

**Motor Vehicle Procedure Manual**

**Title and Lien**

Bonded Titles

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## Legal Authority:

[Section 319.23\(7\), Florida Statutes](#), provides the department may accept a bond as prescribed on form HSMV 82033, along with an affidavit prescribed on form HSMV 82026, along with a completed vehicle identification number verification as provided on form HSMV 82040 or HSMV 82042, along with other specified documentation, if the customer seeking a certificate of title is unable to provide the department a title certificate that assigns the prior owner's interest in the motor vehicle.

## Description and Use:

This procedure provides information and instructions to guide employees of the tax collector's office, license plate agents, and the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) in the issuance of a bonded title.

## Vehicles Eligible for a Bonded Title:

Bonded titles may only be issued:

- due to a private (casual) sale when money is exchanged between a buyer and a seller who is the owner of an automobile, truck weighing less than 8,000 pounds (net weight) or a motorcycle.
- when the vehicle has a current Florida paper title as reflected in the Florida Real Time Vehicle Information System (FRVIS) with no security interest, liens, or encumbrances.
- for example, when the model years are found on the chart below. Due to the change in the federal odometer disclosure requirements effective, January 1, 2021, the eligible model year begins with the year 2010 and ends with the model year as shown on this chart:

Current Year	Eligible Model Year	Last Model Year
2021	2010	1992
2022	2010	1993
2023	2010	1994
2024	2010	1995
2025	2010	1996
2026	2010	1997
Current Year	Eligible Model Year	Last Model Year
2027	2010	1998
2028	2010	1999
2029	2010	2000
2030	2010	2001
2031	2010	2002

## Vehicles NOT Eligible for a Bonded Title:

Bonded titles may not be issued to a:

- vehicle with an electronic title

- vehicle with **model years 2011 or newer**
- vehicle with **model year more than 29 years as of January 1<sup>st</sup> of the current year.**
- vehicle titled out-of-state
- vehicle having a National Motor Vehicle Title Information System (NMVTIS) record other than Florida
- vehicle with a security interest, lien, or encumbrance on the title or title record
- vehicle when a security interest, lien, or encumbrance is to be added to the title
- vessel, mobile home, recreational vehicle, or off-highway vehicle
- truck weighing 8,000 pounds or more **(net weight).**

Bonded titles cannot be issued as the result of inheritance, gift, divorce, transfer between a married couple, even trade or trade down, or any transaction other than defined under Vehicles Eligible for a Bonded Title.

When vehicles are not eligible for a bonded title and a Florida title is still required, refer to [TL-07, Application for Certificate of Title on a Motor Vehicle with Alternate Proof of Ownership and Procedure for Securing a Florida Court Order Awarding Ownership.](#)

### **What is Required to Apply for a Bonded Title:**

Any customer applying for a bonded title must be a Florida resident or a Florida based business; and provide one of the acceptable proofs of identification as defined in [TL-01](#) which include:

- Valid driver license or identification card issued by Florida or another state or U.S. Territory – American Samoa, Guam, Marianas, Puerto Rico, U.S. Virgin Islands, or Canada.
- Valid passport or passport card from any country
- Be a business registered with the Division of Corporations that can be verified as an active business in SunBiz or provide an active business license from a Florida city or county that can be verified.

### **Title Record Review**

A review of the FRVIS title record must reflect the name of the person shown as current owner of the motor vehicle, which must also be the same as the name of the owner/seller on completed form HSMV 82026. Additionally, there can be no security interests, liens, or encumbrances against the motor vehicle.

If the motor vehicle owner's name reflected in FRVIS is not the same as the seller's name shown on form HSMV 82026 or if there are any security interests, liens, or encumbrances against the motor vehicle the transaction must be rejected.

A customer with a rejected transaction for seller's name or security interests, liens, or encumbrances against the motor vehicle must use one of the two options for a title as shown in [TL-07, Application for Certificate of Title on a Motor Vehicle with Alternate Proof of Ownership and Procedure for Securing a Florida Court Order Awarding Ownership.](#)

## **Required Forms and Documentation:**

- Valid driver license or identification card; or valid passport or passport card (individual); or Division of Corporations; SunBiz (active status); or Verifiable (active status) Florida City or County Business License (business).
- HSMV 82026, Declaration of Facts to Accompany Application for Bonded Title
- HSMV 82033, Title Surety Bond for a Motor Vehicle
- HSMV 82040, Application for Certificate of Title
- HSMV 82042, Vehicle Identification Number and Odometer Verification
- Kelley Blue Book (current) screenshot of Private Party Range Value\* for vehicle (clear copy)

If any of the required documentation is missing, incomplete, or illegible the transaction must be rejected until the required documentation is received.

\*Kelley Blue Book “Private Party Range Value”, “current retail value”, and “retail value” as used in this procedure are speaking to the same amount.

## **Identification:**

The customer applying for a bonded title must provide acceptable proof of identification:

- Valid driver license or identification card issued by Florida or another state or U.S. Territory – American Samoa, Guam, Marianas, Puerto Rico, and U.S. Virgin Islands, or Canada, or
- Valid passport or passport card from any country, or
- Be a business registered with the Division of Corporations that can be verified as an active business in SunBiz or provide an active business license from a Florida city or county that can be verified.

The officer/agent signing for the business must specify their “official title” on the paperwork. If proof that they are an officer/agent of the business cannot be found in SunBiz, they must provide an original letter on business letterhead authorizing them to sign for the company which is signed by someone other than themselves. If they are the sole owner of the business this must be stated in the letter or provided by an affidavit with a perjury clause.

If the customer cannot provide acceptable identification, as shown above, the transaction must be rejected.

## **Power of Attorney:**

If the person signing on behalf of the individual customer or company is authorized by a power of attorney, they must provide a copy of their acceptable identification with the power of attorney.

## **Form HSMV 82026:**

All sections of the form must be completed legibly. If any information is missing from the Motor Vehicle Description or Affidavit of Vehicle Ownership, other than the Florida title number, the form must be rejected.

The vehicle details must match the vehicle details as shown in the FRVIS record.

The applicant/owner details must match the information provided on accepted identification.

The current retail value of the motor vehicle must be the same current retail value shown on the screenshot from the current Kelley Blue Book used motor vehicle valuation guide. The screenshot should show the residential zip code of the applicant/owner, the value of the vehicle based on a “Private Party Sale”, and a vehicle condition of “good” or better than good.

Current retail valuations that were obtained using a zip code other than the applicant/owner’s, a “trade-in” or value other than “Private Party Value”, or a vehicle condition that is less than “good”, must be rejected.

The applicant/owner must provide explicit details explaining how they obtained the vehicle, why they do not have the title to the vehicle, and what steps they have taken to contact the owner/seller to obtain a duplicate title. The details must be clear and easy to understand. The signature of the applicant/owner must also be captured.

If any of the above described information is missing or inaccurate, the application will be rejected until all requirements have been met.

### **HSMV 82033:**

The bond expires three (3) years from the date of issuance; The bonded title brand is then removed from the title record three (3) years from the date of the issuance of the title; therefore, you must ensure the bond will be in force for the three (3) years required by statute.

If the bond will not cover three (3) years based on the date of the issuance of the title, the customer must obtain an amendment to the bond to include the full three (3) years.

All sections of form HSMV 82033 must be legibly completed. The form is null and void if the signatures of the Principal (owner & co-owner, if applicable) and Surety Agent are not on the form.

The “Current Retail Value” shown on form HSMV 82033 must be the same amount as shown on the Kelley Blue Book valuation and on form HSMV 82026 in the space labeled “Current Retail Value of the Motor Vehicle”.

The “Penal Sum” shown on form HSMV 82033 must be at least two (2) times the amount of the “Current Retail Value” on the form, which is the same current retail value as shown on the Kelley Blue Book valuation and on form HSMV 82026.

When a Surety Bond is presented with alterations, corrections, incorrect vehicle information, or incorrect or insufficient amounts showing in the Current Retail Value or Penal Sum, the bond must be rejected for the issuance of a new bond or an amendment for the current bond from the Surety Company.

Surety Companies must be licensed to issue bonds in the State of Florida. Surety companies and their agents may use electronic or embossed seals and signatures; however, if the seal or signature is missing the form

must be rejected. An amendment to a surety bond to correct an error in either of the amounts shown on the form is acceptable.

Any alteration of this document necessitates the issuance of a new bond or an attached amendment from the Surety Company.

**Surety bonds issued by an out-of-state company are accepted if the company is licensed to do business in Florida.**

**Form HSMV 82040:**

Form HSMV 82040 is required for every bonded title transaction. All required information must be complete and legible.

Section 8 may be completed in lieu of a separate motor vehicle identification number (VIN) verification on form HSMV 82042.

Section 9 must be completed if the Florida based business has a Florida sales tax registration number. Mileage cannot be represented as “actual” without an “odometer disclosure” containing the printed names and signatures of the seller and the buyer.

**Form HSMV 82042:**

A VIN verification is required by Section 319.23(7) for all vehicles that are submitted for titling as a bonded title. In lieu of HSMV 82042, the verification can be completed using Section 8 of HSMV 82040.

**Liens:**

A bonded title cannot be issued if the purchaser has an unpaid balance on their bill of sale, or if they are securing financing for a lien.

Liens cannot be added to a bonded title after it is issued.

**Kelley Blue Book Valuations:**

FLHSMV has selected Kelley Blue Book as the valuation guide for all vehicles that are titled with a Bonded Title (BT) brand.

A screenshot (clearly legible) from a current Kelley Blue Book motor vehicle valuation guide must be provided with the documentation for the bonded title. The value must be obtained by using the applicant/owner’s residential zip code, mileage, vehicle options, vehicle color and vehicle’s condition (which at a minimum must be “good”). The amount shown for the “Private Party Value” is the amount recorded in the “Current Retail Value of the Motor Vehicle” section on form HSMV 82026 and the “Current Retail Value” section on form HSMV 82033.

Current retail valuations that were obtained using a zip code other than the residential zip code of the applicant/owner, a “trade-in value” or value other than “Private Party Value”, or a vehicle condition that is less than “good” must be rejected until all requirements are met.

### **Bill of Sale:**

If the applicant/owner for the bonded title has a bill of sale from the owner (as shown in the FRVIS record) who is also the seller of the vehicle, and if the bill of sale contains a complete description of the vehicle, purchase date, buyer’s and seller’s printed names and signatures, along with the selling price of the vehicle, the selling price may be used to collect sales tax on the purchase. However, the selling price on the bill of sale cannot be accepted as the current retail value unless the selling price and the Kelley Blue Book “Private Party Value” are the same. If no bill of sale as described is presented, sales tax is collected on the current retail value.

### **Collection of Sales Taxes:**

Sales tax is to be collected on all bonded title transactions based on the current retail value of the motor vehicle or the sales price as shown on an appropriate bill of sale as described in the section titled “Bill of Sale”. A Florida based business with a valid Florida Sales Tax Registration Number should provide the registration number in Section 9 on form HSMV 82040.

Advise the customer, if the bill of sale reflects a price that is less than 80% of the current retail value, a review of the transaction by the Florida Department of Revenue may occur.

Bonded titles cannot be issued as the result of inheritance, gift, divorce, transfer between a married couple, even trade or trade down.

### **How Is The Bonded Title Brand Removed From the Title:**

FRVIS captures the issue date of the bonded title as the effective date and systematically removes the brand from the title three (3) years from the effective date. FRVIS will retain the information for the bonded title in History. Once the brand is removed from the title record, the customer may request a duplicate title without the brand, but title fees will apply.

### **How Do You Handle a Bonded Title from Out of State:**

If the customer is surrendering an out-of-state title that reflects “Bonded Title”, **that** brand will not be carried forward on the Florida title. However, the customer must provide a copy of the Surety Bond issued to obtain the bonded out-of-state title, for imaging with the title documents. **If the customer cannot provide a copy of the Surety Bond, the customer must provide a Florida court order for titling.**

### **Frequently Asked Questions:**

1. If a vehicle comes in from another state and the title reflects it is bonded in that state, do we carry the bond over to the Florida title?

- No, the Florida title would be issued without the out-of-state “bonded title” brand, however, the customer must provide a copy of the surety bond that will be imaged with the title documents.
2. May I use a different bond form from another state?
    - No, Section 391.23(7), F.S. requires the bond to be in a form prescribed by FLHSMV.
  3. May I put up a cash bond in lieu of the paper bond?
    - No, there is no process in place to accept cash bonds.
  4. Customer has a bill of sale indicating this was a gift. May I exclude sales tax for this transaction?
    - No, see page TL-70-03. Vehicles obtained as a gift are not eligible for a bonded title.



# EXHIBIT A

STATE OF FLORIDA  
FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
DIVISION OF MOTORIST SERVICES

## AFFIDAVIT TO ACCOMPANY APPLICATION FOR BONDED TITLE

1	<b>MOTOR VEHICLE DESCRIPTION</b>			
Year	Make/Manufacturer	Type of Vehicle(i.e., car, truck, trailer)	Body Type (4D, SW, etc.)	
Florida Title Number		Vehicle Identification Number		
2	<b>AFFIDAVIT OF VEHICLE OWNERSHIP</b>			
Printed/Typed Name of the Applicant/Owner		Printed/Typed Name of the Co-Applicant/Owner, if applicable		
Date the Vehicle was Acquired (approximate date if actual date is not known)		Current Retail Value of the Motor Vehicle		
Printed/Typed Name of Prior Owner/Seller		Address of Prior Owner/Seller, if known		

This is to certify I/we are the owner(s) of the above described vehicle. I/We obtained ownership and possession of the vehicle from the above-named prior owner/seller.

I/We certify that to my/our knowledge there are no known security interests, liens, or encumbrances against the above-noted motor vehicle. The following facts entitle me/us to possession and ownership of the motor vehicle:

**(Explain in detail why you do not have a title to the vehicle. Use a second page if necessary.)**

**UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.**

\_\_\_\_\_  
SIGNATURE OF APPLICANT (OWNER) (Date)

\_\_\_\_\_  
SIGNATURE OF APPLICANT (CO-OWNER, if applicable) (Date)

HSMV 82026 (REV. 12/12)

Revision Date: 04/05/2021  
Effective Date: Immediately

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STATE OF FLORIDA  
DEPARTMENT OF HIGHWAY  
SAFETY AND MOTOR VEHICLES

TITLE SURETY BOND  
FOR A MOTOR VEHICLE

KNOW ALL PERSONS BY THESE PRESENTS:

BOND NUMBER: \_\_\_\_\_

That I/we \_\_\_\_\_, as Principal and \_\_\_\_\_, a Surety Company, qualified to do business in the State of Florida, as surety are held and firmly bound unto the duly appointed and qualified Director of the Division of Motorist Services of the State of Florida, and the successors in office of said Director, in the penal sum of \$ \_\_\_\_\_, which is twice the value of the vehicle established by a current Kelly Blue Book valuation guide for the payment which, well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, legal representatives, successors and assigns, firmly by these presents:

WHEREAS, the Principal has been unable to provide a certificate of title that assigned the prior owner's interest in the vehicle and has submitted an application and affidavit to the Department of Highway Safety and Motor Vehicles of the State of Florida for a Certificate of Title on this certain vehicle described to wit:

YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ BODY TYPE \_\_\_\_\_ CURRENT RETAIL VALUE: \$ \_\_\_\_\_

FLORIDA TITLE NUMBER \_\_\_\_\_ VEHICLE IDENTIFICATION NUMBER \_\_\_\_\_

AND WHEREAS, the Principal and Surety herein desire to comply with the provisions of Florida Statute 319.23(7) to submit a properly executed surety bond conditioned as set forth below.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

If the aforesaid Principal shall indemnify all prior owners and lienholders and all subsequent purchasers of the vehicle or persons who acquire a security interest in the vehicle, and their successors in interest, against any expense, loss, or damage, including reasonable attorney fees, occurring because of the issuance of the certificate of title for the vehicle or for a defect in or undisclosed security interest on the right, title, or interest of the applicant to the vehicle, this obligation shall be void; otherwise, it shall remain in full force and effect. This bond to be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and to expire three (3) years from the effective date of said bond.

PROVIDED, HOWEVER, that an interested person has a right to recover on the bond for a breach of the bond's condition. The aggregate liability of the surety to all persons may not exceed the amount of the bond.

IN WITNESS WHEREOF, the above bounden parties have executed this bond under their several seals this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the name and corporate seal of each corporate party being affixed hereto, and these presents duly signed by its undersigned representatives, pursuant to authority of its governing body. This bond is null and void unless signed by the Principal and Surety. When executed by an attorney-in-fact, the power of attorney (original copy) must be attached. Any alteration of this document necessitates the issuance of a new bond or an attached amendment from the Surety Company.

\_\_\_\_\_  
TYPED NAME OF PRINCIPAL (OWNER & CO-OWNER, if applicable)

\_\_\_\_\_  
SIGNATURE OF PRINCIPAL (OWNER)

\_\_\_\_\_  
SIGNATURE OF PRINCIPAL (CO-OWNER, if applicable)

\_\_\_\_\_  
SIGNATURE OF SURETY AGENT (SEAL)

\_\_\_\_\_  
TYPED NAME OF SURETY BOND COMPANY

\_\_\_\_\_  
TYPED NAME OF SURETY AGENT

\_\_\_\_\_  
ADDRESS OF SURETY BOND COMPANY

\_\_\_\_\_  
ADDRESS OF SURETY AGENT

\_\_\_\_\_  
CITY/STATE/ZIP CODE

\_\_\_\_\_  
CITY/STATE/ZIP CODE

\_\_\_\_\_  
TELEPHONE NUMBER

\_\_\_\_\_  
TELEPHONE NUMBER

HSM V 82033 (REV. 11/19)

Revision Date: 04/05/2021


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Effective Date: Immediately

# EXHIBIT C

## Kelly Blue Book Valuation Guide

### Used 2005 Hyundai Sonata GL Sedan 4D

near Tallahassee, FL 32301   
Lowest Priced Style




Combined Fuel Economy  
22 MPG

KBB.com Consumer Rating  
★★★★☆  
4.5 / 5

**Buy from a Private Party**

Private Party Range  
**\$1,444 - \$2,993**

Private Party Value  
**\$2,219 (\$44/month)\***



**Based on Good Condition**

Valid for ZIP Code 32301 through 10/21/2019

### Your Configured Options

<b>Engine</b> 4-Cyl, 2.4 Liter V6, 2.7 Liter	<b>Entertainment and Instrumentation</b> AM/FM Stereo Cassette CD/MP3 (Single Disc) CD/MP3 (Multi Disc) Premium Sound Navigation System DVD System	Rear Spoiler
<b>Transmission</b> Automatic Manual, 5-Spd	<b>Safety and Security</b> Dual Air Bags Side Air Bags F&R Side Air Bags	<b>Wheels and Tires</b> Steel Wheels Alloy Wheels Premium Wheels Premium Wheels 19"+
<b>Drivetrain</b> FWD	<b>Seats</b> Power Seat Dual Power Seats Leather	<b>Exterior Color</b> Beige Black <input checked="" type="checkbox"/> Blue Brown Burgundy Gold Gray Green Orange Pink Purple Red Silver White Yellow
<b>Braking and Traction</b> ABS (4-Wheel)	<b>Roof and Glass</b> Sun Roof (Flip-Up) Sun Roof (Sliding) Moon Roof	
<b>Comfort and Convenience</b> Air Conditioning Power Windows Power Door Locks Cruise Control	<b>Exterior</b>	
<b>Steering</b> Power Steering Tilt Wheel		

### Glossary of Terms

**Suggested Retail Price** - Suggested Retail Price is representative of dealers' asking prices. It assumes that the vehicle has been fully reconditioned and takes into account the dealers' profit and costs for advertising. The final sale price will likely be less, depending on the car's actual condition, popularity, warranty and local market factors.

**Tip:**  
Kelley Blue Book pricing is based on actual transactions and adjusted regularly as market conditions change.

## **EXHIBIT D**

### **PROCESSING A BONDED TITLE (FRVIS):**

A bonded title is processed as a title transfer; note the following:

ACQUIRED BY = R (Regular)

SALE PRICE = Price is the "current retail value" on form HSMV 82026 or Bill of Sale (if applicable)

VERIFIED = Yes

ACQUIRED DATE = Date as shown on form HSMV 82026

MILEAGE = Exempt or Not Actual

LIENS = No, a lien cannot be carried forward or added to a bonded title

BRAND DATE = Issue date of title

BRAND = BT (Bonded Title)

## EXHIBIT E

### BONDED TITLE CHECKLIST

**The bonded title brand can only be added to a valid Florida title.**

- \_\_\_\_\_ Valid identification from the customer (individual or business)  
Must be a clear, legible copy
- \_\_\_\_\_ HSMV 82026, accurately completed and signed
- \_\_\_\_\_ HSMV 82033, accurately completed and signed
- \_\_\_\_\_ HSMV 82040, accurately completed and signed
- \_\_\_\_\_ Current Kelly Blue Book Screenshot, must be clear and legible
- \_\_\_\_\_ Power of Attorney, if applicable, with clear and legible copy of POA's  
Valid identification
- \_\_\_\_\_ Copy of out-of-state Surety Bond if vehicle is currently bonded in another  
state

## Revision(s) to Procedure

Language was updated to reflect changes to federal odometer disclosure laws effective 01/01/ 2021 on page 2. Added language to page 5, stating “out-of-state Surety Bonds accepted if company is licensed to do business in Florida”. Added chart to Vehicles Eligible for a Bonded Title. Removed questions 3. and 4. from Frequently Asked Questions, that no longer apply due to federal odometer disclosure changes effective 01.01.2021. Corrected page numbers and title to match the Table of Content.