

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:	
TL-70	BONDED TITLE	
DESCRIPTION AND USE:		
<p style="text-align: center;">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 IMPLEMENTING REQUIREMENTS FOR PROCESSING CERTIFICATE OF TITLE APPLICATIONS INVOLVING BONDED TITLES.</p>		
<p>I. PROVISIONS OF LAW:</p> <p>Section 319.23(7), Florida Statutes, states, “If an applicant for a certificate of title is unable to provide the department with a certificate of title that assigns the prior owner’s interest in the motor vehicle, the department may accept a bond in the form prescribed by the department, along with an affidavit in a form prescribed by the department, which includes verification of the vehicle identification number and an application for title.”</p> <p>Section 319.23(7)(a), Florida Statutes, states, “The bond must be:</p> <ol style="list-style-type: none"> 1. In a form prescribed by the department; 2. Executed by the applicant; 3. Issued by a person authorized to conduct a surety business in this state; 4. In an amount equal to two times the value of the vehicle as determined by the department; and 5. Conditioned to indemnify all prior owners and lienholders and all subsequent purchasers of the vehicle or persons who acquire a security interest in the vehicle, and their successors in interest, against any expense, loss, or damage, including reasonable attorney fees, occurring because of the issuance of the certificate of title for the vehicle or for a defect in or undisclosed security interest on the right, title, or interest of the applicant to the vehicle.” <p>Section 319.23(7)(b), Florida Statutes, states, “An interested person has a right to recover on the bond for a breach of the bond’s condition. The aggregate liability of the surety to all persons may not exceed the amount of the bond.”</p> <p>Section 319.23(7)(c), Florida Statutes, states, “A bond under this subsection expires on the third anniversary of the date the bond became effective.”</p>		
<p style="text-align: center;"><i>Revision(s) to this procedure: Added miscellaneous information on page 3 (A, B, & F), information to Exhibit A and added an Exhibit B.</i></p>		
EFFECTIVE DATE	REVISION DATE	PAGE #
01/01/13	05/01/13	TL-70-01

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-70	BONDED TITLE

Section 319.23(7) (d), Florida Statutes, states, “The affidavit must:

1. Be in a form prescribed by the department;
2. Include the facts and circumstances under which the applicant acquired ownership and possession of the motor vehicle;
3. Disclose that no security interests, liens, or encumbrances against the motor vehicle are known to the applicant against the motor vehicle; and
4. State that the applicant has the right to have a certificate of title issued.”

II. GENERAL INFORMATION:

A customer who is unable to obtain a valid certificate of title completed for transfer to them from the prior owner may apply for a bonded title.

The customer must submit the required documentation including a bond, which is equal to two times the retail value of the motor vehicle as established by a current national appraisal guide such as Kelly Blue Book or NADA.

A bonded title **MAY NOT** be issued for a mobile home, vessel, or off highway vehicle.

FRVIS will capture an “effective date” for the bond, which may differ from the title issue date. When the certificate of title is issued, it will carry a brand of “Bonded Title.” FRVIS will systematically remove the bonded title brand after three years from the effective date of the bond.

Any interested party has the right to recover on the bond for a breach of any of the bond’s conditions. The liability of the surety to all persons may not exceed the amount of the bond.

III. DOCUMENTATION AND SPECIAL INSTRUCTIONS:

A. **If the motor vehicle is CURRENTLY TITLED IN FLORIDA**

1. A 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, accurately completed by the applicant.
2. A form HSMV 82026, Affidavit to Accompany Application for Bonded Title, accurately completed by the applicant.
3. A form HSMV 82033, Title Surety Bond for a Motor Vehicle, accurately completed by the applicant and a person authorized to conduct a surety business in Florida.
4. Florida sales tax, if applicable.
5. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit.
6. Title fees.

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-70	BONDED TITLE

B. If the motor vehicle was NOT PREVIOUSLY TITLED IN FLORIDA:

1. A form HSMV 82042, Vehicle Identification Number and Odometer Verification Affidavit, 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.

or,

Verification is not required for any trailer or semi-trailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

2. Documentation as listed under III, A, 1-6, is also required.

IV. MISCELLANEOUS:

- A. Sales tax must be collected on the actual purchase price of the vehicle. The applicant should indicate this price on the form HSMV 82026 in the “explanation” area (see Exhibit B). This is in addition to indicating the current retail value that is required to assist with determining twice the value of the vehicle (which is established by a current national appraisal guide) for the bond.**

NOTE: A bill of sale (with a selling price) would also be acceptable. If a purchase price is not indicated on any of the documents, the application must be returned to the customer to specify a purchase price. However, the customer can always choose to pay sales tax on the “retail value” rather than specify a purchase price.

- B. The title clerk does not determine the current retail value of the vehicle. The insurance company will specify this information on the form HSMV 82033. However, the title clerk must ensure the penal sum on the form HSMV 82033 is twice the retail value (see Exhibit A). The two figures will never be the same. If the numbers are not correct on the form, the applicant must resubmit a corrected form.**

- C.** When a brand is removed, the information is still available in FRVIS history.

- D.** Once the brand has been removed in FRVIS, the customer may request a title without the brand.

- E.** An example of a completed form HSMV 82033, Title Surety Bond for a Motor Vehicle, is attached as Exhibit A.

- F.** **An example of a completed form HSMV 82026, Affidavit to Accompany Application for Bonded Title, is attached as Exhibit B.**

EXHIBIT A

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY
SAFETY and MOTOR VEHICLES
DIVISION OF MOTORIST SERVICES



TITLE SURETY BOND
FOR A MOTOR VEHICLE

KNOW ALL PERSONS BY THESE PRESENTS:

BOND NUMBER: A123456

That I/we John and Jane Doe, as Principal and

ABC Insurance, a Surety Company,

qualified to do business in the State of Florida, as surety are held and firmly bound unto the duly appointed and qualified Director of the Division of Motorist Services of the State of Florida, and the successors in office of said Director, in the penal sum of \$ \$3,000.00, which is twice the value of the vehicle established by a current national appraisal guide (Kelly Blue Book or NADA) for the payment which, well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, legal representatives, successors and assigns, firmly by these presents:

Penal sum must be twice the current retail value.

WHEREAS, the Principal has been unable to provide a certificate of title that assigned the prior owner's interest in the vehicle and has submitted an application and affidavit to the Department of Highway Safety and Motor Vehicles of the State of Florida for a Certificate of Title on this certain vehicle described to wit:

YEAR 1992 MAKE Chevrolet BODY TYPE 4D RETAIL VALUE: \$ 1,500.00

Current retail value as established by a current national appraisal guide.

FLORIDA TITLE NUMBER 12345678 VEHICLE IDENTIFICATION NUMBER 1G1WL23E8NL141307

AND WHEREAS, the Principal and Surety herein desire to comply with the provisions of Florida Statute 319.23(7) to submit a properly executed surety bond conditioned as set forth below.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

If the aforesaid Principal shall indemnify all prior owners and lienholders and all subsequent purchasers of the vehicle or persons who acquire a security interest in the vehicle, and their successors in interest, against any expense, loss, or damage, including reasonable attorney fees, occurring because of the issuance of the certificate of title for the vehicle or for a defect in or undisclosed security interest on the right, title, or interest of the applicant to the vehicle, this obligation shall be void; otherwise, it shall remain in full force and effect. This bond to be effective on the 14 day of December, 2012, and to expire three (3) years from the effective date of said bond.

PROVIDED, HOWEVER, that an interested person has a right to recover on the bond for a breach of the bond's condition. The aggregate liability of the surety to all persons may not exceed the amount of the bond.

IN WITNESS WHEREOF, the above bounden parties have executed this bond under their several seals this 14 day of December, 2012, the name and corporate seal of each corporate party being affixed hereto and these presents duly signed by its undersigned representatives, pursuant to authority of its governing body. This bond is null and void unless signed by the Principal and Surety. When executed by an attorney-in-fact, the power of attorney (original copy) must be attached. Any alteration of this document necessitates the issuance of a new bond or an attached amendment from the Surety Company.

John & Jane Doe
TYPED NAME OF PRINCIPAL (OWNER & CO-OWNER, if applicable)

Jane Doe
SIGNATURE OF PRINCIPAL (CO-OWNER, if applicable)

ABC Insurance
TYPED NAME OF SURETY BOND COMPANY

123 Main Street
ADDRESS OF SURETY BOND COMPANY

Anytown, FL 31111
CITY/STATE/ZIP CODE

(850) 000-0000
TELEPHONE NUMBER

HSMV 82033 (REV. 12/12)

John Doe
SIGNATURE OF PRINCIPAL (OWNER)

Larry Brown
SIGNATURE OF SURETY AGENT (SEAL)

Larry Brown
TYPED NAME OF SURETY AGENT

456 Alpha Drive
ADDRESS OF SURETY AGENT

Anytown, FL 32222
CITY/STATE/ZIP CODE

(850) 100-1111
TELEPHONE NUMBER

EXHIBIT B

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
DIVISION OF MOTORIST SERVICES

AFFIDAVIT TO ACCOMPANY APPLICATION FOR BONDED TITLE

1	MOTOR VEHICLE DESCRIPTION		
Year	Make/Manufacturer	Type of Vehicle(i.e., car, truck, trailer)	Body Type (4D, SW, etc.)
1992	Chevrolet	Car	4D
Florida Title Number		Vehicle Identification Number	
12345678		1G1WL23E8NL141307	
2	AFFIDAVIT OF VEHICLE OWNERSHIP		
Printed/Typed Name of the Applicant/Owner		Printed/Typed Name of the Co-Applicant/Owner, if applicable	
John Doe		Jane Doe	
Date the Vehicle was Acquired (approximate date if actual date is not known)		Current Retail Value of the Motor Vehicle	
11/02/2012		1,500.00	
Printed/Typed Name of Prior Owner/Seller		Address of Prior Owner/Seller, if known	
Jack Brown		3 Canary Dr., Anytown, FL 32222	

This is to certify I/we are the owner(s) of the above described vehicle. I/We obtained ownership and possession of the vehicle from the above named prior owner/seller.

I/We certify that to my/our knowledge there are no known security interests, liens, or encumbrances against the above-noted motor vehicle. The following facts entitle me/us to possession and ownership of the motor vehicle:

(Explain in detail why you do not have a title to the vehicle.)

I purchased the above described vehicle from Jack Brown on 11/02/2012 for \$1200.00. He gave me a title at the time of purchase. I put it in the glovebox of the car for safe keeping. I took the car to a car wash for detailing. I later discovered my title was missing. I don't know at what point this happened. I need a title and registration for the vehicle.

←

The affidavit shows a purchase price of \$1200.00 in the explanation area. This is the taxable amount, even though the current retail value is \$1500.00.

UNDER PENALTY OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.

 _____ SIGNATURE OF APPLICANT (OWNER)	12/14/2012 _____ (Date)	 _____ SIGNATURE OF APPLICANT (CO-OWNER)	12/14/2012 _____ (Date)
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HSMV 82026 (REV. 12/12)