

# Florida

## Department of Highway Safety and Motor Vehicles

### *Division of Motorist Services*

<b>PROCEDURE</b>	<b>SUBJECT:</b>	
TL-05	DUPLICATE AND LOST IN TRANSIT TITLES	
<b>DESCRIPTION AND USE:</b>		
<p>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 PROCESSING APPLICATIONS FOR DUPLICATE AND LOST IN TRANSIT CERTIFICATES OF TITLE.</p>		
<p><b>I. PROVISIONS OF LAW:</b></p> <p>Section 319.29(1), Florida Statutes, reads: "If a certificate of title is lost or destroyed, application for a duplicate copy thereof shall be made to the department by the owner of the motor vehicle or mobile home or the holder of a lien thereon upon a form prescribed by the department and accompanied by the fee prescribed in this chapter. The application shall be signed and sworn to by the applicant. Thereupon the department shall issue a duplicate copy of the certificate of title to the person entitled to receive the certificate of title under the provisions of this chapter. The duplicate copy and all subsequent certificates of title issued in the chain of title originated by such duplicate copy shall be plainly marked across their faces "duplicate copy," and any subsequent purchaser of the motor vehicle or mobile home in the chain of title originating through such duplicate copy shall acquire only such rights in the motor vehicle or mobile home as the original holder of the duplicate copy himself or herself had."</p> <p>Section 319.29(2), Florida Statutes, reads: "Any purchaser of such motor vehicle or mobile home may at the time of purchase require the seller to indemnify him or her and all subsequent purchasers of the motor vehicle or mobile home against any loss which he, she, or they may suffer by reason of any claim or claims presented upon the original certificate. If the original certificate of title is recovered by the owner, he or she shall forthwith surrender the original certificate to the department for cancellation."</p> <p>Section 319.29(3), Florida Statutes, reads: "If, following the issuance of an original, duplicate, or corrected certificate of title by the department, the certificate is lost in transit and is not delivered to the addressee, the owner of the motor vehicle or mobile home, or the holder of a lien thereon, may, within 180 days of the date of issuance of the title, apply to the department for reissuance of the certificate of title. No additional fee shall be charged for reissuance under this subsection."</p>		
<p><b><i>Revision(s) to this Procedure: Revised section II., B., 2 on page 3 from issue date to title processed date, as this is the date FRVIS uses to calculate.</i></b></p>		
<b>EFFECTIVE DATE</b>	<b>REVISION DATE</b>	<b>PAGE #</b>
Immediately	06/27/14	TL-05-01

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Section 319.29(4), Florida Statutes, reads: "The department shall implement a system to verify that the application is signed by a person authorized to receive a duplicate title certificate under this section if the address shown on the application is different from the address shown for the applicant on the records of the department."

Section 328.11(1), Florida Statutes, provides for the issuance of duplicate Florida certificates of title to replace the titles which have been lost or destroyed.

Section 328.11(3), Florida Statutes, provides for the reissuance of a certificate of title if an original, duplicate, or corrected certificate of title issued by the department has been lost in transit and is not delivered to the addressee within 180 days of the date of issuance of the title. The owner of the vessel or the holder of a lien thereon may apply for reissuance of the certificate of title at no charge. The vessel owner/lienholder has 180 days to apply for a lost in transit title at no charge.

Section 328.11(4), Florida Statutes, requires the department to implement a system to verify that the application is signed by a person authorized to receive a duplicate title certificate under this section if the address shown on the application is different from the address shown for the applicant on the records of the department.

**II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:**

When an individual has a legal name change (marriage, etc.), by updating Florida driver license records, FRVIS will be updated with the new information. Once updated, all DMS records for that customer will reflect the change. Therefore, when a duplicate title is issued, it will reflect the new name.

**A. DUPLICATE CERTIFICATE OF TITLE:**

If the original certificate of title has been lost or destroyed, a duplicate certificate of title may be issued. When there is an outstanding lien on record, only the lienholder may apply for a duplicate certificate of title.

**NOTE:** When the title record reflects an electronic title status, a duplicate or lost in transit title cannot be processed.

1. A form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later), accurately completed by the applicant. The Duplicate Fee Required block must be checked.

**NOTE:** A form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, may not be used in lieu of form HSMV 82101.

2. The duplicate authorization verification portion of form HSMV 82101 must be completed when the address shown on the application is different from the address shown on DMS records. Refer to Section III, A-C, of this procedure for authorization verification guidelines.
3. Title fees.

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**B. LOST IN TRANSIT CERTIFICATE OF TITLE:**

1. A return title stop is placed in FRVIS when a title is returned to the department as undeliverable. However, the returned titles are not retained by the department. Therefore, all title records that indicate a return title stop in FRVIS should be processed by the title clerk in the following manner:

- a. Make a screen print of the "Vehicle Stop Inquiry" record.
- b. Obtain the correct address from the customer and update the record with the correct information.

**NOTE:** Specify the correction/change that was made to the record, including the proof that was submitted as verification of the address change, if applicable, in the "Comments Desc." field.

- c. Remove the stop.

**NOTE:** When a Tax Collector office satisfies a lien during a Return Title transaction, this will create an 82041, not a scan coversheet. Submit the documents associated with the transaction to the Department to be imaged.

When a Tax Collector or other user is satisfying/removing a Return Title stop only, the user must create a scan coversheet, which will print with a barcode to allow scanning of the documents that support the transaction. Attach supporting documentation and submit this to the Department to be imaged.

- d. Process a replacement title at no charge even if it has been more than the 180-day timeframe allowed for lost-in-transit titles. In this situation, the customer qualifies to receive a fast title replacement title at no charge from an agency that provides this service, regardless of whether the customer originally paid for a fast title.
- e. Submit the screen print of the "Vehicle Stop Inquiry" along with the scan coversheet, the form HSMV 82041, and proof of the address change, if applicable.

A form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later), would not be required.

2. If a certificate of title was lost in transit (mailing) and has not been returned as undeliverable, a duplicate can be issued at no cost to the applicant, provided the current **title processed** date exceeds 20 days and the applicant applies within 180 days of the current issue date.

When there is an outstanding lien on record, only the lienholder can apply for a lost in transit certificate of title.

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A form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later), accurately completed by the applicant. The lost in transit block must be checked. The duplicate authorization verification portion must be completed.

**NOTE:** If the owner requests a lost in transit certificate of title (within 20 days or less from the title issue date) to sign over to the insurance company for a total loss claim being paid on the vehicle, refer to DMS Procedure TL-12, II, C.

**NOTE:** A form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, may not be used in lieu of form HSMV 82101.

**NOTE:** If the customer wishes to receive the replacement certificate of title as a "fast title" and submits an application to an agency that provides fast titles, the replacement certificate of title may be processed for an additional service fee. Refer to the link below for the Schedule of Motor Vehicle and Mobile Home Title and Lien fees chart for applicable fees.

<http://www3.flhsmv.gov/dmv/Proc/Fees/Fees-01.PDF>

**C. LIENHOLDER'S DUPLICATE CERTIFICATE OF TITLE FOR THE CHILD SUPPORT ENFORCEMENT PROGRAM:**

If the original certificate of title has been lost or destroyed, a lienholder's duplicate certificate of title may be issued.

1. A form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later), accurately completed by the director or director's designee. The duplicate fee required block must be checked.
2. The duplicate authorization verification portion of form HSMV 82101 must be completed when the address shown on the application is different from the address shown on DMS records.
3. Refer to the Schedule of Motor Vehicle and Mobile Home Title and Lien fees chart link below for applicable lien fees.

<http://www3.flhsmv.gov/dmv/Proc/Fees/Fees-01.PDF>

**NOTE:** This type of transaction is only processed by the department.

**III. DUPLICATE TITLE AUTHORIZATION VERIFICATION WHEN THE ADDRESS ON THE FORM IS DIFFERENT FROM THE ADDRESS ON DMS RECORDS:**

The verification portion of the form HSMV 82101 must be completed when the address on the form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later), is different from the address on DMS records. It is not necessary to complete the verification portion when there is no change in the recorded address.

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<p>A. When owners, individual or sole business owners, or individual lienholders make application for duplicate or lost in transit certificates of title and the address on the form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later), is different from the address on DMS records, comply with the following:</p> <ol style="list-style-type: none"><li>1. Check appropriate block in #2 on the form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later). When a lienholder is filing application, all required lienholder information must be completed.</li></ol> <p><b>NOTE:</b> A form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration (Rev. 6/96 or later), may not be used in lieu of form HSMV 82101.</p> <ol style="list-style-type: none"><li>2. Submit a copy of one of the following as proof of change of address:  The motor vehicle owner's photo ID (Driver License, Florida ID, business credential, etc.)  Paid receipt for telephone or utilities  Paid contract or connect order for utilities  Proof of homestead exemption  Rental or lease contract agreement  Current year vehicle registration certificate  Homeowner's or renter's insurance policy  Other documentary evidence showing the change of address</li></ol> <p>B. When a business owner or lienholder, not an individual, applies for a duplicate or lost in transit certificate of title and the address on the form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later), is different from the address on DMS records, comply with the following:</p> <ol style="list-style-type: none"><li>1. Check appropriate block in #2 on the form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home, or Vessel Title Certificate. When a lienholder is making application, all required lienholder information must be completed.</li></ol> <p><b>NOTE:</b> A form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, may not be used in lieu of form HSMV 82101.</p> <ol style="list-style-type: none"><li>2. A verification letter on business letterhead stationery, which reflects the correct address as shown on the form HSMV 82101, signed by an authorized agent other than the one who signed the duplicate title application, stating that the agent who signed was authorized to do so must be submitted.</li></ol>	
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C. When a licensed Florida dealer or auction applies for a duplicate or lost in transit certificate of title and the address on the form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later), is different from the address on DMS records, comply with the following:

1. Check appropriate block in #2 on the form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later). When a dealer/auction is filing application, all required dealer/auction information must be completed.

**NOTE:** A form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, may not be used in lieu of form HSMV 82101.

2. When a licensed Florida dealer or auction submits an application to the tax collector's office or license plate agency and the employee of the dealership or auction is not personally known to the tax collector or DMS employee, they must present one of the following:
  - a. Business credential with a photo. (This is the only option for vessels.)
  - b. Name, address, and license number of the dealership or auction. This must be verified on FRVIS for cancellations, revocations, suspensions, and reinstatements.
  - c. Copy of current dealer license.

**NOTE:** The dealer/auction's name, address, and license number must be verified in FRVIS. When the Florida dealer license has been cancelled, suspended, or revoked, do not process the application. If the dealer license has been reinstated as shown in FRVIS, it is okay to process. Vessel dealers are not required to be verified.

**IV. MISCELLANEOUS INFORMATION:**

- A. When the address on the application is different from the address on DMS records, all applications processed by a county tax collector's office or license plate agency must have the verification portion of the form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later), completed. If unable to verify the change of address, the tax collector's office or license plate agency must reject the application.
- B. When an owner is selling a motor vehicle, mobile home, or vessel and the certificate of title has been lost in transit, the owner may apply for a duplicate certificate of title with transfer (Lost in Transit with Transfer) following DMS Procedure TL-12.
- C. The duplicate or lost in transit certificate of title voids the original certificate of title. If the original certificate of title is located, it should be forwarded to the department for destruction.

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- D. 1. A current odometer reading is required on a duplicate or lost in transit application when applied for by the owner:
- If the vehicle is less than 10 calendar years old and the mileage, date read, and odometer status are missing, the application must be rejected.
  - If the vehicle is 10 calendar years or older, it is exempt from all odometer requirements. However, the vehicle should not be automatically exempted if an odometer reading is available. If current mileage, date read, and odometer status (actual, exceeds or not actual) are shown in the odometer disclosure area on the duplicate application, this information should be entered when processing the application unless the previous DMS record was shown as exempt. If the customer chooses to place the wording "exempt" (exempt vehicle only) for the odometer reading in lieu of the mileage, date read and odometer status, do not reject the paperwork. If no reading is shown or if the wording "exempt" is not written in the odometer disclosure area on the duplicate application, the paperwork must be rejected, unless the previous DMS record was shown as exempt.
- A current odometer reading is required when the dealer is applying for a duplicate on behalf of the owner.
2. If a lienholder or lessor is applying for the duplicate or lost in transit, it is understood that the current odometer reading may not be available. Therefore, if the mileage, date read, and odometer status are not shown on the application, the odometer reading and date shown on FRVIS should be brought forward. If FRVIS does not show a date read, use the last title issue date.
- E. If the form HSMV 82101, Application for Duplicate or Lost in Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev.6/96 or later), is signed by an attorney-in-fact, an accurately completed form HSMV 82053 Power of Attorney for Motor Vehicles, Mobile Homes or Vessels by the owner(s) must be submitted. A durable or general power of attorney may also be used to apply for a duplicate title.
- F. When an owner is submitting a completed form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate (Rev. 6/96 or later), the "lienholder information" area on the form may also be completed to record a lien, in lieu of form HSMV 82139.
- G. If a "salvage unrebuildable" title has been lost and a duplicate is needed, a certificate of destruction must be issued in lieu of a duplicate salvage unrebuildable title.
- H. If a dealer loses a customer's title, a duplicate must be applied for using a current odometer reading and date read. Therefore, when the duplicate title is assigned to the dealership, the reading on the assignment may be lower than the reading on the duplicate title and the date may be earlier than the date of the duplicate title. If so, the dealership must submit an affidavit with an explanation.

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**Example:** Customer trades their vehicle in to ABC dealership and assigns the title over to the dealership. ABC sells the vehicle to a retail customer and discovers they have lost the title. The dealership applies for a duplicate title for the original owner showing a current odometer reading. When the dealership receives the duplicate title, the assignment must again be completed to the dealership. Therefore, the odometer reading in the assignment may be less than the reading on the duplicate title. The date may also be earlier than the date of the duplicate title, since the sale took place prior to the duplicate being issued. An affidavit would be required in this situation (from that dealership), explaining the circumstances. This would not be a problem because the reading on the form HSMV 82040 (completed by the retail customer) will always be the same as the reading on the duplicate title or will be higher than the reading on the duplicate title.

**NOTE:** If there is a situation when there are multiple dealer reassignments involved, the affidavit must come from the dealership that lost the original title.

I. When a customer has a title that has been damaged to the point that they need a duplicate title (the information is not legible, the "Transfer of Title By Seller" section has been altered, etc.), a duplicate title may be issued. The customer must submit the physical title as well as all applicable title fees to its local tax collector office or license plate agency. The title clerk should choose the reason "destroyed-damaged."

J. When submitting form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate, the applicant must provide proof of identity (driver license, identification card, etc.) with his/her completed application. This includes proof of identity for any individual signing as an authorized agent for a company/business, when applicable.

**NOTE:** This condition does not apply to a Florida licensed motor vehicle, mobile home or recreational dealer, a Florida licensed motor vehicle auction, a licensed insurance company, a lienholder, a Florida vessel dealer or their authorized agent.

K. A question and answer page is attached as Exhibit A.

## Exhibit A

### FREQUENTLY ASKED QUESTIONS WITH ANSWERS

- 1. What is required when an insurance company applies for a duplicate title for the owner and they show their address on the form HSMV 82101?**

The owner must complete an affidavit stating the insurance company is authorized to receive the title.

- 2. Will a duplicate title be issued if address verification cannot be obtained?**

No, if address verification cannot be obtained, the tax collector's office must reject the application until verification can be completed.

- 3. If the owner or lienholder is a form of business other than an individual or sole business owner and the address shown on the application is different from the address in FRVIS, what documentation is needed to change the address and authorize the person to sign the application?**

A letter on original business letterhead stating that the person signing the application is authorized to do so and be signed by an officer of the business and someone other than the person signing the application. The letterhead must show the address indicated on the duplicate application.

- 4. What documentation is required if the owner or lienholder is a sole business?**

An affidavit stating that fact.

- 5. May the person named as attorney in fact show their address instead of the owner's address on the application for title without verification?**

Yes, when an owner gives a person power of attorney, they are authorizing them to do all things necessary to the application. You may change the address as a "mail to" or change the customer record according to what the applicant is requesting. Remember, if you change the customer's record, it will change all the owner's records.

- 6. Can I purchase a duplicate certificate of title if my last title was issued less than 20 days ago?**

Yes, however you may only apply for a duplicate and not a lost in transit title. You must pay the required duplicate title fee.

- 7. If the owner of a vehicle has traded the vehicle in to an out of state dealership and signed an out of state secured power of attorney, will this form be acceptable for the out of state dealership to apply for a duplicate title?**

Yes. However, a general power of attorney is sufficient for the dealership to obtain a duplicate certificate of title instead of a secured power of attorney.