

# Florida

## Department of Highway Safety and Motor Vehicles

### *Division of Motorist Services*

<p>PROCEDURE</p> <p style="text-align: center;">TL-17</p>	<p>SUBJECT:</p> <p style="text-align: center;">APPLICATION FOR CERTIFICATE OF TITLE ON A MOTOR VEHICLE, <b><u>MOBILE HOME, OR VESSEL</u></b> UNDER A <b>FLORIDA</b> COURT ORDER OF DISSOLUTION OF MARRIAGE</p>
<p>DESCRIPTION AND USE:</p> <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 CERTIFICATE OF TITLE TO A MOTOR VEHICLE, <b><u>MOBILE HOME, OR VESSEL</u></b> FOLLOWING A DISSOLUTION OF MARRIAGE (DIVORCE).</p>	
<p>I. PROVISIONS OF LAW:</p> <p>Section 319.28 (1)(a) and (2)(a), Florida Statutes, provides that in the event of a divorce, the court order for dissolution of marriage allows for the transfer of a certificate of title without requiring the spouse's signature.</p> <p><b><u>Section 328.01(3)(b), Florida Statutes, provides that in the event of a divorce, the court order for dissolution of marriage allows the transfer of a certificate of title without requiring the spouse's signature.</u></b></p> <p><b>The Florida Rules of Civil Procedure in Rule 1.570 (d) provides:</b></p> <p>Vesting Title - If the judgment is for a conveyance, transfer, release of acquaintance of real or personal property, the judgment shall have the effect of a duly executed conveyance, transfer, release or acquaintance that is recorded in the county where the judgment is recorded. A judgment under this subdivision shall be effective notwithstanding any disability of a party.</p>	
<p>II. GENERAL INFORMATION:</p> <p>A. When a motor vehicle, <b><u>mobile home, or vessel</u></b> is in joint ownership, (<b><u>married couple</u></b>), and a divorce has been decreed or an interim order is issued by a Florida court, the order represents a judgment. This judgment usually specifies ownership of assets in cases involving motor vehicles, mobile homes, <b><u>or vessels</u></b>.</p> <p>B. The judgment or settlement agreement must make specific reference to a motor vehicle, mobile home, <b><u>or vessel</u></b> by referencing the certificate of title number, vehicle/<b><u>hull</u></b> identification number, make, year, etc. In the absence of a motor vehicle, mobile home, <b><u>or vessel's</u></b> identification number, there must be other identifying characteristics sufficient to show the motor vehicle, mobile home, <b><u>or vessel</u></b> described in the application is the <b><u>same</u></b> motor vehicle, mobile home, <b><u>or vessel</u></b> referenced in the judgment.</p>	
<p><i>Revision(s) to this Procedure: Revised by removing and replacing gender specific terms and added mobile home and vessel information.</i></p>	
<p>EFFECTIVE DATE</p> <p style="text-align: center;">Immediately</p>	<p>REVISION DATE</p> <p style="text-align: center;">03/10/15</p>

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C. The judgment or agreement will act as the conveying document when such words as "transfer" and "convey" are used or when such phrases as: "**Spouse A** shall have sole and separate property," "**Spouse B** shall have exclusive ownership and possession," or "Motor **Vehicle, Mobile Home, or Vessel** shall belong to "**Spouse B**" are used.

D. PERTINENT QUESTIONS TO ASK:

1. Do you have a certificate of title?
2. Is the certificate of title from Florida or out-of-state?
3. Has the spouse signed the Certificate of Title for transfer?  
(This is not mandatory if the order conveys ownership.)
4. Will you be able to have the spouse sign the certificate of title?  
(This is not mandatory if the order conveys ownership.)
5. Did the divorce decree specify that you are to receive this motor vehicle, mobile home, **or vessel**?
6. Do you have a copy of the divorce decree or court order?

III. DOCUMENTATION REQUIRED:

After the provisions of section 319.28 or 328.01, Florida Statutes, have been met, the following documentation must be submitted to a local tax collector's office to apply for a certificate of title.

A. When the motor vehicle, **mobile home, or vessel** was previously titled in Florida:

1. The Florida Certificate of Title.

**NOTE:** If the certificate of title is not available, you must indicate this by marking the box on an accurately completed form HSMV 82040 (section 11) which states, "I Certify That The Certificate Of Title Is Lost or Destroyed" or specify on an accurately completed form HSMV 82041, under "Applicant Certification."

- 2.** A copy of the Florida court order (divorce decree) must be submitted with the application.

**NOTE:** A copy of the entire court order is not required. The only pages required are: the first, the conveyance page (showing the specific information) and the page showing the judge's signature.

- 3.** A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant.

**NOTE:** The applicant must be the person to whom the judgment conveys ownership of the motor vehicle, **mobile home, or vessel**.

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4. Lien satisfaction(s), for any liens, as shown on the motor vehicle, **mobile home, or vessel** records of this or any other state, unless there is a "Transfer of Equity" for the outstanding lien(s).

**NOTE:** If the lienholder will not release the certificate of title that was awarded to the spouse in the court order (because the lien has not been paid off), the transfer cannot take place.

5. Florida sales tax or specify sales tax 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.
6. The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for or an RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for mobile homes. **The Florida registration number transferred to or issued for the vessel, or a non-use affidavit.**
7. Title fees.

B. When the motor vehicle, **mobile home, or vessel** was previously titled out-of-state:

1. The out-of-state proof of ownership  
Or  
Verification of ownership and lien status from the motor vehicle/**vessel** division of the state of previous registration. Verification may be ONE of the following:
  - a. A computer generated printout from an out-of-state motor vehicle/**vessel** division.
  - b. A letter on original letterhead stationery from an out-of-state motor vehicle/**vessel** division.
  - c. A photocopy of the current out-of-state certificate of title
  - d. A copy of the teletype printout or a statement, which shows the ownership information, lien status, and the name of the law enforcement agency **that** provided the verification information.
2. A copy of the Florida court order (divorce decree) must be submitted with the application.

**NOTE:** A copy of the entire court order is not required. The only pages required are: the first, the conveyance page (showing the specific information) and the page showing the judge's signature.

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3. A form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant.

**NOTE:** The applicant must be the person to whom the judgment conveys ownership of the motor vehicle.

4. A form HSMV 82042, Vehicle Identification Number and Odometer Verification, accurately completed by the applicant(s) with the vehicle identification number verified by one of the four officials shown on the lower portion of the form.

Form HSMV 82040, Application for Certificate of Title with/without Registration, may be used in lieu of the above listed form.

Verification is not required on any new motor vehicle sold by a Florida or out-of-state licensed motor vehicle dealer, any mobile home, any trailer or semi-trailer with a net weight of less than 2,000 pounds, any travel trailer, camping trailer, truck camper, fifth-wheel recreation trailer, **or vessel**.

5. Lien satisfaction(s), for any lien(s), as shown on the motor vehicle/**vessel** records of this or any other state, if applicable. A "Transfer of Equity" is not allowed when the proof of ownership is an out-of-state certificate of title. However, the application for certificate of title can show the lien in the new owner's name as long as a lien satisfaction for the previous owner accompanies the application.
6. Florida sales tax or specify sales tax 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.
7. The Florida license plate number transferred to or purchased for the motor vehicle or a non-use affidavit. The mobile home decal number purchased for or an RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for mobile homes. **The Florida registration number transferred to or issued for the vessel, or a non-use affidavit.**

8. Title fees.

**IV. MISCELLANEOUS INFORMATION:**

- A. A documentation check list is attached to this procedure as Exhibit A.
- B. "Components of a Court Order for Dissolution of Marriage" is attached to this procedure as Exhibit B.
- C. A "Definitions" page is attached to this procedure as Exhibit C.
- D. See Forms Appendix for a sample of the HSMV forms referred to in this procedure.

**EXHIBIT A**

**DISSOLUTION OF MARRIAGE CHECK LIST**

**FORMS:**

**FLORIDA RECORD**

\_\_\_\_\_ Certificate of Title or  
specify the title was lost or  
destroyed (on the form 82040 or 82041)

\_\_\_\_\_ HSMV 82040 or HSMV 82041

\_\_\_\_\_ A copy of the Florida court order (divorce decree).

\_\_\_\_\_ Lien satisfaction(s) for any outstanding lien(s).

\_\_\_\_\_ Florida sales tax or specify the sales tax information on form HSMV 82040 or 82041.

\_\_\_\_\_ Florida license plate number **or** a non-use affidavit **for the motor vehicle**, the mobile home decal or RP decal **for the mobile home, or the Florida registration number or a non-use affidavit for the vessel.**

\_\_\_\_\_ Title fees.

**OUT-OF-STATE RECORD**

\_\_\_\_\_ Out-of-state proof of ownership,  
or if not available, verification  
of title/lien status from out-of-  
state.

\_\_\_\_\_ HSMV 82040 or HSMV 82041

\_\_\_\_\_ HSMV 82042, or the VIN  
verification section on form  
HSMV 82040, (if applicable).

**EXHIBIT B**

**COMPONENTS OF A COURT ORDER FOR DISSOLUTION OF MARRIAGE**

The court order must contain the following components:

1. The name of the court.
2. The parties involved.
3. The case number.
4. The Type of Order or Body of Order.
5. The court order must make reference to a motor vehicle or mobile home OR in absence of the identification number, must have other identifying characteristics sufficient to show the motor vehicle described in the application is that motor vehicle included in the Order.
6. The order must have such wording as "**Spouse A** shall have sole and separate property," or "**Spouse B** shall have exclusive ownership and possession, or "Vehicle shall belong to the **Spouse B**, " to act as the conveying document without the transferring spouse's signature.
7. The date the Order was entered.
8. The identification of the Judge, to include typed name or signature, either manual or facsimile.

NOTE: Order may restore a former (Maiden) name

**EXAMPLE:**

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR ORANGE COUNTY, FLORIDA** (1)

IN RE: The Marriage of

**SPOUSE A,**

Petitioner

and

(2)

CASE NUMBER. DR-15-2810 (3)

**SPOUSE B,**

Respondent,

**AMENDED FINAL JUDGMENT DISSOLVING MARRIAGE** (4)

THIS CAUSE having come on before the Court upon the Petition for Dissolution of Marriage and on evidence presented, it is thereupon

**ORDERED AND ADJUDGED** as follows:

A. (5) 2010 Chevrolet Cavalier: (6) **Spouse A** shall be **awarded** this automobile and be solely responsible for the upkeep and insurance thereon. This vehicle is paid in full. **Spouse A** shall be responsible for getting this vehicle titled within 15 days of the date of entry of the Final Judgment. **Spouse B** shall cooperate in producing the title to the Department of Highway Safety and Motor Vehicles.

DONE AND ORDERED in chambers at Orlando, Orange County, Florida \_\_\_\_\_ day of \_\_\_\_\_, 2015. (7)

\_\_\_\_\_  
CIRCUIT COURT JUDGE (8)

## **EXHIBIT C**

### **DEFINITIONS**

<b>CONVEY</b>	Transfer or "awarded to" by the court.
<b>COURT ORDER</b>	An order from a court that requires a person to take title.
<b>DIVORCE</b>	Dissolution of marriage.
<b>DIVORCE DECREE</b>	Court order granting divorce (usually shows property settlement).
<b>PLAINTIFF/PETITIONER</b>	Spouse who initiated the petition for the dissolution of marriage.
<b>RESPONDENT</b>	The spouse answering the petition of the Plaintiff.