

TRANSFER OF TITLE INVOLVING A DECEASED OWNER

Transfer of Title Involving a Deceased Owner When seeking to transfer ownership of a vehicle with a deceased owner in Florida, document requirements may vary depending on the scenario. Several examples are listed below. *For more information specific to a scenario not listed, contact (863) 534-4700 with questions.*

IF THE VEHICLE HAD A SINGLE OWNER

- **AND the estate probated, (or went through the court's processes):**
 - The Transfer of Title by Seller must be completed by the personal representative (appointed by the courts) to the new owner OR the personal representative may sign the title to themselves.
 - ☐ If the title is not available, the new owner must first apply for a duplicate, by HSMV 82101.
 - ☐ If the title is electronic, it must first be printed.
 - The HSMV 82040 must be completed by the new owner.
 - The representative or new owner must have an original or certified copy of the Letters of Administration.
 - If applicable, liens must be satisfied.
 - If applicable, sales tax must be paid.
 - The new owner may present a tag number that is in their name to transfer, and proof of Florida insurance, if registering the vehicle.
 - Title fees must be paid.
 - The new owner must have proof of a valid ID.
 - *The new vehicle's owner must bring the items above to an authorized Tag Agency or Service Center location (for location information, [click here](#)).*
- **AND the estate was NOT probated (or did not go through the court process), with NO will or the will does not specify a recipient, BUT there is a surviving spouse:**
 - The Transfer of Title by Seller must be completed by the person's surviving spouse to the purchaser. The surviving spouse must complete the title, or the surviving spouse will sign as the seller.
 - ☐ If the surviving spouse is taking the title, the Surviving Spouse Transfer section of the HSMV 82101 will apply.
 - ☐ If the title is electronic, it must first be printed.
 - The HSMV 82040 must be completed by the purchaser.

- ☐ If the title is not available, the Release of Heirs section of the HSMV 82040 must be completed by the surviving spouse along with an affidavit stating the title was lost or destroyed.
 - o Purchaser must have an original or certified copy of the Certificate of Death.
 - o Purchaser must have an original or certified copy of the will, if it exists.
 - o If applicable, liens must be satisfied.
 - o If applicable, sales tax must be paid.
 - o Purchaser may present a tag number in their name to transfer, and proof of Florida insurance, if registering the vehicle.
 - o Title fees must be paid.
 - o Purchaser must have proof of a valid ID.
 - o *The purchaser must bring the items above to an authorized Tag Agency or Service Center location (for location information, [click here](#)).*
- **AND the estate was NOT probated (or did not go through the court process), with NO will or the will does not specify a recipient, and there is NO surviving spouse:**
 - o The Release of Heirs section of the HSMV 82040 must be completed by the heirs, as well as the applicant
 - o Heirs must have an original or certified copy of the Certificate of Death.
 - o Heirs must have an original or certified copy of the will, if it exists.
 - o Heirs must have the Florida title or an affidavit stating the title was lost or destroyed.
 - o If applicable, liens must be satisfied.
 - o Heirs may present a tag number in their name to transfer, and proof of Florida insurance, if registering the vehicle.
 - o Title fees must be paid.
 - o Heirs must have proof of a valid ID.
 - o *The heirs must bring the items above to an authorized Tag Agency or Service Center location (for location information, [click here](#)).*
- **AND the estate was NOT probated (or did not go through the court process), BUT the will does specify a recipient:**
 - o The person named in the will must complete the HSMV 82040.
 - o The person named in the will must have a photocopy of the Certificate of Death.
 - o If applicable, liens must be satisfied.
 - o The person named must have the Florida title or an affidavit stating the title was lost or destroyed.

- ☐ If the title is electronic, it does not have to be printed.
- ☐ The person named will note the electronic title on the HSMV 82040.
- o The person named may present a tag number in their name to transfer, and proof of Florida insurance, if registering the vehicle.
- o Title fees must be paid.
- o The person named must have proof of a valid ID.
- o The person named must bring the items above to an authorized Tag Agency or Service
- o Center location (for location information, [click here](#)).

TITLE TRANSFER TO SURVIVING SPOUSE

- For a title transfer to the *surviving spouse*, to remove a deceased co-owner from a title registered to both spouses OR to change the deceased person's name on the title to the surviving spouse's name:
 - o The Application for Surviving Spouse of Florida Certificate of Title for a Motor Vehicle must be submitted, HSMV 82152.
 - o If present, the Florida title must be signed over to the surviving spouse, with the surviving spouse signing as seller and purchaser.
 - o The surviving spouse must have the original or certified copy of the Certificate of Death.
 - o The surviving spouse must have the original or certified copy of the Certificate of Marriage (if the surviving spouse is not named on the death certificate).
 - o The surviving spouse may use the tag of the deceased spouse to transfer and proof of Florida insurance, if registering the vehicle.
 - o The surviving spouse must have proof of a valid ID.
 - o *The surviving spouse must bring the items above to an authorized Tag Agency or Service Center location (for location information, [click here](#)).*