of Subsequent Lien - HSMV 82139](#), accurately completed and signed by the person named as the lienor in the Florida court order.
- iii. Title and lien fees.

b. "Subsequent Lien:"

The subsequent lienholder must send a copy by certified mail, return receipt requested, of form [HSMV 82139](#). Sections 1, 2, and 4 of form [HSMV 82139](#) must be accurately completed and signed by the person named as the lienor in the Florida court order.

F. **Judgment Lien Certificate:**

a. **First Lien on the title:**

- i. **A photocopy of the Judgment Lien Certificate showing the judgment awarded to the lienor, and the amount, against the registered owners. Do not reject the transaction if the Judgment Lien Certificate does not reflect the physical description of the motor vehicle or vessel.**
- ii. **Sections 1 and 2 of form HSMV 82139 accurately completed and signed by the person named as the lienor in the judgment.**
- iii. **The lienor must submit a receipt of certified mail of notice of judgment sent to all registered owners.**

- iv. **Verify the Judgment Lien Certificate using the following link: <https://dos.sunbiz.org/jlidet.html>; you will need the judgment lien number shown on the Judgment Lien Certificate (JXXXXXXXXXX); the page will show the following: File Date; Judgment Creditor Information; and Judgment Debtor Information. Verify the information shown matches what is submitted on the form HSMV 82139.**
- v. **During the title transaction add the comment: “Lien per FS 55.205.”**
- vi. **Title and lien fees.**

**b. Subsequent Lien on the title:**

- i. **A photocopy of the Judgment Lien Certificate showing the judgment awarded to the lienor, and the amount, against the registered owners. Do not reject the transaction if the Judgment Lien Certificate does not reflect the physical description of the motor vehicle or vessel.**
- ii. **The subsequent lienholder must send a copy by certified mail, return receipt requested, of form HSMV 82139. Section 1, 2, and 4 of form HSMV 82139 must be accurately completed and signed by the person named as the lienor in the judgment.**
- iii. **The lienor must submit a receipt of certified mail of notice of judgment sent to all registered owners and to the first lienholder and any subsequent lienholder.**
- iv. **Verify the Judgment Lien Certificate using the following link: <https://dos.sunbiz.org/jlidet.html>; you will need the judgment lien number shown on the Judgment Lien Certificate (JXXXXXXXXXX); the page will show the following: File Date; Judgment Creditor Information; and Judgment Debtor Information. Verify the information shown matches what is submitted on the form HSMV 82139.**
- v. **During the title transaction add the comment: “Lien per FS 55.205.”**
- vi. **Title and lien fees.**

**Note: if the same lienor is attempting to submit a second Judgment Lien Certificate against the same registered owner and the same motor vehicle or vessel for which the first Judgment Lien**

**Certificate has already been recorded on the title, please refer to [TL-33, Alternate Method of Removal of Recorded Liens section, B. for instructions.](#)**

- G. The lien date is required for a vessel.
- H. The lien receipt date is required. The lien receipt date is the date the lien is document is received by the processing agency.
- I. If a first lienholder fails, neglects, or refuses to forward a certificate of title to FLHSMV after receiving notification of a subsequent lien by certified mail, FLHSMV upon written request from the subsequent lienholder or an assignee thereof, will write a letter to the first lienholder demanding the return of the title in their possession so the subsequent lien may be recorded.
- J. The following link will take you to a website which allows you to search by an institution's name to determine if the entity has been closed or renamed: <https://www.ffiec.gov/NPW>
- K. A documentation checklist is attached to this procedure as Exhibit A.
- L. When the post office or applicant loses the green receipt for a certified letter, the applicant must submit an affidavit stating that fact along with one of the three following options to prove certified letter was sent to whom it was mailed:
  - a. One of the following:
    - i. The mailer must complete [United States Postal Service \(USPS\) form 3811 - A](#) (available at the post office), so that records of delivery can be checked. The post office uses the date of delivery and the name of the individual or organization to which the letter was delivered. The [form 3811 -A](#) will specify whether the letter was delivered or not.
    - ii. A copy of the postal service's tracking screen which confirms delivery. The USPS has implemented a new electronic process where delivery records are scanned and stored for customer inquiry purposes (tracking). The postal service can access their USPS Intranet to conduct a trace and print the tracking screen for the customer.
    - iii. A letter of verification from USPS which confirms that the certified letter was sent. If the applicant does not wish to follow the above steps to obtain a copy of a green receipt or a copy of the delivery records, they must re-mail the certified letter to the first lienholder.



- b. A certified copy of the [form 3877 Firm Mailing Book for Accountable Mail](#), may be submitted as proof the certified mail was sent. The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service verifying the listed information is accurate. A copy of the postal confirmation would be required in addition to the [form 3877](#).
- c. If the signed green receipt for a certified letter has been lost or destroyed, a request for a duplicate copy of the green return receipt or a copy of the delivery records must be filed.

## Revision(s) to Procedure

### **05/24: Added F. Judgement Lien Certificate to Documentation and Special Instructions section.**

06/20/22: Removed old language “a form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, signed by the applicant,” and added new language “a form HSMV 82139, MUST be completed if the lienholder wishes to authorize the title (for motor vehicle or mobile) to be mailed to the registered owner. This does not apply to vessels.pg.4(3).”

05/01/19: Statutory Review. Added links to statutes and forms. Added Historical Revisions.

12/14/12: Updated and added new statutes and a Note to item D exempting child support liens from the Electronic Lien and Title (ELT) requirements.

## Exhibit A Checklist

### LIEN ADD

- \_\_\_\_\_ The Florida Certificate of Title, unless records show “Electronic Title”
- \_\_\_\_\_ Sections 1 & 2 of form HSMV 82139
- \_\_\_\_\_ Title and lien fees

### LIEN REASSIGNMENT

- \_\_\_\_\_ The Florida Certificate of Title, unless records show “Electronic Title”
- \_\_\_\_\_ Sections 1 and 3 of form HSMV 82139
- \_\_\_\_\_ Title and lien fees

### SUBSEQUENT LIEN

- \_\_\_\_\_ Sections 1, 2, & 4 of form HSMV 82139 (original)
- \_\_\_\_\_ Certified postal receipt card
- \_\_\_\_\_ Title and lien fees

If the FLHSMV database reflects "Electronic Title", the transaction must be processed in the motor vehicle issuance system as a “Lien Add.”

### **CHECK LIST FOR CHILD SUPPORT ENFORCEMENT PROGRAM**

#### LIEN ADD (INITIAL LIEN)

- \_\_\_\_\_ The Florida Certificate of Title, unless records show “Electronic Title”
- \_\_\_\_\_ Sections 1 and 2 of form HSMV 82139
- \_\_\_\_\_ Title and lien fees

SUBSEQUENT LIEN

\_\_\_\_\_ Sections 1, 2 and 4 of form HSMV 82139 (original)

\_\_\_\_\_ Certified postal receipt card

\_\_\_\_\_ Title and lien fees

If the FLHSMV database reflects "Electronic Title", the transaction must be processed in the motor vehicle issuance system as a "Lien Add."

**CHECK LIST FOR COURT ORDER**

LIEN ADD (INITIAL LIEN)

\_\_\_\_\_ A photocopy of the court order showing the VIN(s)

\_\_\_\_\_ Section 1 & 2 of form HSMV 82139

\_\_\_\_\_ Title and lien fees

SUBSEQUENT LIEN

\_\_\_\_\_ A photocopy of the court order showing the VIN(s)

\_\_\_\_\_ Sections 1, 2, & 4 of form HSMV 82139

\_\_\_\_\_ The signed certified postal receipt card

\_\_\_\_\_ Title and lien fees

If the FLHSMV database reflects "Electronic Title," the transaction must be processed in the motor vehicle issuance system as a "Lien Add."