

**Motor Vehicle Procedure Manual**

**Title and Lien**

**Application for retirement of a Mobile Home Certificate of Title or Reinstatement of a Retired Mobile Home Certificate of Title**

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**Legal Authority**

[Section 319.261, Florida Statutes](#), provides 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 tenancy of a recorded leasehold interest in the real property for a term of 30 years or more.

**Description and Use**

This procedure provides information and instructions to assist Employees of The Tax Collector, License Plate Agent and The Florida Department of Highway Safety and Motor Vehicles (FLHSMV) in establishing requirements for Retiring or Reinstating a Mobile Home Certificate of Title.

**General Information**

The certificate of title for the mobile home must be in the name of the owner of the real property before the certificate of title can be retired. This means that when a customer purchases a new or used mobile home (that is titled in Florida and permanently affixed to real property) with the intention of retiring the mobile home title, it IS necessary to obtain a title and registration in their name prior to retiring the title.

An RP decal MUST be issued to the mobile home prior to retiring the title.

The title of a mobile home may be retired by FLHSMV if the owner of the real property records the required documents in the official records of the Clerk of Court in the county in which the real property is located.

A mobile home whose title has been retired pursuant to [s. 319.261](#), Florida Statutes, and has not been re-instated, shall be conveyed by deed or real estate contract and shall be transferred together with the property to which it is affixed.

If the title has been retired pursuant to [s. 319.261](#), Florida Statutes, for purposes of perfecting, realizing and foreclosure of security interests, a separate security interest in the mobile home shall not exist, and the mobile home shall only be secured as part of the real property through a mortgage or deed of trust.

There is no fee or tax collector's service charge for retiring the certificate of title for a mobile home.

### Documentation and Special Instructions

A. To retire a Florida Certificate of Title for a mobile home permanently affixed to real property, the following documentation should be submitted to the tax collector's office or license plate agent:

1. An original form [HSMV 82109](#), Application for Retirement of a Mobile Home Certificate of Title, completed by the owner(s).

If the mobile home is a double or triple wide, the owner must complete form [HSMV 82109](#) for each unit.

If the mobile home is owned by more than one owner and the names are joined by "OR," only one signature is required on form [HSMV 82109](#).

If the mobile home is owned by more than one owner and the names are joined by "AND," a signature for each owner is required on form [HSMV 82109](#).

A photocopy of the following documents that have been recorded with the clerk of the court's office:

The following documentation must be recorded with the Clerk of Court prior to submitting an application for the retirement of the certificate of title for a mobile home. The Clerk of Court will supply the owner of the mobile home a copy of all documents recorded. The copies must be stamped received by the Clerk of Court or certified or contain an "ERecord" stamp.

2. A photocopy of the certificate of title(s) in the name of the owner(s) applying to retire the mobile home certificate of title. The original certificate of title(s) must be recorded with the Clerk of Court.
3. A photocopy of a lien satisfaction for the lien on the face of the title, (if applicable), or a statement from the lienholder that such security interests will be released upon retirement of the certificate of title (if applicable).

If the lien is satisfied on the face of the original title, a separate lien satisfaction is

not required.

The lienholder may add additional wording to the statement (see #3) which declares that once the title has been retired pursuant to [319.261, Florida Statutes](#), the mobile home shall be conveyed by deed or real estate contract and shall be transferred together with the property to which it is affixed.

4. A photocopy of the legal description of the real property, and if the property is leased, a photocopy of the lease agreement (the lease agreement must be for a period of 30 years or more).

The legal description may be in the form of a simple statement, a copy of the Real Estate Tax Bill from the tax collector's office or the warranty deed conveying the property, etc.

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

The system will generate a correspondence letter for the customer. This letter will serve as verification that the certificate of title has been retired.

- B. To re-instate the Florida Certificate of Title to a mobile home that has previously been retired and the mobile home has now been moved from the real property, the following documentation should be submitted to the tax collector's office to be screened for completeness and accuracy:

The transaction must be processed as an "original." The title clerk will reinstate the record within the transaction. The previous state must be shown as "FL."

1. Provide form [HSMV 82040](#), Application for Certificate of Title with/without Registration completed by the owner(s).  
If the mobile home is a double or triple wide, the owner must complete an application for each unit. Title fees would apply for each application.
2. An affidavit signed by the owner(s) of the land and secured parties and other lienholders consenting to the removal of the home.
3. A certification from a title insurance company listing the owners and all secured parties and other lienholders, dated within 10 days of the date of application for a new title.
4. Decal fees.
5. Title fees.

## Miscellaneous Information

- A. To retire the mobile home, the title clerk must go to the "Cancellation of Title" transaction screen, enter the title number for the mobile home and select the reason code of "TM (Retirement of Mobile Home)."
- B. If the customer purchases a mobile home from a Florida licensed dealer who is no longer in business or has a suspended license and a title application was never previously submitted in their name, the customer must obtain a title in their name (operation of law), prior to retiring the title.
- C. In the case of any operation of law process (example: deceased owner and heir(s) of deceased wishes to retire the title, towing and storage, etc.) of a mobile home, the customer must obtain a title in their name prior to retiring the title.
- D. If a mobile home is a double or triple wide home, all titles for the mobile home must be submitted for each unit. If one or more of the titles are missing, lost or destroyed, a duplicate title must be issued for the missing title(s), prior to recording the documents in the Clerk of Court's office for retirement of the titles. Duplicate title fees would apply for each application for duplicate title.
- E. If the Clerk of Court gives the customer the original title back (after it has been recorded), the license plate agency should retain the original title to get it out of circulation. The original title should be sent in to FLHSMV with the application for retiring the title. However, if the title is submitted to the license plate agency AFTER the documents have been processed and sent in to FLHSMV, the license plate agency should shred the original title.
- F. The selling dealer must apply for title on behalf of the customer.
- G. If a customer purchases a mobile home with land that was not previously declared as "real property" and submits a certificate from the property appraiser's office which states that the mobile home has been appraised as being real property, an RP decal may be issued that same day.  
  
However, if the mobile home will not become real property until the next year, then a regular mobile home decal must be issued first. This will allow for the collection of taxes through the end of the year as well as the collection of any sales tax.
- H. When a "retired" mobile home has been damaged and an insurance company pays a total loss claim, the customer must obtain a valid title in their name to be signed over to the insurance company pursuant to [s. 319.30\(3\), Florida Statutes](#), (see III-B, of this procedure).
- I. A certificate of title for a park trailer (PT) or a residential manufactured building (modular home, or MD) may not be retired. Only certificates of title for mobile homes with the body type of "HS" may be retired.

- J. See Forms Appendix for a sample of the HSMV form referred to in this procedure.
- K. [Form 82109](#) and all supporting documents must be submitted to FLHSMV.

### **Revision(s) to Procedure**

09/18/15 Updated page 4, I., to include residential manufactured building.

Statutory review, updated links to statute and forms, removed “Notes” as heading, added Historical Revisions.

## EXHIBIT A

### **CHECK LIST FOR RETIRING THE CERTIFICATE OF TITLE FOR A MOBILE HOME**

- \_\_\_\_\_ Original form [HSMV 82109](#)
- A photocopy of the following documents that have been recorded with the Clerk of Court's office:
- \_\_\_\_\_ A photocopy of the original Florida Certificate of Title in the name of the owner(s) who is applying to retire the mobile home certificate of title
- If the lien was satisfied on the face of the original title, a separate lien satisfaction would not be required.
- \_\_\_\_\_ A photocopy of a lien satisfaction(s), if applicable
- or,
- A photocopy of a statement from the lienholder that such security interests will be released upon retirement of the certificate of title (if applicable).
- \_\_\_\_\_ The photocopy of the legal description of the real property and
- If the property is leased, a photocopy of the lease agreement
- \_\_\_\_\_ A photocopy of the sworn statement by the owner of the real property

### **CHECK LIST FOR RE-INSTATING THE CERTIFICATE OF TITLE FOR A MOBILE HOME**

The transaction must be processed as an "original." The title clerk will reinstate the record within the transaction. The previous state must be shown as "FL."

- \_\_\_\_\_ Form [HSMV 82040](#)
- \_\_\_\_\_ An affidavit (from the owner(s) and secured parties) consenting to the removal of the home
- \_\_\_\_\_ A certification from a title company listing the owner(s) and all secured parties, which is dated within 10 days of the date of application for a new title
- \_\_\_\_\_ Decal fees
- \_\_\_\_\_ Title fees