

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE TL-03	SUBJECT: CERTIFIED OR PLAIN COPIES OF SUPPORTING DOCUMENTS USED WITH ANY APPLICATION FOR FLORIDA CERTIFICATE OF TITLE		
DESCRIPTION AND USE: THIS PROCEDURE PROVIDES <u>INFORMATION AND INSTRUCTIONS</u> TO ASSIST TAX COLLECTOR EMPLOYEES, LICENSE PLATE AGENCY EMPLOYEES, AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN ESTABLISHING REQUIREMENTS FOR COPIES <u>USED</u> AS SUPPORTING DOCUMENTS WITH <u>THE SUBMISSION OF</u> CERTIFICATE OF TITLE APPLICATIONS FOR MOTOR VEHICLES, MOBILE HOMES, AND VESSELS.			
<p>I. PROVISIONS OF LAW:</p> <p style="padding-left: 40px;">Section 319.28(2)(a), Florida Statutes, provides that satisfactory proof of ownership and right of possession can be satisfied with a copy of a court order or instrument.</p> <p style="padding-left: 40px;">Section 328.01(3)(b) and (c), Florida Statutes, provides for the transfer of ownership of a vessel by operation of law.</p> <p>II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 40px;"><u>A photocopy of an original or certified copy of a power of attorney (form HSMV 82053, general or durable) may be submitted with the paperwork as long as the individual processing the transaction views the original or certified copy of the power of attorney at time of processing the transaction. The original/certified copy may be submitted with the application; however, if the applicant chooses to retain the original/certified copy, the clerk may make a photocopy to submit.</u></p> <p style="padding-left: 40px;"><u>The certification can be made on the front or back of the photocopy or may be attached as a separate page if the complete description of the motor vehicle, mobile home, or vessel is shown.</u></p> <p>A. A photocopy of <u>an original</u> power of attorney (form HSMV 82053, general or durable) may be certified as being a true and correct copy by any of the following:</p> <p style="padding-left: 40px;">1. <u>A Notary Public (provided the power of attorney is not a public record per section 117.05(12)(2), F.S.).</u></p> <p style="padding-left: 80px;"><u>Example: a copy which can be made and certified by the custodian of the public record or another public official.</u></p>			
<i>Revision(s) to this Procedure: Updated section II to allow photocopy of POA upon app. after viewing original or certified copy, updated "Note" under B on pg. 2 citing the FAC that requires translation of foreign documents, and revised F explaining how to process when a POA applies to a group of applications.</i>			
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<p>2. A Clerk of Court.</p> <p>3. A commissioned officer in active military service, with the rank of 2nd lieutenant or higher or an LNC, "legalman, chief petty officer, E-7".</p> <p>B. If documents have been certified in a foreign country, the various individuals or office holders listed below are allowed to certify those documents:</p> <p>1. Judge or Justice of a Court of Last Resort.</p> <p>2. Minister of the country.</p> <p>3. Consul General of the country to the US.</p> <p>4. Charge d'affaires of the country to the US.</p> <p>5. US Consul in such country.</p> <p>NOTE: <u>Florida Administrative Code (FAC) 15C-1.013 Translation of Foreign Documents, provides that motor vehicle documents submitted to the department for registering and/or titling a motor vehicle, mobile home, or vessel, including proof of ownership documents, that are in a language other than English, must be accompanied by a written translation into the English language. The translation must be signed by the translator and before a notary public. The translation shall be certified by the translator as being a true and accurate translation.</u> The translator must also state on the translation that he/she has knowledge of the two languages <u>or</u> is fluent in the two languages, translates documents as a normal course of business, and that his/her translation of the document is accurate. The person translating the document(s) must be someone who has no previous or current ownership interest in the motor vehicle(s), mobile home(s), or vessel(s).</p> <p>C. When application is supported by a court order, a photocopy of the court order is acceptable.</p> <p>The court order must include the following:</p> <p>1. Name of court.</p> <p>2. Case number.</p> <p>3. Parties involved.</p> <p>4. Type of order or body of order.</p> <p>5. Identification of judge, to include typed name or signature, either manual or stamped.</p> <p>6. Date order entered.</p> <p>7. Certificate of title number or a complete description of the motor vehicle(s), mobile home(s), or vessel(s), including year, make, and identification number.</p>	
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<p>D. <u>Photocopies and faxes of the following documents submitted by the customer are not required to be certified.</u></p> <ol style="list-style-type: none">1. Court Orders2. Replevin3. Bankruptcy4. Letters of Administration5. Death Certificates6. A will7. Security Agreement (only required for vessels).8. <u>Trust Agreements</u> <p>E. Faxed copies:</p> <ol style="list-style-type: none">1. HSMV forms that are completed, signed, and then faxed to the department or a tax collector's office for processing will not be accepted.2. The department or tax collector's office will accept faxed copies of blank HSMV forms that are completed with original signatures and notarized, if required. <p>F. <u>In some cases, a power of attorney may apply to more than one certificate of title (example: fleet vehicles, estate vehicles). After the clerk views the original or certified copy of the power of attorney (form HSMV 82053, general or durable) the applicant may retain the original and submit a photocopy for motor vehicle records. The photocopy of the power of attorney must accompany each group of the certificate of title applications it covers.</u></p> <p><u>The clerk must ensure that the title number from the first title certificate (Example: 1234567) is written on the front or back of all subsequent title certificates in that group. This will facilitate researching and matching a title certificate to its power of attorney after the documents are imaged. This may also be noted in the comment field in FRVIS.</u></p>	
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