

# Florida

## Department of Highway Safety and Motor Vehicles

### *Division of Motorist Services*

PROCEDURE  VSTL-04	SUBJECT:  CORRECTIONS/CHANGES TO CERTIFICATE OF TITLE OR LIEN INFORMATION
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**DESCRIPTION AND USE:**  
 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 VESSEL CERTIFICATES OF TITLE AND LIEN INFORMATION.

**I. PROVISIONS OF LAW:**

Sections 328.09 (1), Florida Statutes, provides that if the department determines at any time that an applicant for a certificate of title or registration gave a false statement or false or incomplete information in applying for the certificate or otherwise failed to comply with the applicable provisions pertaining to the application for a certificate, it may refuse to issue the certificate.

Section 328.09(2), Florida Statutes, provides that if the department determines at any time that an owner or dealer named in a certificate of title or registration gave a false statement or false or incomplete information in applying for the certificate or otherwise failed to comply with the applicable provisions pertaining to the application for a certificate, it may cancel the certificate.

Section 328.165 (1), Florida Statutes, provides that if it appears that a certificate of title has been improperly issued, the department shall cancel the certificate. Upon cancellation of any certificate of title, the department shall notify the person to whom the certificate of title was issued, and any lienholders appearing thereon, of the cancellation and shall demand the surrender of the certificate of title; however, the cancellation does not affect the validity of any lien noted thereon. The holder of the certificate of title shall immediately return it to the department. If a certificate of registration has been issued to the holder of a certificate of title so canceled, the department shall immediately cancel the certificate of registration and demand the return of the certificate of registration and the holder of such certificate of registration shall immediately return it to the department.

certificate of

***Revision(s) to this Procedure: Clarified that title must be submitted (page 3, C).***

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**II. GENERAL INFORMATION:**

- A.** All corrections/**changes** are allowed to be done in the county agencies except for correction of a title number. This correction must be submitted to the Department. The mailing address is:
- Division of Motorist Services  
Correction Unit, Mail Stop #72  
2900 Apalachee Parkway  
Tallahassee, Florida 32399-0622**
- B.** Title fees are not required for correction of errors, regardless of who made the error.
- C.** **When a correction/change or recreate transaction is processed, a descriptive and definitive explanation specifying the basis/reason for the transaction must be entered in the "Comment Desc." field.**

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

- A. Correcting the Lien Information, on the Certificate of Title:**
1. Dealer Request for Correction:
    - a. An affidavit on letterhead stationery, stating the error made and the correction required.
    - b. The certificate of title.
  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 made and the correction to be made.
    - c. The certificate of title.
- B. Correction of Owner's Name, Address or Description of the Vessel:**
1. The certificate of title.
  2. An affidavit stating the corrections to be made.
  3. Additional documentation, if deemed necessary to prove correction .

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<p>C. <b>When an ELT (Electronic Lien ) title has been issued (<u>printed</u>) and a Correction of the Owner or Lienholder's Name is requested:</b></p> <p>Dealer Request for Correction:</p> <ol style="list-style-type: none"><li>1. <b><u>The certificate of title.</u></b></li><li>2. A corrected form HSMV 82040.</li><li>3. An affidavit on letterhead stationery, stating the error(s) made and the correction(s) required.</li><li>4. Any errors should be corrected on the "Correction" or "Modify" title screen and all corrections/changes made to the record must be specified in the "Comment Desc." field.</li></ol> <p>D. <b>New Vessel Non-Delivery:</b></p> <p>The dealer must contact the manufacturer and request a duplicate MCO*. The dealer should then contact the applicant/lienholder to whom the incorrect MCO was assigned and have them return the title to the dealership as soon as they receive it. 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.</li><li>2. Form HSMV 82175, Dealers Non-Delivery Affidavit, accurately completed by the dealer and owner.</li><li>3. If a decal refund is authorized and requested, the appropriate box on form HSMV 82175 must be checked and the decal, along with the owner's copy of the registration and form HSMV 83363, Application for License Plate or Decal Refund/Credit, accurately completed by the dealer must be submitted.</li></ol> <p><b>NOTE:</b> The tax collector's office will cancel the title record as a non-delivery at this time. When the duplicate MCO is received from the manufacturer, it should be held in the dealer files until the vessel is sold and the purchaser has taken possession of the vessel.</p> <p><b>*NOTE:</b> Unless sold by a dealer in a state not requiring an MCO.</p> <p>E. <b>Incorrect MCO Submitted</b></p> <p>If an incorrect MCO was submitted and the title has been issued, the dealer must contact the manufacturer and request a duplicate MCO. The dealer must then contact the owner/lienholder and have them submit the incorrect certificate of title to the dealership. The dealer should submit the following to the tax collector's office:</p> <ol style="list-style-type: none"><li>1. Follow requirements in section D,1-3.</li></ol> <p><b>NOTE:</b> The tax collector's office will cancel the title record as a non-delivery at this time. The dealer should submit the correct MCO from their inventory, along with a complete and correct application for certificate of title with title fees and proof of sales tax paid.</p>	
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<p>F. <b>Used Vessel Non-Delivery or Incorrect Certificate of Title Submitted for Transfer:</b> The dealer must have the certificate of title on the incorrect vessel completed for transfer to the dealership in the "Transfer for Title by Seller" section. The certificate of title must then be held by the dealer until the vessel is sold.</p> <p><b>NOTE:</b> Application for certificate of title for the correct vessel must be submitted to the tax collector's office with fees and proof that sales tax was paid.</p> <p>G. <b>Certificate of Title Transferred to the Wrong Person:</b></p> <ol style="list-style-type: none"><li>1. If the application has not been submitted to the tax collector's office, the dealer should line through the name that is shown incorrectly and submit an affidavit on letterhead stationery that states that the purchaser's name shown is in error.</li><li>2. If the transaction is a casual sale, the owner as shown on the face of the certificate of title should line through the incorrect information and submit an affidavit that states that the person shown as buyer on the certificate of title was shown in error.</li></ol> <p><b>IV. MISCELLANEOUS INFORMATION:</b></p> <p><b><u>A.</u></b> Incorrect information entered must not be erased, whited out or otherwise obliterated. It must be identified by drawing a line through the incorrect information.</p> <p><b><u>B.</u></b> <b><u>When the dealer requests a corrected MCO to have the title and registration data changed and the certificate of title has been issued, the dealer must obtain the certificate of title and an affidavit along with the corrected MCO and submit them to the tax collector's office in order for a corrected certificate of title to be issued.</u></b></p> <p><b><u>C.</u></b> When a name or address correction for title or registration is made to the database, ALL motor vehicle records for that person will reflect the change.</p> <p><b><u>D.</u></b> If the "Transfer of Title by Seller" section on the title certificate has been altered, erased or whited out, submit an affidavit from the seller stating the reason for the error or alteration.</p> <p><b><u>E.</u></b> When an application is received in this department containing an out-of-state certificate of title <b><u>or registration (whichever is applicable)</u></b> and the applicant is requesting the identification number be corrected, the following should be submitted:</p> <ol style="list-style-type: none"><li><b><u>1.</u></b> An original letter on letterhead stationery from the motor vehicle division of the state the certificate of title <b><u>or registration (whichever is applicable)</u></b> was last issued. The letter must state that the vessel identification number on the certificate of title <b><u>or registration (whichever is applicable)</u></b> is incorrect and indicate the correct HIN.</li><li>or,</li><li><b><u>2.</u></b> The applicant must have a corrected certificate of title <b><u>or registration (whichever is applicable)</u></b> issued in that state before Florida will issue a certificate of title.</li></ol> <p><b><u>F.</u></b> See Forms Appendix for a sample of the HSMV Forms referred to in this procedure.</p>	
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