Recently, the Florida Legislature passed Section 319.261, Florida Statutes. This statute sets out the requirements and procedures necessary to retire a mobile home certificate of title. Why, may you ask, do we care about this statute? The effect of such a “retirement” is that the mobile home can then be conveyed and insured with the land—as is any other permanent improvement. Below is a summary of the two statutory requirements and procedures necessary to effectuate retirement of the mobile home title.

**REQUIREMENT 1:**
The mobile home must be permanently affixed to the real property.

Generally, this means that you must be furnished proof (in any of the ways listed below) that the mobile home is or will be taxed as “real property” and, hence, has been given (RP) status by the tax assessor.

- **RP TAG/STICKER:** This is the best proof because its issuance indicates that the owner has already proven to the Tax Assessor (by any or all of the alternative forms of proof listed here) that the mobile home is permanently affixed to the land.

- **SURVEY:** A survey that indicates the mobile home has been placed on a concrete foundation and that the wheels and axle have been removed.

- **AFFIDAVIT:** An affidavit from the owner and buyer, as applicable, that the mobile home is set on a foundation and has no wheels or axle, plus assurances that it will remain that way, is often used to bolster the proof.

**REQUIREMENT 2:**
The person(s) named on the mobile home certificate of title must hold fee title or a leasehold interest in the land for a term of 30 years or more.

**PROCEDURE 1:**

The owner or lien holder (with a power of attorney from the owner) must record the following documents with the Clerk of the Court in the county where the land is located.

- The original title to the mobile home or manufacturers’ certificate of origin (for a new home), which includes a description of the mobile home—model, year, make, width, length and vehicle identification number—and a statement by any recorded lien holder that the security interest has been released or will be released upon retirement of the title;

- The legal description of the real property or, in the case of a leasehold interest, a copy of the lease;

- A sworn statement by the owner of the real property (or lessee) that he is also the owner of the mobile home and that the home is permanently affixed to the land.

**PROCEDURE 2:**

After recording, the owner (or lien holder with power of attorney from the owner) files an application for retirement of the mobile home, together with copies of the items listed above, with the Florida Department of Highways and Motor Vehicles who will notify the applicant of the retirement.

For title insurance purposes, once the Department issues the retirement notification, we can issue a title commitment and policy without further requirement or exception regarding the mobile home or certificate of title. If you are handling a closing where the certificate is going to be retired, we can insure the land (as improved) before the Department issues its notification, but only if you undertake responsibility for recording the documents listed above and for filing the application with the Department. Of course, if the mobile home certificate has not been retired, you should continue to follow the requirements and procedures for insurance we have set forth in the past.

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A copy of the Department’s power of attorney form can be obtained from their web site at:

http://www3.hsmv.state.fl.us/Intranet/dmv/forms/BTR/82053.pdf

The Department’s retirement application form can also be obtained from their web site at:

http://www.hsmv.state.fl.us/html/forms.html