

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:		
VSTL-30	APPLICATION FOR A VESSEL CERTIFICATE OF TITLE UNDER A COURT ORDER OF FORFEITURE TO A LAW ENFORCEMENT AGENCY		
DESCRIPTION AND USE:			
THIS PROCEDURE IS PROVIDED TO ASSIST EMPLOYEES OF TAX COLLECTORS' OFFICES AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN ESTABLISHING REQUIREMENTS FOR ISSUING CERTIFICATES OF TITLE FOR VESSELS UNDER COURT ORDER OF FORFEITURE TO A LAW ENFORCEMENT AGENCY.			
<p>I. PROVISIONS OF LAW:</p> <p>Vessels confiscated and in turn forfeited in accordance with the "Florida Contraband Forfeiture Act," sections 932.701-7055, Florida Statutes, may be titled to the law enforcement agency which confiscated the vessel. When the law enforcement agency sells the vessel at a public auction, it may be titled to the purchaser.</p> <p>Section 328.07(3)(b), F.S., states, If all identifying numbers of a vessel do not exist or have been destroyed, removed, covered, altered, or defaced, or if the real identity of the vessel cannot be determined, the vessel shall constitute contraband and shall be subject to forfeiture by a seizing law enforcement agency, pursuant to applicable provisions of ss. 932.701-932.707, Florida Statutes. Such vessel shall not be sold or operated on the waters of the state unless, a request is received from a law enforcement agency providing adequate documentation or is directed by written order of a court of competent jurisdictions, to assign to the vessel a replacement hull identification number which shall thereafter be used for identification purposes.</p> <p>II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:</p> <p>After the provisions of section 932.701-707, F.S., have been met, the following documentation must be submitted when applying for a Florida Certificate of Title:</p> <p>A. A form HSMV 82040, Application for Certificate of Title with/without Registration.</p> <p>B. A copy of the court order of forfeiture. The order will normally state that the vessel is forfeited "to the use of," or "to be sold by," the law enforcement agency making the seizure. Thus, the agency has the option of applying for a government registration and/or Certificate of Title or immediately offering the vessel for sale at a public auction.</p>			
DIVISION DIRECTOR	EFFECTIVE DATE	REVISION DATE	PAGE #
	01/01/97		VSTL-30-01

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE # VSTL-30	SUBJECT: APPLICATION FOR A VESSEL CERTIFICATE OF TITLE UNDER A COURT ORDER OF FORFEITURE TO A LAW ENFORCEMENT AGENCY
<p>C. If the law enforcement agency sells the vessel at a public auction, the purchaser must submit:</p> <ol style="list-style-type: none">1. The original, notarized bill of sale, on original letterhead, which includes a complete description of the vessel including the year, make, model and hull identification number.2. A copy of the bill of sale certified to be a true and correct copy of the original. <p>D. Liens recorded against vessel must be handled in one of the following ways:</p> <ol style="list-style-type: none">1. All liens are assumed to be satisfied, unless the court order directs the lien to be preserved.2. The seizing agency may sell the vessel at a public auction in order to pay off the lien(s) if the court order directs the lien to be preserved. <p>E. Florida sales tax or specify the sales tax exemption 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.</p> <p>F. The Florida registration number transferred to or issued for the vessel or a separate affidavit that the vessel will not be used on the waters of this state.</p> <p>G. Title fees.</p> <p>III. MISCELLANEOUS INFORMATION:</p> <ol style="list-style-type: none">A. When all identifying numbers on a vessel cannot be read or have been destroyed, removed, covered, altered or defaced, or if the real identity of the vessel cannot be determined, the law enforcement agency must request the department to assign a hull identification number to the vessel before a certificate of title can be issued.B. When any person purchases a vessel from a law enforcement agency, a certificate of title must be issued in that person's name before the vessel can be sold to another person.C. A documentation check list is attached to this procedure as Exhibit A.D. Definitions are attached to this procedure as Exhibit B.E. See Forms Appendix for a sample of the HSMV forms referred to in this procedure.	
PAGE # VSTL-30-02	REVISION DATE

EXHIBIT A

LAW ENFORCEMENT FORFEITURE CHECK LIST

- _____ HSMV 82040.
- _____ A copy of the Court Order of Forfeiture.
- _____ A notarized bill of sale on letterhead from the law enforcement agency when the vessel was sold at a public auction.
- _____ Lien satisfaction if the Court Order of Forfeiture indicates that the lien is to be preserved, and it has subsequently been paid off by the seizing agency.
- _____ Florida sales tax or specify sales tax exemption information on forms HSMV 82040 or HSMV 82041.
- _____ A Florida registration number or a nonuse affidavit.
- _____ Title fees

EXHIBIT B

DEFINITIONS

CONFISCATE

To seize by a governmental authority.

CONTRABAND

Property which was used or attempted to be used in the commission of a felony.

ORDER OF FORFEITURE

A court order that allows a law enforcement agency to either sell or take title to property which has been confiscated during criminal activity.

COURT ORDER OF FORFEITURE

A final judgment in a criminal proceeding, directing that a confiscated motor vehicle, vessel, mobile home, etc., be forfeited for the use and benefit of, or to be sold by, a law enforcement agency.