

## Motor Vehicle Procedure Manual

### Title and Lien

#### APPLICATION FOR CERTIFICATE OF TITLE BY PAWNBROKERS

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### Legal Authority

[Section 319.22](#), Florida Statutes, provides for the transfer of certificates of title to motor vehicles.

[Section 539.001\(1\)](#), Florida Statutes, states, this section may be cited as the "Florida Pawnbroking Act."

[Section 539.001\(9\)](#), Florida Statutes, states that all goods delivered to a pawnbroker in a pawn or purchase transaction must be securely stored and maintained in an unaltered condition within the jurisdiction of the appropriate law enforcement official for a period of 30 calendar days after the transaction. Those goods delivered to a pawnbroker in a purchase transaction may not be sold or otherwise disposed of before the expiration of such period.

[Section 539.001\(10\)](#), Florida Statutes, provides that pledged goods not redeemed within the 30- day period following the maturity date of a pawn are automatically forfeited to the pawnbroker; absolute right, title, and interest in and to the goods shall vest in and shall be deemed conveyed to the pawnbroker by operation of law; and no further notice is necessary.

[Section 539.002](#), Florida Statutes, states, Chapter 538, Florida Statutes, does not apply to pawnbrokers licensed under the Florida Pawnbroking Act. Section 538.03(1)(a), Florida Statutes, defines a secondhand dealer as, any person, corporation, or other business organization or entity which is not a secondary metals recycler, which is engaged in the business of purchasing, consigning, or pawning secondhand goods. However, secondhand dealers are not limited to dealing only in items defined as secondhand goods in paragraph (g). Except as provided in subsection (2), the term means pawnbrokers, jewelers, precious metals dealers, garage sale operators, secondhand stores, and consignment shops.

## 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 processing applications for the transfer and issuance of certificates of title to pawnbrokers.

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:

- HSMV 82040 MV – 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

- HSMV 82040 VS – 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

- HSMV 82040 MH – 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 HSMV 82040 VS – Application for Certificate of Vessel Title. 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 HSMV 82040 MV – Application for Certificate of Motor Vehicle Title and HSMV 82040 MH – Application for Certificate of Mobile Home Title.

## General Information:

If the pawn or purchase transaction involves a motor vehicle, the motor vehicle must be delivered into the possession of the pawnbroker.

When the pawnbroker enters any pawn or purchase transaction, the pawnbroker must complete a "pawnbroker transaction form" for the transaction, including an indication of whether the transaction is a pawn or a purchase. The pledgor or seller must sign the completed form.

Any motor vehicle pledged to a pawnbroker that is not redeemed within 30 days following the maturity date of the pawn, if the 30th day is not a business day, then the following business day, is automatically forfeited to the pawnbroker by operation of law and no further notice is necessary.

## Documentation Required and Special Instructions

A. When a "pawn" is in default (not redeemed within 30 days following the maturity date of the pawn), the pawnbroker must submit the following documentation to the tax collector's office:

1. The Florida or out-of-state certificate of title, or official proof of ownership. **The title does not have to be completed for transfer.**

NOTE: **If the title is not available, an affidavit from the pawnbroker stating that fact is required. The pawnbroker must always verify that the vehicle is titled in the name of the person pawning it.**

2. A form HSMV 82040, Application for Certificate of Title with/without Vehicle Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the pawnbroker.

**NOTE:** The pawnbroker must obtain a title in their name prior to selling the motor vehicle.

3. If the motor vehicle is not titled in Florida, a form HSMV 82042, Vehicle Identification Number and Odometer Verification Affidavit, accurately completed by the pawnbroker with the vehicle identification number verified by one of the four officials shown on the lower portion of the form.

Form HSMV 82040, Application for Certificate of Title, may be used in lieu of the above listed form.

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

4. A copy of the Pawnbroker's Certificate of Registration issued by the Florida Department of Agriculture and Consumer Services pursuant to the requirements of Chapter 539, Florida Statutes.
5. A copy of the "pawnbroker transaction form" indicating the pawn. See Exhibits C & D concerning the "Pawnbroker Transaction Form."

6. An affidavit stating the motor vehicle has not been redeemed within the 30 day period following the maturity date of the pawn.
  7. Lien satisfaction(s) for any liens, as shown on the motor vehicle records of this or any other state.
  8. Specify on form HSMV 82040, Application for Certificate of Title with/without Registration, or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, "Obtained pursuant to Chapter 539, Florida Statutes."
  9. A Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit.
  10. Title fees.
- B. When the pawnbroker has held a motor vehicle for a period of 30 calendar days after a "purchase transaction," and the pawnbroker is taking title, the pawnbroker must submit the following documentation to the tax collector's office:
1. The Florida or out-of-state certificate of title, or official proof of ownership, accurately completed for transfer to the pawnbroker.  
**NOTE:** The title MUST be completed for transfer to the pawnbroker.
  2. A form HSMV 82040, Application for Certificate of Title with/without Vehicle Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the pawnbroker.  
**NOTE:** The pawnbroker must obtain a title in their name prior to selling the motor vehicle.
  3. If the motor vehicle is not titled in Florida, a form HSMV 82042, Vehicle Identification Number and Odometer Verification Affidavit, accurately completed by the pawnbroker with the vehicle identification number verified by one of the four officials shown on the lower portion of the form.  
  
Form HSMV 82040, Application for Certificate of Title, (Rev. 6/98 or later), may be used in lieu of the above listed form.  
  
Verification is not required for any mobile home, trailer or semi-trailer with a net weight less than 2,000 pounds, travel trailer, camping trailer, truck camper, or fifth wheel recreational trailer.
  4. A copy of the Pawnbroker's Certificate of Registration issued by the Florida Department of Agriculture and Consumer Services pursuant to the requirements of Chapter 539, Florida Statutes.
  5. A copy of the "pawnbroker transaction form" indicating the purchase. See Exhibits C & D concerning the "Pawnbroker Transaction Form."
  6. An affidavit stating the motor vehicle has been held by the pawnbroker for a period of 30 calendar days after the date of the "purchase" transaction.

7. Lien satisfaction(s) for any liens, as shown on the motor vehicle records of this or any other state.
8. Specify on form HSMV 82040, Application for Certificate of Title with/without Registration, or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, "Obtained pursuant to Chapter 539, Florida Statutes."
9. A Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit.
10. Title fees.

#### **Miscellaneous Information:**

- A. The pawnbroker transaction form will indicate whether the transaction was a pawn or a purchase.
- B. If the pawnbroker is taking title, a penalty fee is not applicable, as this is an operation of law transaction.
- C. Pawnbrokers may extend the maturity date for a transaction and must give the pledger a written memorandum (which may be a new transaction form) specifying the new default date.
- D. If an owner repurchases a motor vehicle from a pawnbroker pursuant to a "purchase transaction" and sells the motor vehicle to a new buyer, the owner must give the buyer an affidavit. The affidavit must explain why the certificate of title was assigned to the pawnbroker, state that the transfer to the pawnbroker is null and void and state the name of the new purchaser. This affidavit must be submitted to the license plate agency along with the certificate of title and application for title.
- E. An "Information Concerning Pawnbrokers" page is attached as Exhibit A.
- F. A documentation check list is attached as Exhibit B.
- G. A "Definitions" page is attached as Exhibit C.
- H. S. 539.001(8), Florida Statutes (PAWNBROKER TRANSACTION FORM), is attached as Exhibit D.
- I. A "Pawnbroker Transaction Form" is attached as Exhibit E.
- J. See Forms Appendix for a sample of the HSMV forms referred to in this procedure.

#### **Revisions to this procedure:**

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

Added information to the first NOTE on page 2 and Exhibit B

## EXHIBIT A

### INFORMATION CONCERNING PAWNBROKERS

A "pawnbroker," as defined in Chapter 539, must be licensed by the Department of Agriculture and Consumer Services. This license is renewed annually. They must also obtain a local occupational license.

A pawnbroker does two types of transactions for motor vehicles, which are:

1. **Pawn** Pawnbroker must take title.
2. **Purchase** Pawnbroker must take title.

The certificate of title **does not** have to be signed over for a "pawn."

The certificate of title **does** have to be signed over for a "purchase."

The motor vehicle must be in possession of the pawnbroker.

The instrument used by a pawnbroker to record a "pawn", or a "purchase" is a "Pawnbroker Transaction Form."

If the transaction is a "pawn," the vehicle may be titled to the pawnbroker if the vehicle is not redeemed within the 30-day period following the maturity date of the pawn.

If the transaction is a "purchase," the vehicle may be titled to the pawnbroker if the vehicle is not redeemed for a period of 30 days after the date of the purchase transaction.

## Exhibit B

### PAWN CHECK LIST

The pawnbroker must obtain a title in their name prior to selling the motor vehicle

#### FLORIDA RECORD

\_\_\_\_\_ HSMV 82040 or 82041

\_\_\_\_\_ Florida Certificate  
Title

#### OUT-OF-STATE RECORD

\_\_\_\_\_ HSMV 82040 or 82041

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

\_\_\_\_\_ Out-of-state proof of ownership

NOTE: Title does not have to be completed for transfer. However, if the title is not available, an affidavit stating that fact must be submitted. The pawnbroker should always verify that the vehicle is titled in the name of the person pawning it.

\_\_\_\_\_ Copy of the "Pawnbroker's Registration Certificate" issued by the Florida Department of Agriculture and Consumer Services.

\_\_\_\_\_ Copy of the "pawnbroker transaction form" indicating the "pawn."

\_\_\_\_\_ An affidavit stating the motor vehicle has not been redeemed within the 30 day period following the maturity date of the pawn.

\_\_\_\_\_ Specify on form 82040 or 82041, "Obtained pursuant to Chapter 539, Florida Statutes."

\_\_\_\_\_ Florida license plate number or non-use affidavit.

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

### PURCHASE CHECK LIST

The pawnbroker must obtain a title in their name prior to selling the motor vehicle.

#### FLORIDA RECORD

\_\_\_\_\_ HSMV 82040 or 82041

\_\_\_\_\_ Florida Certificate

#### OUT-OF-STATE RECORD

\_\_\_\_\_ HSMV 82040 or 82041

\_\_\_\_\_ HSMV 82042, or the Vin verification of Title  
section on form HSMV 82040

\_\_\_\_\_ Out-of-state proof of ownership

NOTE: Title must be completed for transfer.

\_\_\_\_\_ Copy of the "Pawnbroker's Registration Certificate" issued by the Florida Department of Agriculture and Consumer Services.

\_\_\_\_\_ Copy of the "pawnbroker transaction form" indicating the "purchase."

\_\_\_\_\_ An affidavit stating the motor vehicle has been held by the pawnbroker for a period of 30 calendar days after the date of the "purchase" transaction.

\_\_\_\_\_ Specify on form 82040 or 82041, "Obtained pursuant to Chapter 539, Florida Statutes."

\_\_\_\_\_ Florida license plate number or non-use affidavit.

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

Revision Date: 06/26/23

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Effective Date: Immediately



## Exhibit C

### DEFINITIONS

DEFAULT DATE	The date upon which the pledgor's right of redemption expires and absolute right, title, and interest in and to the pledged goods shall vest in and shall be deemed conveyed to the pawnbroker by operation of law.
PAWN	An advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on the terms and conditions contained in Chapter 539.
PAWNBROKER	Any person who is engaged in the business of making pawns; who makes a public display containing the term "Pawn," "pawnbroker," or "pawnshop" or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. A pawnbroker may also engage in the business of purchasing goods which includes consignment and trade.
PAWNBROKER TRANSACTION FORM	The instrument on which a pawnbroker records pawns and purchases.
PAWNSHOP	The location at which a pawnbroker conducts business.
PERMITTED VENDOR	A vendor who furnishes a pawnbroker with an invoice specifying the vendor's name and address, the date of the sale, a description of the items sold, and the sales price, and who has an established place of business, or, in the case of a secondhand dealer as defined in s. 538.03, has represented in writing that such dealer has complied with all applicable recordkeeping, reporting, and retention requirements pertaining to goods sold or otherwise delivered to a pawnbroker.
PLEDGED GOODS	Tangible personal property that is deposited with, or otherwise delivered into the possession of a pawnbroker in connection with a pawn. "Pledged Goods" does not include titles or any other form of written security in tangible property in lieu of actual physical possession.
PLEDGOR	An individual who delivers pledged goods into the possession of a pawnbroker in connection with a pawn.
PURCHASE	The transfer and delivery of goods, by a person other than a permitted vendor, to a pawnbroker by acquisition for value, consignment, or trade for other goods.

## Exhibit D

### **S. 539. 001(8), Florida Statutes:**

### **PAWNBROKER TRANSACTION FORM.**

(a) At the time the pawnbroker enters into any pawn or purchase transaction, the pawnbroker shall complete a pawnbroker transaction form for such transaction, including an indication of whether the transaction is a pawn or a purchase, and the pledgor or seller shall sign such completed form. The agency must approve the design and format of the pawnbroker transaction form, which must be 8 1/2 inches x 11 inches in size and elicit the information required under this section. In completing the pawnbroker transaction form, the pawnbroker shall record the following information, which must be typed or written indelibly and legibly in English.

(b) The front of the pawnbroker transaction form must include:

1. The name and address of the pawnshop.
2. A complete and accurate description of the pledged goods or purchased goods, including the following information, if applicable:
  - a. Brand name.
  - b. Model number.
  - c. Manufacturer's serial number.
  - d. Size.
  - e. Color, as apparent to the untrained eye.
  - f. precious metal type, weight, and content, if known.
  - g. Gemstone description, including the number of stones.
  - h. In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length, and finish.
  - i. Any other unique identifying marks, numbers, names, or letters.

Notwithstanding sub-subparagraphs a.-i., in the case of multiple items of a similar nature delivered together in one transaction which do not bear serial or model numbers, and which do not include precious metal or gemstones, such as musical or video recordings, books, and hand tools, the description of the items is adequate if it contains the quantity of items and a description of the type of items delivered.

3. The name, address, home telephone number, place of employment, date of birth, physical description, and right thumbprint of the pledgor or seller.
4. The date and time of the transaction.
5. The type of identification accepted from the pledgor or seller, including the issuing agency and the identification number.
6. In the case of a pawn:
  - a. The amount of money advanced, which must be designated as the amount financed.
  - b. The maturity date of the pawn, which must be 30 days after the date of the pawn.
  - c. The default date of the pawn and the amount due on the default date.
  - d. The total pawn service charge payable on the maturity date, which must be designated as the finance charge;
  - e. The amount financed plus the finance charge that must be paid to redeem the pledged goods on the maturity date, which must be designated as the total of payments;
  - f. The annual percentage rate, computed according to the regulations adopted by the Federal Reserve Board under the federal Truth in Lending Act; and
  - g. The front or back of the pawnbroker transaction form must include a statement that:

(l) Any personal property pledged to a pawnbroker within this state which is not redeemed within 30 days following the maturity date of the pawn, if the 30th day is not a business day, then the following business day, is automatically forfeited to the pawnbroker, and absolute right, title, and interest in and to the property vests in and is deemed conveyed to the pawnbroker by operation of law, and no further notice is necessary;

(II) The pledgor is not obligated to redeem the pledged goods; and

(III) If the pawnbroker transaction form is lost, destroyed, or stolen, the pledgor must immediately advise the issuing pawnbroker in writing by certified or registered mail, return receipt requested, or in person evidenced by a signed receipt.

(IV) A pawn may be extended upon mutual agreement of the parties.

7. In the case of a purchase, the amount of money paid for the goods, or the monetary value assigned to the goods in connection with the transaction.

8. A statement that the pledgor or seller of the item represents and warrants that it is not stolen, that it has no liens or encumbrances against it, and that the pledgor or seller is the rightful owner of the goods and has the right to enter the transaction. Any person who knowingly gives false verification of ownership or gives a false or altered identification and who receives money from a pawnbroker for goods sold or pledged commits:

a. If the value of the money received is less than \$300, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. If the value of the money received is \$300 or more, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A pawnbroker transaction form must provide a space for the imprint of the right thumbprint of the pledgor or seller and a blank line for the signature of the pledgor or seller.

(d) At the time of the pawn or purchase transaction, the pawnbroker shall deliver to the pledgor or seller an exact copy of the completed pawnbroker transaction form.

# Exhibit E

## FLORIDA PAWNBROKER TRANSACTION FORM

PAWNBROKER  
/ CREDITOR

TRANSACTION DATE

CONTROL #

DEPT. #

TIME

MATURITY DATE

TYPE OF TRANSACTION

☐ PURCHASE  
/ TRADE

☐ CONSIGNMENT

☐ PAWN

NAME (Last) (First) (Middle)		DATE OF BIRTH	SEX (M/F)	RACE	W. WHITE B. BLACK I. AMERICAN INDIAN A. ASIAN/ORENITAL H. HISPANIC
RESIDENTIAL ADDRESS (Street, Apt. No., City, State & Zip)			HOME PHONE (Area Code & Number)		
PLACE OF EMPLOYMENT			BUSINESS PHONE (Area Code & Number)		
D.L. #/OFFICIAL PHOTO #		TYPE	AGENCY/STATE	HGT.	WGT.
EYES		HAIR		IDENTIFYING MARKS	

CODES	TYPE	ACTION	FINISH	JEWELRY	METAL	GENDER	STYLE	STONE SHAPE	STONE COLOR
<b>FIREARM</b>	1. Handgun 2. Rifle 3. Shotgun 4. Airgun 5. Black Powder 6. Other	1. Revolver 2. Semi-Auto 3. Lever 4. Pump 5. Single Shot 6. Other	1. Chrome Model 2. Blue Steel 3. Stainless Steel 4. Other	1. Ring 2. Watch 3. Necklace 4. Bracelet 5. Pendant Charm 6. Earrings 7. Chain 8. Cufflinks 9. Other	1. Yellow Gold 2. White Gold 3. Sterling Silver 4. Platinum 5. Other	1. Male 2. Female 3. Not Applicable	1. Straight 2. Curved 3. Rope 4. Box Link 5. Figure 6. Other	1. Oval 2. Round 3. Pear 4. Emerald 5. Marquise 6. Heart 7. Other	1. Clear 2. Green 3. Blue 4. Red/Pink 5. Yellow 6. Black 7. Brown 8. White

YOU ARE GIVING A SECURITY INTEREST IN THE FOLLOWING PROPERTY

SERIAL NUMBER	OWNER APPLIED NUMBER	ITEM TYPE	BRAND	MODEL NUMBER
DESCRIPTION OF ITEM (Inscriptions, Color, Size, Marks, Design, School, Year, Initials, Barrel Length)				
TYPE	METAL	KT	WT	GENDER
STYLE	SIZE	LENGTH	#STONES	SHAPE
CT	WT	COLOR	#STONES	SHAPE
CT	WT	COLOR	#STONES	SHAPE

ITEM 1

ITEM 2

ITEM 3

ITEM 4

ITEM 5

ITEM 6

AMOUNT FINANCED. The amount of cash given directly to you.	FINANCE CHARGE. The dollar amount the credit will cost you.	TOTAL OF PAYMENTS. Amount required to redeem pledged property on the Maturity Date.	ANNUAL PERCENTAGE RATE. The cost of your credit as a yearly rate.	MATURITY DATE
\$	\$	\$	%	

See your contract for any additional information concerning nonpayment and default and prepayment refunds or penalties.

PREPAYMENT: If you pay off early, you will not be entitled to a refund of part of the Finance Charge.

PAYMENT SCHEDULE:  
Total of Payments is due on Maturity Date shown above.

Pawn Default Date

Amount required to redeem pledged property on Pawn Default Date \$

PURCHASE / TRADE \$

EMPLOYEE'S INITIALS OR NUMBER

FLORIDA PAWNBROKER'S SIGNATURE

Right Thumb Print of Pledgor/Seller

