

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2021-13-Civ / 2021-14-CO

**ACTIONS FOR OBTAINING ALTERNATE
PROOF OF MOTOR VEHICLE OWNERSHIP**

(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida law requires a purchaser of a motor vehicle to obtain a court order directing the Department of Highway Safety and Motor Vehicles to issue a certificate of title to the purchaser when such individual does not receive title of the motor vehicle at the time of purchase.

(c) The implementation of uniform procedures and form petitions and orders is necessary to ensure the Department of Highway Safety and Motor Vehicles is properly made a party to and noticed for these proceedings as to ensure the swift administration of such cases.

(d) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, 43.26, Florida Statutes, Florida Rule of General Practice and Judicial Administration 2.215 it is hereby **ORDERED**:

(1) Any person seeking a court order directing the Department of Highway Safety and Motor Vehicles to issue a certificate of title for a motor vehicle must complete and file with the Clerk of Court the following documents:

- a. Complaint for Declaratory Relief (Vehicle Title Transfer), Attachment "A"
- b. Affidavit for Vehicle Title Application, Attachment "B"

(2) The Department of Highway Safety and Motor Vehicles, and any other person who may be able to claim ownership over the subject motor vehicle, including the

prior owner, if any, must be named as defendants and the petitioning party must ensure proper service of process on said defendants.

(3) The assigned trial judge shall decide whether an affidavit of diligent search and inquiry shall be required in any particular case.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 26th day of April, 2021.

/s/ Jack Tuter
Jack Tuter, Chief Judge

IN THE COUNTY/CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Plaintiff

CASE NO: _____

Mailing Address

Telephone Number

v.

Name/Last Known Address of person holding
Title

AND

STATE OF FLORIDA, DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR
VEHICLES,
Defendants.

_____ /

COMPLAINT FOR DECLARATORY RELIEF
(VEHICLE TITLE TRANSFER)

Plaintiff(s), _____, under
penalty of perjury, hereby states the following:

1. This is an action for Declaratory Judgment and other relief pursuant to Chapter 86, Florida Statutes.
2. The Plaintiff is a resident of _____ County, and has so resided in that county during all times material to this action.
3. Defendant, _____, is the person or persons who must be sued because they are the last known owners of said vehicle described in this action. Co-Defendant, State of Florida, Department of Highway Safety and Motor

Attachment "A"
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Vehicles, is an agency of the State of Florida with duly constituted, statutory authority for the issuance of license tags, identification numbers, plates and title certificates for motor vehicles.

4. The vehicle that is the subject of this Complaint is described as:

_____, and is located in Broward County, Florida, at the following address:

_____.

5. Check and complete only one:

On or about _____, Plaintiff obtained the vehicle from _____ by purchasing said vehicle for the amount of \$_____ [Attach Bill of Sale, if available].

If the vehicle was not purchased, describe the transaction in which Plaintiff gained ownership of said vehicle.

_____.

6. Plaintiff intends to use said vehicle for the purpose of:

_____.

7. Plaintiff has contacted the State of Florida Department of Highway Safety and Motor Vehicles, and was informed that a court must determine ownership (Attach copy of letter, if available).

8. Plaintiff has taken certain steps to acquire a valid certificate of title: _____

9. Plaintiff will be unable to sell or register the above-described vehicle without a valid certificate of title.

10. Plaintiff understand that if a court awards ownership to said vehicle, the Plaintiff will be responsible for making application and paying all fees in connection with said application

Attachment "A"
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to the State of Florida, Department of Highway Safety and Motor Vehicles or the Plaintiff's local tag office.

WHEREFORE, Plaintiff requests entry of a Declaratory Judgment declaring Plaintiff to be the true, sole owner of the subject vehicle described above and directing the State of Florida, Department of Highway Safety and Motor Vehicles to transfer said ownership to Plaintiff's name as listed above.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPLAINT FOR DECLARATORY RELIEF, AND THE FACTS ALLEGED ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Plaintiff

Date

IN THE COUNTY/CIRCUIT COURT FOR THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

AFFIDAVIT
VEHICLE TITLE APPLICATION

AFFIANT

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

VEHICLE INFORMATION

Year: _____ Make: _____ Model: _____ Body: _____

Vehicle Title Number _____ State of Issue _____

Vehicle Identification Number (VIN) _____

Purchase Price: _____ Dollar Value: _____

Date of Purchase: _____ Do you owe any money on this vehicle? Yes or No

I HAVE ATTACHED A LETTER FROM MY COUNTY SHERIFF'S OFFICE, DATED NOT MORE THAN 30 DAYS FROM TODAY'S DATE CONFIRMING THAT THIS VEHICLE HAS NOT BEEN REPORTED STOLEN.

PREVIOUS OWNER INFORMATION

I purchased this vehicle from: _____

Address: _____

City: _____ State: _____ Zip: _____

I did not receive the title at the time of purchase because: _____

_____ I cannot receive the title at this time because: _____

Date: _____ Signature of Affiant: _____

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this _____ day of _____, 20____ by _____ [name of affiant].

NOTARY PUBLIC Signature

[Print or stamped commissioned name of notary]

- Personally Known
- Produced identification – Type of Identification _____