

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) King offered the following:

Amendment (with title amendment)

14 On page 25, line 28, through page 97, line 12,
15 remove from the bill: all of said lines

17 and insert in lieu thereof:

18 Section 23. Section 321.045, Florida Statutes, is
19 created to read:

321.045 Florida Highway Patrol program

21 objectives.--The mission of the Florida Highway Patrol is to
22 ensure public safety on Florida's State Highway System and to
23 minimize violations of Florida's traffic laws. In order to
24 accomplish this mission, the program objectives of the Florida
25 Highway Patrol are to:

26 (1) Reduce the statewide incidence rate for traffic
27 crashes, injuries, and deaths.

28 (2) Reduce the number of alcohol and drug-related
29 crashes.

30 (3) Reduce the statewide response time to calls for
31 services.

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 (4) Increase compliance with traffic laws.

2 (5) Increase motorist compliance with state motor
3 vehicle and driver's license insurance laws.

4 Section 24. (1) Effective January 1, 1999, the
5 portion of the Mobile Home and Recreational Vehicle Protection
6 Trust Fund created under s. 320.781, Florida Statutes,
7 relating to mobile homes is transferred to the Operating Trust
8 Fund of the Department of Community Affairs to be administered
9 and managed by the Division of Factory-built Housing of the
10 Department of Community Affairs pursuant to s. 553.433,
11 Florida Statutes.

12 (2) Effective January 1, 1999, that portion of the
13 Highway Safety Operating Trust Fund, created under s. 318.39,
14 Florida Statutes, and into which fees and penalties relating
15 to mobile home regulation, manufacture, licensure, and
16 installation are deposited, is transferred to the Operating
17 Trust Fund of the Department of Community Affairs to be
18 administered and managed by the Division of Factory-built
19 Housing for the purposes of part IV of chapter 553, Florida
20 Statutes.

21 Section 25. Effective January 1, 1999, section
22 320.781, Florida Statutes, is amended to read:

23 320.781 ~~Mobile Home and~~ Recreational Vehicle
24 Protection Trust Fund.--

25 (1) There is hereby established a ~~Mobile Home and~~
26 Recreational Vehicle Protection Trust Fund. The trust fund
27 shall be administered and managed by the Department of Highway
28 Safety and Motor Vehicles. The expenses incurred by the
29 department in administering this section shall be paid only
30 from appropriations made from the trust fund.

31 (2) Beginning October 1, 1990, the department shall

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 charge and collect an additional fee of \$1 for each ~~new mobile~~
2 ~~home and~~ new recreational vehicle title transaction for which
3 it charges a fee. This additional fee shall be deposited into
4 the trust fund. The Department of Highway Safety and Motor
5 Vehicles shall charge a fee of \$40 per annual dealer and
6 manufacturer license and license renewal, which shall be
7 deposited into the trust fund. The sums deposited in the trust
8 fund shall be used exclusively for carrying out the purposes
9 of this section. These sums may be invested and reinvested by
10 the Treasurer under the same limitations as apply to
11 investment of other state funds, with all interest from these
12 investments deposited to the credit of the trust fund.

13 (3) The trust fund shall be used to satisfy any
14 judgment by any person, as provided by this section, against a
15 ~~mobile home or~~ recreational vehicle dealer or broker for
16 damages, restitution, or expenses, including reasonable
17 attorney's fees, resulting from a cause of action directly
18 related to the conditions of any written contract made by him
19 or her in connection with the sale, exchange, or improvement
20 of any ~~mobile home or~~ recreational vehicle, or for any
21 violation of chapter 319 or this chapter.

22 (4) The trust fund shall not be liable for any
23 judgment, or part thereof, resulting from any tort claim
24 except as expressly provided in subsection (3), nor for any
25 punitive, exemplary, double, or treble damages. A person, the
26 state, or any political subdivision thereof may recover
27 against the mobile home or recreational vehicle dealer,
28 broker, or surety, jointly and severally, for such damages,
29 restitution, or expenses; provided, however, that in no event
30 shall the trust fund or the surety be liable for an amount in
31 excess of actual damages, restitution, or expenses.

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 (5) Subject to the limitations and requirements of
2 this section, the trust fund shall be used by the department
3 to compensate persons who have unsatisfied judgments, or in
4 certain limited circumstances unsatisfied claims, against a
5 ~~mobile home~~ or recreational vehicle dealer or broker in one of
6 the following situations:

7 (a) The claimant has obtained a final judgment which
8 is unsatisfied against the ~~mobile home~~ or recreational vehicle
9 dealer or broker or its surety jointly and severally, or
10 against the ~~mobile home dealer~~ or broker only, if the court
11 found that the surety was not liable due to prior payment of
12 valid claims against the bond in an amount equal to, or
13 greater than, the face amount of the applicable bond.

14 (b) The claimant has obtained a judgment against the
15 surety of the ~~mobile home~~ or recreational vehicle dealer or
16 broker that is unsatisfied.

17 (c) The claimant has alleged a claim against the
18 ~~mobile home~~ or recreational vehicle dealer or broker in a
19 lawsuit which has been stayed or discharged as a result of the
20 filing for reorganization or discharge in bankruptcy by the
21 dealer or broker, and judgment against the surety is not
22 possible because of the bankruptcy or liquidation of the
23 surety, or because the surety has been found by a court of
24 competent jurisdiction not to be liable due to prior payment
25 of valid claims against the bond in an amount equal to, or
26 greater than, the face amount of the applicable bond.

27 (6) In order to recover from the trust fund, the
28 person must file an application and verified claim with the
29 department.

30 (a) If the claimant has obtained a judgment which is
31 unsatisfied against the ~~mobile home~~ or recreational vehicle

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 dealer or broker or its surety as set forth in this section,
2 the verified claim must specify the following:

3 1.a. That the judgment against the ~~mobile home or~~
4 recreational vehicle dealer or broker and its surety has been
5 entered; or

6 b. That the judgment against the ~~mobile home or~~
7 recreational vehicle dealer or broker contains a specific
8 finding that the surety has no liability, that execution has
9 been returned unsatisfied, and that a judgment lien has been
10 perfected;

11 2. The amount of actual damages broken down by
12 category as awarded by the court or jury in the cause which
13 resulted in the unsatisfied judgment, and the amount of
14 attorney's fees set forth in the unsatisfied judgment;

15 3. The amount of payment or other consideration
16 received, if any, from the ~~mobile home or~~ recreational vehicle
17 dealer or broker or its surety;

18 4. The amount that may be realized, if any, from the
19 sale of real or personal property or other assets of the
20 judgment debtor liable to be sold or applied in satisfaction
21 of the judgment and the balance remaining due on the judgment
22 after application of the amount which has been realized and a
23 certification that the claimant has made a good faith effort
24 to collect the judgment; and

25 5. Such other information as the department requires.

26 (b) If the claimant has alleged a claim as set forth
27 in paragraph (5)(c) and for the reasons set forth therein has
28 not been able to secure a judgment, the verified claim must
29 contain the following:

30 1. A true copy of the pleadings in the lawsuit which
31 was stayed or discharged by the bankruptcy court and the order

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 of the bankruptcy court staying those proceedings;

2 2. Allegations of the acts or omissions by the ~~mobile~~
3 ~~home or~~ recreational vehicle dealer or broker setting forth
4 the specific acts or omissions complained of which resulted in
5 actual damage to the person, along with the actual dollar
6 amount necessary to reimburse or compensate the person for
7 costs or expenses resulting from the acts or omissions of
8 which the person complained;

9 3. True copies of all purchase agreements, notices,
10 service or repair orders or papers or documents of any kind
11 whatsoever which the person received in connection with the
12 purchase, exchange, or lease-purchase of the ~~mobile home or~~
13 recreational vehicle from which the person's cause of action
14 arises; and

15 4. Such other information as the department requires.

16 (c) The department may require such proof as it deems
17 necessary to document the matters set forth in the claim.

18 (7) Within 90 days after receipt of the application
19 and verified claim, the department shall issue its
20 determination on the claim. Such determination shall not be
21 subject to the provisions of chapter 120, but shall be
22 reviewable only by writ of certiorari in the circuit court in
23 the county in which the claimant resides in the manner and
24 within the time provided by the Florida Rules of Appellate
25 Procedure. The claim must be paid within 45 days after the
26 determination, or, if judicial review is sought, within 45
27 days after the review becomes final. A person may not be paid
28 an amount from the fund in excess of \$25,000 per ~~mobile home~~
29 ~~or~~ recreational vehicle. Prior to payment, the person must
30 execute an assignment to the department of all the person's
31 rights and title to, and interest in, the unsatisfied judgment

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 and judgment lien or the claim against the dealer or broker
2 and its surety.

3 (8) The department, in its discretion and where
4 feasible, may try to recover from the ~~mobile home or~~
5 recreational vehicle dealer or broker, or the judgment debtor
6 or its surety, all sums paid to persons from the trust fund.
7 Any sums recovered shall be deposited to the credit of the
8 trust fund. The department shall be awarded a reasonable
9 attorney's fee for all actions taken to recover any sums paid
10 to persons from the trust fund pursuant to this section.

11 (9) This section does not apply to any claim, and a
12 person may not recover against the trust fund as the result of
13 any claim, against a ~~mobile home or~~ recreational vehicle
14 dealer or broker resulting from a cause of action directly
15 related to the sale, lease-purchase, exchange, brokerage, or
16 installation of a ~~mobile home or~~ recreational vehicle prior to
17 October 1, 1990.

18 (10) Neither the department, nor the trust fund shall
19 be liable to any person for recovery if the trust fund does
20 not have the moneys necessary to pay amounts claimed. If the
21 trust fund does not have sufficient assets to pay the
22 claimant, it shall log the time and date of its determination
23 for payment to a claimant. If moneys become available, the
24 department shall pay the claimant whose unpaid claim is the
25 earliest by time and date of determination.

26 (11) It is unlawful for any person or his or her agent
27 to file any notice, statement, or other document required
28 under this section which is false or contains any material
29 misstatement of fact. Any person who violates this subsection
30 is guilty of a misdemeanor of the second degree, punishable as
31 provided in s. 775.082 or s. 775.083.

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 Section 26. Effective January 1, 1999, subsections
2 (7), (8), (9), (10), (11), (12), (13), and (14) of section
3 553.36, Florida Statutes, are renumbered as subsections (8),
4 (9), (10), (11), (12), (13), (14), and (15), respectively, and
5 new subsection (7) is added to said section, to read:

6 (7) "Division" means the Division of Factory-built
7 Housing of the department.

8 Section 27. Effective January 1, 1999, section 553.38,
9 Florida Statutes, is amended to read:

10 553.38 Application and scope.--

11 (1) The department, through the division, shall adopt
12 ~~promulgate~~ rules which protect the health, safety, and
13 property of the people of this state by assuring that each
14 manufactured building is structurally sound and properly
15 installed on site and that plumbing, heating, electrical, and
16 other systems thereof are reasonably safe, and which interpret
17 and make specific the provisions of this part.

18 (2) The division ~~department~~ shall enforce every
19 provision of this part and the rules adopted pursuant hereto,
20 except that local land use and zoning requirements, fire
21 zones, building setback requirements, side and rear yard
22 requirements, site development requirements, property line
23 requirements, subdivision control, and onsite installation
24 requirements, as well as the review and regulation of
25 architectural and aesthetic requirements, are specifically and
26 entirely reserved to local authorities. Such local
27 requirements and rules which may be enacted by local
28 authorities must be reasonable and uniformly applied and
29 enforced without any distinction as to whether a building is a
30 conventionally constructed or manufactured building. A local
31 government shall require permit fees only for those

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 inspections actually performed by the local government for the
2 installation of a factory-built structure. Such fees shall be
3 equal to the amount charged for similar inspections on
4 conventionally built housing.

5 (3) The division shall be responsible for
6 administering, implementing, and enforcing the provisions of
7 this part.

8 Section 28. Effective January 1, 1999, section
9 553.431, Florida Statutes, is created to read:

10 553.431 Nonresident mobile home dealer's license.--

11 (1) Any person who is a nonresident of the state, who
12 does not have a dealer's contract from the manufacturer or
13 manufacturer's distributor of mobile homes authorizing the
14 sale thereof in definite Florida territory, and who sells or
15 engages in the business of selling said vehicles at retail
16 within the state shall register with the Department of Revenue
17 for a sales tax dealer registration number and comply with
18 chapter 212, and pay a license tax of \$2,000 per annum in each
19 county where such sales are made; \$1,250 of said tax shall be
20 transmitted to the Department of Banking and Finance to be
21 deposited in the General Revenue Fund of the state, and \$750
22 thereof shall be returned to the county. The license tax
23 shall cover the period from January 1 to the following
24 December 31, and no such license shall be issued for any
25 fractional part of a year.

26 (2) The acceptance by any person of a license under
27 this section shall be deemed equivalent to an appointment by
28 such person of the Secretary of State as the agent of such
29 person upon whom may be served all lawful process in any
30 action, suit, or proceeding against such person arising out of
31 any transaction or operation connected with or incidental to

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 any activities of such person carried on under such license,
 2 and the acceptance of such license shall be signification of
 3 the agreement of such person that any process against the
 4 person which is so served shall be of the same legal force and
 5 validity as if served personally on him or her. Service of
 6 such process shall be in accordance with and in the same
 7 manner as now provided for service of process upon
 8 nonresidents under the provisions of chapter 48.

9 Section 29. Effective January 1, 1999, section
 10 553.4315, Florida Statutes, is created to read:

11 553.4315 Nonresident dealers in secondhand mobile
 12 homes.--Every dealer in used or secondhand mobile homes who is
 13 a nonresident of the state, does not have a permanent place of
 14 business in this state, and has not qualified as a dealer
 15 under the provisions of s. 553.432, and any person other than
 16 a dealer qualified under the provisions of said s. 553.432,
 17 who brings any used or secondhand mobile home into the state
 18 for the purpose of sale, except to a dealer licensed under the
 19 provisions of s. 553.432, shall, at least 10 days prior to the
 20 sale of said mobile home, the offering of said mobile home for
 21 sale, or the advertising of said mobile home for sale, make
 22 and file with the division the official application for a
 23 certificate of title for said mobile home as provided by law.
 24 Any person who has had one or more transactions involving the
 25 sale of three or more used or secondhand mobile homes in this
 26 state during any 12-month period shall be deemed to be a
 27 secondhand dealer in mobile homes.

28 Section 30. Effective January 1, 1999, section 320.77,
 29 Florida Statutes, is transferred and renumbered as section
 30 553.432, Florida Statutes, and is amended to read:

31 553.432 ~~320.77~~ License required of mobile home

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 dealers.--

2 (1) DEFINITIONS.--As used in this section:

3 (a) "Dealer" means any person engaged in the business
4 of buying, selling, or dealing in mobile homes or offering or
5 displaying mobile homes for sale. The term "dealer" includes
6 a mobile home broker. Any person who buys, sells, deals in, or
7 offers or displays for sale, or who acts as the agent for the
8 sale of, one or more mobile homes in any 12-month period shall
9 be prima facie presumed to be a dealer. The terms "selling"
10 and "sale" include lease-purchase transactions. The term
11 "dealer" does not include banks, credit unions, and finance
12 companies that acquire mobile homes as an incident to their
13 regular business and does not include mobile home rental and
14 leasing companies that sell mobile homes to dealers licensed
15 under this section. ~~A licensed dealer may transact business in
16 recreational vehicles with a motor vehicle auction as defined
17 in s. 320.27(1)(c)4.~~ Any licensed dealer dealing exclusively
18 in mobile homes shall not have benefit of the privilege of
19 using dealer license plates.

20 (b) "Mobile home broker" means any person who is
21 engaged in the business of offering to procure or procuring
22 used mobile homes for the general public; who holds himself or
23 herself out through solicitation, advertisement, or otherwise
24 as one who offers to procure or procures used mobile homes for
25 the general public; or who acts as the agent or intermediary
26 on behalf of the owner or seller of a used mobile home which
27 is for sale or who assists or represents the seller in finding
28 a buyer for the mobile home.

29 (2) LICENSE REQUIRED.--No person shall engage in
30 business as, or serve in the capacity of, a dealer in this
31 state unless such person possesses a valid, current license as

1 provided in this section.

2 (3) APPLICATION.--The application for such license
3 shall be in the form prescribed by the division ~~department~~ and
4 subject to such rules as may be prescribed by it. The
5 application shall be verified by oath or affirmation and shall
6 contain:

7 (a) A full statement of the name and the date of birth
8 of the person or persons applying therefor.

9 (b) The name of the firm or copartnership with the
10 names and places of residence of all its members, if the
11 applicant is a firm or copartnership.

12 (c) The names and places of residence of the principal
13 officers, if the applicant is a body corporate or other
14 artificial body.

15 (d) The name of the state under whose laws the
16 corporation is organized.

17 (e) The former place or places of residence of the
18 applicant.

19 (f) The prior businesses in which the applicant has
20 been engaged, the dates during which the applicant was engaged
21 in such businesses, and the locations thereof.

22 (g) A description of the exact location of the place
23 of business, when it was acquired, and whether it is owned in
24 fee simple by the applicant. If leased, a true copy of the
25 lease shall be attached to the application.

26 (h) Certification by the applicant that the location
27 is a permanent one, not a tent or a temporary stand or other
28 temporary quarters; and, except in the case of a mobile home
29 broker, that the location affords sufficient unoccupied space
30 to store all mobile homes offered and displayed for sale; and
31 that the location is a suitable place in which the applicant

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 can in good faith carry on business and keep and maintain
2 books, records, and files necessary to conduct such business,
3 which will be available at all reasonable hours to inspection
4 by the department or any of its inspectors or other employees.
5 This subsection shall not preclude a licensed mobile home
6 dealer from displaying and offering for sale mobile homes in a
7 mobile home park.

8 (i) Certification by the applicant that the business
9 of a mobile home dealer is the principal business which shall
10 be conducted at that location; however, this provision shall
11 not apply to mobile home park operators licensed as mobile
12 home dealers.

13 (j) Such other relevant information as may be required
14 by the division ~~department~~. Each applicant, general partner in
15 the case of a partnership, or corporate officer and director
16 in the case of a corporate applicant, must file a set of
17 fingerprints with the division ~~department~~ for the purpose of
18 determining any prior criminal record or any outstanding
19 warrants. The division ~~department~~ shall submit the
20 fingerprinting to the Department of Law Enforcement for state
21 processing and forwarding to the Federal Bureau of
22 Investigation for federal processing. The actual cost of such
23 state and federal processing shall be borne by the applicant
24 and is to be in addition to the fee for licensure. The
25 division ~~department~~ may issue a license to an applicant
26 pending the results of the fingerprint investigation, which
27 license is fully revocable if the division ~~department~~
28 subsequently determines that any facts set forth in the
29 application are not true or correctly represented.

30
31 The division ~~department~~ shall, if it deems necessary, cause an

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 investigation to be made to ascertain if the facts set forth
2 in the application are true and shall not issue a license to
3 the applicant until it is satisfied that the facts set forth
4 in the application are true.

5 (4) FEES.--Upon making initial application, the
6 applicant shall pay to the division ~~department~~ a fee of \$300
7 in addition to any other fees now required by law. The fee
8 for renewal application shall be \$100. The fee for
9 application for change of location shall be \$25. Any
10 applicant for renewal who has failed to submit his or her
11 renewal application by October 1 shall pay a renewal
12 application fee equal to the original application fee. No fee
13 is refundable. All fees shall be deposited into the General
14 Revenue Fund.

15 (5) DENIAL OF LICENSE.--The division ~~department~~ may
16 deny any applicant a license on the ground that:

17 (a) The applicant has made a material misstatement in
18 his or her application for a license.

19 (b) The applicant has failed to comply with any
20 applicable provision of this part ~~chapter~~.

21 (c) The applicant has failed to provide warranty
22 service.

23 (d) The applicant or one or more of his or her
24 principals or agents has violated any law, rule, or regulation
25 relating to the sale of mobile homes.

26 (e) The division ~~department~~ has proof of unfitness of
27 the applicant.

28 (f) The applicant or licensee has engaged in previous
29 conduct in any state which would have been a ground for
30 revocation or suspension of a license in this state.

31 (g) The applicant or licensee has violated any of the

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 provisions of the National Mobile Home Construction and Safety
2 Standards Act of 1974 or any rule or regulation of the
3 Department of Housing and Urban Development adopted
4 ~~promulgated~~ thereunder.

5
6 Upon denial of a license, the division ~~department~~ shall notify
7 the applicant within 10 days, stating in writing its grounds
8 for denial. The applicant is entitled to a public hearing and
9 may request that such hearing be held within 45 days of denial
10 of the license. All proceedings shall be pursuant to chapter
11 120.

12 (6) LICENSE CERTIFICATE.--A license certificate shall
13 be issued by the division ~~department~~ in accordance with the
14 application when the same is regular in form and in compliance
15 with the provisions of this section. The license certificate
16 may be in the form of a document or a computerized card as
17 determined by the division ~~department~~. The cost of each
18 original, additional, or replacement computerized card shall
19 be borne by the licensee and is in addition to the fee for
20 licensure. The fees charged applicants for both the required
21 background investigation and the computerized card as provided
22 in this section shall be deposited into the department's
23 ~~Highway Safety~~ Operating Trust Fund. The license, when so
24 issued, shall entitle the licensee to carry on and conduct the
25 business of a mobile home dealer at the location set forth in
26 the license for a period of 1 year from October 1 preceding
27 the date of issuance. Each initial application received by the
28 division ~~department~~ shall be accompanied by verification that,
29 within the preceding 6 months, the applicant or one or more of
30 his or her designated employees has attended a training and
31 information seminar conducted by the division ~~department~~ or by

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 a public or private provider approved by the division
2 ~~department~~. Such seminar shall include, but not be limited to,
3 statutory dealer requirements, which requirements include
4 required bookkeeping and recording procedures, requirements
5 for the collection of sales and use taxes, and such other
6 information that in the opinion of the division ~~department~~
7 will promote good business practices.

8 (7) SUPPLEMENTAL LICENSE.--Any person licensed
9 pursuant to this section shall be entitled to operate one or
10 more additional places of business under a supplemental
11 license for each such business if the ownership of each
12 business is identical to that of the principal business for
13 which the original license is issued. Each supplemental
14 license shall run concurrently with the original license and
15 shall be issued upon application by the licensee on a form to
16 be furnished by the division ~~department~~ and payment of a fee
17 of \$50 for each such license. Only one licensed dealer shall
18 operate at the same place of business. A supplemental license
19 authorizing off-premises sales shall be issued, at no charge
20 to the dealer, for a period not to exceed 10 consecutive
21 calendar days.

22 (8) RECORDS TO BE KEPT BY LICENSEE.--Each licensee
23 shall keep records in such form as shall be prescribed by the
24 division ~~department~~. Such records shall include:

25 (a) A record of the purchase, sale, or exchange, or
26 receipt for the purpose of sale, of any mobile home;

27 (b) The description of each such mobile home,
28 including the identification or serial number and such other
29 numbers or identification marks as may be thereon, and a
30 statement that a number has been obliterated, defaced, or
31 changed, if such fact is apparent; and

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 (c) The name and address of the seller, the purchaser,
2 and the alleged owner or other person from whom the mobile
3 home was purchased or received and the person to whom it was
4 sold or delivered, as the case may be.

5 (9) EVIDENCE OF TITLE REQUIRED.--The licensee shall
6 also have in his or her possession for each new mobile home a
7 manufacturer's invoice or statement of origin, and for each
8 used mobile home a properly assigned certificate of title or
9 registration certificate if the used mobile home was
10 previously registered in a nontitle state, from the time the
11 mobile home is delivered to the licensee until it has been
12 disposed of by him or her.

13 (10) SETUP OPERATIONS.--Each licensee may perform
14 setup operations only as defined in s. 553.434 ~~320-822~~, and
15 the division ~~department~~ shall provide by rule for the uniform
16 application of all existing statutory provisions relating to
17 licensing and setup operations.

18 (11) PENALTY.--The violation of any provision of this
19 section is a misdemeanor of the second degree, punishable as
20 provided in s. 775.082 or s. 775.083.

21 (12) INJUNCTION.--In addition to the remedies provided
22 in this chapter, and notwithstanding the existence of any
23 adequate remedy at law, the division ~~department~~ is authorized
24 to make application to any circuit court of the state, and the
25 circuit court shall have jurisdiction, upon a hearing and for
26 cause shown, to grant a temporary or permanent injunction
27 restraining any person from acting as a mobile home dealer
28 under the terms of this section who is not properly licensed
29 or who violates or fails or refuses to comply with any of the
30 provisions of ~~chapter 319~~ and this part ~~chapter~~ or any rule or
31 regulation adopted thereunder. Such injunction shall be issued

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 without bond. A single act in violation of the provisions of
2 ~~chapter 319~~ or this part ~~chapter~~ shall be sufficient to
3 authorize the issuance of an injunction.

4 (13) SUSPENSION OR REVOCATION.--The division
5 ~~department~~ shall, as it deems necessary, either suspend or
6 revoke any license issued hereunder upon a finding that the
7 licensee violated any provision of this section or of any
8 other law of this state having to do with dealing in mobile
9 homes or perpetrated a fraud upon any person as a result of
10 such dealing in mobile homes.

11 (14) ADMINISTRATIVE FINES.--In addition to the
12 exercise of other powers provided in this section, the
13 division ~~department~~ is authorized to assess, impose, levy, and
14 collect by legal process fines, in an amount not to exceed
15 \$1,000 for each violation, against any licensee if it finds
16 that a licensee has violated any provision of this section or
17 has violated any other law of this state having to do with
18 dealing in mobile homes ~~motor vehicles~~. Any licensee shall be
19 entitled to a hearing pursuant to chapter 120 should the
20 licensee wish to contest the fine levied, or about to be
21 levied, upon him or her.

22 (15) BOND.--

23 (a) Before any license shall be issued or renewed, the
24 applicant shall deliver to the division ~~department~~ a good and
25 sufficient surety bond, executed by the applicant as principal
26 and by a surety company qualified to do business in the state
27 as surety. The bond shall be in a form to be approved by the
28 division ~~department~~ and shall be conditioned upon the dealer's
29 complying with the conditions of any written contract made by
30 the dealer in connection with the sale, exchange, or
31 improvement of any mobile home and his or her not violating

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 any of the provisions of ~~chapter 319~~ or this part ~~chapter~~ in
2 the conduct of the business for which the dealer is licensed.
3 The bond shall be to the division ~~department~~ and in favor of
4 any retail customer who shall suffer any loss as a result of
5 any violation of the conditions hereinabove contained. The
6 bond shall be for the license period, and a new bond or a
7 proper continuation certificate shall be delivered to the
8 division ~~department~~ at the beginning of each license period.
9 However, the aggregate liability of the surety in any one
10 license year shall in no event exceed the sum of such bond.
11 The amount of the bond required shall be as follows:

12 1. A single dealer who buys, sells, or deals in mobile
13 homes and who has four or fewer supplemental licenses shall
14 provide a surety bond in the amount of \$25,000.

15 2. A single dealer who buys, sells, or deals in mobile
16 homes and who has more than four supplemental licenses shall
17 provide a surety bond in the amount of \$50,000.

18

19 ~~For the purposes of this paragraph, any person who buys,~~
20 ~~sells, or deals in both mobile homes and recreational vehicles~~
21 ~~shall provide the same surety bond required of dealers who~~
22 ~~buy, sell, or deal in mobile homes only.~~

23 (b) The division ~~department~~ shall, upon denial,
24 suspension, or revocation of any license, notify the surety
25 company of the licensee, in writing, that the license has been
26 denied, suspended, or revoked and shall state the reason for
27 such denial, suspension, or revocation.

28 (c) Any surety company which pays any claim against
29 the bond of any licensee shall notify the division ~~department~~,
30 in writing, that it has paid such a claim and shall state the
31 amount of the claim.

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 (d) Any surety company which cancels the bond of any
2 licensee shall notify the division department, in writing, of
3 such cancellation, giving reason for the cancellation.

4 Section 31. Effective January 1, 1999, section
5 553.433, Florida Statutes, is created to read:

6 553.433 Factory-built housing judgment liability.--

7 (1) The expenses incurred by the division in
8 administering this section shall be paid only from
9 appropriations made from the department's operating trust fund
10 from moneys deposited into such fund pursuant to this section.

11 (2) Beginning January 1, 1999, the division shall
12 charge and collect an additional fee of \$1 for each new mobile
13 home transaction for which it charges a fee. This additional
14 fee shall be deposited into the department's operating trust
15 fund. The division shall charge a fee of \$40 per annual
16 dealer and manufacturer license and license renewal, which
17 shall be deposited into such fund. The sums deposited into
18 such fund pursuant to this section shall be used exclusively
19 for carrying out the purposes of this section. These sums may
20 be invested and reinvested by the Treasurer under the same
21 limitations as apply to investment of other state moneys, with
22 all interest from these investments deposited to the credit of
23 such fund.

24 (3) Moneys deposited into the department's operating
25 trust fund under this section shall be used to satisfy any
26 judgment by any person, as provided by this section, against a
27 mobile home dealer or broker for damages, restitution, or
28 expenses, including reasonable attorney's fees, resulting from
29 a cause of action directly related to the conditions of any
30 written contract made by him or her in connection with the
31 sale, exchange, or improvement of any mobile home, or for any

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 violation of this part.

2 (4) The department's operating trust fund shall not be
3 liable for any judgment, or part thereof, resulting from any
4 tort claim except as expressly provided in subsection (3), nor
5 for any punitive, exemplary, double, or treble damages. A
6 person, the state, or any political subdivision thereof may
7 recover against the mobile home dealer, broker, or surety,
8 jointly and severally, for such damages, restitution, or
9 expenses; provided, however, that in no event shall the such
10 fund or the surety be liable for an amount in excess of actual
11 damages, restitution, or expenses.

12 (5) Subject to the limitations and requirements of
13 this section, moneys deposited into the department's operating
14 trust fund under this section shall be used by the division to
15 compensate persons who have unsatisfied judgments, or in
16 certain limited circumstances unsatisfied claims, against a
17 mobile home dealer or broker in one of the following
18 situations:

19 (a) The claimant has obtained a final judgment which
20 is unsatisfied against the mobile home dealer or broker or its
21 surety jointly and severally, or against the mobile home
22 dealer or broker only, if the court found that the surety was
23 not liable due to prior payment of valid claims against the
24 bond in an amount equal to, or greater than, the face amount
25 of the applicable bond.

26 (b) The claimant has obtained a judgment against the
27 surety of the mobile home dealer or broker that is
28 unsatisfied.

29 (c) The claimant has alleged a claim against the
30 mobile home dealer or broker in a lawsuit which has been
31 stayed or discharged as a result of the filing for

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 reorganization or discharge in bankruptcy by the dealer or
2 broker, and judgment against the surety is not possible
3 because of the bankruptcy or liquidation of the surety, or
4 because the surety has been found by a court of competent
5 jurisdiction not to be liable due to prior payment of valid
6 claims against the bond in an amount equal to, or greater
7 than, the face amount of the applicable bond.

8 (6) In order to recover from the department's
9 operating trust fund, the person must file an application and
10 verified claim with the division.

11 (a) If the claimant has obtained a judgment which is
12 unsatisfied against the mobile home dealer or broker or its
13 surety as set forth in this section, the verified claim must
14 specify the following:

15 1.a. That the judgment against the mobile home dealer
16 or broker and its surety has been entered; or

17 b. That the judgment against the mobile home dealer or
18 broker contains a specific finding that the surety has no
19 liability, that execution has been returned unsatisfied, and
20 that a judgment lien has been perfected;

21 2. The amount of actual damages broken down by
22 category as awarded by the court or jury in the cause which
23 resulted in the unsatisfied judgment, and the amount of
24 attorney's fees set forth in the unsatisfied judgment;

25 3. The amount of payment or other consideration
26 received, if any, from the mobile home dealer or broker or its
27 surety;

28 4. The amount that may be realized, if any, from the
29 sale of real or personal property or other assets of the
30 judgment debtor liable to be sold or applied in satisfaction
31 of the judgment and the balance remaining due on the judgment

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 after application of the amount which has been realized and a
2 certification that the claimant has made a good faith effort
3 to collect the judgment; and

4 5. Such other information as the division requires.

5 (b) If the claimant has alleged a claim as set forth
6 in paragraph (5)(c) and for the reasons set forth therein has
7 not been able to secure a judgment, the verified claim must
8 contain the following:

9 1. A true copy of the pleadings in the lawsuit which
10 was stayed or discharged by the bankruptcy court and the order
11 of the bankruptcy court staying those proceedings;

12 2. Allegations of the acts or omissions by the mobile
13 home dealer or broker setting forth the specific acts or
14 omissions complained of which resulted in actual damage to the
15 person, along with the actual dollar amount necessary to
16 reimburse or compensate the person for costs or expenses
17 resulting from the acts or omissions of which the person
18 complained;

19 3. True copies of all purchase agreements, notices,
20 service or repair orders or papers or documents of any kind
21 whatsoever which the person received in connection with the
22 purchase, exchange, or lease-purchase of the mobile home from
23 which the person's cause of action arises; and

24 4. Such other information as the division requires.

25 (c) The division may require such proof as it deems
26 necessary to document the matters set forth in the claim.

27 (7) Within 90 days after receipt of the application
28 and verified claim, the division shall issue its determination
29 on the claim. Such determination shall not be subject to the
30 provisions of chapter 120, but shall be reviewable only by
31 writ of certiorari in the circuit court in the county in which

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 the claimant resides in the manner and within the time
2 provided by the Florida Rules of Appellate Procedure. The
3 claim must be paid within 45 days after the determination, or,
4 if judicial review is sought, within 45 days after the review
5 becomes final. A person may not be paid an amount from the
6 department's operating trust fund in excess of \$25,000 per
7 mobile home. Prior to payment, the person must execute an
8 assignment to the division of all the person's rights and
9 title to, and interest in, the unsatisfied judgment and
10 judgment lien or the claim against the dealer or broker and
11 its surety.

12 (8) The division, in its discretion and where
13 feasible, may try to recover from the mobile home dealer or
14 broker, or the judgment debtor or its surety, all sums paid to
15 persons from the department's operating trust fund under this
16 section. Any sums recovered shall be deposited to the credit
17 of such fund. The division shall be awarded a reasonable
18 attorney's fee for all actions taken to recover any sums paid
19 to persons from such fund pursuant to this section.

20 (9) This section does not apply to any claim, and a
21 person may not recover against the department's operating
22 trust fund as the result of any claim, against a mobile home
23 dealer or broker resulting from a cause of action directly
24 related to the sale, lease-purchase, exchange, brokerage, or
25 installation of a mobile home prior to January 1, 1999.

26 (10) Neither the division, nor the department's
27 operating trust fund shall be liable to any person for
28 recovery if such fund, from moneys deposited into the fund
29 under this section, does not have the moneys necessary to pay
30 amounts claimed. If the fund does not have sufficient assets
31 to pay the claimant, it shall log the time and date of its

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 determination for payment to a claimant. If moneys become
2 available pursuant this section, the division shall pay the
3 claimant whose unpaid claim is the earliest by time and date
4 of determination.

5 (11) It is unlawful for any person or his or her agent
6 to file any notice, statement, or other document required
7 under this section which is false or contains any material
8 misstatement of fact. Any person who violates this subsection
9 is guilty of a misdemeanor of the second degree, punishable as
10 provided in s. 775.082 or s. 775.083.

11 Section 32. Effective January 1, 1999, section
12 553.434, Florida Statutes, is created to read:

13 553.434 Definitions.--In construing ss.
14 553.434-553.458, unless the context otherwise requires, the
15 following words or phrases have the following meanings:

16 (1) "Buyer" means a person who purchases at retail
17 from a dealer or manufacturer a mobile home for his or her own
18 use as a residence, or other related use.

19 (2) "Code" means the appropriate standards found in:

20 (a) The Federal Manufactured Housing Construction and
21 Safety Standards for single-family mobile homes, adopted by
22 the Department of Housing and Urban Development;

23 (b) The Uniform Standards Code approved by the
24 American National Standards Institute, ANSI A-119.2 for
25 recreational vehicles and ANSI A-119.5 for park trailers or
26 the United States Department of Housing and Urban Development
27 standard for park trailers certified as meeting that standard;
28 or

29 (c) The Mobile Home Repair and Remodeling Code and
30 Used Recreational Vehicle Code.

31 (3) "Construction" means the minimum requirements for

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 materials, products, equipment, and workmanship needed to
2 assure that the mobile home will provide structural strength
3 and rigidity; protection against corrosion, decay, and other
4 similar destructive forces; resistance to the elements; and
5 durability and economy of maintenance.

6 (4) "Institute" means the American National Standards
7 Institute.

8 (5) "Length," for purposes of transportation only,
9 means the distance from the extreme front of the mobile home,
10 to the extreme rear, including the drawbar and coupling
11 mechanism, but not including expandable features that do not
12 project from the body during transportation.

13 (6) "Length of a mobile home" means the distance from
14 the exterior of the front wall (nearest to the drawbar and
15 coupling mechanism) to the exterior of the rear wall (at the
16 opposite end of the home) where such walls enclose living or
17 other interior space and such distance includes expandable
18 rooms but not bay windows, porches, drawbars, couplings,
19 hitches, wall and roof extensions, or other attachments.

20 (7) "Licensee" means any person licensed or required
21 to be licensed under s. 553.435.

22 (8) "Mobile home dealer" means any person engaged in
23 the business of buying, selling, or dealing in mobile homes or
24 offering or displaying mobile homes for sale. Any person who
25 buys, sells, or deals in one or more mobile homes in any
26 12-month period or who offers or displays for sale one or more
27 mobile homes in any 12-month period shall be prima facie
28 presumed to be engaged in the business of a mobile home
29 dealer. The terms "selling" and "sale" include lease-purchase
30 transactions. The term "mobile home dealer" does not include
31 a bank, credit union, or finance company that acquires mobile

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 homes as an incident to its regular business, does not include
2 a mobile home rental or leasing company that sells mobile
3 homes to mobile home dealers licensed under s. 553.432, and
4 does not include persons who are selling their own mobile
5 homes.

6 (9) "Mobile home manufacturer" means any person,
7 resident or nonresident, who, as a trade or commerce,
8 manufactures or assembles mobile homes.

9 (10) "Responsible party" means a manufacturer, dealer,
10 or supplier.

11 (11) "Seal" or "label" means a device issued by the
12 department certifying that a mobile home meets the appropriate
13 code, which device is to be displayed on the exterior of the
14 mobile home.

15 (12) "Setup" means the operations performed at the
16 occupancy site which render a mobile home or park trailer fit
17 for habitation. Such operations include, but are not limited
18 to, transporting, positioning, blocking, leveling, supporting,
19 tying down, connecting utility systems, making minor
20 adjustments, or assembling multiple or expandable units.

21 (13) "Substantial defect" means:

22 (a) Any substantial deficiency or defect in materials
23 or workmanship occurring to a mobile home which has been
24 reasonably maintained and cared for in normal use.

25 (b) Any structural element, utility system, or
26 component of the mobile home, which fails to comply with the
27 code.

28 (14) "Supplier" means the original producer of
29 completed components, including refrigerators, stoves, hot
30 water heaters, dishwashers, cabinets, air conditioners,
31 heating units, and similar components, which are furnished to

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 a manufacturer or dealer for installation in the mobile home
2 prior to sale to a buyer.

3 (15) "Width of a mobile home" means the distance from
4 the exterior of one side wall to the exterior of the opposite
5 side wall where such walls enclose living or other interior
6 space and such distance includes expandable rooms but not bay
7 windows, porches, wall and roof extensions, or other
8 attachments.

9 (16) "Body size" of a park trailer means the distance
10 from the exterior side or end to the opposite exterior side or
11 end of the body. Such distance includes expandable rooms, bay
12 windows, wall and roof extensions, or other extrusions in the
13 travel mode, except park trailers constructed to ANSI A-119.5
14 shall not exceed 400 square feet. Park trailers constructed to
15 the United States Department of Housing and Urban Development
16 standard shall not exceed 500 square feet. All square footage
17 measurements are of the exterior when in setup mode and do not
18 include bay windows.

19 Section 33. Effective January 1, 1999, section
20 553.435, Florida Statutes, is created to read:

21 553.435 Mobile home manufacturer's license.--

22 (1) LICENSE REQUIRED.--Any person who engages in the
23 business of a mobile home manufacturer in this state, or who
24 manufactures mobile homes out of state which are ultimately
25 offered for sale in this state, shall obtain annually a
26 license for each factory location in this state and for each
27 factory location out of state which manufactures mobile homes
28 for sale in this state, prior to distributing mobile homes for
29 sale in this state.

30 (2) APPLICATION.--The application for a license shall
31 be in the form prescribed by the division and shall contain

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 sufficient information to disclose the identity, location, and
2 responsibility of the applicant. The application shall also
3 include a copy of the warranty and a complete statement of any
4 service agreement or policy to be utilized by the applicant,
5 any information relating to the applicant's solvency and
6 financial standing, and any other pertinent matter
7 commensurate with safeguarding the public. The division may
8 prescribe an abbreviated application for renewal of a license
9 if the licensee had previously filed an initial application
10 pursuant to this section. The application for renewal shall
11 include any information necessary to bring current the
12 information required in the initial application.

13 (3) FEES.--Upon making initial application, the
14 applicant shall pay to the division a fee of \$300. Upon
15 making renewal application, the applicant shall pay to the
16 division a fee of \$100. Any applicant for renewal who has
17 failed to submit his or her renewal application by October 1
18 shall pay a renewal application fee equal to the original
19 application fee. No fee is refundable. All fees shall be
20 deposited into the General Revenue Fund.

21 (4) NONRESIDENT.--Any person applying for a license
22 who is not a resident of this state shall have designated an
23 agent for service of process pursuant to s. 48.181.

24 (5) REQUIREMENT OF ASSURANCE.--

25 (a) Annually, prior to the receipt of a license to
26 manufacture mobile homes, the applicant or licensee shall
27 submit a surety bond, cash bond, or letter of credit from a
28 financial institution, or a proper continuation certificate,
29 sufficient to assure satisfaction of claims against the
30 licensee for failure to comply with appropriate code
31 standards, failure to provide warranty service, or violation

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 of any provisions of this section. The amount of the surety
2 bond, cash bond, or letter of credit shall be \$50,000. Only
3 one surety bond, cash bond, or letter of credit shall be
4 required for each manufacturer, regardless of the number of
5 factory locations. The surety bond, cash bond, or letter of
6 credit shall be to the division, in favor of any retail
7 customer who shall suffer loss arising out of noncompliance
8 with code standards or failure to honor or provide warranty
9 service. The division shall have the right to disapprove any
10 bond or letter of credit that does not provide assurance as
11 provided in this section.

12 (b) The division shall adopt rules pursuant to chapter
13 120 consistent with this section in providing assurance of
14 satisfaction of claims.

15 (c) The division shall, upon denial, suspension, or
16 revocation of any license, notify the surety company of the
17 licensee, in writing, that the license has been denied,
18 suspended, or revoked and shall state the reason for such
19 denial, suspension, or revocation.

20 (d) Any surety company which pays any claim against
21 the bond of any licensee shall notify the division, in
22 writing, that it has paid such a claim and shall state the
23 amount of the claim.

24 (e) Any surety company which cancels the bond of any
25 licensee shall notify the division, in writing, of such
26 cancellation, giving reason for the cancellation.

27 (6) LICENSE YEAR.--A license issued to a mobile home
28 manufacturer entitles the licensee to conduct the business of
29 a mobile home manufacturer for a period of 1 year from October
30 1 preceding the date of issuance.

31 (7) DENIAL OF LICENSE.--The division may deny a mobile

1 home manufacturer's license on the ground that:

2 (a) The applicant has made a material misstatement in
3 his or her application for a license.

4 (b) The applicant has failed to comply with any
5 applicable provision of this chapter.

6 (c) The applicant has failed to provide warranty
7 service.

8 (d) The applicant or one or more of his or her
9 principals or agents has violated any law, rule, or regulation
10 relating to the manufacture or sale of mobile homes.

11 (e) The division has proof of unfitness of the
12 applicant.

13 (f) The applicant or licensee has engaged in previous
14 conduct in any state which would have been a ground for
15 revocation or suspension of a license in this state.

16 (g) The applicant or licensee has violated any of the
17 provisions of the National Mobile Home Construction and Safety
18 Standards Act of 1974 or any rule or regulation of the
19 Department of Housing and Urban Development promulgated
20 thereunder.

21
22 Upon denial of a license, the division shall notify the
23 applicant within 10 days, stating in writing its grounds for
24 denial. The applicant is entitled to a public hearing and may
25 request that such hearing be held within 45 days of denial of
26 the license. All proceedings shall be pursuant to chapter
27 120.

28 (8) REVOCATION OR SUSPENSION OF LICENSE.--The division
29 shall suspend or, in the case of a subsequent offense, shall
30 revoke any license upon a finding that the licensee violated
31 any provision of this part or any other law of this state

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 regarding the manufacture, warranty, or sale of mobile homes.
 2 When any license has been revoked or suspended by the
 3 division, it may be reinstated if the division finds that the
 4 former licensee has complied with all applicable requirements
 5 of this part and an application for a license is refiled
 6 pursuant to this section.

7 (9) CIVIL PENALTIES; PROCEDURE.--In addition to the
 8 exercise of other powers provided in this section, the
 9 division is authorized to assess, impose, levy, and collect by
 10 legal process a civil penalty, in an amount not to exceed
 11 \$1,000 for each violation, against any licensee if it finds
 12 that a licensee has violated any provision of this section or
 13 has violated any other law of this state having to do with
 14 dealing in mobile homes. Any licensee shall be entitled to a
 15 hearing pursuant to chapter 120 should the licensee wish to
 16 contest the fine levied, or about to be levied, upon him or
 17 her.

18 Section 34. Effective January 1, 1999, section
 19 320.823, Florida Statutes, is transferred and renumbered as
 20 section 553.436, Florida Statutes.

21 Section 35. Effective January 1, 1999, section
 22 553.4365, Florida Statutes, is created to read:

23 553.4365 Establishment of uniform standards for park
 24 trailers.--Park trailers exceeding 400 square feet shall meet
 25 the Federal Manufactured Home Construction and Safety
 26 Standards and shall have a United States Department of Housing
 27 and Urban Development label.

28 Section 36. Effective January 1, 1999, section
 29 553.437, Florida Statutes, is created to read:

30 553.437 Rules and regulations, changes and
 31 modifications of standards.--

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 (1) The division may adopt such rules as it deems
2 necessary or proper for the effective administration and
3 enforcement of ss. 553.431-553.458 and may adopt any changes
4 in, or additions to, the standards adopted in s. 553.436 or s.
5 553.4365, which are approved and officially published by the
6 institute or adopted by the Department of Housing and Urban
7 Development subsequent to the effective date of this act.

8 (2) The division or its authorized agent may enter any
9 place or establishment where mobile homes are manufactured,
10 sold, or offered for sale, for the purpose of ascertaining
11 whether the requirements of the code and the regulations
12 adopted by the department have been met.

13 Section 37. Effective January 1, 1999, section
14 553.438, Florida Statutes, is created to read:

15 553.438 Limitation of alteration or modification to
16 mobile homes.--

17 (1) LIMITATION OF ALTERATIONS OR MODIFICATIONS.--No
18 alteration or modification shall be made to a mobile home by a
19 licensed dealer after shipment from the manufacturer's plant
20 unless such alteration or modification is authorized in this
21 section.

22 (2) EFFECT ON MOBILE HOME WARRANTY.--Unless an
23 alteration or modification is performed by a qualified person
24 as defined in subsection (4), the warranty responsibility of
25 the manufacturer as to the altered or modified item shall be
26 void.

27 (a) An alteration or modification performed by a
28 mobile home dealer or his or her agent or employee shall place
29 warranty responsibility for the altered or modified item upon
30 the dealer. If the manufacturer fulfills, or is required to
31 fulfill, the warranty on the altered or modified item, he or

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 she shall be entitled to recover damages in the amount of his
2 or her costs and attorneys' fees from the dealer.

3 (b) An alteration or modification performed by a
4 mobile home owner or his or her agent shall render the
5 manufacturer's warranty as to that item void. A statement
6 shall be displayed clearly and conspicuously on the face of
7 the warranty that the warranty is void as to the altered or
8 modified item if the alteration or modification is performed
9 by other than a qualified person. Failure to display such
10 statement shall result in warranty responsibility on the
11 manufacturer.

12 (3) AUTHORITY OF THE DIVISION.--The division is
13 authorized to adopt rules and regulations pursuant to chapter
14 120 which define the alterations or modifications which must
15 be made by qualified personnel. The division may regulate
16 only those alterations and modifications which substantially
17 impair the structural integrity or safety of the mobile home.

18 (4) DESIGNATION AS A QUALIFIED PERSON.--

19 (a) In order to be designated as a person qualified to
20 alter or modify a mobile home, a person must comply with local
21 or county licensing or competency requirements in skills
22 relevant to performing alterations or modifications on mobile
23 homes.

24 (b) When no local or county licensing or competency
25 requirements exist, the division may certify persons to
26 perform mobile home alterations or modifications. The
27 division shall by rule or regulation determine what skills and
28 competency requirements are requisite to the issuance of a
29 certification. A fee sufficient to cover the costs of issuing
30 certifications may be charged by the division. The
31 certification shall be valid for a period which terminates

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 when the county or other local governmental unit enacts
 2 relevant competency or licensing requirements. The
 3 certification shall be valid only in counties or localities
 4 without licensing or competency requirements.

5 (c) The division shall determine which counties and
 6 localities have licensing or competency requirements adequate
 7 to eliminate the requirement of certification. This
 8 determination shall be based on a review of the relevant
 9 county or local standards for adequacy in regulating persons
 10 who perform alterations or modifications to mobile homes. The
 11 division shall find local or county standards adequate when
 12 minimal licensing or competency standards are provided.

13 Section 38. Effective January 1, 1999, section
 14 320.8249, Florida Statutes, is transferred and renumbered as
 15 section 553.439, Florida Statutes, and is amended to read:

16 553.439 ~~320.8249~~ Mobile home installers license.--

17 (1) Any person who engages in mobile home installation
 18 shall obtain a mobile home installers license from the
 19 ~~division Bureau of Mobile Home and Recreational Vehicle~~
 20 ~~Construction of the Department of Highway Safety and Motor~~
 21 ~~Vehicles~~ pursuant to this section. Said license shall be
 22 renewed annually, and each licensee shall pay a fee of \$150.

23 (2) The ~~division Department of Highway Safety and~~
 24 ~~Motor Vehicles~~ shall issue a license as a mobile home
 25 installer to any person who applies to the department, pays
 26 the appropriate application fee, not to exceed \$100, as set by
 27 ~~division~~ department rule, and complies with subsection (3).

28 (3) In order to obtain licensure as a mobile home
 29 installer, the applicant must be at least 18 years old, must
 30 hold a valid performance bond in an amount set by ~~division~~
 31 ~~department~~ rule, not to exceed \$5,000, conditioned upon proper

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 performance of mobile home installation and weather-sealing
2 duties for a period of 1 year, must carry liability insurance
3 in an amount determined by division ~~department~~ rule, not to
4 exceed \$100,000, must complete a minimum 8-hour training
5 course approved by the division ~~department~~, and must pass a
6 division-approved ~~department-approved~~ examination designed to
7 test the skills necessary to properly and competently perform
8 mobile home installation and to ascertain that the applicant
9 has adequate knowledge of federal, state, and local laws
10 applicable to mobile home installation contracting. The
11 division ~~department~~ may charge an examination fee sufficient
12 to defray the costs of developing or obtaining and providing
13 the examination, not to exceed \$100. Any licensed dealer or
14 licensed manufacturer who has subcontracted with an installer
15 for installation and who remedies any faulty installation
16 performed by said installer shall have recourse against said
17 installer's performance bond.

18 ~~(4) Notwithstanding the provisions of subsection (3),~~
19 ~~any person who can show that he or she had been engaged in the~~
20 ~~business of mobile home installation on October 1, 1996, shall~~
21 ~~be exempted until October 1, 1997, from the requirement for~~
22 ~~completing training and for passing an examination in order to~~
23 ~~be licensed by the department as a mobile home installer and~~
24 ~~shall be licensed upon application, provided he or she has~~
25 ~~complied with all requirements of subsection (3), other than~~
26 ~~the training and examination requirements. No person shall be~~
27 ~~licensed or remain licensed as a mobile home installer~~
28 ~~subsequent to October 1, 1997, who has not taken and passed~~
29 ~~the department-approved mobile home installer examination.~~

30 (4)~~(5)~~ A direct employee of a licensed mobile home
31 installer working under the supervision of the licensee and

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 within the job scope of the licensee is not required to be
2 licensed as a mobile home installer. The licensed mobile home
3 installer is responsible for supervising all such employees
4 and for the proper and competent performance of all employees
5 working under his or her supervision.

6 ~~(5)(6)~~ "Installation," as used herein, is synonymous
7 with "setup" as defined in s. 553.434 ~~320.822(14)~~.

8 ~~(6)(7)~~ No person shall:

9 (a) Falsely hold himself or herself or a business
10 organization out as a licensed mobile home installer;

11 (b) Falsely impersonate a licensed mobile home
12 installer;

13 (c) Present as his or her own the mobile home
14 installers license of another;

15 (d) Knowingly give false or forged evidence to the
16 division ~~department~~;

17 (e) Use or attempt to use a mobile home installers
18 license which has been suspended or revoked; or

19 (f) Engage in the business or act in the capacity of a
20 licensed mobile home installer or advertise himself or herself
21 or a business organization as available to engage in the
22 business or act in the capacity of a mobile home installer
23 without being duly licensed.

24 ~~(7)(8)~~ Any unlicensed person who violates any of the
25 provisions of subsection ~~(6)(7)~~ is guilty of a misdemeanor of
26 the first degree, punishable as provided in s. 775.082 or s.
27 775.083.

28 ~~(8)(9)~~ No licensed person nor licensed applicant
29 shall:

30 (a) Obtain a mobile home installers license by fraud
31 or misrepresentation.

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 (b) Be convicted or found guilty of, or enter a plea
2 of nolo contendere to, regardless of adjudication, a crime in
3 any jurisdiction which directly relates to the practice of
4 mobile home installation or the ability to practice.

5 (c) Violate any lawful order of the division
6 ~~department~~.

7 (d) Commit fraud or deceit in the practice of
8 contracting.

9 (e) Commit incompetence or misconduct in the practice
10 of contracting.

11 (f) Commit gross negligence, repeated negligence, or
12 negligence resulting in a significant danger to life or
13 property.

14 (g) Commit violations of the installation standards
15 for mobile homes or manufactured homes contained in rules
16 15C-1.0102 to 15C-1.0104, Florida Administrative Code.

17 ~~(9)(10)~~ Any licensed person or license applicant who
18 violates any provision of subsection ~~(8)(9)~~ may have any of
19 the following disciplinary penalties imposed by the division
20 ~~department~~:

21 (a) License revocation;

22 (b) License suspension;

23 (c) A fine not to exceed \$1,000 per violation;

24 (d) A requirement to take and pass, or retake and
25 pass, the department-approved examination;

26 (e) Probation;

27 (f) Probation subject to such restriction of practice
28 as the division ~~department~~ chooses to impose;

29 (g) A notice of noncompliance; or

30 (h) Refusal of licensure application.

31 ~~(10)(11)~~ Licensed mobile home dealers and licensed

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 mobile home manufacturers are exempt from requirements to
2 obtain a license as a mobile home installer and may perform
3 mobile home installation. Any licensed dealer or licensed
4 manufacturer who does not subcontract with a licensed
5 installer and who performs his or her own installations,
6 either himself or herself or through direct employees, shall
7 have at least one employee who has completed an 8-hour
8 installation training course, as approved by the division
9 ~~department~~. Licensed mobile home dealers and mobile home
10 manufacturers are subject to discipline against their license
11 for violation of subsection (8)~~(9)~~.

12 (11)~~(12)~~ The regulation of manufactured home
13 installers or mobile home installers is preempted to the
14 state, and no person may perform mobile home installation
15 unless licensed pursuant to this section, regardless of
16 whether that person holds a local license.

17 (12)~~(13)~~ No county, municipality, or other unit of
18 local government may require additional licensing of a duly
19 licensed installer who performs setup operations as defined in
20 s. 553.434 ~~320.822~~. However, a county, municipality, or other
21 unit of local government may require an installer to obtain a
22 local occupational license, which license shall not require
23 for its issuance any conditions other than those required by
24 this act and payment of the appropriate occupational license
25 fee.

26 (13)~~(14)~~ All installers, dealers, and manufacturers
27 shall purchase installation decals from the division
28 ~~Department of Highway Safety and Motor Vehicles~~ for a fee not
29 to exceed \$10 per decal. An installation decal shall be
30 affixed to the manufactured home or mobile home prior to
31 installation. This decal shall denote the date of

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 installation, the name of the installer, and the number of the
 2 installer's license or the dealer or manufacturer license
 3 number. Such decal shall be positioned immediately next to
 4 the HUD decal.

5 ~~(14)(15)~~ In performing the installation, installers
 6 shall not perform plumbing or electrical activities prohibited
 7 by division ~~department~~ rules related to setup operations
 8 pursuant to s. 553.434 ~~320.822~~.

9 ~~(15)(16)~~ Funds received by the division ~~department~~
 10 pursuant to this section shall be deposited in the
 11 department's Highway Safety Operating Trust Fund.

12 ~~(16)(17)~~ When mobile homeowners in a mobile home park
 13 obtain evaluations of the wind resistance of their mobile
 14 homes and make improvements in accordance thereto using funds
 15 from the General Appropriations Act pursuant to s. 627.0629,
 16 the applicable local, county, or municipal government may
 17 charge only one building permit or any other applicable fee or
 18 change, not to exceed the usual permit fee or charge that
 19 would have applied to a single mobile homeowner, for the
 20 entire mobile home park in which such evaluations are being
 21 performed. ~~There are hereby appropriated five positions and~~
 22 ~~\$219,295 from the Highway Safety Operating Trust Fund in the~~
 23 ~~Department of Highway Safety and Motor Vehicles to implement~~
 24 ~~the provisions of this section.~~

25 Section 39. Effective January 1, 1999, section
 26 320.8255, Florida Statutes, is transferred and renumbered as
 27 section 553.440, Florida Statutes, and is amended to read:

28 553.440 ~~320.8255~~ Mobile home inspection.--

29 (1) In order to ensure the highest degree of quality
 30 control in the construction of new mobile homes, each new
 31 mobile home sold in the state shall be inspected by the

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 ~~division department~~ pursuant to procedures developed by the
 2 ~~division department~~ which assure compliance with code
 3 provisions. The ~~division department~~ may adopt reasonable
 4 rules and regulations pursuant to chapter 120 for the
 5 implementation and enforcement of this inspection.

6 (2) ~~Division Department~~ inspectors shall make
 7 unannounced visits to manufacturing plants or take any other
 8 appropriate action which assures compliance with the code.

9 (3) Mobile home manufacturers and dealers shall be
 10 charged a fee for special inspections, including, but not
 11 limited to, plant approvals, 100 percent plant inspections,
 12 increased frequency inspections, reinspections, and special
 13 consumer complaint investigations as requested by a
 14 manufacturer or dealer or as may be deemed necessary by the
 15 ~~division department~~.

16 (4) The ~~division department~~ shall determine fees for
 17 special inspections and for the seal authorized under s.
 18 553.441 ~~320.827~~ which are sufficient to cover the cost of
 19 inspection and administration under this section. Fees
 20 collected shall be deposited into the General Revenue Fund.

21 Section 40. Effective January 1, 1999, section
 22 320.827, Florida Statutes, is transferred and renumbered as
 23 section 553.441, Florida Statutes, and is amended to read:

24 553.441 ~~320.827~~ Label; procedures for issuance;
 25 certification; requirements.--No dealer shall sell or offer
 26 for sale in this state any new mobile home ~~manufactured after~~
 27 ~~January 1, 1968,~~ unless the mobile home bears a label and the
 28 certification by the manufacturer that the mobile home to
 29 which the label is attached meets or exceeds the appropriate
 30 code. Any mobile home bearing the insignia of approval
 31 pursuant to this section shall be deemed to comply with the

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 requirements of all local government ordinances or rules which
 2 govern construction, and no mobile home bearing the division
 3 ~~department~~ insignia of approval shall be in any way modified
 4 except in compliance with this chapter. Labels may be issued
 5 by the division ~~department~~ when applied for with an affidavit
 6 certifying that the dealer or manufacturer applying will not
 7 attach a label to any new mobile home that does not meet or
 8 exceed the appropriate code. No mobile home may be
 9 manufactured in this state unless it bears a label and
 10 certification that the mobile home meets or exceeds the code.
 11 The label for each mobile home shall be displayed in a manner
 12 to be prescribed by the division ~~department~~.

13 Section 41. Effective January 1, 1999, section
 14 320.8285, Florida Statutes, is transferred and renumbered as
 15 section 553.442, Florida Statutes, and is amended to read:

16 553.442 ~~320.8285~~ Onsite inspection.--

17 (1) Each county or municipality in this state shall
 18 prepare and adopt a plan providing for an onsite inspection of
 19 each mobile home located within such entity. The onsite
 20 inspection shall ensure compliance with state and local
 21 building codes, ordinances, and regulations regarding such
 22 functions as blocking and leveling, tie-downs, utility
 23 connections, conversions of appliances, and external
 24 improvements on the mobile home. If a mobile home is
 25 manufactured in conformity with the code, as established in s.
 26 553.436 ~~320.823~~, a county may not require modification of the
 27 mobile home in order to comply with local tie-down
 28 regulations.

29 (2) When a county or municipality has not prepared and
 30 adopted a plan providing for onsite inspection, the division
 31 ~~department~~ shall prepare a minimum onsite inspection plan for

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 such county. The division ~~department~~ may adopt ~~promulgate~~
2 reasonable rules and regulations pursuant to chapter 120 in
3 preparing and enforcing such a minimum onsite inspection plan.

4 (3) Each county or municipality may designate the
5 persons who are to perform the onsite inspection. If a county
6 or municipality does not so designate, the division ~~department~~
7 shall designate the persons who are to perform the onsite
8 inspection. No person shall be designated to perform onsite
9 inspections unless such person is competent in the areas of
10 mobile home blocking and leveling, tie-downs, utility
11 connections, conversions of appliances, and external
12 improvements. Pursuant to the onsite inspection, each mobile
13 home shall be issued a certificate of occupancy if the mobile
14 home complies with state and local building codes, ordinances,
15 and regulations regarding such functions as blocking and
16 leveling, tie-downs, utility connections, conversion of
17 appliances, and external improvements to the mobile home.

18 (4) Fees for onsite inspections and certificates of
19 occupancy of mobile homes shall be reasonable for the services
20 performed. A guideline for fee schedules shall be issued by
21 the division ~~department~~.

22 (5) The division ~~Department of Highway Safety and~~
23 ~~Motor Vehicles~~ shall enforce every provision of this section
24 and the regulations adopted pursuant hereto, except that local
25 land use and zoning requirements, fire zones, building setback
26 and side and rear yard requirements, site development and
27 property line requirements, subdivision control, and onsite
28 installation requirements, as well as review and regulation of
29 architectural and aesthetic requirements, are hereby
30 specifically and entirely reserved to local jurisdictions.
31 However, any architectural or aesthetic requirement imposed on

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 the mobile home structure itself may pertain only to roofing
2 and siding materials. Such local requirements and regulations
3 and others for manufactured homes must be reasonable,
4 uniformly applied, and enforced without distinctions as to
5 whether such housing is manufactured, located in a mobile home
6 park or a mobile home subdivision, or built in a conventional
7 manner. No local jurisdiction shall prohibit siting or
8 resiting of used mobile homes based solely on the date the
9 unit was manufactured.

10 (6) Park trailers are subject to inspection in the
11 same manner as are mobile homes pursuant to this section.

12 Section 42. Effective January 1, 1999, section
13 320.830, Florida Statutes, is transferred and renumbered as
14 section 553.443, Florida Statutes, and is amended to read:

15 553.443 ~~320.830~~ Reciprocity.--If any other state has
16 codes for mobile homes at least equal to those established by
17 this part ~~chapter~~, the division ~~department~~, upon determining
18 that such standards are being enforced by an independent
19 inspection agency, shall place the other state on a
20 reciprocity list, which list shall be available to any
21 interested person. Any mobile home that bears a seal of any
22 state which has been placed on the reciprocity list may not be
23 required to bear the seal of this state. A mobile home that
24 does not bear the label herein provided shall not be permitted
25 to be manufactured or offered for sale by a manufacturer or
26 dealer anywhere within the geographical limits of this state
27 unless the mobile home is designated for delivery into another
28 state that has not adopted a code entitling the state to be
29 placed on the reciprocity list.

30 Section 43. Effective January 1, 1999, section
31 320.831, Florida Statutes, is transferred and renumbered as

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 section 553.444, Florida Statutes, and is amended to read:

2 553.444 ~~320.831~~ Penalties.--

3 (1) Whoever violates any provision of the National
4 Mobile Home Construction and Safety Standards Act of 1974, 42
5 U.S.C. ss. 5401 et seq., or any rules, regulations, or final
6 order issued thereunder shall be liable for a civil penalty
7 not to exceed \$1,000 for each such violation. Each violation
8 of a provision of the act or any rule, regulation, or order
9 issued thereunder shall constitute a separate violation with
10 respect to each mobile home or with respect to each failure or
11 refusal to allow or perform an act required thereby, except
12 that the maximum civil penalty may not exceed \$1 million for
13 any related series of violations occurring within 1 year from
14 the date of the first violation.

15 (2) Any individual, or a director, officer, or agent
16 of a corporation, who knowingly and willfully violates the
17 provisions of s. 610 of the National Mobile Home Construction
18 and Safety Standards Act of 1974 in a manner which threatens
19 the health or safety of any purchaser is guilty of a
20 misdemeanor of the first degree, punishable as provided in s.
21 775.082 or s. 775.083.

22 (3) Any manufacturer, dealer, or inspector who
23 violates or fails to comply with any of the provisions of ss.
24 553.434-553.456 ~~320.822-320.862~~ or any of the rules adopted by
25 the department is guilty of a misdemeanor of the first degree,
26 punishable as provided in s. 775.082 or s. 775.083, provided
27 such violation is not also a violation of the National Mobile
28 Home Construction and Safety Standards Act of 1974 or any
29 rule, regulation, or final order issued thereunder.

30 Section 44. Effective January 1, 1999, section
31 320.8325, Florida Statutes, is transferred and renumbered as

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 section 553.445, Florida Statutes, and is amended to read:

2 553.445 ~~320.8325~~ Mobile homes and park trailers;
3 tie-down requirements; minimum installation standards;
4 injunctions; penalty.--

5 (1) The owner of a mobile home or park trailer shall
6 secure the mobile home or park trailer to the ground by the
7 use of anchors and tie-downs so as to resist wind overturning
8 and sliding. However, nothing herein shall be construed as
9 requiring that anchors and tie-downs be installed to secure
10 mobile homes or park trailers which are permanently attached
11 to a permanent structure. A permanent structure shall have a
12 foundation and such other structural elements as are required
13 pursuant to rules and regulations promulgated by the division
14 ~~department~~ which assure the rigidity and stability of the
15 mobile home or park trailer.

16 (a) A mobile home or park trailer manufactured in
17 accordance with the code standards and labeled "hurricane and
18 windstorm resistive" shall be anchored to each anchor point
19 provided on the mobile home or park trailer. A mobile home or
20 park trailer which does not meet these standards must be
21 anchored with anchor points spaced as required by the division
22 ~~department~~ starting at each end of the mobile home or park
23 trailer.

24 (b) In addition, each mobile home or park trailer
25 shall be tied down by one of the following means:

26 1. A mobile home or park trailer having built-in,
27 over-the-roof ties shall be secured by the tie-down points,
28 provided such built-in ties and points meet the standards
29 adopted ~~promulgated~~ by the division ~~department~~.

30 2. A mobile home or park trailer not having built-in,
31 over-the-roof ties and tie-down points which meet division

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 ~~department~~ standards shall be secured in accordance with
2 standards adopted ~~promulgated~~ by the division ~~department~~.

3 (2) The division ~~department~~ shall adopt ~~promulgate~~
4 rules ~~and regulations~~ setting forth minimum standards for the
5 manufacture and ~~or~~ installation of manufactured housing
6 installation systems, composed of anchors, buckles, straps,
7 stabilizer plates, and piers or other requirements mandated by
8 a manufacturer's installation manual ~~anchors, tie-downs,~~
9 ~~over-the-roof ties, or other reliable methods of securing~~
10 ~~mobile homes or park trailers when over-the-roof ties are not~~
11 ~~suitable due to factors such as unreasonable cost, design of~~
12 ~~the mobile home or park trailer, or potential damage to the~~
13 ~~mobile home or park trailer. Such~~ systems ~~devices~~ required
14 under this section, when properly installed, shall insure a
15 manufactured home remains secured to the ground when subjected
16 to winds equal to or less than their HUD code design criteria
17 and shall cause the mobile home or park trailer to resist wind
18 overturning and sliding. In ~~promulgating~~ Such rules shall be
19 reasonably related to the ~~and regulations, the department may~~
20 ~~make such discriminations regarding mobile home or park~~
21 ~~trailer tie-down requirements as are reasonable when factors~~
22 ~~such as age and windzone of the manufactured housing,~~
23 ~~location, and practicality of tying down a mobile home or park~~
24 ~~trailer are considered. The division shall also develop~~
25 standards for installation and anchoring systems for park
26 trailers. Fees and civil penalties collected by the division
27 pursuant to s. 553.439 shall be deposited into the
28 department's Operating Trust Fund for the use by the division
29 for the testing of manufactured housing installation systems
30 and their individual components to insure that such products
31 being delivered to consumers in this state meet the wind

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 design criteria adopted by the division.

2 (3)(a) Persons licensed in this state to engage in the
3 business of insuring mobile homes or park trailers that are
4 subject to the provisions of this section against damage from
5 windstorm shall issue such insurance only if the mobile home
6 or park trailer has been anchored and tied down in accordance
7 with the provisions of this section.

8 (b) In the event that a mobile home or park trailer is
9 insured against damage caused by windstorm and subsequently
10 sustains windstorm damage of a nature that indicates that the
11 mobile home or park trailer was not anchored or tied down in
12 the manner required by this section, the person issuing the
13 policy shall not be relieved from meeting the obligations
14 specified in the insurance policy with respect to such damage
15 on the basis that the mobile home or park trailer was not
16 properly anchored or tied down.

17 (4) Whenever a person who engages in the business of
18 installing anchors, tie-downs, or over-the-roof ties or who
19 engages in the business of manufacturing, distributing, or
20 dealing in such devices for use in this state does so in a
21 manner that is not in accordance with the minimum standards
22 set forth by the division ~~department~~, a person aggrieved
23 thereby may bring an action in the appropriate court for
24 actual damages. In addition, the court may provide appropriate
25 equitable relief, including the enjoining of a violator from
26 engaging in the business or from engaging in further
27 violations. Whenever it is established to the satisfaction of
28 the court that a willful violation has occurred, the court
29 shall award punitive damages to the aggrieved party. The
30 losing party may be liable for court costs and reasonable
31 attorney's fees incurred by the prevailing party.

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 (5) In addition to other penalties provided in this
2 section, the division department or the state attorneys and
3 their assistants are authorized to apply to the circuit courts
4 within their respective jurisdictions, and such courts shall
5 have jurisdiction, upon hearing and for cause shown, to grant
6 temporary or permanent injunctions restraining any persons
7 engaging in the business of manufacturing, distributing, or
8 dealing in anchors, tie-downs, or over-the-roof ties from
9 manufacturing or selling such devices in a manner not in
10 accordance with the minimum standards set forth by the
11 division department or restraining any persons in the business
12 of installing anchors, tie-downs, or over-the-roof ties from
13 utilizing devices that do not meet the minimum standards set
14 forth by the division department or from installing such
15 devices in a manner not in accordance with the minimum
16 standards set forth by the division department, whether or not
17 there exists an adequate remedy at law, and such injunctions
18 shall issue without bond.

19 (6) This section only applies to a mobile home or park
20 trailer that is being used as a dwelling place and that is
21 located on a particular location for a period of time
22 exceeding 14 days, for a mobile home, or 45 days, for a park
23 trailer.

24 (7) For the purposes of this section, the definitions
25 set forth in s. 553.434 ~~320.822~~ apply.

26 Section 45. Effective January 1, 1999, section
27 553.446, Florida Statutes, is created to read:

28 553.446 Retention, destruction, and reproduction of
29 records.--Records and documents of the division, created in
30 compliance with and in the implementation of this part, shall
31 be retained by the division as specified in record retention

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 schedules established under the general provisions of chapter
2 119. Further, the division is hereby authorized:

3 (1) To destroy, or otherwise dispose of, those records
4 and documents, in conformity with the approved retention
5 schedules.

6 (2) To photograph, microphotograph, or reproduce on
7 film, as authorized and directed by the approved retention
8 schedules, whereby each page will be exposed in exact
9 conformity with the original records and documents retained in
10 compliance with the provisions of this section. Photographs
11 or microphotographs in the form of film or print of any
12 records, made in compliance with the provisions of this
13 section, shall have the same force and effect as the originals
14 thereof would have and shall be treated as originals for the
15 purpose of their admissibility in evidence. Duly certified or
16 authenticated reproductions of such photographs or
17 microphotographs shall be admitted in evidence equally with
18 the original photographs or microphotographs.

19 Section 46. Effective January 1, 1999, section
20 320.8335, Florida Statutes, is transferred and renumbered as
21 section 553.447, Florida Statutes.

22 Section 47. Effective January 1, 1999, section
23 553.448, Florida Statutes, is created to read:

24 553.448 Purpose.--It is the intent of the Legislature
25 to ensure the safety and welfare of residents of mobile homes
26 through an inspection program conducted by the division.
27 Mobile homes are a primary housing resource of many of the
28 residents of the state and satisfy a large segment of
29 statewide housing needs. It is the further intent of the
30 Legislature that the division, mobile home dealers, and mobile
31 home manufacturers continue to work together to meet the

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 applicable code requirements for mobile homes and that such
2 dealers and manufacturers share the responsibilities of
3 warranting mobile homes in accordance with applicable codes
4 and resolving legitimate consumer complaints in a timely,
5 efficient manner.

6 Section 48. Effective January 1, 1999, section
7 553.449, Florida Statutes, is created to read:

8 553.449 Mobile home warranties.--Each manufacturer,
9 dealer, and supplier of mobile homes shall warrant each new
10 mobile home sold in this state and the setup of each such
11 mobile home, in accordance with the warranty requirements
12 prescribed by this section, for a period of at least 12
13 months, measured from the date of delivery of the mobile home
14 to the buyer. The warranty requirements of each manufacturer,
15 dealer, and supplier of mobile homes are as follows:

16 (1) The manufacturer warrants:

17 (a) For a mobile home, that all structural elements;
18 plumbing systems; heating, cooling, and fuel-burning systems;
19 electrical systems; fire prevention systems; and any other
20 components or conditions included by the manufacturer are free
21 from substantial defect.

22 (b) That 100-ampere electrical service exists in the
23 mobile home.

24 (2) The dealer warrants:

25 (a) That any modifications or alterations made to the
26 mobile home by the dealer or authorized by the dealer shall be
27 free from substantial defect. Alterations or modifications
28 made by a dealer shall relieve the manufacturer of warranty
29 responsibility only as to the item altered or modified.

30 (b) That setup operations performed on the mobile home
31 are performed in compliance with s. 553.445.

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 (c) That substantial defects do not occur to the
2 mobile home during setup or by transporting it to the
3 occupancy site.

4
5 When the setup of a mobile home is performed by a person who
6 is not an employee or agent of the mobile home manufacturer or
7 dealer and is not compensated or authorized by, or connected
8 with, such manufacturer or dealer, then the warranty
9 responsibility of the manufacturer or dealer as to setup shall
10 be limited to transporting the mobile home to the occupancy
11 site free from substantial defect.

12 (3) The supplier warrants that any warranties
13 generally offered in the ordinary sale of his or her product
14 to consumers shall be extended to buyers of mobile homes.
15 When no warranty is extended by suppliers, the manufacturer
16 shall assume warranty responsibility for that component.

17 Section 49. Effective January 1, 1999, section
18 553.450, Florida Statutes, is created to read:

19 553.450 Presenting warranty claim.--The claim in
20 writing, stating the substance of the warranty defect, may be
21 presented to the manufacturer, dealer, or supplier. When the
22 person notified is not the responsible party he or she shall
23 inform the claimant and shall notify the responsible party of
24 the warranty claim immediately.

25 Section 50. Effective January 1, 1999, section
26 553.451, Florida Statutes, is created to read:

27 553.451 Warranty service.--

28 (1) When a service agreement exists between
29 manufacturers, dealers, and suppliers to provide warranty
30 service, the agreement may specify which party is to remedy
31 warranty defects. However, when a warranty defect is not

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 properly remedied, the responsible party as determined
2 pursuant to s. 553.449 shall be responsible for providing
3 warranty service.

4 (2) When no service agreement exists for warranty
5 service, the responsible party as designated by s. 553.449 is
6 responsible for remedying the warranty defect.

7 (3) The defect shall be remedied within 30 days of
8 receipt of the written notification of the warranty claim
9 unless the claim is unreasonable or bona fide reasons exist
10 for not remedying the defect. When sufficient reasons exist
11 for not remedying the defect or the claim is unreasonable, the
12 responsible party shall respond to the claimant in writing
13 with its reasons for not promptly remedying the defect and
14 what further action is contemplated by the responsible party.

15 (4) When the person remedying the defect is not the
16 responsible party as designated by s. 553.449 he or she shall
17 be entitled to reasonable compensation paid to him or her by
18 the responsible party. Conduct which coerces or requires a
19 nonresponsible party to perform warranty service is a
20 violation of this section.

21 (5) Warranty service shall be performed at the site at
22 which the mobile home is initially delivered to the buyer,
23 except for components which can be removed for service without
24 substantial expense or inconvenience to the buyer.

25 Section 51. Effective January 1, 1999, section
26 553.452, Florida Statutes, is created to read:

27 553.452 Civil action.--Notwithstanding the existence
28 of other remedies, a buyer may bring a civil suit for damages
29 against a responsible party who fails to satisfactorily
30 resolve a warranty claim. Damages shall be the actual costs
31 of remedying the defect. Court costs and reasonable attorney

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 fees may be awarded to the prevailing party. When the court
2 finds that failure to honor warranty claims is a consistent
3 pattern of conduct of the responsible party, or that the
4 defect is so severe as to significantly impair the safety of
5 the mobile home, it may assess punitive damages against the
6 responsible party.

7 Section 52. Effective January 1, 1999, section
8 553.453, Florida Statutes, is created to read:

9 553.453 Cumulative remedies.--The warranty provided
10 for in this act shall be in addition to, and not in derogation
11 of, any other rights and privileges which the buyer may have
12 under any other law or instrument. The manufacturer, dealer
13 or supplier shall not require the buyer to waive his or her
14 rights under this act or any other rights under law. Any such
15 waiver shall be deemed contrary to public policy and
16 unenforceable and void.

17 Section 53. Effective January 1, 1999, section
18 320.840, Florida Statutes, is transferred and renumbered as
19 section 553.454, Florida Statutes.

20 Section 54. Effective January 1, 1999, section
21 553.455, Florida Statutes, is created to read:

22 553.455 Inspection of records; production of evidence;
23 subpoena power.--

24 (1) The division may inspect the pertinent books,
25 records, letters, and contracts of any licensee, whether
26 dealer or manufacturer, relating to any written complaint made
27 to it against such licensee.

28 (2) The division is granted and authorized to exercise
29 the power of subpoena for the attendance of witnesses and the
30 production of any documentary evidence necessary to the
31 disposition by it of any written complaint against any

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 licensee, whether dealer or manufacturer.

2 Section 55. Effective January 1, 1999, section
3 553.456, Florida Statutes, is created to read:

4 553.456 Revocation of license held by firms or
5 corporations.--If any applicant or licensee is a firm or
6 corporation, it shall be sufficient cause for the denial,
7 suspension, or revocation of a license that any officer,
8 director, or trustee of the firm or corporation, or any member
9 in case of a partnership, has been guilty of an act or
10 omission which would be cause for refusing, suspending, or
11 revoking a license to such party as an individual. Each
12 licensee shall be responsible for the acts of any of its
13 employees while acting as its agent if the licensee approved
14 of, or had knowledge of, the acts or other similar acts and,
15 after such approval or knowledge, retained the benefits,
16 proceeds, profits, or advantages accruing from, or otherwise
17 ratified, the acts.

18 Section 56. Effective January 1, 1999, section
19 553.457, Florida Statutes, is created to read:

20 553.457 Maintenance of records by the division.--The
21 division shall maintain uniform records of all complaints
22 filed against licensees licensed under the provisions of ss.
23 553.432 and 553.435, any other provision of this part to the
24 contrary notwithstanding. The records shall contain all
25 enforcement actions taken against licensees and against
26 unlicensed persons acting in a capacity which would require
27 them to be licensed under those sections. The permanent file
28 of each licensee and unlicensed person shall contain a record
29 of any complaints filed against him or her and a record of any
30 enforcement actions taken against him or her. All complaints
31 and satisfactions thereof and enforcement actions on each

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 licensee and unlicensed person shall be entered into the
2 central database in such a manner that rapid retrieval will be
3 facilitated. The complainant and the referring agency, if
4 there is one, shall be advised of the disposition by the
5 division of the complaint within 10 days after such action.

6 Section 57. Effective January 1, 1999, section
7 553.458, Florida Statutes, is created to read:

8 553.458 Transactions by electronic or telephonic
9 means.--The division is authorized to accept any application
10 provided for under this chapter by electronic or telephonic
11 means.

12 Section 58. Effective January 1, 1999, paragraph (b)
13 of subsection (1) of section 161.55, Florida Statutes, is
14 amended to read:

15 161.55 Requirements for activities or construction
16 within the coastal building zone.--The following requirements
17 shall apply beginning March 1, 1986, to construction within
18 the coastal building zone and shall be minimum standards for
19 construction in this area:

20 (1) STRUCTURAL REQUIREMENTS; MAJOR STRUCTURES.--

21 (b) Mobile homes shall conform to the Federal Mobile
22 Home Construction and Safety Standards or the Uniform
23 Standards Code ANSI book A-119.1, pursuant to s. 553.436
24 ~~320.823~~, and to the requirements of paragraph (c).

25 Section 59. Effective January 1, 1999, subsection (2)
26 of section 319.001, Florida Statutes, is amended to read:

27 319.001 Definitions.--As used in this chapter, the
28 term:

29 (2) "Licensed dealer," unless otherwise specifically
30 provided, means a motor vehicle dealer licensed under s.
31 320.27, a mobile home dealer licensed under s. 553.432 ~~320.77~~,

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 or a recreational vehicle dealer licensed under s. 320.771.

2 Section 60. Effective January 1, 1999, paragraph (d)
3 of subsection (1) of section 320.131, Florida Statutes, is
4 amended to read:

5 320.131 Temporary tags.--

6 (1) The department is authorized and empowered to
7 design, issue, and regulate the use of temporary tags to be
8 designated "temporary tags" for use in the following cases:

9 (d) For banks, credit unions, and other financial
10 institutions which are not required to be licensed under the
11 provisions of s. 320.27, s. 553.432 ~~320.77~~, or s. 320.771, but
12 need temporary tags for the purpose of demonstrating
13 repossessions for sale.

14
15 Further, the department is authorized to disallow the purchase
16 of temporary tags by licensed dealers, common carriers, or
17 financial institutions in those cases where abuse has
18 occurred.

19 Section 61. Effective January 1, 1999, subsection (9)
20 of section 320.27, Florida Statutes, is amended to read:

21 320.27 Motor vehicle dealers.--

22 (9) DENIAL, SUSPENSION, OR REVOCATION.--The department
23 may deny, suspend, or revoke any license issued hereunder or
24 under the provisions of ~~s. 320.77~~ or s. 320.771, upon proof
25 that a licensee has failed to comply with any of the following
26 provisions with sufficient frequency so as to establish a
27 pattern of wrongdoing on the part of the licensee:

28 (a) Willful violation of any other law of this state,
29 including chapter 319, this chapter, or ss. 559.901-559.9221,
30 which has to do with dealing in or repairing motor vehicles or
31 mobile homes or willful failure to comply with any

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 administrative rule promulgated by the department.

2 (b) Commission of fraud or willful misrepresentation
3 in application for or in obtaining a license.

4 (c) Perpetration of a fraud upon any person as a
5 result of dealing in motor vehicles, including, without
6 limitation, the misrepresentation to any person by the
7 licensee of the licensee's relationship to any manufacturer,
8 importer, or distributor.

9 (d) Representation that a demonstrator is a new motor
10 vehicle, or the attempt to sell or the sale of a demonstrator
11 as a new motor vehicle without written notice to the purchaser
12 that the vehicle is a demonstrator. For the purposes of this
13 section, a "demonstrator," a "new motor vehicle," and a "used
14 motor vehicle" shall be defined as under s. 320.60.

15 (e) Unjustifiable refusal to comply with a licensee's
16 responsibility under the terms of the new motor vehicle
17 warranty issued by its respective manufacturer, distributor,
18 or importer. However, if such refusal is at the direction of
19 the manufacturer, distributor, or importer, such refusal shall
20 not be a ground under this section.

21 (f) Misrepresentation or false, deceptive, or
22 misleading statements with regard to the sale or financing of
23 motor vehicles which any motor vehicle dealer has, or causes
24 to have, advertised, printed, displayed, published,
25 distributed, broadcast, televised, or made in any manner with
26 regard to the sale or financing of motor vehicles.

27 (g) Requirement by any motor vehicle dealer that a
28 customer or purchaser accept equipment on his or her motor
29 vehicle which was not ordered by the customer or purchaser.

30 (h) Requirement by any motor vehicle dealer that any
31 customer or purchaser finance a motor vehicle with a specific

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 financial institution or company.

2 (i) Failure by any motor vehicle dealer to provide a
3 customer or purchaser with an odometer disclosure statement
4 and a copy of any bona fide written, executed sales contract
5 or agreement of purchase connected with the purchase of the
6 motor vehicle purchased by the customer or purchaser.

7 (j) Failure of any motor vehicle dealer to comply with
8 the terms of any bona fide written, executed agreement,
9 pursuant to the sale of a motor vehicle.

10 (k) Requirement by the motor vehicle dealer that the
11 purchaser of a motor vehicle contract with the dealer for
12 physical damage insurance.

13 (l) Violation of any of the provisions of s. 319.35 by
14 any motor vehicle dealer.

15 (m) Either a history of bad credit or an unfavorable
16 credit rating as revealed by the applicant's official credit
17 report or by investigation by the department.

18 (n) Failure to disclose damage to a new motor vehicle
19 as defined in s. 320.60(10) of which the dealer had actual
20 knowledge if the dealer's actual cost of repair, excluding
21 tires, bumpers, and glass, exceeds 3 percent of the
22 manufacturer's suggested retail price; provided, however, if
23 only the application of exterior paint is involved, disclosure
24 shall be made if such touch-up paint application exceeds \$100.

25 (o) Failure to apply for transfer of a title as
26 prescribed in s. 319.23(6).

27 (p) Use of the dealer license identification number by
28 any person other than the licensed dealer or his or her
29 designee.

30 (q) Conviction of a felony.

31 (r) Failure to continually meet the requirements of

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 the licensure law.

2 (s) When a motor vehicle dealer is convicted of a
3 crime which results in his or her being prohibited from
4 continuing in that capacity, the dealer may not continue in
5 any capacity within the industry. The offender shall have no
6 financial interest, management, sales, or other role in the
7 operation of a dealership. Further, the offender may not
8 derive income from the dealership beyond reasonable
9 compensation for the sale of his or her ownership interest in
10 the business.

11 (t) Representation to a customer or any advertisement
12 to the general public representing or suggesting that a motor
13 vehicle is a new motor vehicle if such vehicle lawfully cannot
14 be titled in the name of the customer or other member of the
15 general public by the seller using a manufacturer's statement
16 of origin as permitted in s. 319.23(1).

17 (u) Failure to honor a bank draft or check given to a
18 motor vehicle dealer for the purchase of a motor vehicle by
19 another motor vehicle dealer within 10 days after notification
20 that the bank draft or check has been dishonored. A single
21 violation of this paragraph is sufficient for revocation or
22 suspension. If the transaction is disputed, the maker of the
23 bank draft or check shall post a bond in accordance with the
24 provisions of s. 559.917, and no proceeding for revocation or
25 suspension shall be commenced until the dispute is resolved.

26 Section 62. Effective January 1, 1999, section 320.28,
27 Florida Statutes, is amended to read:

28 320.28 Nonresident dealers in secondhand motor
29 vehicles or,recreational vehicles,~~or mobile homes~~.--Every
30 dealer in used or secondhand motor vehicles or,recreational
31 vehicles,~~or mobile homes~~ who is a nonresident of the state,

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 does not have a permanent place of business in this state, and
2 has not qualified as a dealer under the provisions of ss.
3 320.27, ~~320.77~~, and 320.771, and any person other than a
4 dealer qualified under the provisions of said ss. 320.27,
5 ~~320.77~~, and 320.771, who brings any used or secondhand motor
6 vehicle or, recreational vehicle, ~~or mobile home~~ into the
7 state for the purpose of sale, except to a dealer licensed
8 under the provisions of ss. 320.27, ~~320.77~~, and 320.771,
9 shall, at least 10 days prior to the sale of said vehicle, the
10 offering of said vehicle for sale, or the advertising of said
11 vehicle for sale, make and file with the department the
12 official application for a certificate of title for said
13 vehicle as provided by law. Any person who has had one or
14 more transactions involving the sale of three or more used or
15 secondhand motor vehicles or, recreational vehicles, ~~or mobile~~
16 ~~homes~~ in Florida during any 12-month period shall be deemed to
17 be a secondhand dealer in motor vehicles or, recreational
18 vehicles, ~~or mobile homes~~.

19 Section 63. Effective January 1, 1999, subsection (1)
20 of section 320.71, Florida Statutes, is amended to read:

21 320.71 Nonresident motor vehicle, ~~mobile home~~, or
22 recreational vehicle dealer's license.--

23 (1) Any person who is a nonresident of the state, who
24 does not have a dealer's contract from the manufacturer or
25 manufacturer's distributor of motor vehicles, ~~mobile homes~~, or
26 recreational vehicles authorizing the sale thereof in definite
27 Florida territory, and who sells or engages in the business of
28 selling said vehicles at retail within the state shall
29 register with the Department of Revenue for a sales tax dealer
30 registration number and comply with chapter 212, and pay a
31 license tax of \$2,000 per annum in each county where such

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 sales are made; \$1,250 of said tax shall be transmitted to the
 2 Department of Banking and Finance to be deposited in the
 3 General Revenue Fund of the state, and \$750 thereof shall be
 4 returned to the county. The license tax shall cover the
 5 period from January 1 to the following December 31, and no
 6 such license shall be issued for any fractional part of a
 7 year.

8 Section 64. Effective January 1, 1999, section
 9 320.822, Florida Statutes, is amended to read:

10 320.822 Definitions.--In construing ss.
 11 320.822-320.862, unless the context otherwise requires, the
 12 following words or phrases have the following meanings:

13 (1) "Buyer" means a person who purchases at retail
 14 from a dealer or manufacturer a ~~mobile home or~~ recreational
 15 vehicle for his or her own use as a residence, or other
 16 related use.

17 (2) "Code" means the appropriate standards found in:

18 ~~(a) The Federal Manufactured Housing Construction and~~
 19 ~~Safety Standards for single-family mobile homes, promulgated~~
 20 ~~by the Department of Housing and Urban Development;~~

21 ~~(b) the Uniform Standards Code approved by the~~
 22 ~~American National Standards Institute, ANSI A-119.2 for~~
 23 ~~recreational vehicles and ANSI A-119.5 for park trailers or~~
 24 ~~the United States Department of Housing and Urban Development~~
 25 ~~standard for park trailers certified as meeting that standard;~~
 26 or

27 ~~(c) The Mobile Home Repair and Remodeling Code and the~~
 28 ~~Used Recreational Vehicle Code.~~

29 (3) "Construction" means the minimum requirements for
 30 materials, products, equipment, and workmanship needed to
 31 assure that the ~~mobile home or~~ recreational vehicle will

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 provide structural strength and rigidity; protection against
2 corrosion, decay, and other similar destructive forces;
3 resistance to the elements; and durability and economy of
4 maintenance.

5 (4) "Institute" means the American National United
6 ~~States of America~~ Standards Institute.

7 (5) "Length," for purposes of transportation only,
8 means the distance from the extreme front of the ~~mobile home~~
9 ~~or recreational vehicle~~, to the extreme rear, including the
10 drawbar and coupling mechanism, but not including expandable
11 features that do not project from the body during
12 transportation.

13 ~~(6) "Length of a mobile home" means the distance from~~
14 ~~the exterior of the front wall (nearest to the drawbar and~~
15 ~~coupling mechanism) to the exterior of the rear wall (at the~~
16 ~~opposite end of the home) where such walls enclose living or~~
17 ~~other interior space and such distance includes expandable~~
18 ~~rooms but not bay windows, porches, drawbars, couplings,~~
19 ~~hitches, wall and roof extensions, or other attachments.~~

20 (6)(7) "Licensee" means any person licensed or
21 required to be licensed under s. 320.8225.

22 ~~(8) "Mobile home dealer" means any person engaged in~~
23 ~~the business of buying, selling, or dealing in mobile homes or~~
24 ~~offering or displaying mobile homes for sale. Any person who~~
25 ~~buys, sells, or deals in one or more mobile homes in any~~
26 ~~12-month period or who offers or displays for sale one or more~~
27 ~~mobile homes in any 12-month period shall be prima facie~~
28 ~~presumed to be engaged in the business of a mobile home~~
29 ~~dealer. The terms "selling" and "sale" include lease-purchase~~
30 ~~transactions. The term "mobile home dealer" does not include~~
31 ~~a bank, credit union, or finance company that acquires mobile~~

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 ~~homes as an incident to its regular business, does not include~~
2 ~~a mobile home rental or leasing company that sells mobile~~
3 ~~homes to mobile home dealers licensed under s. 320.77, and~~
4 ~~does not include persons who are selling their own mobile~~
5 ~~homes.~~

6 (7)~~(9)~~ "Recreational vehicle dealer" means any person
7 engaged in the business of buying, selling, or dealing in
8 recreational vehicles or offering or displaying recreational
9 vehicles for sale. The term "dealer" includes a recreational
10 vehicle broker. Any person who buys, sells, deals in, or
11 offers or displays for sale, or who acts as the agent for the
12 sale of, one or more recreational vehicles in any 12-month
13 period shall be prima facie presumed to be a dealer. The
14 terms "selling" and "sale" include lease-purchase
15 transactions. The term "dealer" does not include banks,
16 credit unions, and finance companies that acquire recreational
17 vehicles as an incident to their regular business and does not
18 include mobile home rental and leasing companies that sell
19 recreational vehicles to dealers licensed under s. 320.771.

20 ~~(10)~~ "Mobile home manufacturer" means any person,
21 resident or nonresident, who, as a trade or commerce,
22 manufactures or assembles mobile homes.

23 (8)~~(11)~~ "Recreational vehicle manufacturer" means any
24 person, resident or nonresident, who, as a trade or commerce,
25 manufactures or assembles recreational vehicles or van-type
26 vehicles in such manner that they then qualify as recreational
27 vehicles, for sale in this state.

28 (9)~~(12)~~ "Responsible party" means a manufacturer,
29 dealer, or supplier.

30 (10)~~(13)~~ "Seal" or "label" means a device issued by
31 the department certifying that a ~~mobile home or~~ recreational

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 vehicle meets the appropriate code, which device is to be
2 displayed on the exterior of the ~~mobile home or recreational~~
3 vehicle.

4 ~~(14) "Setup" means the operations performed at the~~
5 ~~occupancy site which render a mobile home or park trailer fit~~
6 ~~for habitation. Such operations include, but are not limited~~
7 ~~to, transporting, positioning, blocking, leveling, supporting,~~
8 ~~tying down, connecting utility systems, making minor~~
9 ~~adjustments, or assembling multiple or expandable units.~~

10 (11)~~(15)~~ "Substantial defect" means:

11 (a) Any substantial deficiency or defect in materials
12 or workmanship occurring to a ~~mobile home or recreational~~
13 vehicle which has been reasonably maintained and cared for in
14 normal use.

15 (b) Any structural element, utility system, or
16 component of the ~~mobile home or recreational~~ vehicle, which
17 fails to comply with the code.

18 (12)~~(16)~~ "Supplier" means the original producer of
19 completed components, including refrigerators, stoves, hot
20 water heaters, dishwashers, cabinets, air conditioners,
21 heating units, and similar components, which are furnished to
22 a manufacturer or dealer for installation in the ~~mobile home~~
23 ~~or recreational~~ vehicle prior to sale to a buyer.

24 ~~(17) "Width of a mobile home" means the distance from~~
25 ~~the exterior of one side wall to the exterior of the opposite~~
26 ~~side wall where such walls enclose living or other interior~~
27 ~~space and such distance includes expandable rooms but not bay~~
28 ~~windows, porches, wall and roof extensions, or other~~
29 ~~attachments.~~

30 (13)~~(18)~~ "Body size" of a ~~park trailer, travel~~
31 trailer, or fifth-wheel trailer means the distance from the

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 exterior side or end to the opposite exterior side or end of
2 the body. Such distance includes expandable rooms, bay
3 windows, wall and roof extensions, or other extrusions in the
4 travel mode. The following exceptions apply:

5 (a) Travel trailers shall not exceed 320 square feet.
6 All square footage measurements are of the exterior when in
7 setup mode, including bay windows.

8 ~~(b) Park trailers constructed to ANSI A-119.5 shall~~
9 ~~not exceed 400 square feet. Park trailers constructed to the~~
10 ~~United States Department of Housing and Urban Development~~
11 ~~standard shall not exceed 500 square feet. All square footage~~
12 ~~measurements are of the exterior when in setup mode and do not~~
13 ~~include bay windows.~~

14 ~~(b)(c)~~ Fifth-wheel trailers may not exceed 400 square
15 feet. All square footage measurements are of the exterior when
16 in setup mode, including bay windows.

17 Section 65. Effective January 1, 1999, section
18 320.8225, Florida Statutes, is amended to read:

19 320.8225 ~~Mobile home and~~ Recreational vehicle
20 manufacturer's license.--

21 (1) LICENSE REQUIRED.--Any person who engages in the
22 business of a ~~mobile home or~~ recreational vehicle manufacturer
23 in this state, or who manufactures ~~mobile homes or~~
24 recreational vehicles out of state which are ultimately
25 offered for sale in this state, shall obtain annually a
26 license for each factory location in this state and for each
27 factory location out of state which manufactures ~~mobile homes~~
28 ~~or~~ recreational vehicles for sale in this state, prior to
29 distributing ~~mobile homes or~~ recreational vehicles for sale in
30 this state.

31 (2) APPLICATION.--The application for a license shall

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 be in the form prescribed by the department and shall contain
2 sufficient information to disclose the identity, location, and
3 responsibility of the applicant. The application shall also
4 include a copy of the warranty and a complete statement of any
5 service agreement or policy to be utilized by the applicant,
6 any information relating to the applicant's solvency and
7 financial standing, and any other pertinent matter
8 commensurate with safeguarding the public. The department may
9 prescribe an abbreviated application for renewal of a license
10 if the licensee had previously filed an initial application
11 pursuant to this section. The application for renewal shall
12 include any information necessary to bring current the
13 information required in the initial application.

14 (3) FEES.--Upon making initial application, the
15 applicant shall pay to the department a fee of \$300. Upon
16 making renewal application, the applicant shall pay to the
17 department a fee of \$100. Any applicant for renewal who has
18 failed to submit his or her renewal application by October 1
19 shall pay a renewal application fee equal to the original
20 application fee. No fee is refundable. All fees shall be
21 deposited into the General Revenue Fund.

22 (4) NONRESIDENT.--Any person applying for a license
23 who is not a resident of this state shall have designated an
24 agent for service of process pursuant to s. 48.181.

25 (5) REQUIREMENT OF ASSURANCE.--

26 ~~(a) Annually, prior to the receipt of a license to~~
27 ~~manufacture mobile homes, the applicant or licensee shall~~
28 ~~submit a surety bond, cash bond, or letter of credit from a~~
29 ~~financial institution, or a proper continuation certificate,~~
30 ~~sufficient to assure satisfaction of claims against the~~
31 ~~licensee for failure to comply with appropriate code~~

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 ~~standards, failure to provide warranty service, or violation~~
2 ~~of any provisions of this section. The amount of the surety~~
3 ~~bond, cash bond, or letter of credit shall be \$50,000. Only~~
4 ~~one surety bond, cash bond, or letter of credit shall be~~
5 ~~required for each manufacturer, regardless of the number of~~
6 ~~factory locations. The surety bond, cash bond, or letter of~~
7 ~~credit shall be to the department, in favor of any retail~~
8 ~~customer who shall suffer loss arising out of noncompliance~~
9 ~~with code standards or failure to honor or provide warranty~~
10 ~~service. The department shall have the right to disapprove any~~
11 ~~bond or letter of credit that does not provide assurance as~~
12 ~~provided in this section.~~

13 (a)~~(b)~~ Annually, prior to the receipt of a license to
14 manufacture recreational vehicles, the applicant or licensee
15 shall submit a surety bond, or a proper continuation
16 certificate, sufficient to assure satisfaction of claims
17 against the licensee for failure to comply with appropriate
18 code standards, failure to provide warranty service, or
19 violation of any provisions of this section. The amount of
20 the surety bond shall be \$10,000 per year. The surety bond
21 shall be to the department, in favor of any retail customer
22 who shall suffer loss arising out of noncompliance with code
23 standards or failure to honor or provide warranty service. The
24 department shall have the right to disapprove any bond which
25 does not provide assurance as provided in this section.

26 (b)~~(c)~~ The department shall adopt rules pursuant to
27 chapter 120 consistent with this section in providing
28 assurance of satisfaction of claims.

29 (c)~~(d)~~ The department shall, upon denial, suspension,
30 or revocation of any license, notify the surety company of the
31 licensee, in writing, that the license has been denied,

1 suspended, or revoked and shall state the reason for such
2 denial, suspension, or revocation.

3 (d)~~(e)~~ Any surety company which pays any claim against
4 the bond of any licensee shall notify the department, in
5 writing, that it has paid such a claim and shall state the
6 amount of the claim.

7 (e)~~(f)~~ Any surety company which cancels the bond of
8 any licensee shall notify the department, in writing, of such
9 cancellation, giving reason for the cancellation.

10 (6) LICENSE YEAR.--A license issued to a ~~mobile home~~
11 ~~or~~ recreational vehicle manufacturer entitles the licensee to
12 conduct the business of a ~~mobile home or~~ recreational vehicle
13 manufacturer for a period of 1 year from October 1 preceding
14 the date of issuance.

15 (7) DENIAL OF LICENSE.--The department may deny a
16 ~~mobile home or~~ recreational vehicle manufacturer's license on
17 the ground that:

18 (a) The applicant has made a material misstatement in
19 his or her application for a license.

20 (b) The applicant has failed to comply with any
21 applicable provision of this chapter.

22 (c) The applicant has failed to provide warranty
23 service.

24 (d) The applicant or one or more of his or her
25 principals or agents has violated any law, rule, or regulation
26 relating to the manufacture or sale of ~~mobile homes or~~
27 recreational vehicles.

28 (e) The department has proof of unfitness of the
29 applicant.

30 (f) The applicant or licensee has engaged in previous
31 conduct in any state which would have been a ground for

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 revocation or suspension of a license in this state.

2 (g) The applicant or licensee has violated any of the
3 provisions of the code relating to recreational vehicles of
4 ~~the National Mobile Home Construction and Safety Standards Act~~
5 ~~of 1974 or any rule or regulation of the Department of Housing~~
6 ~~and Urban Development promulgated thereunder.~~

7
8

9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 2, line 28, through page 4, line 20,
12 remove from the title of the bill: all of said lines,

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14

and insert in lieu thereof:

15 Plan; creating s. 321.045, F.S.; establishing
16 the mission and program objectives of the
17 Florida Highway Patrol; amending s. 20.18,
18 F.S.; creating the Division of Factory-built
19 Housing in the Department of Community Affairs;
20 providing a mission statement for the
21 department; transferring certain powers,
22 duties, functions, personnel, property, and
23 appropriations of the department to the
24 division; transferring certain powers, duties,
25 functions, personnel, property, and
26 appropriations of the Department of Highway
27 Safety and Motor Vehicles to the division;
28 authorizing the Department of Community Affairs
29 and the Department of Highway Safety and Motor
30 Vehicles to enter into agreements to effectuate
31 such transfers; providing for transfer of the

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 mobile home portion of the Mobile Home and
2 Recreational Vehicle Protection Trust Fund into
3 the department's operating trust fund for
4 certain purposes; transferring the portion of
5 the Highway Safety Operating Trust Fund
6 relating to mobile homes into the department's
7 operating trust fund for certain purposes;
8 amending s. 320.781, F.S., to conform; amending
9 s. 553.36, F.S.; providing a definition;
10 amending s. 553.38, F.S.; providing
11 responsibility of the Division of Factory-built
12 Housing to administer part IV of chapter 553,
13 F.S.; creating ss. 553.431, 553.4315, 553.433,
14 553.434, 553.435, 553.4365, 553.437, 553.438,
15 553.446, 553.448, 553.449, 553.450, 553.451,
16 553.452, 553.453, 553.455, 553.456, 553.457,
17 and 553.458, F.S.; recreating certain
18 provisions under chapter 320, F.S., within part
19 IV of chapter 553, F.S., to conform;
20 transferring and renumbering ss. 320.823,
21 320.8335, and 320.840, F.S., to conform;
22 transferring, renumbering, and amending ss.
23 320.77, 320.8255, 320.827, 320.8285, 320.830,
24 320.831, 320.8325, F.S., to conform; requiring
25 the division to adopt rules on manufactured
26 housing installation systems; requiring the
27 development of certain standards for park
28 trailers; amending s. 320.8249, F.S., to
29 conform; limiting certain local government's
30 ability to charge certain permit fees relating
31 to mobile home parks; amending ss. 161.55,

hbd-32

Bill No. HB 4765, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 319.001, 320.131, 320.27, 320.28, 320.71,
2 320.781, 320.822, 320.8225, 320.8231, 320.8232,
3 320.824, 320.8245, 320.8256, 320.8285, 320.834,
4 320.835, 320.861, 320.865, 325.202, 325.203,
5 325.213, and 627.351, F.S., to conform;
6 repealing s. 320.771(8) and (11), F.S.,
7 relating to licensed mobile home dealers
8 selling recreational vehicles and licensed
9 recreational vehicle dealers setting up mobile
10 homes; repealing s. 322.08(7)(c), F.S.,
11 relating to a

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