

Motor Vehicle Procedure Manual

Title and Lien

Lien Satisfactions and Alternate Methods of Removal of Recorded Liens

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Legal Authority

[Section 319.17\(1\), Florida Statutes](#), Rules; forms; indexes and records – The department has authority to adopt rules pursuant to [ss. 120.536 \(1\)](#) and [120.54](#) to implement the provisions of this chapter, including rules that allow alternative methods of proof of satisfaction of liens.

[Section 319.24\(5\)\(a\), Florida Statutes](#), Upon satisfaction of any first lien, judgment lien, or encumbrance recorded at the department or upon lapse of a judgment lien, the owner of the motor vehicle or mobile home, as shown on the title certificate, or the person satisfying the lien is entitle to demand and receive from the lien holder a satisfaction of the lien.

[Section 319.24\(5\)\(b\), Florida Statutes](#), Following satisfaction of a lien or upon satisfaction or lapse of a judgment lien, the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title.

[Section 319.24\(5\)\(c\), Florida Statutes](#), If the certificate of title shows a subsequent lien not then being discharged, an executed satisfaction of the first lien shall be delivered by the lienholder to the person satisfying the lien and the certificated of title showing satisfaction of the first lien shall be forwarded by the lien holder to the department within 10 days of satisfaction of lien.

[Section 319.24\(5\)\(d\), Florida Statutes](#), If, upon receipt of a title certificate showing satisfaction of the first lien, the department determines from its records that there are no subsequent liens or encumbrances upon the motor vehicle or mobile home, the department shall forward to the owner, as shown on the face of the title, a corrected certificate showing no liens or encumbrances.

[Section 319.24\(8\), Florida Statutes](#), 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 and notify the first lienholder of any additional liens and encumbrances.

[Sections 328.16\(4\), Florida Statutes](#), If there are one or more liens, security interests, or encumbrances on a vessel, the department shall electronically transmit the lien or security interest to the first lienholder or secured party and notify the first lienholder or secured party of any additional liens or security interests.

[Section 319.241, Florida Statutes](#), Removal of lien from records – The owner of a motor vehicle or mobile home upon which a lien has been filed with the department or noted upon a certificate of title for a period of 5 years may apply to the department in writing for such lien to be removed from the department files or from the certificate of title.

[Section 319.32\(1\), Florida Statutes](#), Fees; service charges; disposition. – The department shall charge the following fees: Original certificate of title, \$70 (except for motor vehicle for hire registered under [s. 320.08\(6\)](#), \$49; Duplicate copy of certificate of title, \$70 (except for motor vehicle for hire registered under [s. 320.08\(6\)](#), \$49; Salvage certificate of title, \$2; Assignment by a lienholder, \$3 each; Noting a lien on a title certificate, \$2.

[Section 328.15, Florida Statutes](#), Notice of lien on vessel; recording. - Upon the payment of a lien, the debtor or the registered owner of the motorboat shall be entitled to demand and receive from the lienholder a satisfaction of the lien which shall likewise be filed with the Department of Highway Safety and Motor Vehicles.

[Section 328.15\(5\), Florida Statutes](#), When the original certificate of the title cannot be returned to the department by the lienholder and evidence satisfactory to the department is produced that all liens or encumbrances have satisfied, upon application by the owner for a duplicate copy of the certificate of title, upon the form prescribed by the department, accompanied, by the fee prescribed in this chapter, a duplicate copy of the certificate of title without statement of liens or encumbrances shall be issued by the department and delivered to the owner.

For additional information about FLHSMV's Electronic Lien and Titling (ELT) system please visit the following link: <https://www.flhsmv.gov/motor-vehicles-tags-titles/electronic-lien-titles>.

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) for establishing requirements for lien satisfactions and alternate methods of removing recorded liens.

As of July 01, 2023, FLHSMV has updated the Form HSMV 82040 Application for Certificate of Title With/Without Registration. HSMV 82040 has been updated into three separate forms:

- Application for Certificate of Motor Vehicle Title – [HSMV 82040 MV](#)

HSMV 82040 MV should be used when processing applications for certificate of title for the following vehicle types:

- AU – Auto
- BS – Bus
- MC – Motorcycle
- OH – Off-Highway
- TO – Tools
- TR – Truck
- TT – Travel Trailers
- VT – Vehicle Trailers

- Application for Certificate of Vessel Title – [HSMV 82040 VS](#)

HSMV 82040 VS should be used when processing applications for certificate of title for the following vehicle type: VS – Vessel

- Application for Certificate of Mobile Home – [HSMV 82040 MH](#)

HSMV 82040 MH should be used when processing applications for certificate of title for the following vehicle type: MH – Mobile Home

Effective July 01, 2023, all certificate of Florida titles issued for Vessels will be required to be processed using form Application for Certificate of Vessel Title – HSMV 82040 VS. The signed Form HSMV 82041 will no longer be accepted in lieu of Form HSMV 82040 VS.

FLHSMV anticipates accepting the current HSMV 82040 – Application for Certificate of Title With/Without Registration for Motor Vehicles and Mobile Homes until December 31, 2023.

Effective January 01, 2024, all certificate of Florida titles issued for Motor Vehicles and Mobile Homes will be required to be processed using forms Application for Certificate of Motor Vehicle Title – HSMV 82040 MV and Application for Certificate of Mobile Home Title – HSMV 82040 MH.

Required Documentation and Special Instructions

A. Statutory Requirements:

Upon satisfaction of any first lien recorded by FLHSMV, the owner of the motor vehicle, mobile home, or vessel as shown on the certificate of title or the person satisfying the lien shall be entitled to demand and receive from the lienholder a satisfaction of the lien.

Following satisfaction of a lien, the lienholder shall enter a satisfaction in the space provided on the front of the certificate of title. If there are no subsequent liens shown, the certificate of title must be delivered by the lienholder to the person satisfying the lien. A properly completed lien satisfaction on a form provided by the department shall be forwarded to the department by the lienholder within 10 days of satisfaction of the lien.

1. If the lienholder requests the title when satisfying an electronic lien, the title will be printed, and the applicable fee collected. If the lienholder does not request the title when satisfying an electronic lien, the title will remain electronic until the registered owner requests to have it printed.
2. When a customer submits a certificate of title to a tax collector's office or license plate agency indicating that the lien(s) was satisfied on the face of the title, a new certificate of title showing no liens will be issued if the motor vehicle issuance system reflects no subsequent lien(s) on the title. The applicable fee is charged for shipping and mailing the title. An additional fee is charged if the owner requests a fast title.
 - a. For liens on file, process this as a Lien Add/Delete/Reassign.
 - b. For no liens on file, process this as a Title Correction.
3. When the lien shown on the face of the title is satisfied by an entity other than the one shown on the title, a copy of the merger papers or the corporate charter must be submitted unless the tax collector's office or license plate agency can determine that the entities are the same.

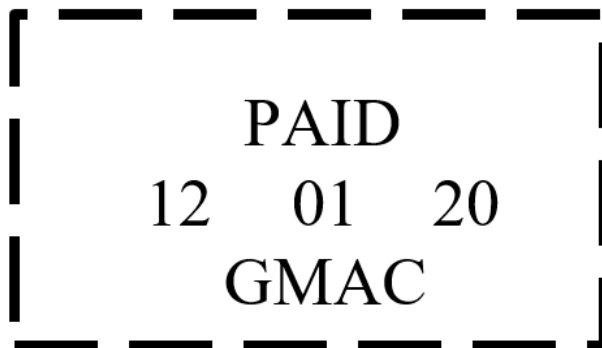
B. Methods for Removal of a Recorded Liens (Paper and Electronic):

1. To remove a recorded lien, complete the lien satisfaction section on the front of the certificate of title or form [Lien Satisfaction – HSMV 82260](#).

2. If the certificate of title shows a subsequent lien, the first lienholder should provide a properly completed lien satisfaction for the first lien to the person satisfying the lien. The lienholder must forward the certificate of title to FLHSMV within 10 days of satisfaction of the lien.
3. When satisfying or updating an existing non-ELT that does not have an ELT Exception on file, you must select the applicable ELT Exception to continue with the transaction. See [TL-69](#) for the ELT notification letter. See ELT modifications and exception reasons at the link below.

[Important Notice – February 8, 2013 FRVIS Release – ELT Modifications](#)

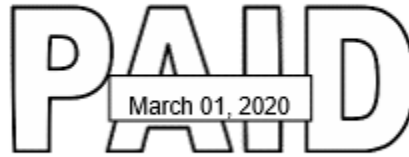
4. None of the following scenarios require completion of the certificate of title or form HSMV 82260:
 - a. When a lien is secured through the ELT program, the lienholder is responsible for electronically releasing the lien. If the lienholder has difficulty trying to release a lien through the ELT program, the lienholder should contact its third-party vendor. The Division of Motorist Services (MS) cannot release a lien that is secured through the ELT program even when it has a paper lien satisfaction. So, if a customer submits form [HSMV 82260](#), or a letter showing a “satisfaction of lien,” it should be rejected. If form [HSMV 82260](#) is being presented as alternate proof of lien satisfaction due to unsuccessful attempts to contact the lienholder, contact the Field Support Center for assistance. Some financial branches may not know that their company participates in the ELT program. Tax collector offices or license plate agencies should encourage these branches to contact their headquarters for guidance and direction. For a list of ELT third party service providers, visit the website below. <https://www.flhsmv.gov/motor-vehicles-tags-titles/dealers-installers-manufacturers-distributors-importers/authorized-service-providers/electronic-lien-and-titles/>
 - b. If the lienholder has been issued a permit to use a perforation, the title or form [HSMV 82260](#) may be perforated. This perforation must show: (1) name of the lienholder; (2) the word “Paid”; and (3) the date of satisfaction.



- c. If the lienholder has been assigned a permit number to use a stamp, the title or form [HSMV 82260](#) may be stamped. This stamp must show: (1) name of the lienholder; (2) the word “Paid”; (3) the date of satisfaction; and (4) the permit number issued by FLHSMV.

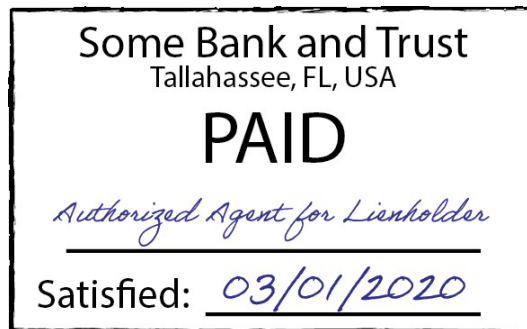
ANYWHERE BANK AND TRUST

SOMEWHERE USA



NUMBER 000

- d. If the lienholder has not been assigned a permit number but uses a stamp for satisfying a lien on the title or form [HSMV 82260](#), the stamp must show: (1) name of the lienholder; (2) the word “Paid”; (3) the date of satisfaction; and (4) the complete signature of the authorized representative of the lienholder.



The lienholder’s PAID stamp may not look exactly like the ones shown above or on the previous page. Regardless, the stamp must contain the name of the lienholder and the date the lien was paid in full.

If a lienholder holds more than one lien recorded on the certificate of title and intends to remove one of the liens, the lienholder should not use a paid stamp or perforation because it will remove all liens. The lienholder should show the satisfaction of lien on the certificate of title or complete a separate lien satisfaction.

A lienholder must apply to the Division of Motorist Services for authorization to use a perforated stamp or an assigned permit number stamp. The mailing address is:

Florida Department of Highway Safety and Motor Vehicles
Lienholder Authorization, MS #68

2900 Apalachee Parkway
Tallahassee, FL 32399

If an out of state lien is recorded on a Florida certificate of title, a satisfaction of lien on letterhead stationery from the out of state lienholder is acceptable. The signature does not have to be notarized.

The lien satisfaction must be original and contain a complete description of the motor vehicle, mobile home, or vessel to include year, make, vehicle identification number or hull number, and the owner's and lienholder's name as it appears in FRVIS. No email, photocopy or fax accepted.

If an application is received with an out of state certificate of title showing no outstanding liens and FRVIS reflects a previous Florida "paper" title record with an outstanding lien, the title application may be accepted without a lien satisfaction. The Florida title should be issued without a lien. However, if the previous Florida title record is displaying a current/active (not satisfied) "electronic lien" status instead of paper, do not process the title application. Contact Field Support Center for assistance.

Alternate Method of Removal of Recorded Liens

When a lien has been paid in full and the lienholder CAN or CANNOT be located to properly satisfy the recorded lien, the owner of the motor vehicle, mobile home, or vessel must submit the following to the local tax collector's office or license plate agent in order to have the lien removed from the motor vehicle issuance system.

A. The Lien is Paid in Full:

When a lien is electronic it is required to be satisfied electronically. Therefore, when an electronic lien has not been satisfied electronically do not clear the lien by using the process below. An e-lien representative will email the provider to contact the assigned lienholder and inform them to remove the lien with proper documentation. If attempts to contact the lienholder have been unsuccessful, the customer must submit proof of certified mail attempting to contact the lienholder, lien satisfaction documentation, or follow procedure TL-07 requirements for release of lien.

1. [HSMV 82040 MV](#), or [HSMV 82040 MH](#), or [HSMV 82040 VS](#), as applicable, completed by the customer along with the Florida certificate of title, if available,
Or,

[Application for Duplicate or Lost in Transit/Reassignment for a Motor Vehicle, Mobile Home, or Vessel Title Certificate – HSMV 82101](#), if the certificate of title is not available,

And,

2. The returned, undelivered, unopened, certified letter addressed to the lienholder of record that was mailed to the lienholder and returned by the postal authorities with the envelope showing the reason the letter was undelivered. The processing clerk is responsible for opening the letter to verify the request for a lien satisfaction. The initials of the processing clerk, who opened the envelope and the date it was opened must be handwritten on the envelope.

Or,

The post office returned receipt card for the certified mail, signed by the lienholder, along with the paid receipt for the certified mail and a photocopy of the letter that was sent. The letter must be mailed not less than 20 days prior to the date of the application.

3. The original or a photocopy of the sales contract stamped “Paid in Full” by the lienholder and countersigned by an authorized representative of the lienholder; or canceled checks, or photocopies of the canceled checks made payable to the lienholder; or signed receipts from the lienholder showing the total amount of lien was paid in full. These must be accompanied by the owner’s copy of the sales contract, which reflects the total amount and the date of the lien. If there was no sales contract at the time of purchase and no record of the amount of lien, the owner must wait for the lien to be over 5 years old, then comply with instructions provided in section Alternate Method of removal of Recorded Liens A.1-2 of this procedure or submit a court order satisfying the lien.

4. Title fees.

B. Judgment Lien Certificate

When a second Judgment Lien Certificate is submitted for the same lienor against the same registered owner and the same motor vehicle or vessel for which the first Judgment Lien Certificate was recorded, [s. 319. 241, Florida Statutes](#), requires that the first Judgment Lien Certificate be removed and the second Judgment Lien Certificate submitted be recorded at the end of all liens on the title. The instructions to remove the first Judgment Lien Certificate and record the second Judgment lien Certificate are below:

1. **Verify the customer submitting the second Judgment Lien Certificate meets all the requirements found in [TL-32, Documentation Required and Special Instructions](#) section,**

F.

2. **Find the first Judgment Lien Certificate by searching Title History for the vehicle or vessel where a lien with ELT Exception of “Court Order” exists and the comment “Lien per FS 55.205” was added.**
3. **While processing the title transaction delete the lien found in step 2.**
4. **While processing the title transaction add the lien submitted by the customer in step 1.**

Miscellaneous information

- A. There may be a situation where one lienholder sells a lien to another lienholder and the new lienholder does not submit the certificate of title (along with form [HSMV 82139](#)) to a tax collector’s office or license plate agency in order to process the assignment of lien transaction. When this happens and the customer pays the new lienholder off. A satisfaction of lien is acceptable from the new lienholder (in lieu of a satisfaction from the lienholder on the title) if it is submitted along with a copy of an “assignment of mortgage/lien” contract or completed form [HSMV 82139](#), which would provide proof of the lien assignment.
- B. A “computer generated” signature on a lien satisfaction is not acceptable.
- C. The original form [HSMV 82260](#), or a certified copy is acceptable. An emailed, photocopied, or faxed copy is NOT acceptable.
- D. If the lienholder is deceased, refer to procedure [TL-18](#) for instructions.
- E. A “Definitions” page is attached to this procedure as Exhibit A.

Revision(s) to Procedure

05/24: Added B. Judgment Lien Certificate to Alternate Method of Removal of Record Liens.

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

Updated page 2 section 4(a) with the following language, “If form HSMV 82260 is being presented as alternate proof of lien satisfaction due to unsuccessful attempts to contact the lienholder, contact the Field Support Center for assistance.” Updated page 5 section A with the following language, “with proper documentation. If attempts to contact the lienholder have been unsuccessful, the customer must submit

Revision Date: 05/24

Effective Date: Immediately

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proof of certified mail attempting to contact the lienholder, lien satisfaction documentation, or follow TL-07 requirements for release of lien”

12/30/20: Conducted annual review, added links to statutes and forms. Language deleted from II (A)(1) “the registered owner’s address (in or out of state) has no bearing on whether a title is printed or held electronically. Additionally, the applicable fee for printing and mailing the title applies to residents with out-of-state “mail to” addresses”. Language added to sections II-D, III-A (2) and IV(B). Removed section III(B).

04/11/2014: Added information concerning electronic liens on pages 4, 5 & 6.

09/12/2013: Added a NOTE to section II, B, 1, requiring an ELT Exception reason for updating/satisfying an existing non-ELT, providing a link to the modifications log with exception reasons, and added a note to section III, A, 3, addressing removal of an electronic lien 5 years or older.

12/14/2012: Added Statute language.

05/03/2010: Added new statutes & put them in numerical order on pg. 1, added “Note” about FRVIS processing title for a fee for issuing/printing and for mailing/shipping on pg. 2, added info about ELT lien satisfactions under Section B, a with a link to ELT service providers on pg. 4, updated lien stamp info and re-lettered items b, c, and d to satisfy liens on pgs. 3 and 4, updated department mailing address on pg. 4, under section III, A, added recreational vehicle to the 1st “Note” for removing recorded liens 5 years and older on pg. 5, removed an item under section IV and reordered and lettered remaining items on pg. 7, added more definitions to Exhibit A, and removed Exhibit B as no longer valid.

08/01/2008: Updated Description and Use on page 1. Merged VSTL-14 into this procedure. Reworded statutes on page 1. Added Note on page 2. Added Note to page 5 regarding removal of lien for mobile homes. Added comments on page 5 regarding a stop to be placed if the department is notified by lienholder. Added #2 & 5 to page 7. Added Exhibit B.

03/01/2002: Provided DMV address for lienholder authorizations and updated Miscellaneous section to include information about handling situations when the lienholder has sold their lien to another lienholder.

Exhibit A Definitions

ELT (ELECTRONIC LIEN TITLE):	An e-title with an electronic lien on the vehicle. The designation of ELT only applies while there is an active electronic lien on an e-title.
ELT LIENHOLDER:	One who has the titles to their vehicles held electronically by the Department.
ELT PROVIDER:	An entity that has entered into a written agreement with the Department to provide electronic title and lien services for ELT lienholders.
LIEN/MORTGAGE:	Money borrowed using a motor vehicle or property as collateral.
LIEN SATISFACTION:	A document showing that a mortgage against a motor vehicle has been paid.
LIENHOLDER:	A person or entity loaning money against a motor vehicle.
SALES CONTRACT:	A written agreement between buyer and seller, showing the full description of motor vehicle, amount owed and payment schedule.
SUBSEQUENT LIEN:	Money borrowed, usually based upon the value of a motor vehicle and when the first lien is still outstanding.