

By Senator Sebesta

16-1749-03

See HB 1431

1 A bill to be entitled
2 An act relating to mobile homes; creating s.
3 319.261, F.S.; providing a process to retire
4 title to a mobile home; defining "real property
5 owned by that same person"; providing
6 procedures; requiring the clerk of court to
7 record certain documents and provide copies to
8 the owner; requiring the clerk of court to
9 provide a copy of the recorded title or
10 manufacturers' certificate of origin to the
11 owner; providing for the owner or lienholder of
12 the mobile home to file an application with the
13 Department of Highway Safety and Motor
14 Vehicles; providing for that department to
15 retire the title; providing for that department
16 to issue a new title; providing for conveyance
17 of such mobile home; providing for perfecting,
18 realizing, and foreclosure of security
19 interests; providing penalties; providing for
20 application and construction of the act;
21 providing for severability; providing an
22 effective date.

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

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

28 319.261 Real property transactions; retiring title to
29 mobile home.--

30 (1) This section shall provide a process by which the
31 owner of a mobile home which is permanently affixed to real

1 property owned by that same person may permanently retire the
2 title to the mobile home. For purposes of this section, the
3 term "real property owned by that same person" shall include
4 any tenancy of a recorded leasehold interest in the real
5 property for a term of 30 years or more.

6 (2) The title to the mobile home may be retired by the
7 department if the owner of the real property records the
8 following documents in the official records of the clerk of
9 court in the county in which the real property is located:

10 a. A copy of the current title to the mobile home, or
11 for a new home the manufacturers' certificate of origin, which
12 document shall include a description of the mobile home,
13 including model year, make, width, length, and vehicle
14 identification number, and a statement by any recorded
15 lienholder on the title that the security interest in the home
16 has been released, or that such security interest will be
17 released upon retirement of the title as set forth in this
18 section.

19 b. The legal description of the real property, and in
20 the case of a leasehold interest, a copy of the lease
21 agreement.

22 c. A sworn statement by the owner of the real
23 property, as shown on the real property deed or lease, that he
24 or she is the owner of the mobile home and that the home is
25 permanently affixed to the real property in accordance with
26 state law.

27 (3) The clerk of court, upon receipt of the documents
28 set forth in subsection (2), shall record said documents
29 against the real property and provide a copy of the recorded
30 title or manufacturers' certificate of origin to the owner of
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1 the real property with a copy of all the documents recorded
2 pursuant to subsection (2).

3 (4) The owner of the mobile home, or lienholder, as
4 shown on the certificate of title, shall file an application
5 with the department for retirement of the title to the mobile
6 home after completing the requirements in subsections (2) and
7 (3). The department shall retire the title upon receipt of an
8 application from the owner of the mobile home requesting
9 retirement of the title, accompanied by documents listed in
10 subsection (2) which have been recorded by the clerk of court
11 pursuant to subsection (3).

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

18 (6) The owner of the real property with a recorded and
19 retired title shall file an application with the department to
20 issue a new title to the mobile home, if the mobile home is to
21 be removed from the real property. The department shall issue
22 a new title upon receipt of an application from the owner of
23 the real property containing the following information:

24 a. An affidavit signed by the owners of the land and
25 all secured parties and other lienholders consenting to the
26 removal of the home.

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

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

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

11 (9) Every person who falsifies or intentionally omits
12 material information required in an affidavit, or otherwise
13 intentionally violates a material provision of this section,
14 commits a misdemeanor of the second degree.

15 (10) This section applies to the sale or transfer of
16 mobile homes on or after July 1, 2003, or to any person who
17 voluntarily elects to retire the title to the mobile home
18 pursuant to this section.

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

21 Section 2. If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to
24 other persons or circumstances is not affected.

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

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