Florida
Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE TL-20

SUBJECT: TRANSFER OF A CERTIFICATE OF TITLE INVOLVING GUARDIANSHIP

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 ESTABLISHING REQUIREMENTS FOR THE TRANSFER OF CERTIFICATES OF TITLE FOR A MOTOR VEHICLE OR MOBILE HOME HELD BY A GUARDIAN.

I. PROVISION OF LAW:
Chapter 744, Florida Statutes, provides for the guardianship of incompetents. The law does not authorize guardians to purchase, sell or record a lien against a motor vehicle or mobile home for incompetents, unless so ordered by the court.

II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:
After the provisions of Chapter 744, Florida Statutes, have been met by the applicant, the following documents must be submitted to the tax collector's office to be screened for completeness and accuracy:

A. If the motor vehicle or mobile home is titled in Florida and the certificate of title is available, submit the following:

1. The Florida Certificate of Title, accurately completed for transfer to the applicant(s).

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

3. One of the following documents must also be submitted:

a. The letters of guardianship of a person or property.

b. A court order appointing the guardian ad litem.

c. An order appointing the successor guardian.
### SUBJECT: TRANSFER OF A CERTIFICATE OF TITLE INVOLVING GUARDIANSHIP

**d.** An appointment of a conservator (guardian) of the Estate of the person.

**NOTE:** In most cases, Plenary Guardianship papers provide the guardian with complete authority to exercise all rights and powers for the incompetent, which would include the purchase, sell or the recording of a lien against a motor vehicle or mobile home for the incompetent person. If complete authority is granted in the Plenary Guardianship papers, a separate court order is not required.

**4.** A copy of the court order authorizing the purchase, sale or the recording of a lien against the motor vehicle or mobile home.

**NOTE:** When the court order authorizing the purchase, sale or recording of a lien includes the name of the guardian, then the order would be acceptable without any of the items listed in II, A, 3.

**5.** Florida sales tax or specify the 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 the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for mobile homes.

**7.** Title fees.

**B.** If the motor vehicle or mobile home is titled in Florida and the certificate of title is not available, submit the following:

**1.** A form HSMV 82101, Application for Duplicate or Lost in Transit/Reassignment For A Motor Vehicle, Mobile Home or Vessel Title Certificate, accurately completed in the name of the registered owner and signed by the guardian. (Refer to TL-05 for address verification).

**NOTE:** The guardian completing the application for the duplicate certificate of title, should show their address on the application so that the duplicate certificate of title will be mailed to the guardian and not the owner. The court order awarding guardianship serves as address verification for the guardian, however, the guardian must provide proof of identification.

**2.** One of the following documents must also be submitted:

- **a.** The letters of guardianship of a person or property.
- **b.** A court order appointing the guardian ad litem.
- **c.** An order appointing the successor guardian.
- **d.** An appointment of a conservator (guardian) of the Estate of the person.
C. If the motor vehicle or mobile home is titled out of state, submit the following:

1. The out-of-state proof of ownership accurately completed for transfer to the applicant(s).
   
   or,

   If the out-of-state proof of ownership is not available, submit verification of ownership and lien status information from the motor vehicle division of the state of previous registration. Verification may be one of the following:

   a. A computer generated printout from the out-of-state motor vehicle division.

   b. A letter on original letterhead stationery from the out-of-state motor vehicle division.

   c. A copy of the teletype printout or a statement which shows the ownership information, lien status and the name of the law enforcement agency and the official's name who provided the verification information.

   d. A photocopy of the current out-of-state certificate of title.

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

3. 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.

   or

   An affidavit from the seller(s) and the purchaser(s) verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle.

   Verification is not required on any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.
### Transfer of a Certificate of Title Involving Guardianship

**4.** One of the following documents must accompany the application:
   - **a.** The letters or guardianship of a person or property.
   - **b.** A court order appointing the guardian ad litem.
   - **c.** An order appointing the successor guardian.
   - **d.** An Appointment of a Conservator (guardian) of the Estate of the person.

**NOTE:** In most cases, Plenary Guardianship papers provide the guardian with complete authority to exercise all rights and powers for the incompetent, which would include the purchase, sell or the recording of a lien against a motor vehicle or mobile home for the incompetent person. If complete authority is granted in the Plenary Guardianship papers, a separate court order is not required.

**5.** A copy of the court order authorizing the purchase, sale or the recording of a lien against the motor vehicle or mobile home.

**NOTE:** When the court order authorizing the purchase, sale, or the recording of a lien, includes the name of the guardian, then the order would be acceptable without any of the items listed in # 4, above.

**6.** Florida sales tax or specify the 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 the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for mobile homes.

**8.** Title fees.

### Miscellaneous Information:

**A.** In most cases, Plenary Guardianship papers provide the guardian with complete authority to exercise all rights and powers for the incompetent, which would include the purchase, transfer, sell or recording of a lien against a motor vehicle or mobile home for the incompetent person. If complete authority is granted in the Plenary guardianship papers, a separate court order is not required.

**B.** A documentation check list is attached to this procedure as Exhibit A.

**C.** Definitions are attached to this procedure as Exhibit B.

**D.** See Forms Appendix for a sample of the HSMV forms referred to in this procedure.
TRANSFER OF A CERTIFICATE OF TITLE INVOLVING GUARDIANSHIP CHECK LIST

FORMS

FLORIDA RECORD

_____ Certificate of Title

_____ HSMV 82040 or HSMV 82041

OUT-OF-STATE RECORD

_____ HSMV 82040 or HSMV 82041

_____ HSMV 82042, or the VIN Verification section on form HSMV 82040.

_____ Out-of-state proof of ownership or verification of title/lien status

Copy of one of the following:

_____ The letters of guardianship

_____ An order of appointment for guardian ad-litem

_____ An order of appointment for successor guardian

_____ An appointment as the conservator of the Estate

NOTE: In most cases, Plenary Guardianship papers provide the guardian with complete authority to exercise all rights and powers for the incompetent, which would include the purchase, sell or the recording of a lien against a motor vehicle or mobile home for the incompetent person. If complete authority is granted in the Plenary Guardianship papers, a separate court order is not required.

_____ A court order authorizing the sale, purchase or the recording of a lien against the motor vehicle or mobile home.

NOTE: When the court order authorizes the purchase, sale or recording of a lien and includes the name of the guardian, then the court order would be acceptable without separate proof of the guardians appointment.

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

_____ Florida license plate number or a non-use affidavit or mobile home decal or RP decal.

_____ Title fees.

TL-20 (06/11/01)
<table>
<thead>
<tr>
<th><strong>DEFINITIONS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CONSERVATOR OF THE ESTATE</strong></td>
</tr>
<tr>
<td><strong>GUARDIAN</strong></td>
</tr>
<tr>
<td><strong>GUARDIAN AD LITEM</strong></td>
</tr>
<tr>
<td><strong>INCOMPETENT</strong></td>
</tr>
<tr>
<td><strong>LETTERS OF GUARDIANSHIP</strong></td>
</tr>
<tr>
<td><strong>LIMITED GUARDIAN</strong></td>
</tr>
<tr>
<td><strong>NATURAL GUARDIAN</strong></td>
</tr>
<tr>
<td><strong>PLENARY GUARDIAN</strong></td>
</tr>
<tr>
<td><strong>SUCCESSOR GUARDIAN</strong></td>
</tr>
<tr>
<td><strong>WARD</strong></td>
</tr>
</tbody>
</table>