

Motor Vehicle Procedure Manual
Vessel Title
Application For A Vessel Certificate of Title Under A Court Order Of Forfeiture To A Law Enforcement Agency

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Legal Authority

[Sections 932.701-7062](#), Florida Statutes, Florida Contraband Forfeiture Act.
[Section 328.07\(3\)\(b\)](#), Florida Statutes, Hull identification number required.

Description and Use

This procedure is provided to assist employees of the Tax Collectors offices and the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) in establishing requirements when issuing certificates of title for vessels under court order of forfeiture to a law enforcement agency.

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.

Documentation Required and Special Instruction

After the provisions of section 932.701-707, F.S., have been met, the following documentation must be submitted when applying for a Florida Certificate of Title:

- A. Form HSMV 82040, Application for Certificate of Title with/without Registration.
- B. A copy of the court order of forfeiture. The order will normally state that the vessel is forfeited "to the use of," or "to be sold by", the law enforcement agency making the seizure. Thus, the agency has the option of applying for a government registration and/or Certificate of Title or immediately offering the vessel for sale at a public auction.
- C. If the law enforcement agency sells the vessel at a public auction, the purchaser must submit:
 - 1. The original, notarized bill of sale, on law enforcement letterhead, which includes a complete description of the vessel including the year, make, model and hull identification number.
 - Or,
 - 2. A certified copy of the original bill of sale attesting to be to be a true and correct copy of the original.
- D. Liens recorded against a vessel must be handled in one of the following ways:
 - 1. All liens are assumed to be satisfied, unless the court order directs the lien to be preserved.
 - 2. The seizing agency may sell the vessel at a public auction to pay off the lien(s) if the court order directs the lien to be preserved.
- E. Florida sales tax or specify the sales tax exemption information on an accurately completed form HSMV 82040 or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.
- F. The Florida registration number transferred to or issued for the vessel or a separate affidavit that the vessel will not be used on the waters of this state.
- G. Title fees.

Miscellaneous Information

- A. When all identifying numbers on a vessel cannot be read or have been destroyed, removed, covered, altered or defaced, or if the real identity of the vessel cannot be determined, the law enforcement agency must request FLHSMV to assign a hull identification number to the vessel before a certificate of title can be issued.
- B. When any person purchases a vessel from a law enforcement agency, a certificate of title must be issued in that person's name before the vessel can be sold to another person.
- C. A documentation check list is attached to this procedure as Exhibit A.
- D. Definitions are attached to this procedure as Exhibit B.
- E. See [Forms Appendix](#) for a sample of the HSMV forms referred to in this procedure.

Exhibit A

LAW ENFORCEMENT FORFEITURE CHECK LIST

- ☐ HSMV 82040.
- ☐ A copy of the Court Order of Forfeiture.
- ☐ A original or certified copy of the notarized bill of sale on letterhead from the law enforcement agency if the vessel was sold at a public auction.
- ☐ Lien satisfaction if the Court Order of Forfeiture indicates that the lien is to be preserved, and it has been paid off by the seizing agency.
- ☐ Florida sales tax or specify sales tax Court information on forms HSMV 82040 or HSMV 82041.
- ☐ A Florida registration number or a nonuse affidavit.
- ☐ Title fees.

Exhibit B

DEFINITIONS

CONFISCATE

To seize by a governmental authority.

CONTRABAND

Property which was used or attempted to be used in the commission of a felony.

ORDER OF FORFEITURE

A court order that allows a law enforcement agency to either sell or take title to property which has been confiscated during criminal activity.

COURT ORDER OF FORFEITURE

A final judgment in a criminal proceeding, directing that a confiscated motor vehicle, vessel, mobile home, etc., be forfeited for the use and benefit of, or to be sold by, a law enforcement agency.

Revision(s) to Procedure

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

Conducted statutory review. Added links to statutes and form.