

By the Committee on Comprehensive Planning; and Senator
Sebesta

316-2224-03

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; requiring notice to the

16 applicant; providing procedures for that

17 department to issue a new title; providing for

18 conveyance of such mobile home; providing for

19 perfecting, realizing, and foreclosure of

20 security interests; prohibiting falsifying or

21 omitting material or violating the section

22 otherwise; providing penalties; providing for

23 application and construction of the act;

24 providing for severability; providing an

25 effective date.

26

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

28

29 Section 1. Section 319.261, Florida Statutes, is

30 created to read:

31

1 319.261 Real property transactions; retiring title to
2 mobile home.--

3 (1) This section shall provide a process by which the
4 owner of a mobile home that is permanently affixed to real
5 property owned by that same person may permanently retire the
6 title to the mobile home. For purposes of this section, the
7 term "real property owned by that same person" shall include
8 any tenancy of a recorded leasehold interest in the real
9 property for a term of 30 years or more.

10 (2) The title to the mobile home may be retired by the
11 department if the owner of the real property records the
12 following documents in the official records of the clerk of
13 court in the county in which the real property is located:

14 (a) The original title to the mobile home, or for a
15 new home the manufacturers' certificate of origin, which
16 document shall include a description of the mobile home,
17 including model year, make, width, length, and vehicle
18 identification number, and a statement by any recorded
19 lienholder on the title that the security interest in the home
20 has been released, or that such security interest will be
21 released upon retirement of the title as set forth in this
22 section.

23 (b) The legal description of the real property, and in
24 the case of a leasehold interest, a copy of the lease
25 agreement.

26 (c) A sworn statement by the owner of the real
27 property, as shown on the real property deed or lease, that he
28 or she is the owner of the mobile home and that the home is
29 permanently affixed to the real property in accordance with
30 state law.

31

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

7 (4) The owner of the mobile home, or lienholder as
8 shown on the certificate of title pursuant to power of
9 attorney from the owner of the mobile home, shall file an
10 application with the department for retirement of the title to
11 the mobile home after completing the requirements in
12 subsections (2) and (3). The department shall retire the title
13 upon receipt of an application from the owner of the mobile
14 home or lienholder requesting retirement of the title,
15 accompanied by documents listed in subsection (2) which have
16 been recorded by the clerk of court pursuant to subsection
17 (3). Upon retirement of the title, the department shall notify
18 the applicant that the title has been retired.

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

25 (6) The owner of the real property with a recorded and
26 retired title shall file an application with the department to
27 issue a new title to the mobile home, if the mobile home is to
28 be removed from the real property. The department shall issue
29 a new title upon receipt of an application from the owner of
30 the real property containing the following information:

31

1 (a) An affidavit signed by the owners of the land and
2 all secured parties and other lienholders consenting to the
3 removal of the home.

4 (b) A certification from a title insurance company
5 listing the owners and all secured parties and other
6 lienholders, which is dated within 10 days after the date of
7 application for a new title under this subsection.

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

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

18 (9) Every person who falsifies or intentionally omits
19 material information required in an affidavit, or otherwise
20 intentionally violates a material provision of this section,
21 commits a misdemeanor of the second degree, punishable as
22 provided in s. 775.082 or s. 775.083.

23 (10) This section applies to the sale or transfer of
24 mobile homes occurring on or after the effective date of this
25 section, or to any person who voluntarily elects to retire the
26 title to the mobile home pursuant to this section.

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

29 Section 2. If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 invalidity does not affect other provisions or applications of

1 the act which can be given effect without the invalid
2 provision or application, and to this end the provisions of
3 this act are declared severable.

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

6

7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 Senate Bill 2550

10 The CS makes technical and clarifying changes to the bill as
11 filed, to require property owners record the original title,
12 rather than a copy of the title, with the clerk of court when
13 initiating the process of retiring the title to their mobile
14 home; and to correct an internal cross-reference to the
15 effective date of the act.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31