

Motor Vehicle Procedure Manual	
Title and Lien	
Transfer of Certificate of Title Upon Sale of Derelict or Abandoned Motor Vehicle by a Public-Use Airport	

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Legal Authority

[Section 705.184\(1\)\(a\), Florida Statutes](#), provides that whenever any derelict or abandoned motor vehicle is found on premises owned or controlled by the operator of a public-use airport, including airport premises leased to a third party, the director of the airport or the director's designee may take charge of the motor vehicle and make a record of the date such motor vehicle was found.

[Section 705.184\(1\)\(b\)\(1\), Florida Statutes](#), defines “abandoned motor vehicle” as a motor vehicle that has been disposed of on a public-use airport in a wrecked, inoperative, or partially dismantled condition or a motor vehicle that has remained in an idle state on the premises of a public-use airport for 45 consecutive calendar days.

[Section 705.184\(1\)\(b\)\(2\), Florida Statutes](#), defines "derelict motor vehicle" as any motor vehicle that is not in a drivable condition.

[Section 705.184\(1\)\(c\), Florida Statutes](#), provides that after the information relating to the abandoned or derelict motor vehicle is recorded in the airport's records, the director or the director's designee may cause the motor vehicle to be removed from airport premises by the airport's wrecker or by a licensed independent wrecker company to be stored at a suitable location on or off the airport premises. If the motor vehicle is to be removed from airport premises by the airport's wrecker, the airport must follow the procedures in this chapter. The procedures do not apply if the motor vehicle is removed from the airport premises by a licensed independent wrecker company, and the licensed wrecking company shall comply with [s. 713.78](#).

[Section 705.184 \(2\), Florida Statutes](#), provides that the airport director or the director's designee shall contact the Department of Highway Safety and Motor Vehicles to notify that department that the airport has possession of the abandoned or derelict motor vehicle and to determine the name and address of the owner of the motor vehicle, the insurance company insuring the motor vehicle, notwithstanding the provisions of [s. 627.736](#), and any person who has filed a lien on the motor vehicle. Within 7 business days after receipt of the information, the director or the director's designee shall send notice by certified mail, return receipt requested, to the owner of the motor vehicle, the insurance company insuring the motor vehicle, notwithstanding the provisions of [s. 627.736](#), and all persons of record claiming a lien against the motor vehicle. The notice shall state the fact of possession of the motor vehicle, that charges for reasonable towing, storage, and parking fees, if any, have accrued and the amount thereof, that a lien as provided in subsection (6) will be claimed, that the lien is subject to enforcement pursuant to law, that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (4), and that any motor vehicle which, at the end of 30 calendar days after receipt of the notice, has not been removed from the airport upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, may be disposed of as provided in [s. 705.182\(2\)\(a\), \(b\), \(d\), or \(e\)](#), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

[Section 705.182\(2\)\(a\), \(b\), \(d\), or \(e\), Florida Statutes](#), provides for additional provisions for disposing of the motor vehicle if, within 30 calendar days after such property is found or for a longer period of time as may be deemed appropriate by the director or the director's designee under the circumstances, the property is not claimed by the owner. The director or the director's designee may also choose from the following options:

- Retain any or all of the property for use by the airport or for use by the state or the unit of local government owning or operating the airport;
- Trade such property to another unit of local government or a state agency;
- Sell the property; or
- Dispose of the property through an appropriate refuse removal company or a company that provides salvage services for the type of personal property found or located on the airport premises.

[Section 705.184 \(3\), Florida Statutes](#), provides that if attempts to notify the owner or lienholder pursuant to subsection (2) are not successful, the requirement of notice by mail shall be considered met and the director or the director's designee, in accordance with subsection (5), may cause the motor vehicle to be disposed of as provided in [s. 705.182\(2\)\(a\), \(b\), \(d\), or \(e\)](#), including, but not limited to, the motor vehicle being sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less.

[Section 705.184 \(4\)\(a\), Florida Statutes](#), provides that the owner of, or any person with a lien on, a motor vehicle removed pursuant to subsection (1), may, within 10 calendar days after the time he or she has knowledge of the location of the motor vehicle, file a complaint in the county court of the county in which the motor vehicle is stored to determine if his or her property was wrongfully taken or withheld.

[Section 705.184 \(4\)\(b\), Florida Statutes](#), provides that upon filing a complaint, an owner or lienholder may have his or her motor vehicle released upon posting with the court a cash or surety bond or other adequate security equal to the amount of the fees for towing, storage, and accrued parking, if any, to ensure the payment of such fees in the event he or she does not prevail. Upon the posting of the bond or other adequate security and the payment of any applicable fee, the clerk of the court shall issue a certificate notifying the airport of the posting of the bond or other adequate security and directing the airport to release the motor vehicle. At the time of such release, after reasonable inspection, the owner or lienholder shall give a receipt to the airport reciting any claims he or she has for loss or damage to the motor vehicle or the contents of the motor vehicle.

[Section 705.184 \(5\), Florida Statutes](#), provides that if, after 30 calendar days after receipt of the notice, the owner or any person claiming a lien has not removed the motor vehicle from its storage location upon payment in full of all accrued charges for reasonable towing, storage, and parking fees, if any, or shown reasonable cause for the failure to do so, the airport director or the director's designee may dispose of the motor vehicle as provided in [s. 705.182\(2\)\(a\), \(b\), \(d\), or \(e\)](#). If the airport elects to sell the motor vehicle, the motor vehicle may be sold free of all prior liens after 35 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are more than 5 years of age or after 50 calendar days after the time the motor vehicle is stored if any prior liens on the motor vehicle are 5 years of age or less. The sale shall be a public auction either on the Internet or at a specified physical location. If the date of the sale was not included in the notice required in subsection (2), notice of the sale, sent by certified mail, return receipt requested, shall be given to the owner of the motor vehicle and to all persons claiming a lien on the motor vehicle. Such notice shall be mailed not less than 10 calendar days before the date of the sale. In addition to the notice by mail, public notice of the time and place of the sale at auction shall be made by publishing a notice of the sale at auction one time, at least 10 calendar days prior to the date of sale, in a newspaper of general circulation in the county in which the sale is to be held. All costs incurred by the airport for the towing, storage, and sale of the motor vehicle, as well as all accrued parking fees, if any, shall be recovered by the airport from the proceeds of the sale, and any proceeds of the sale in excess of such costs shall be retained by the airport for use by the airport in any manner authorized by law.

[Section 705.184 \(7\), Florida Statutes](#), provides that for the purpose of perfecting its lien, the airport shall record a claim of lien. The claim of lien shall be recorded with the clerk of court in the county where the airport is located.

[Section 705.184 \(8\), Florida Statutes](#), provides that a purchaser or recipient in good faith of a motor vehicle sold or obtained under this section takes the property free of the rights of persons then holding any legal or equitable interest thereto, whether or not recorded.

Description and Use

This procedure provides information and instructions to assist tax collector employees, license plate agency employees and the Department of Highway Safety and Motor Vehicles (FLHSMV) in establishing requirements for transfer of certificate of title upon sale of derelict or abandoned motor vehicles.

General Information

- A. This procedure does not apply to vessels or mobile homes.
- B. If the application for certificate of title is not made within 30 days of the date of the public auction (may be via internet auction or physical location auction), a penalty fee is due.
- C. If a visible Vehicle Identification Number (VIN) cannot be located for the vehicle, contact a Division of Motorist Services Regional Office or a law enforcement agency who deals in auto theft. They should be able to locate the confidential VIN number for the vehicle in order to identify the current owner. A replacement VIN decal must be affixed to the motor vehicle before it can be sold.
- D. If the airport director or the director's designee authorizes a licensed independent wrecker company to remove the motor vehicle from the airport premises, the wrecker company must comply with [s. 713.78, Florida Statutes](#).

- E. Any proceeds from the sale in excess of applicable costs shall be retained by the airport.
- F. When a licensed Florida motor vehicle dealer or an individual purchases a motor vehicle from an airport facility through operation of law, a certificate of title must be issued in the dealer's or individual's name before the motor vehicle can be sold to another person.
- G. All license plate agencies or tax collector offices are authorized to disclose insurance information to any towing company requesting this information for any insured motor vehicle pursuant to [s. 705.184, Florida Statutes](#).

Documentation Required and Special Instructions

After the provisions of [s. 705.184, Florida Statutes](#), have been met, the following documentation should be submitted to the tax collector's office or license plate agency to apply for a Florida Certificate of Title:

- A. A copy of the "Notice of Abandoned/Derelict Motor Vehicle Found on Premises of a Public-Use Airport," ([Exhibit A](#)), which was mailed certified to the owner (when the registered owner is different than the titled owner, both must be notified), lienholder (a lien satisfaction for the lien is acceptable, from the lienholder, in lieu of a certified letter to the lienholder) and the insurance company (insuring the vehicle), at the addresses shown in Florida Real-Time Vehicle Information System (FRVIS), within seven business days, excluding Saturdays, Sundays, and all legal holidays observed by the United States Postal Service, after receiving the information. The seven days (for the proof of receipt of the information) may be determined by either the date of the electronic record or the postmark stamp on the envelope received from the department. If the owner and lienholder are the same in FRVIS (including the same address), only one notice must be sent.

Note: If FRVIS indicates co-owners, whether joined by "and" or "or" and both owners have a different addresses, each owner must be notified at the appropriate address.

Notice to the insurance company would not be required when:

FRVIS shows the insurance information has been cancelled and the date the motor vehicle was found was after the cancellation date, the insurance company would not have to be notified.

- B. The original or certified copy of the post office returned receipt card for the certified mail, signed, and dated within the seven business days after receipt of the information, or the returned unclaimed certified letter(s) must be submitted with all other required documents. If the returned receipt card for the certified mail is not signed and dated within the seven business days after receipt of the information, the original or certified copy of the paid receipt is required to prove the letter was sent within the first seven business days after receipt of the information.

Note: Tax Collector personnel are responsible for opening the returned unclaimed certified envelope and submitting it and all contents with the application. Please place your initials and the date you opened the letter on the outside envelope. Letters marked "Forwarding Order Expired" are acceptable.

or,

A copy of the "electronic return receipt (Direct Post Delivery Detail and Return Receipt (Electronic)," which provides verification from the USPS that the certified letter was sent within the seven business days after receipt of the information. If the certified letter was returned unclaimed, it must be submitted along with proof of the certified mail and other required documentation.

The notice must contain the following information:

1. The public-use airport facility's complete name and address.
2. The year, make and identification number of the motor vehicle.

3. That the motor vehicle is in the possession of the airport facility.
 4. That a lien will be claimed.
 5. That charges have accrued (and will continue to accrue) and the total amount owed for towing, parking fees and storage.
 6. That the lien is subject to enforcement on a motor vehicle, in accordance with [s. 705.184, Florida Statutes](#).
 7. That the owner(s), lienholder and insurance company (insuring the motor vehicle), if any, has the right to a hearing to contest the airport's possession; and any motor vehicle which, at the end of 30 calendar days after receipt of the notice, has not been removed from the airport upon payment in full of all accrued charges for reasonable towing, storage and parking fees, the motor vehicle may be disposed of pursuant to [s. 705.182\(2\)\(a\), \(b\), \(d\), or \(e\), Florida Statutes](#). However, if the airport elects to sell the motor vehicle pursuant to [s. 705.182\(2\)\(d\), Florida Statutes](#), it may be sold free of all prior liens after 35 calendar days after the date of storage when the lien on the motor vehicle is more than 5 years of age or after 50 calendar days after the date of storage if the prior lien on the motor vehicle is 5 years of age or less.
- C. If attempts to notify the owner(s) or lienholder are not successful, the requirement of notice by mail shall be considered met.
- D. A copy of the Notice of Sale (may be included in the Notice of Abandoned/Derelict Motor Vehicle Found on Premises of a Public-Use Airport, [Exhibit A](#)), which was mailed certified to the owner(s), lienholder, and insurance company, (insuring the motor vehicle), at the address shown in FRVIS.

The following must be submitted showing the notice was mailed no less than 10 calendar days prior to the date of sale:

Note: When the Notice of Sale is sent separate from the Notice of Abandoned/Derelict Motor Vehicle Found on Premises of a Public-Use Airport, the 10 calendar days do not include the date the notice is mailed or the date of sale.

The original or certified copy of the post office returned receipt card for the certified mail, signed, and dated, or the returned unclaimed certified letter(s).

Note: Tax Collector personnel are responsible for opening the returned unclaimed certified envelope and submitting it and all contents with the application. Please place your initials and the date you opened the letter on the outside envelope.
Letters marked "Forwarding Order Expired" are acceptable.

or,

A copy of the "electronic return receipt (Direct Post Delivery Detail and Return Receipt (Electronic)," which provides verification from the USPS that the certified letter was sent and the date it was sent. If the certified letter was returned unclaimed, it must be submitted along with proof of the certified mail and other required documentation.

Note: The "Track & Confirm" screen from the USPS is NOT acceptable in lieu of the "electronic return receipt."

Notice to the insurance company would not be required when:

FRVIS shows the insurance information has been cancelled and the date of tow was after the cancellation date, the insurance company would NOT have to be notified.

The notice must include the following:

1. The date, time and location of sale.

2. The location of the motor vehicle.
3. A complete description of the motor vehicle including the year, make and identification number.
4. The public-use airport facility's complete name and address.

Note: The Notice of Sale may be included in the "Notice of Abandoned/Derelict Motor Vehicle Found on Premises of a Public-Use Airport."

- E. A copy of the newspaper advertisement showing the name of the newspaper and the date the advertisement was published. The advertisement must include the exact year, make and identification number of the motor vehicle and the date, time, and location of the sale.

Note: The date, time and location of the sale and the description of the motor vehicle listed in the newspaper advertisement and the Notice of Sale must be the same.

The advertisement must be published at least 10 calendar days prior to the date of sale, in a newspaper of general circulation in the county in which the sale is to be held. The 10 calendar days do not include the date of the advertisement or the date of the sale.

Note: Publication must specify the name of the county in which the newspaper was circulated.

Note: Any newspaper company that has been in the publishing business for one (1) year and prints their newspaper at least once a week, qualifies as a newspaper of general circulation.

- F. A copy of the "Claim of Lien" ([Exhibit B](#)) which was recorded with the clerk of the court in the county where the airport is located.

Note: The claim of lien must be served on the owner, insurance company and lienholder prior to being recorded with the clerk of the court. The method for which the claim was served to the owner, insurance company and lienholder must be specified on the completed and signed form [Application for Certificate of Motor Vehicle Title HSMV 82040 MV](#).

G. Bill of Sale: (If Applicable):

The original bill of sale from the public-use airport facility to the purchaser showing a complete description of the motor vehicle, if the motor vehicle, is sold. If the motor vehicle is not sold at the public sale, the public-use airport facility MUST apply for a certificate of title in their name.

Note: If the application for certificate of title or certificate of destruction is not made within 30 days of the date of the public sale; a penalty is due.

H. Forms (Florida Record):

An accurately completed form [Application for Certificate of Motor Vehicle Title HSMV 82040 MV](#).

I. Sales Tax:

Florida sales tax or specify the sales tax exemption information on an accurately completed form [Application for Certificate of Motor Vehicle Title HSMV 82040 MV](#). If the airport facility is applying for a certificate of title, specify on form [82040 MV](#) the following: “obtained per Florida statutes, [s. 705.184](#), for towing, storage and parking fees only.”

J. License Plate:

The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit.

Miscellaneous Information

- A. A Notice of Abandoned/Derelict Motor Vehicle Found on Premises of a Public-Use Airport” (suggest form) is included in this procedure as [Exhibit A](#).
- B. A copy of a “Claim of Lien” (required form) is attached as [Exhibit B](#).
- C. A copy of a “Claim of Lien” (required form) is attached as [Exhibit B](#).

Revision(s) to Procedure

12/24: Updated procedure format.

NOTICE OF ABANDONED OR DERELICT MOTOR VEHICLE FOUND ON PREMISES OF A PUBLIC-USE AIRPORT

DATE: _____

DESCRIPTION OF THE ABANDONED/DERELICT MOTOR VEHICLE:

YEAR: _____ MAKE: _____ VIN: _____

TO: REGISTERED OWNERLIENHOLDER

NAME: _____ NAME: _____

ADDRESS: _____ ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ CITY: _____ STATE: _____ ZIP: _____

NAMES AND ADDRESSES OF ANY OTHER PERSONS, INCLUDING ANY OTHER LIENHOLDERS OR INSURANCE COMPANY, CLAIMING AN INTEREST IN THE MOTOR VEHICLE.

NAME: _____ NAME: _____

ADDRESS: _____ ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ CITY: _____ STATE: _____ ZIP: _____

LIENOR (PUBLIC-USE AIRPORT)

NAME OF AIRPORT: _____ TELEPHONE NUMBER: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

EACH OF YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED MOTOR VEHICLE WAS FOUND ABANDONED ON OUR PREMISES ON _____(DATE) AND THE ABOVE NAMED AIRPORT FACILITY IS IN POSSESSION OF AND CLAIMS A LIEN ON THE ABOVE DESCRIBED MOTOR VEHICLE FOR TOWING, PARKING FEES, AND STORAGE CHARGES ACCUMULATED IN THE AMOUNT OF: (TOTAL) \$: _____. ITEMIZED CHARGES: (TOWING CHARGES) \$_____, (PARKING FEES) \$_____, AND (TOTAL STORAGE CHARGES) \$_____, FOR ____ DAYS, AT \$_____ PER DAY. THE STORAGE CHARGES WILL CONTINUE TO ACCRUE AT THE RATE OF \$_____ PER DAY.

THE LIEN CLAIMED BY THE ABOVE NAMED AIRPORT FACILITY IS SUBJECT TO ENFORCEMENT PURSUANT TO SECTION 705.184, FLORIDA STATUTES. IF AFTER 30 CALENDAR DAYS AFTER RECEIPT OF THIS NOTICE, THE MOTOR VEHICLE HAS NOT BEEN REMOVED FROM THE AIRPORT UPON PAYMENT IN FULL OF ALL ACCRUED CHARGES FOR REASONABLE TOWING, STORAGE, AND PARKING FEES, IF ANY, IT MAY BE DISPOSED OF PURSUANT TO SECTION 705.182(2)(A),(B),(D), OR (E), FLORIDA STATUTES. IF THE AIRPORT ELECTS TO SELL THE MOTOR VEHICLE PURSUANT TO S.705.182(2)(D), FLORIDA STATUTES, THE MOTOR VEHICLE MAY BE SOLD FREE OF ALL PRIOR LIENS AFTER 35 CALENDAR DAYS AFTER THE TIME THE MOTOR VEHICLE IS STORED IF ANY PRIOR LIENS ON THE MOTOR VEHICLE ARE MORE THAN 5 YEARS OLD AND AFTER 50 CALENDAR DAYS IF THE VEHICLE HAS ANY PRIOR LIENS WHICH ARE 5 YEARS OLD OR LESS. THE OWNER, LIENHOLDER OR INSURANCE COMPANY, MAY FILE A COMPLAINT IN THE COUNTY COURT OF THE COUNTY IN WHICH THE MOTOR VEHICLE IS STORED, PURSUANT TO S.705.184(4), FLORIDA STATUTES.

WHEN APPLICABLE:

THE ABOVE DESIGNATED AIRPORT FACILITY PROPOSES TO SELL THE MOTOR VEHICLE AS FOLLOWS:

PUBLIC AUCTION FOR THE MOTOR VEHICLE TO BE HELD AT (LOCATION OF AUCTION) _____,
COMMENCING AT (SPECIFIC DATE AND TIME OF AUCTION, INCLUDING AM/PM) _____.

PUBLIC-USE AIRPORT FACILITY (SIGNATURE OF AUTHORIZED AGENT) _____ DATE: _____

NOTE: This is a suggested form. This is not a prescribed form; however, it does contain all the information required

Claim of Lien

(To be filed/recorded with the Clerk of the Court in the county where the airport is located)

State of: _____

County of: _____

Before me, the undersigned notary public, personally appeared (Person's Name) _____, who was duly sworn and says that he/she is the (Person's Title, i.e. Director of the Director's Designee) _____ of (Name of Public-Use Airport) _____, whose address is (Address of Public-Use Airport) _____; and that the following described motor vehicle: (Year) _____, (Make) _____, (Vehicle Identification Number) _____, owned by (Name of Owner) _____, whose address is: (Address of Owner) _____, has accrued (Total Amount) \$_____ in fees for a reasonable tow, for storage, and for parking, if applicable; that the lienor served its notice to the owner, the insurance company insuring the motor vehicle notwithstanding the provisions of Section 627.736, Florida Statutes, and all persons of record claiming a lien against the motor vehicle on (Date) _____, by (Method of Notification) _____.

Sword to (or affirmed) and subscribed before me this _____ date of _____, _____, by (Name of Person Making Statement) _____.

Signature of Notary: _____

Print, type or stamp commissioned name of Notary: _____

Notary Stamp

☐ Personally Known Produced _____ as Identification.

Towing and Storage Check List for Certificate of Title

Florida Record

_____ [Application for Certificate of Motor Vehicle Title HSMV 82040 MV.](#)

_____ Copy of the Notice of Abandoned/Derelict Motor Vehicle Found on Premises of a Public-Use Airport along with the original or certified copy of the post office returned receipt card for the certified mail, signed, and dated within the seven business days or the returned unclaimed letter(s).

note: If the returned receipt card for the certified mail is not signed and dated within the seven (7) business days, the paid receipt is required in order to prove the letter was sent within the first seven (7) business days.

_____ Copy of newspaper advertisement (must be published at least 10 calendar days prior to the date of sale. The 10 calendar days do not include the date of the advertisement or the date of the sale.

note: The claim of lien MUST be served on the owner, insurance company and lienholder prior to being recorded with the clerk of the court. The method for which the claim was served must be noted on the form [Application for Certificate of Motor Vehicle Title HSMV 82040 MV.](#)

_____ Bill of sale if the motor vehicle was sold.

_____ Florida sales tax or specify sales tax exemption information on form HSMV 82040. If the airport facility is applying for title, specify on form [Application for Certificate of Motor Vehicle Title HSMV 82040 MV](#) “obtained per Florida statutes, [s. 705.184](#), for towing, storage and parking fees only.”

_____ License plate number or non-use affidavit for the motor vehicle. (Not required for the airport facility if they are applying for title in their name.)

_____ Title fees.