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A bill to be entitled

An act relating to mobile homes; creating s. 319.261, F.S.; providing a process to retire title to a mobile home; defining "real property owned by that same person"; providing procedures; requiring the clerk of court to record certain documents and provide copies to the owner; requiring the clerk of court to provide a copy of the recorded title or manufacturers' certificate of origin to the owner; providing for the owner or lienholder of the mobile home to file an application with the Department of Highway Safety and Motor Vehicles; providing for that department to retire the title; providing for that department to issue a new title; providing for conveyance of such mobile home; providing for perfecting, realizing, and foreclosure of security interests; providing penalties; providing for application and construction of the act; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 319.261, Florida Statutes, is created to read:

319.261 Real property transactions; retiring title to mobile home.--

(1) This section shall provide a process by which the owner of a mobile home which is permanently affixed to real property owned by that same person may permanently retire the title to the mobile home. For purposes of this section, the term "real property owned by that same person" shall include any



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31 tenancy of a recorded leasehold interest in the real property  
32 for a term of 30 years or more.

33 (2) The title to the mobile home may be retired by the  
34 department if the owner of the real property records the  
35 following documents in the official records of the clerk of  
36 court in the county in which the real property is located:

37 a. A copy of the current title to the mobile home, or for  
38 a new home the manufacturers' certificate of origin, which  
39 document shall include a description of the mobile home,  
40 including model year, make, width, length, and vehicle  
41 identification number, and a statement by any recorded  
42 lienholder on the title that the security interest in the home  
43 has been released, or that such security interest will be  
44 released upon retirement of the title as set forth in this  
45 section.

46 b. The legal description of the real property, and in the  
47 case of a leasehold interest, a copy of the lease agreement.

48 c. A sworn statement by the owner of the real property, as  
49 shown on the real property deed or lease, that he or she is the  
50 owner of the mobile home and that the home is permanently  
51 affixed to the real property in accordance with state law.

52 (3) The clerk of court, upon receipt of the documents set  
53 forth in subsection (2), shall record said documents against the  
54 real property and provide a copy of the recorded title or  
55 manufacturers' certificate of origin to the owner of the real  
56 property with a copy of all the documents recorded pursuant to  
57 subsection (2).

58 (4) The owner of the mobile home, or lienholder, as shown  
59 on the certificate of title, shall file an application with the  
60 department for retirement of the title to the mobile home after



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61 completing the requirements in subsections (2) and (3). The  
62 department shall retire the title upon receipt of an application  
63 from the owner of the mobile home requesting retirement of the  
64 title, accompanied by documents listed in subsection (2) which  
65 have been recorded by the clerk of court pursuant to subsection  
66 (3).

67 (5) A mobile home whose title has been retired pursuant to  
68 this section shall be conveyed by deed or real estate contract  
69 and shall only be transferred together with the property to  
70 which it is affixed, unless procedures described in this section  
71 for issuance of a new title are followed.

72 (6) The owner of the real property with a recorded and  
73 retired title shall file an application with the department to  
74 issue a new title to the mobile home, if the mobile home is to  
75 be removed from the real property. The department shall issue a  
76 new title upon receipt of an application from the owner of the  
77 real property containing the following information:

78 a. An affidavit signed by the owners of the land and all  
79 secured parties and other lienholders consenting to the removal  
80 of the home.

81 b. A certification from a title insurance company listing  
82 the owners and all secured parties and other lienholders, which  
83 is dated within 10 days after the date of application for a new  
84 title under this subsection.

85 (7) If the title has been retired pursuant to this  
86 section, for purposes of perfecting, realizing, and foreclosure  
87 of security interests, a separate security interest in the  
88 mobile home shall not exist, and the mobile home shall only be  
89 secured as part of the real property through a mortgage or deed



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90 of trust. This section in no way modifies or changes the  
 91 existing common law.

92 (8) A mobile home whose title has been retired shall be  
 93 conveyed by deed or real estate contract and shall only be  
 94 transferred together with the property to which it is affixed.

95 (9) Every person who falsifies or intentionally omits  
 96 material information required in an affidavit, or otherwise  
 97 intentionally violates a material provision of this section,  
 98 commits a misdemeanor of the second degree.

99 (10) This section applies to the sale or transfer of  
 100 mobile homes on or after July 1, 2003, or to any person who  
 101 voluntarily elects to retire the title to the mobile home  
 102 pursuant to this section.

103 (11) Nothing in this section shall be construed to affect  
 104 the taxation of mobile homes.

105 Section 2. If any provision of this act or its application  
 106 to any person or circumstance is held invalid, the remainder of  
 107 the act or the application of the provision to other persons or  
 108 circumstances is not affected.

109 Section 3. This act shall take effect upon becoming a law.