

# Florida

## Department of Highway Safety and Motor Vehicles

### *Division of Motorist Services*

PROCEDURE TL-04	SUBJECT: CORRECTIONS/CHANGES TO THE CERTIFICATE OF TITLE OR LIEN INFORMATION
<b>DESCRIPTION AND USE:</b> THIS PROCEDURE PROVIDES INFORMATION AND INSTRUCTIONS TO ASSIST TAX COLLECTOR EMPLOYEES, LICENSE PLATE AGENCY EMPLOYEES, AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN MAKING CORRECTIONS/CHANGES TO CERTIFICATES OF TITLE OR LIEN INFORMATION.	
<p>I. PROVISIONS OF LAW:</p> <p style="padding-left: 20px;">Section 319.25(1), Florida Statutes, provides for the cancellation of certificates of title, which have been improperly issued.</p> <p>II. GENERAL INFORMATION:</p> <p style="padding-left: 20px;">A. All corrections/changes may be performed in the county agencies except for title number corrections. Agencies must submit this correction type to the Department. The mailing address is:</p> <p style="padding-left: 40px;">Division of Motorist Services Correction Unit, Mail Stop #72 2900 Apalachee Parkway Tallahassee, Florida 32399-0622</p> <p style="padding-left: 20px;">B. Title fees are not required to correct an error if an agent of the department made the error. However, fees must be charged if it is clear that an agent of the department did not make the error.</p> <p style="padding-left: 20px;">C. When a correction/change or recreate transaction is processed, an explanation of the error must be entered in the "Comment Desc." field.</p> <p>III. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:</p> <p style="padding-left: 20px;">A. Correcting Lien Information on <b>a Paper</b> Certificate of Title:</p> <p style="padding-left: 40px;">1. Dealer Request for Correction:</p> <p style="padding-left: 60px;">a. An affidavit on letterhead stationery stating the error made and the correction required.</p> <p style="padding-left: 60px;">b. The certificate of title.</p> <p style="padding-left: 40px;">2. Lienholder Request for Correction:</p> <p style="padding-left: 60px;">a. A photocopy of the lien instrument showing correct lien information.</p> <p style="padding-left: 60px;">b. An affidavit on letterhead stationery stating the error made and the correction required to fix the error.</p> <p style="padding-left: 60px;">c. The certificate of title.</p>	
<p><i>Revision to this Procedure: Added information about making corrections to electronically held titles for dealers, lienholders, and owners.</i></p>	
EFFECTIVE DATE Immediately	REVISION DATE 05/31/13

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**3. Owner Request for Correction of Owner's Name, Address, or Description of Motor Vehicle):**

- a.** The certificate of title.
- b.** An affidavit stating the corrections required.
- c.** Additional documentation if considered necessary to prove correction.

**B. Correcting Lien Information on an Electronically held Title (Electronic Lien/ELT) where title has been processed (not printed) and a correction is requested:**

**1. Dealer Request for Correction:**

- a.** A corrected form HSMV 82040.
- b.** An affidavit on letterhead stationery stating the error(s) made and the correction(s) required.

**2. Lienholder Request for Correction:**

- a.** **A photocopy of the lien instrument showing correct lien information.**
- b.** **An affidavit on letterhead stationery stating the error(s) made and the correction(s) required.**

**3. Owner Request for Correction:**

- a.** **An affidavit stating the error(s) made and the correction(s) required.**
- b.** **Additional documentation if considered necessary to prove correction.**

**NOTE: Any errors should be corrected on the "Correction" or "Modify" title screen and all corrections/changes made to the record must be described in the "Comment Desc." field.**

**D. New Car Non-Delivery:**

The dealer must contact the manufacturer and request a duplicate MCO. The dealer must also contact the owner/lienholder to whom the incorrect MCO was assigned to request the title be submitted to them. However, if the title is electronic, the dealership should advise the lienholder to systematically satisfy its lien. The dealer should submit the following to the tax collector's office:

- 1. The certificate of title and satisfaction of any liens shown, unless the title is electronic.

**NOTE:** If the title is electronic and the lien has been systematically satisfied, the tax collector's office should fax a copy of the completed form HSMV 82175 to the Field Support Center. The representative will change the title status to paper. This will allow the record to be cancelled in lieu of printing a physical title.

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<ol style="list-style-type: none"><li>2. Form HSMV 82175, Dealer Non-Delivery Affidavit, accurately completed by the dealer and owner.</li><li>3. If a license plate was issued, the dealer must check the appropriate box on form HSMV 82175, Dealer Non-Delivery Affidavit that states the license plate will be transferred to another motor vehicle. If a license plate refund is requested, the appropriate box on form HSMV 82175 must be checked. The license plate along with the owner's copy of the registration and form HSMV 83363, Application For License Plate/Decal Refund, must be submitted.</li></ol> <p><b>NOTE:</b> The tax collector's office will cancel the title record as a non-delivery. When the dealer receives the duplicate MCO from the manufacturer, the dealer should hold it in its files until it sells the vehicle and the purchaser takes possession of it.</p> <p>E. Incorrect MCO Submitted:</p> <p>If an incorrect MCO was submitted and the title has been issued or the title is electronic, the dealer must contact the manufacturer and request a duplicate MCO. The dealer must also contact the owner/lienholder to request the incorrect certificate of title be submitted to them. However, if the title is electronic, the dealership should advise the lienholder to systematically satisfy its lien. The dealer should submit the following to the tax collector's office:</p> <ol style="list-style-type: none"><li>1. The certificate of title and satisfaction of any liens shown, unless the title is electronic.</li></ol> <p><b>NOTE:</b> If the title is electronic and the lien has been systematically satisfied, the tax collector's office should fax a copy of the completed form HSMV 82175 to the Field Support Center. The representative will change the title status to paper. This will allow the record to be cancelled in lieu of printing a physical title.</p> <ol style="list-style-type: none"><li>2. Form HSMV 82175, Dealer Non-Delivery Affidavit, accurately completed by the dealer and owner(s).</li><li>3. If a license plate was issued, the dealer must check the appropriate box on form HSMV 82175, Dealer Non-Delivery Affidavit that states the license plate will be transferred to another motor vehicle. If a license plate refund is requested, the appropriate box on form HSMV 82175 must be checked. The license plate along with the owner's copy of the registration and form HSMV 83363, Application For License Plate/Decal Refund, must be submitted.</li></ol> <p><b>NOTE:</b> The tax collector's office will cancel the title record as a non-delivery. The dealer should submit the correct MCO from its inventory along with a complete and accurate application for certificate of title with title fees and proof of sales tax paid.</p>	
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F. Used Car Non-Delivery or Incorrect Certificate of Title Submitted For Transfer:

The dealer must have the certificate of title on the incorrect motor vehicle completed for transfer back to the dealership in the "Transfer of Title by Seller" section. The dealer must hold the certificate of title until it sells the motor vehicle. The dealer does not have to take title in its name.

**NOTE:** Application for certificate of title for the correct motor vehicle must be submitted to the tax collector's office with fees and proof that sales tax was paid.

G. Changing the Body Type on the Certificate of Title:

1. Certificate of Title.
2. An accurately completed form HSMV 82100, Affidavit For Change/Alteration of Body, showing the type of body which was installed on the vehicle.
3. An accurately completed form HSMV 82105, Certified Official Weight Affidavit or a certified weight slip from any business with official scales.
4. Title fees.

**NOTE:** This transaction is NOT a correction. It must be processed as a "modify title."

**NOTE:** When a title record needs correcting to show a body type of "DP" (Dump Truck), refer the customer to a Division of Motorist Services Regional Office.

H. Correction of other errors:

For additional title correction information, see the Title and Lien Procedure, which deals with the specific subject matter (i.e., TL-06 for Mandatory Usage Designations, TL-09 for Odometer Disclosure and Declaration, TL-36 for Salvage Certificate of Title application error).

IV. MISCELLANEOUS INFORMATION:

- A. If the customer requests to expedite a title correction and receive the paper title, the customer may visit a Fast Title Service site and pay the appropriate fee.
- B. When a name or address correction for title or registration is made in FRVIS, all motor vehicle records for that person will reflect the change.
- C. When a certificate of title is issued incorrectly because the original MCO contained inaccurate information (make, year, etc.), the dealer must obtain a corrected MCO from the manufacturer to correct the title. The certificate of title, the corrected MCO, and an affidavit from the dealer on its letterhead stationery stating the error and the correction required must be submitted to the tax collector's office or license plate agency. The agency will process the title correction and issue a corrected certificate of title.

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- D. In order to cancel a certificate of destruction that was issued in error and reinstate the previous title record, mail the certificate of destruction along with an affidavit of explanation to:

Division of Motorist Services  
Correction Unit, Mail Stop #72  
2900 Apalachee Parkway  
Tallahassee, Fl. 32399

- E. When the department receives an application containing an out-of-state certificate of title and the applicant is requesting a correction to the vehicle identification number (VIN), the following should be submitted:

1. An original letter on letterhead stationery from the motor vehicle division of the state the certificate of title was last issued. The letter must state that the vehicle identification number on the certificate of title is incorrect and indicate the correct VIN number.

or,

2. The applicant must have a corrected certificate of title issued in that state before Florida will issue a certificate of title.

**NOTE:** There may be situations when the VIN number can be verified as an obvious error (i.e., the National Automobile Theft Bureau (NATB) book or VIN edit shows that an "S" should be a "5"). A Division of Motorist Services Regional office administrator/supervisor has the authority to review and authorize the correction. Instead of one of the two requirements listed above, you may accept written authorization from the administrator/supervisor on letterhead stationery.

- F. See Forms Appendix for a sample of the HSMV Forms referred to in this procedure.