



**Florida Department of Highway Safety and Motor Vehicles
Division of Motorist Services**

PROCEDURE: TL-70	SUBJECT: BONDED TITLES
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DESCRIPTION:

This procedure provides information and instructions to guide employees and agents of the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) in the issuance of a bonded title.

PROVISIONS OF LAW:

[Section 319.23\(7\), Florida Statutes](#), provides the department may accept a bond as prescribed on form HSMV 82033, along with an affidavit prescribed on form HSMV 82026, along with a completed vehicle identification number verification as provided on form HSMV 82040 or HSMV 82042, along with other specified documentation, if the customer seeking a certificate of title is unable to provide the department a title certificate that assigns the prior owner’s interest in the motor vehicle.

FORMS AND NATIONAL APPRAISAL GUIDE:

- [HSMV 82026, Declaration of facts to Accompany Application for Bonded Title](#)
- [HSMV 82033, Title Surety Bond for a Motor Vehicle](#)
- [HSMV 82040, Application for Certificate of Title With/Without Registration](#)
- [HSMV 82042, Vehicle Identification Number and Odometer Verification Declaration of facts](#)
- [Kelley Blue Book \(KBB\) Appraisal Guide \(current edition\)](#)

EXHIBITS:

- [Exhibit A – Form HSMV 82026, Affidavit to Accompany Application for Bonded Title](#)
- [Exhibit B – Form HSMV 82033, Title Surety Bond for a Motor Vehicle](#)
- [Exhibit C – Kelley Blue Book Screenshot](#)
- [Exhibit D – Processing a Bonded Title](#)
- [Exhibit E – Bonded Title Check List](#)

ADDITIONAL INFORMATION:

In every transaction where a bonded title is issued the motor vehicle must be at least 10 years old and no older than 25 years.

Revision(s) to this procedure: *This procedure was re-written in its entirety to provide concise answers to frequently asked questions and clear instructions as to what vehicles are eligible for a bonded title, who can apply for a bonded title, and the documentation required.*

Effective Date: Immediately	Revision Date: 01/06/2020
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VEHICLES ELIGIBLE FOR A BONDED TITLE:

- Bonded titles may only be issued due to a private (casual) sale when money is exchanged between a buyer and a seller who is the owner of an automobile, truck weighing less than 8,000 pounds, or a motorcycle, 10 years old or older as of January 1st of the current year but less than 25 years old as of January 1st of the current year.
- The vehicle must have a current Florida paper title as reflected in the Florida Real Time Vehicle Information System (FRVIS) with no security interests, liens, or encumbrances.

VEHICLES NOT ELIGIBLE FOR A BONDED TITLE:

Bonded titles may not be issued to a:

- vehicle with an electronic title
- vehicle less than 10 years of age as of January 1st of the current year
- vehicle older than 25 years of age as of January 1st of the current year
- vehicle titled out-of-state
- vehicle having a National Motor Vehicle Title Information System (NMVTIS) record other than Florida
- vehicle with a security interest, lien, or encumbrance on the title or title record
- vehicle when a security interest, lien, or encumbrance is to be added to the title
- vessel, mobile home, recreational vehicle, or off-highway vehicle
- truck weighing 8,000 pounds or more

Bonded titles cannot be issued as the result of inheritance, gift, divorce, transfer between a married couple, even trade or trade down or any transaction other than defined under Vehicles Eligible for a Bonded Title.

When vehicles are not eligible for a bonded title and a Florida title is still required, refer to [TL-07](#), Application for Certificate of Title on a Motor Vehicle with Alternate Proof of Ownership and Procedure for Securing a Florida Court Order Awarding Ownership.

WHAT IS REQUIRED TO APPLY FOR A BONDED TITLE:

Any customer applying for a bonded title must be a Florida resident or a Florida based business; and provide one of the acceptable proofs of identification as defined in [TL-01](#) which include:

- Valid driver license or identification card issued by Florida or another state or U.S. Territory – American Samoa, Guam, Marianas, Puerto Rico, and U.S. Virgin Islands, or Canada
- Valid passport or passport card from any country
- Be a business registered with the Division of Corporations that can be verified as an active business in SunBiz or provide an active business license from a Florida city or county that can be verified.

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TITLE RECORD REVIEW:

A review of the FRVIS title record must reflect the name of the person shown as current owner of the motor vehicle, which must also be the same as the name of the owner/seller on the completed form HSMV 82026. Additionally, there can be no security interests, liens, or encumbrances against the motor vehicle.

If the motor vehicle owner's name reflected in FRVIS is not the same as the seller's name shown on form HSMV 82026 or if there are any security interests, liens, or encumbrances against the motor vehicle the transaction must be rejected.

A customer with a rejected transaction for seller's name or security interests, liens, or encumbrances against the motor vehicle must use one of the two options for a title as shown in [TL-07](#), Application for Certificate of Title on a Motor Vehicle with Alternate Proof of Ownership and Procedure for Securing a Florida Court Order Awarding Ownership.

REQUIRED FORMS AND DOCUMENTATION:

- **Valid driver license or identification card, or valid passport or passport card (individual) or Division of Corporations, SunBiz (active status), or Verifiable (active status) Florida City or County Business License (business)**
- **HSMV 82026, Declaration of Facts to Accompany Application for Bonded Title**
- **HSMV 82033, Title Surety Bond for a Motor Vehicle**
- **HSMV 82040, Application for Certificate of Title**
- **HSMV 82042, Vehicle Identification Number and Odometer Verification Declaration of Facts or Section 8 completed on HSMV 82040**
- **Kelley Blue Book (current) screenshot of Private Party Range Value* for vehicle (clear copy)**

If any of the required documentation is missing, incomplete, or illegible the transaction must be rejected until the required documentation is received.

***Kelley Blue Book "Private Party Range Value", "current retail value", and "retail value" as used in this procedure are speaking to the same amount.**

IDENTIFICATION:

The customer applying for a bonded title must provide acceptable proof of identification:

- **Valid driver license or identification card issued by Florida or another state or U.S. Territory – American Samoa, Guam, Marianas, Puerto Rico, and U.S. Virgin Islands, or Canada, or**
- **Valid passport or passport card from any country, or**
- **Be a business registered with the Division of Corporations that can be verified as an active business in SunBiz or provide an active business license from a Florida city or county that can be verified.**

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The officer/agent signing for the business must specify their “official title” on the paperwork. If proof that they are an officer/agent of the business cannot be found in SunBiz, they must provide an original letter on business letterhead authorizing them to sign for the company which is signed by someone other than themselves. If they are the sole owner of the business this must be stated in the letter or provided by an affidavit with a perjury clause.

If the customer cannot provide acceptable identification, as shown above, the transaction must be rejected.

POWER OF ATTORNEY:

If the person signing on behalf of the individual customer or company is authorized by a power of attorney, they must provide a copy of their acceptable identification with the power of attorney.

FORM HSMV 82026:

All sections of the form must be completed legibly. If any information is missing from the Motor Vehicle Description or Affidavit of Vehicle Ownership, other than the Florida title number, the form must be rejected.

The vehicle details must match the vehicle details as shown in the FRVIS record.

The applicant/owner details must match the information provided on accepted identification.

The current retail value of the motor vehicle must be the same current retail value shown on the screenshot from the current Kelley Blue Book used motor vehicle valuation guide. The screenshot should show the residential zip code of the applicant/owner, the value of the vehicle based on a “Private Party Sale”, and a vehicle condition of “good” or better than good.

Current retail valuations that were obtained using a zip code other than the applicant/owner’s, a “trade-in” or value other than “Private Party Value”, or a vehicle condition that is less than “good” must be rejected.

The applicant/owner must provide explicit details explaining how they obtained the vehicle, why they do not have the title to the vehicle, and what steps they have taken to contact the owner/seller to obtain a duplicate title. The details must be clear and easy to understand. The signature of the applicant/owner must also be captured.

If any of the above described information is missing or inaccurate, the application will be rejected until all requirements have been met.

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FORM HSMV 82033:

The bond expires three (3) years from the date of issuance of the bond, the bonded title brand is removed from the title record three (3) years from the date of the issuance of the title; therefore, you must ensure the bond will be in force for the three (3) years required by statute.

If the bond will not cover three (3) years based on the date of the issuance of the title the customer must obtain an amendment to the bond to include the full three (3) years.

All sections of form HSMV 82033 must be accurately and legibly completed. The form is null and void if the signatures of the Principal (owner & co-owner, if applicable) and Surety Agent are not on the form.

The “Current Retail Value” shown on form HSMV 82033 must be the same amount as what is shown on the Kelley Blue Book valuation and on form HSMV 82026 in the space labeled “Current Retail Value of the Motor Vehicle”.

The “Penal Sum” shown on form HSMV 82033 must be at least two times the amount of the “Current Retail Value” on the form which is the same current retail value as shown on the Kelley Blue Book valuation and on form HSMV 82026.

When a Surety Bond is presented with alterations, corrections, incorrect vehicle information, or incorrect or insufficient amounts showing in the Current Retail Value or Penal Sum, the bond must be rejected for the issuance of a new bond or an amendment for the current bond from the Surety Company.

Surety Companies must be licensed to issue bonds in the State of Florida. Surety companies and their agents may use electronic or embossed seals and signatures; however, if the seal or signature is missing the form must be rejected. An amendment to a surety bond to correct an error in either of the amounts shown on the form is acceptable.

Any alteration of this document necessitates the issuance of a new bond or an attached amendment from the Surety Company.

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FORM HSMV 82040:

Form HSMV 82040 is required for every bonded title transaction. All required information must be complete and legible.

Section 8 may be completed in lieu of a separate motor vehicle identification number verification on form HSMV 82042.

Section 9 must be completed if the Florida based business has a Florida sales tax registration number.

Mileage cannot be represented as “actual” without an “odometer disclosure” containing the printed names and signatures of the seller and the buyer.

FORM HSMV 82042:

A vehicle identification number verification is required by Section 319.23(7) for all vehicles that are submitted for titling as a bonded title. In lieu of HSMV 82042, the verification can be completed using Section 8 of HSMV 82040.

LIENS:

A bonded title cannot be issued if the purchaser has an unpaid balance on their bill of sale, or if they are securing financing for a lien.

Liens cannot be added to a bonded title after it is issued.

KELLEY BLUE BOOK VALUATIONS:

The Department has selected Kelley Blue Book as the valuation guide for all vehicles that are titled with a Bonded Title (BT) brand.

A screenshot (clearly legible) from a current Kelley Blue Book motor vehicle valuation guide must be provided with the documentation for the bonded title. The value must be obtained by using the applicant/owner’s residential zip code, mileage, vehicle options, vehicle color and vehicle’s condition (which at a minimum must be “good”). The amount shown for the “Private Party Value” is the amount recorded in the “Current Retail Value of the Motor Vehicle” section on form HSMV 82026 and the “Current Retail Value” section on form HSMV 82033.

Current retail valuations that were obtained using a zip code other than the residential zip code of the applicant/owner, a “trade-in value” or value other than “Private Party Value”, or a vehicle condition that is less than “good” must be rejected until all requirements are met.

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BILL OF SALE:

If the applicant/owner for the bonded title has a bill of sale from the owner as shown in the FRVIS record who is also the seller of the vehicle, and if the bill of sale contains a complete description of the vehicle, purchase date, buyer's and seller's printed names and signatures and the selling price of the vehicle; the selling price may be used to collect sales tax on the purchase. However, the selling price on the bill of sale cannot be accepted as the current retail value unless the selling price and the Kelley Blue Book "Private Party Value" are the same. If no bill of sale as described is presented, sales tax is collected on the current retail value.

COLLECTION OF SALES TAX:

Sales tax is to be collected on all bonded title transactions based on the current retail value of the motor vehicle or the sales price as shown on an appropriate bill of sale as described in the section titled "Bill of Sale".

A Florida based business with a valid Florida Sales Tax Registration Number should provide the registration number in Section 9 on form HSMV 82040.

Advise the customer, if the bill of sale reflects a price that is less than 80% of the current retail value, a review of the transaction by the Florida Department of Revenue may occur.

Bonded titles cannot be issued as the result of inheritance, gift, divorce, transfer between a married couple, even trade or trade down.

HOW DO YOU REMOVE THE BONDED TITLE BRAND FROM THE TITLE:

FRVIS captures the issue date of the bonded title as the effective date and systematically removes the brand from the title three (3) years from the effective date. FRVIS will retain the information for the bonded title in History. Once the brand is removed from the title record the customer may request a duplicate title without the brand, title fees apply.

HOW DO YOU HANDLE A BONDED TITLE FROM OUT OF STATE:

If the customer is surrendering an out of state title that reflects "Bonded Title" the Brand will not be carried forward on the Florida title. However, the customer must provide a copy of the Surety Bond issued to obtain that bonded title, for imaging with the title documents. If the customer does not provide a copy of the Surety Bond the Florida title cannot be issued.

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FREQUENTLY ASKED QUESTIONS:

1. **If a vehicle comes in from another state and the title reflects it is bonded in that state, do we carry the bond over to the Florida title?**
 - **No, the Florida title would be issued without the out of state “bonded title” brand, however, the customer must provide a copy of the surety bond that will be imaged with the title documents.**
2. **May I use a different bond form from another state?**
 - **No, Section 391.23(7), F.S. requires the bond to be in a form prescribed by department.**
3. **The customer acquired the vehicle before it was 10 years old and is now requesting a bonded title. May I process a bonded title for this vehicle?**
 - **No, the vehicle must have been 10 years old or older at the time it was acquired.**
4. **The customer acquired the vehicle while it was under 25 years old and is now requesting a bonded title. The vehicle is now 26 years old may I process a bonded title for this vehicle?**
 - **No, the currently issued bond must be for a vehicle less than 26 years old.**
5. **May I put up a cash bond in lieu of the paper bond?**
 - **No, there is no process in place to accept cash bonds.**
6. **Customer has a bill of sale indicating this was a gift. May I exclude sales tax for this transaction?**
 - **No, see page TL-70-03, vehicles obtained as a gift are not eligible for a bonded title.**

Historical Revisions:

08/29/2018 – Added links to forms, procedures, and statutes. Added Historical Revisions section and included language for acceptance of electronic or embossed seals.

2/1/2017 - Added a Table of Contents, revised wording, and clarified information.

5/1/2013 - Added miscellaneous information on page 3 (A, B, & F), information to Exhibit A and added an Exhibit B.

1/1/2013 – Created a new procedure for Bonded Titles.

EXHIBIT A

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.)
Florida Title Number		Vehicle Identification Number	
2	AFFIDAVIT OF VEHICLE OWNERSHIP		
Printed/Typed Name of the Applicant/Owner		Printed/Typed Name of the Co-Applicant/Owner, if applicable	
Date the Vehicle was Acquired (approximate date if actual date is not known)		Current Retail Value of the Motor Vehicle	
Printed/Typed Name of Prior Owner/Seller		Address of Prior Owner/Seller, if known	

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. Use a second page if necessary.)

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) (Date)

SIGNATURE OF APPLICANT (CO-OWNER, if applicable) (Date)

EXHIBIT B



STATE OF FLORIDA
DEPARTMENT OF HIGHWAY
SAFETY AND MOTOR VEHICLES

TITLE SURETY BOND
FOR A MOTOR VEHICLE

KNOW ALL PERSONS BY THESE PRESENTS:

BOND NUMBER: _____

That I/we _____, as Principal and

_____, 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 \$_____, which is twice the value of the vehicle established by a current Kelly Blue Book valuation guide 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:

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 _____ MAKE _____ BODY TYPE _____ CURRENT RETAIL VALUE: \$ _____

FLORIDA TITLE NUMBER _____ VEHICLE IDENTIFICATION NUMBER _____

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 _____ day of _____, _____, 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 _____ day of _____, _____, 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.

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

SIGNATURE OF PRINCIPAL (OWNER)

SIGNATURE OF PRINCIPAL (CO-OWNER, if applicable)

SIGNATURE OF SURETY AGENT (SEAL)

TYPED NAME OF SURETY BOND COMPANY

TYPED NAME OF SURETY AGENT

ADDRESS OF SURETY BOND COMPANY

ADDRESS OF SURETY AGENT

CITY/STATE/ZIP CODE

CITY/STATE/ZIP CODE

TELEPHONE NUMBER

TELEPHONE NUMBER

EXHIBIT C

Kelly Blue Book Valuation Guide

Used 2005 Hyundai Sonata GL Sedan 4D

near Tallahassee, FL 32301
Lowest Priced Style



Combined Fuel Economy
22 MPG
KBB.com Consumer Rating
★★★★☆
4.5 / 5

Buy from a Private Party

Private Party Range
\$1,444 - \$2,993
Private Party Value
\$2,219 (\$44/month)*



Based on Good Condition

Valid for ZIP Code 32301 through 10/21/2019

Your Configured Options

Engine

4-Cyl, 2.4 Liter
V6, 2.7 Liter

Transmission

Automatic
Manual, 5-Spd

Drivetrain

FWD

Braking and Traction

ABS (4-Wheel)

Comfort and Convenience

Air Conditioning
Power Windows
Power Door Locks
Cruise Control

Steering

Power Steering
Tilt Wheel

Entertainment and Instrumentation

AM/FM Stereo
Cassette
CD/MP3 (Single Disc)
CD/MP3 (Multi Disc)
Premium Sound
Navigation System
DVD System

Safety and Security

Dual Air Bags
Side Air Bags
F&R Side Air Bags

Seats

Power Seat
Dual Power Seats
Leather

Roof and Glass

Sun Roof (Flip-Up)
Sun Roof (Sliding)
Moon Roof

Exterior

Rear Spoiler

Wheels and Tires

Steel Wheels
Alloy Wheels
Premium Wheels
Premium Wheels 19"+

Exterior Color

Beige
Black
✓ Blue
Brown
Burgundy
Gold
Gray
Green
Orange
Pink
Purple
Red
Silver
White
Yellow

Glossary of Terms

Suggested Retail Price - Suggested Retail Price is representative of dealers' asking prices. It assumes that the vehicle has been fully reconditioned and takes into account the dealers' profit and costs for advertising. The final sale price will likely be less, depending on the car's actual condition, popularity, warranty and local market factors.

Tip:

Kelley Blue Book pricing is based on actual transactions and adjusted regularly as market conditions change.

EXHIBIT D

PROCESSING A BONDED TITLE (FRVIS):

A bonded title is processed as a title transfer; note the following:

ACQUIRED BY = R (Regular)

SALE PRICE = Price is the “current retail value” on form HSMV 82026 or Bill of Sale (if applicable)

VERIFIED = Yes

ACQUIRED DATE = Date as shown on form HSMV 82026

MILEAGE = Exempt or Not Actual

LIENS = No, a lien cannot be carried forward or added to a bonded title

BRAND DATE = Issue date of title

BRAND = BT (Bonded Title)

EXHIBIT E

BONDED TITLE CHECKLIST

- Valid identification from the customer (individual or business)
Must be a clear, legible copy**
- HSMV 82026, accurately completed and signed**
- HSMV 82033, accurately completed and signed**
- HSMV 82040, accurately completed and signed**
- HSMV 82042, unless completed in Section 8 on the HSMV 82040**

- Current Kelly Blue Book Screenshot, must be clear and legible**

- Power of Attorney, if applicable, with clear and legible copy of POA's
Valid identification**
- Copy of out-of-state Surety Bond, if applicable**