

Motor Vehicle Procedure Manual

Vessel and Title

Transfer of A Vessel Certificate of Title Upon Sale To Satisfy A
Warehouseman's Lien

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Legal Authority

Section 677.102(1)(m), Florida Statutes, defines, "warehouseman," as a person engaged in the business of storing goods for hire.

[Section 677.209, Florida Statutes](#), provides for a warehouseman's lien for charges and expenses or a security interest for charges such as for money advances and interest.

[Section 677.210, Florida Statutes](#), provides for the enforcement of a warehouseman's lien.

Section 50.011, Florida Statutes, provides that a newspaper which is printed and published periodically once a week (or more often) is considered to be in general circulation.

Section 50.031, Florida Statutes, provides that a newspaper of "general circulation" is a newspaper (business) that (at the time of publication) has been in existence for at least one (1) year.

Description and Use

This procedure provides information and instructions to assist Tax Collector Employees and the Florida Department Of Highway Safety And Motor Vehicles in processing applications for transfer of vessel certificates of title upon sale to satisfy a warehouseman's lien.

Documentation Required and Special Instructions

After **all statutory requirements** have been met, the following documentation **should be submitted to the tax collector's office or license plate agency to be screened for completeness and accuracy:**

A. **If the vessel is CURRENTLY TITLED IN FLORIDA:**

1. **A form HSMV 82040, Application for Certificate of Title with/without Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant.**
2. A copy of the notice which was delivered in person or sent by registered or certified mail to all persons known to claim an interest in the vessel, including the registered owner and lienholder(s) of record. This notice must include:
 - a. An itemized statement of the claim **(amount due)**.
 - b. A **complete** description of the vessel including, make, year and hull identification number.
 - c. A demand for payment within a specified time not less than 10 days after **delivery**/receipt of the notification,

AND

 - d. A clear statement advising that unless the claim is paid within the specified time the vessel will be advertised for sale and sold by auction at a specific time and place, **(pursuant to s. 677.210, Florida Statutes)**.

If the notice was mailed, **the original or certified copy of the post office returned receipt card for the registered or certified mail or the returned unclaimed and unopened registered or certified letter(s) must be submitted with all other required documentation.**

OR

If the notice is delivered in person, a notarized or **perjury clause affidavit** attesting to that fact must be submitted **with all other required documentation.**

3. A copy of the warehouse receipt which shows a description of the vessel, including the make, year and hull identification number.
4. A copy of the advertisement **(dated after the specific date which was given for payment of the claim, as shown in the notice) which was** published once a week for 2 consecutive weeks in a newspaper of general circulation where the sale is to be held. **The sale must be held at the nearest suitable place to where the vessel is being held or stored.**

The sale may take place 15 calendar days after the 1st newspaper publication.

OR

If there is no newspaper of general circulation where the sale to be held:

Submit a copy of the posted advertisement which was posted at least 10 calendar days before the sale in not less than 6 conspicuous (visible) places in the neighborhood of the proposed sale.

The 10 calendar days do not include the date of the posting or the date of the sale.

The advertisement must include the following:

- a. A **complete** description of the vessel, including the make, year and hull identification number.
 - b. The name of the person (warehouse tenant) on whose account it is being held.
 - c. The time and place of the sale, (sale must take place at least 15 **calendar** days after the first publication).
 - d. The dates the advertisements were published or posted.
5. **If the vessel is sold, a bill of sale from the warehouseman to the purchaser showing the selling price and a complete description of the vessel. If the vessel is not sold at the sale, the warehouseman MUST get a title issued in their name.**
6. Lien satisfactions for any liens, as shown on the vessel records of this or any other state, if applicable.
7. **Florida sales tax or specify the sales tax exemption information on an accurately completed 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.**
8. **The Florida registration number transferred to or issued for vessel, or a non-use affidavit.**
9. **Title fees.**

B. If the vessel **was PREVIOUSLY TITLED OUT OF STATE:**

1. Verification from the motor vehicle division or similar agency of the state of previous registration showing ownership and lien status. Verification may be one of the following:
 - a. A computer generated printout from the out-of-state motor vehicle division or similar agency.

- b. A letter on original letterhead stationery from the out-of-state motor vehicle division or similar agency.
 - c. A copy of the teletype printout or a statement which shows the ownership information, the name of the law enforcement agency and the official who provided the verification information.
 - d. **A** photocopy of the **current** out-of-state title.
2. When the state in which the vessel was previously registered is unknown, submit a notarized **or perjury clause** affidavit signed by an authorized representative of the warehouse company stating that fact. The affidavit must state that at the time the vessel was stored at the warehouse, no **FL** registration **number or** decal was on the vessel.
 3. The Florida registration number transferred to or issued for the vessel, or a nonuse affidavit.
 4. **Documentation as listed under Section II, A, 1-9, is also required.**

Miscellaneous Information

- A. **Before the sale, any person claiming a right to the vessel may pay the amount necessary to satisfy the lien and the reasonable expenses incurred. In this case, the vessel must NOT be sold, but must be retained by the warehouseman subject to the terms of the receipt and Florida Statutes.**
- B. **The warehouseman may satisfy his/her lien from the proceeds of the sale, but must hold the balance, if any, for delivery on demand to any person to whom he/she would have been bound to deliver the goods.**
- C. A documentation check list is attached to this procedure as Exhibit A.
- D. A time line has been attached to this procedure as Exhibit B.

List of Exhibits

- A. Warehouseman's Lien Check List
- B. Warehouseman's Lien Time Line

EXHIBIT A
Warehouseman's Lien Check List

FORMS

FLORIDA RECORD

_____ HSMV 82040 **or HSMV 82041**

OUT-OF-STATE

_____ HSMV 82040 **or HSMV 82041**

_____ Verification of title/lien status or affidavit stating previous state is "UNKNOWN"

_____ Copy of written notice which must contain:

_____ Itemized statement of claim.

_____ Description of vessel, including the year, make and HIN.

_____ Demand for payment within a specified time, not less than 10 days after receipt of the notification.

_____ A statement that unless the claim is paid within that time, the vessel will be advertised for sale and sold by auction at a specific time and place, **pursuant to s. 677.210, Florida Statutes.**

_____ **Proof that the written notice was:**

_____ **Mailed (original or certified copy of the post office returned receipt card for the registered or certified mail OR the returned unclaimed and unopened registered or certified letter(s)).**

or,

_____ **Hand delivered (notarized or perjury clause affidavit, stating notice was hand delivered).**

_____ Copy of warehouse receipt which shows description of vessel including year, make and hull identification number (HIN).

_____ **Copy of ONE of the following Notices of Public Sale:**

_____ **Newspaper advertisement showing the name of the newspaper and the dates published.**

or,

_____ **Posted notice.**

_____ **If the vessel is sold, a bill of sale from the warehouseman to the purchaser, showing the selling price and a complete description of the vessel.**

_____ Lien satisfaction(s), if applicable.

_____ Florida sales tax **or specify sales tax exemption information on forms HSMV 82040 or HSMV 82041.**

_____ Florida registration number or nonuse affidavit.

_____ Title fees.

EXHIBIT B
Warehouseman's Lien Time Line

