



HB 1431

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CHAMBER ACTION

The Committee on Finance & Tax recommends the following:

Committee Substitute

Remove the entire bill and insert:

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; requiring notice to the applicant; 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.



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

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

33 319.261 Real property transactions; retiring title to
34 mobile home.--

35 (1) This section shall provide a process by which the
36 owner of a mobile home which is permanently affixed to real
37 property owned by that same person may permanently retire the
38 title to the mobile home. For purposes of this section, the term
39 "real property owned by that same person" shall include any
40 tenancy of a recorded leasehold interest in the real property
41 for a term of 30 years or more.

42 (2) The title to the mobile home may be retired by the
43 department if the owner of the real property records the
44 following documents in the official records of the clerk of
45 court in the county in which the real property is located:

46 a. The original title to the mobile home, or for a new
47 home the manufacturers' certificate of origin, which document
48 shall include a description of the mobile home, including model
49 year, make, width, length, and vehicle identification number,
50 and a statement by any recorded lienholder on the title that the
51 security interest in the home has been released, or that such
52 security interest will be released upon retirement of the title
53 as set forth in this section.

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



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

60 (3) The clerk of court, upon receipt of the documents set
61 forth in subsection (2), shall record said documents against the
62 real property and provide a copy of the recorded title or
63 manufacturers' certificate of origin to the owner of the real
64 property with a copy of all the documents recorded pursuant to
65 subsection (2).

66 (4) The owner of the mobile home, or lienholder as shown
67 on the certificate of title pursuant to power of attorney from
68 the owner of the mobile home, shall file an application with the
69 department for retirement of the title to the mobile home after
70 completing the requirements in subsections (2) and (3). The
71 department shall retire the title upon receipt of an application
72 from the owner of the mobile home or lienholder requesting
73 retirement of the title, accompanied by documents listed in
74 subsection (2) which have been recorded by the clerk of court
75 pursuant to subsection (3). Upon retirement of the title, the
76 department shall notify the applicant that the title has been
77 retired.

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



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83 (6) The owner of the real property with a recorded and
84 retired title shall file an application with the department to
85 issue a new title to the mobile home, if the mobile home is to
86 be removed from the real property. The department shall issue a
87 new title upon receipt of an application from the owner of the
88 real property containing the following information:

89 a. An affidavit signed by the owners of the land and all
90 secured parties and other lienholders consenting to the removal
91 of the home.

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

96 (7) If the title has been retired pursuant to this
97 section, for purposes of perfecting, realizing, and foreclosure
98 of security interests, a separate security interest in the
99 mobile home shall not exist, and the mobile home shall only be
100 secured as part of the real property through a mortgage or deed
101 of trust. This section in no way modifies or changes the
102 existing common law.

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

106 (9) Every person who falsifies or intentionally omits
107 material information required in an affidavit, or otherwise
108 intentionally violates a material provision of this section,
109 commits a misdemeanor of the second degree.



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110 (10) This section applies to the sale or transfer of
111 mobile homes occurring on or after the effective date of this
112 section, or to any person who voluntarily elects to retire the
113 title to the mobile home pursuant to this section.

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

116 Section 2. If any provision of this act or its application
117 to any person or circumstance is held invalid, the remainder of
118 the act or the application of the provision to other persons or
119 circumstances is not affected.

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