

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 20.23, F.S.; requiring the Turnpike District to
4 relocate to Sumter County in fiscal year 2000;
5 amending s. 206.606, F.S.; revising the
6 distribution of certain fuel tax proceeds;
7 revising source of funds for the Aquatic Plant
8 Control Trust Fund; renumbering and amending s.
9 335.166, F.S.; transferring responsibility for
10 welcome centers' staff to the Florida
11 Commission on Tourism; requiring a study of
12 expressway and bridge authorities to the
13 Department of Transportation; renumbering and
14 amending s. 334.065, F.S.; revising provisions
15 related to the funding source and the advisory
16 board of the Center for Urban Transportation
17 Research; amending s. 316.003, F.S.; defining
18 the term "neighborhood vehicle"; amending s.
19 316.063, F.S.; changing the term "accident" to
20 "crash"; revising the penalty for obstructing
21 traffic upon damaging an unattended vehicle or
22 other property; creating s. 316.0815, F.S.;
23 giving public transit buses the right-of-way
24 when reentering the traffic flow; amending s.
25 316.091, F.S.; providing that on specified
26 highways certain commercial vehicles may drive
27 only in certain lanes; amending s. 316.1967,
28 F.S.; reduces the number of outstanding parking
29 violations which trigger the county clerk to
30 report to the Department of Highway Safety and
31 Motor Vehicles; amending s. 316.2055, F.S.;

1 providing a uniform reference to the penalty
 2 for a pedestrian noncriminal traffic offense
 3 punishable under chapter 318, F.S.; amending s.
 4 316.555, F.S.; exempting certain silvicultural
 5 and agricultural vehicles and equipment from
 6 weight restrictions on county roads; amending
 7 s. 318.15, F.S.; providing for payment of a
 8 certain service fee to tax collector; amending
 9 s. 318.18, F.S.; providing that fines for
 10 construction zone speed violations shall only
 11 be doubled under certain circumstances;
 12 amending s. 320.01, F.S.; defining the term
 13 "agricultural products"; amending s. 320.04,
 14 F.S.; providing a service charge for validation
 15 stickers issued by printer dispenser machines;
 16 amending s. 320.055, F.S.; revising
 17 registration renewal period for certain
 18 vehicles; providing for staggered fleet
 19 registration; repealing s. 320.065, F.S.,
 20 relating to the registration of certain rental
 21 trailers for hire and semitrailers used to haul
 22 agricultural products; amending s. 320.0657,
 23 F.S.; defining the term "fleet"; providing
 24 registration fees; providing penalties for late
 25 or improper registration; amending s. 320.0715,
 26 F.S.; exempting certain commercial motor
 27 vehicles from the International Registration
 28 Plan; amending s. 320.8325, F.S.; requiring the
 29 Department of Community Affairs to promulgate
 30 rules on manufactured housing installation
 31 systems; requiring the development of certain

1 standards for park trailers; creating s.
2 321.045, F.S.; establishing the mission and
3 program objectives of the amending s. 20.18,
4 F.S.; creating the Division of Factory-built
5 Housing in the Department of Community Affairs;
6 providing a mission statement for the
7 department; transferring certain powers,
8 duties, functions, personnel, property, and
9 appropriations of the department to the
10 division; transferring certain powers, duties,
11 functions, personnel, property, and
12 appropriations of the Department of Highway
13 Safety and Motor Vehicles to the division;
14 authorizing the Department of Community Affairs
15 and the Department of Highway Safety and Motor
16 Vehicles to enter into agreements to effectuate
17 such transfers; dividing the Mobile Home and
18 Recreational Vehicle Protection Trust Fund into
19 two separate trust funds, the Recreational
20 Vehicle Protection Trust Fund and the
21 Factory-built Housing Trust Fund; amending s.
22 320.781, F.S., to conform; amending s. 553.36,
23 F.S.; providing a definition; amending s.
24 553.38, F.S.; providing responsibility of the
25 Division of Factory-built Housing to administer
26 part IV of chapter 553, F.S.; creating ss.
27 553.431, 553.4315, 553.433, 553.434, 553.435,
28 553.4365, 553.437, 553.438, 553.446, 553.448,
29 553.449, 553.450, 553.451, 553.452, 553.453,
30 553.455, 553.456, 553.457, and 553.458, F.S.;
31 recreating certain provisions under chapter

1 320, F.S., within part IV of chapter 553, F.S.,
2 to conform; transferring and renumbering ss.
3 320.823, 320.8335, and 320.840, F.S., to
4 conform; transferring, renumbering, and
5 amending ss. 320.77, 320.8255, 320.827,
6 320.8285, 320.830, 320.831, 320.8325, F.S., to
7 conform; amending s. 320.8249, F.S., to
8 conform; limiting certain local government's
9 ability to charge certain permit fees relating
10 to mobile home parks; amending ss. 161.55,
11 319.001, 320.131, 320.27, 320.28, 320.71,
12 320.781, 320.822, 320.8225, 320.8231, 320.8232,
13 320.824, 320.8245, 320.8256, 320.8285, 320.834,
14 320.835, 320.861, 320.865, 325.202, 325.203,
15 325.213, and 627.351, F.S., to conform;
16 repealing s. 320.771(8) and (11), F.S.,
17 relating to licensed mobile home dealers
18 selling recreational vehicles and licensed
19 recreational vehicle dealers setting up mobile
20 homes; 322.08(7)(c), F.S., relating to a
21 voluntary contribution on driver's license
22 applications; amending s. 322.1615, F.S.;
23 revising language with respect to nighttime
24 driving restrictions for persons with learner's
25 driver licenses; amending s. 331.304, F.S.;
26 revising the boundaries of spaceport territory;
27 adding certain property located in Santa Rosa,
28 Okaloosa, and Walton Counties to spaceport
29 territory; amending 322.28, F.S.; revising
30 language with respect to judicial stays on
31 administrative suspensions of driving

1 privileges; amending s. 332.003, F.S.;

2 correcting a reference; amending s. 332.004,

3 F.S.; redefining the terms "airport" and

4 "airport or aviation discretionary capacity

5 improvement projects"; amending s. 332.007,

6 F.S.; directing the department to provide

7 priority funding for commercial and dual-use

8 space transportation projects; creating s.

9 332.009, F.S.; providing for application;

10 amending s. 334.0445, F.S.; extending the time

11 period for the model career service

12 classification plan in the Department of

13 Transportation; amending s. 335.0415, F.S.;

14 modifying the date on which jurisdiction and

15 responsibility for public roads is determined;

16 repealing s. 335.165, F.S., relating to welcome

17 stations; amending s. 337.11, F.S.; deleting a

18 requirement for contract approval by a

19 contractor's surety; amending s. 337.185, F.S.;

20 revising the State Arbitration Board contract

21 claim program; amending s. 337.19, F.S.;

22 revising provisions relating to suits by and

23 against the Department of Transportation and

24 the liability of the department; amending s.

25 337.403, F.S.; authorizing the department to

26 participate in the cost of clearing and

27 grubbing necessary to perform utility

28 improvement, relocation, or removal work under

29 certain circumstances; amending s. 338.229,

30 F.S.; authorizing the department to provide

31 restrictions on the sale, transfer, lease, or

1 other disposition or operation of any portion
2 of the turnpike system which reduces the
3 revenue available for the payment of
4 bondholders; amending s. 479.01, F.S.;
5 redefining the terms "commercial or industrial
6 zone" and "unzoned commercial or industrial
7 area"; amending s. 479.07, F.S.; revising
8 provisions relating to reinstatement of expired
9 outdoor advertising permits; amending s.
10 479.16, F.S.; increasing the square footage
11 allowable on certain signs; amending chapter
12 96-423, Laws of Florida; authorizing the
13 department to sell certain state property and
14 directing the proceeds of the sale to the State
15 Transportation Trust Fund; providing
16 appropriations; amending s. 832.06, F.S.;
17 providing procedures for receipt by tax
18 collector of worthless check or draft for
19 driver license or identification card; amending
20 ss. 319.23, 320.08, and 320.086, F.S.; deleting
21 reference to collectible vehicles; revising
22 dates with respect to certain ancient or
23 antique motor vehicles; exempting certain
24 vehicles from the act; providing for the
25 issuance of license plates to certain ancient
26 or antique firefighting apparatus or motor
27 vehicles; providing an appropriation; providing
28 effective dates.

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Paragraph (a) of subsection (4) of section
2 20.23, Florida Statutes, is amended to read:

3 20.23 Department of Transportation.--There is created
4 a Department of Transportation which shall be a decentralized
5 agency.

6 (4)(a) The operations of the department shall be
7 organized into eight districts, including a turnpike district,
8 each headed by a district secretary. The district secretaries
9 shall report to the Assistant Secretary for District
10 Operations. The headquarters of the districts shall be located
11 in Polk, Columbia, Washington, Broward, Volusia, Dade,
12 Hillsborough, and Leon Counties. The turnpike district must be
13 relocated to Sumter ~~Orange~~ County in the year 2000. In order
14 to provide for efficient operations and to expedite the
15 decisionmaking process, the department shall provide for
16 maximum decentralization to the districts. However, before
17 making a decision to centralize or decentralize department
18 operations or relocate the turnpike district, the department
19 must first determine if the decision would be cost-effective
20 and in the public's best interest. The department shall
21 periodically evaluate such decisions to ensure that they are
22 appropriate.

23 Section 2. Section 206.606, Florida Statutes, is
24 amended to read:

25 206.606 Distribution of certain proceeds.--

26 ~~(1)~~ Moneys collected pursuant to ss. 206.41(1)(g) and
27 206.87(1)(e) shall be deposited in the Fuel Tax Collection
28 Trust Fund created by s. 206.875. Such moneys, exclusive of
29 the service charges imposed by s. 215.20, and exclusive of
30 refunds granted pursuant to s. 206.41, shall be distributed
31 monthly to the State Transportation Trust Fund, except that:

1 (1)~~(a)~~ \$7.55 million shall be transferred to the
 2 Department of Environmental Protection in each fiscal year.
 3 The transfers must be made in equal monthly amounts beginning
 4 on July 1 of each fiscal year. \$1.25 million of the amount
 5 transferred shall be deposited annually in the Marine
 6 Resources Conservation Trust Fund and must be used by the
 7 department to fund special projects to provide recreational
 8 channel marking, public launching facilities, and other
 9 boating-related activities. The department shall annually
 10 determine where unmet needs exist for boating-related
 11 activities, and may fund such activities in counties where,
 12 due to the number of vessel registrations, insufficient
 13 financial resources are available to meet total water resource
 14 needs. The remaining proceeds of the annual transfer shall be
 15 deposited in the Aquatic Plant Control Trust Fund and must be
 16 used for aquatic plant management, including nonchemical
 17 control of aquatic weeds, research into nonchemical controls,
 18 and enforcement activities. Beginning in fiscal year
 19 1993-1994, the department shall allocate at least \$1 million
 20 of such funds to the eradication of melaleuca.

21 (2)~~(b)~~ \$1.25 million shall be transferred to the State
 22 Game Trust Fund in the Game and Fresh Water Fish Commission in
 23 each fiscal year. The transfers must be made in equal monthly
 24 amounts beginning on July 1 of each fiscal year, and must be
 25 used for recreational boating activities of a type consistent
 26 with projects eligible for funding under the Florida Boating
 27 Improvement Program administered by the Department of
 28 Environmental Protection, and freshwater fisheries management
 29 and research.

30
 31

1 ~~(c) \$1.5 million per year shall be transferred to the~~
2 ~~Board of Regents and shall be spent solely for purposes of s.~~
3 ~~334.065.~~

4 ~~(2) Not less than 10 percent of the moneys deposited~~
5 ~~in the State Transportation Trust Fund pursuant to this~~
6 ~~section shall be allocated by the Department of Transportation~~
7 ~~for public transit and rail capital projects, including~~
8 ~~service development projects, as defined in s. 341.031(7) and~~
9 ~~(8), unless otherwise provided in the General Appropriations~~
10 ~~Act.~~

11 Section 3. Effective July 1, 1999, subsection (1) of
12 section 206.606, Florida Statutes, as amended by chapter
13 96-321, Laws of Florida, is amended to read:

14 206.606 Distribution of certain proceeds.--

15 ~~(1)~~ Moneys collected pursuant to ss. 206.41(1)(g) and
16 206.87(1)(e) shall be deposited in the Fuel Tax Collection
17 Trust Fund. Such moneys, after deducting the service charges
18 imposed by s. 215.20, the refunds granted pursuant to s.
19 206.41, and the administrative costs incurred by the
20 department in collecting, administering, enforcing, and
21 distributing the tax, which administrative costs may not
22 exceed 2 percent of collections, shall be distributed monthly
23 to the State Transportation Trust Fund, except that:

24 ~~(a) \$7.55 million shall be transferred to the~~
25 ~~Department of Environmental Protection in each fiscal year.~~
26 ~~The transfers must be made in equal monthly amounts beginning~~
27 ~~on July 1 of each fiscal year. \$1.25 million of the amount~~
28 ~~transferred shall be deposited annually in the Marine~~
29 ~~Resources Conservation Trust Fund and must be used by the~~
30 ~~department to fund special projects to provide recreational~~
31 ~~channel marking, public launching facilities, and other~~

1 ~~boating-related activities. The department shall annually~~
 2 ~~determine where unmet needs exist for boating-related~~
 3 ~~activities, and may fund such activities in counties where,~~
 4 ~~due to the number of vessel registrations, insufficient~~
 5 ~~financial resources are available to meet total water resource~~
 6 ~~needs. The remaining proceeds of the annual transfer shall be~~
 7 ~~deposited in the Aquatic Plant Control Trust Fund and must be~~
 8 ~~used for aquatic plant management, including nonchemical~~
 9 ~~control of aquatic weeds, research into nonchemical controls,~~
 10 ~~and enforcement activities. Beginning in fiscal year~~
 11 ~~1993-1994, the department shall allocate at least \$1 million~~
 12 ~~of such funds to the eradication of melaleuca.~~

13 ~~(b)~~ \$1.25 million shall be transferred to the State
 14 Game Trust Fund in the Game and Fresh Water Fish Commission in
 15 each fiscal year. The transfers must be made in equal monthly
 16 amounts beginning on July 1 of each fiscal year, and must be
 17 used for recreational boating activities of a type consistent
 18 with projects eligible for funding under the Florida Boating
 19 Improvement Program administered by the Department of
 20 Environmental Protection, and freshwater fisheries management
 21 and research.

22 ~~(c)~~ \$1.5 million per year shall be transferred to the
 23 Board of Regents and shall be spent solely for purposes of s.
 24 ~~334.065.~~

25 Section 4. Effective July 1, 1999, notwithstanding the
 26 provisions of s. 215.20(1), Florida Statutes, the service
 27 charge imposed by that subsection which is deducted from the
 28 proceeds of the county fuel tax distributed pursuant to s.
 29 206.60, Florida Statutes, and the proceeds from revenues
 30 generated pursuant to s. 336.025(1)(a), Florida Statutes, and
 31 deposited into the Local Option Fuel Tax Trust Fund shall be

1 reduced to the rate of 4.4 percent. The funds made available
2 as a result of this reduction of the service charge shall be
3 transferred to the Aquatic Plant Control Trust Fund.

4 Section 5. Section 335.166, Florida Statutes, is
5 renumbered as section 228.125, Florida Statutes, and amended
6 to read:

7 228.125 ~~335.166~~ Welcome Centers ~~Office~~.--

8 (1) Effective July 1, 1999, responsibility for tThe
9 Welcome Centers Office staff is assigned to the Florida
10 Commission on Tourism which shall contract with its
11 direct-support organization to employ all welcome center
12 staff, who shall no longer be state employees after June 30,
13 1999. All welcome center staff shall be offered employment
14 with the direct-support organization at the same salary they
15 received at the Department of Transportation, but with the
16 benefits provided by the direct-support organization to its
17 employees.

18 (2) The Florida Commission on Tourism shall provide
19 direction for the administration of the Welcome Centers Office
20 and direction for the operation of the welcome
21 centers. ~~Funding for the office shall be solely from the~~
22 ~~rental car surcharge provided to the Tourism Promotional Trust~~
23 ~~Fund pursuant to s. 212.0606(2), through a nonoperating~~
24 ~~transfer to the State Transportation Trust Fund or contract~~
25 ~~with the commission or the commission's direct support~~
26 ~~organization.~~

27 Section 6. The Florida Transportation Commission shall
28 review the role and effectiveness in meeting the state's
29 transportation needs of all state toll road agencies created
30 pursuant to chapter 348, Florida Statutes, and the Turnpike
31 District of the Florida Department of Transportation. As part

1 of its review, the commission shall identify current and
 2 planned activities of existing state toll road agencies and
 3 shall make findings as to each agency's present and planned
 4 contributions to increasing the capacity and
 5 interconnectedness of the state highway network. The study may
 6 also include an evaluation of the effectiveness and efficiency
 7 of the processes used in all phases of project development and
 8 toll road management. The study may also include an analysis
 9 of the ability of the agencies to forge partnerships with all
 10 levels of government and the private sector and the benefits,
 11 if any, of such partnerships. The commission shall report its
 12 findings and recommendations to the President of the Senate,
 13 the Speaker of the House of Representatives and the Governor
 14 on or before October 1, 1999. In developing its report, the
 15 commission shall hold at least three public hearings in areas
 16 of the state currently served by an agency identified in this
 17 section.

18 Section 7. Section 334.065, Florida Statutes, is
 19 renumbered as section 240.80, Florida Statutes, and amended to
 20 read:

21 240.80 ~~334.065~~ Center for Urban Transportation
 22 Research.--

23 (1) There is established at the University of South
 24 Florida the Florida Center for Urban Transportation Research,
 25 to be administered by the Board of Regents and the State
 26 University System. The responsibilities of the center
 27 include, but are not limited to, conducting and facilitating
 28 research on issues related to urban transportation problems in
 29 this state and serving as an information exchange and
 30 depository for the most current information pertaining to
 31 urban transportation and related issues.

1 (2) The center shall be a continuing resource for the
 2 Legislature, the Department of Transportation, local
 3 governments, the nation's metropolitan regions, and the
 4 private sector in the area of urban transportation and related
 5 research and shall generate support in addition to any its
 6 state-funded ~~base of support provided by s. 206.606~~. The
 7 center shall promote intercampus transportation and related
 8 research activities among Florida's universities in order to
 9 enhance the ability of these universities to attract federal
 10 and private sector funding for transportation and related
 11 research.

12 (3) An advisory board shall be created to periodically
 13 and objectively review and advise the center concerning its
 14 research program. ~~Except for projects mandated by law,~~
 15 ~~state-funded base projects shall not be undertaken without~~
 16 ~~approval of the advisory board. The membership of the board~~
 17 ~~shall consist of nine experts in transportation-related areas,~~
 18 ~~including the secretaries of the Florida Departments of~~
 19 ~~Transportation, Community Affairs, and Environmental~~
 20 ~~Protection, or their designees, and a member of the Florida~~
 21 ~~Transportation Commission.~~The nomination of ~~the remaining~~
 22 members of the board shall be made to the President of the
 23 University of South Florida by the College of Engineering at
 24 the University of South Florida, and the appointment of these
 25 members must be reviewed ~~and approved by the Florida~~
 26 ~~Transportation Commission~~ and confirmed by the Board of
 27 Regents.

28 (4) The center shall develop a budget pursuant to
 29 chapter 216. This budget shall be submitted to the Governor
 30 along with the budget of the Board of Regents.

31

1 Section 8. Subsection (82) is added to section
2 316.003, Florida Statutes, to read:

3 316.003 Definitions.--The following words and phrases,
4 when used in this chapter, shall have the meanings
5 respectively ascribed to them in this section, except where
6 the context otherwise requires:

7 (82) "Neighborhood vehicle" means a type of golf cart
8 that is a self-propelled, electrically powered motor vehicle,
9 which is emission free, designed to be and is operated at
10 speeds of 25 miles per hour or less, has at least four wheels
11 in contact with the ground, has an unloaded weight of less
12 than 1,800 pounds, and is equipped with efficient brakes,
13 headlights, brakelights, turnsignals, windshield, rear view
14 mirrors, and safety belts.

15 Section 9. Section 316.063, Florida Statutes, is
16 amended to read:

17 316.063 Duty upon damaging unattended vehicle or other
18 property.--

19 (1) The driver of any vehicle which collides with, or
20 is involved in a crash ~~an accident~~ with, any vehicle or other
21 property which is unattended, resulting in any damage to such
22 other vehicle or property, shall immediately stop and shall
23 then and there either locate and notify the operator or owner
24 of the vehicle or other property of the driver's name and
25 address and the registration number of the vehicle he or she
26 is driving, or shall attach securely in a conspicuous place in
27 or on the vehicle or other property a written notice giving
28 the driver's name and address and the registration number of
29 the vehicle he or she is driving, and shall without
30 unnecessary delay notify the nearest office of a duly
31 authorized police authority. ~~Every such stop shall be made~~

1 ~~without obstructing traffic more than is necessary. If a~~
2 ~~damaged vehicle is obstructing traffic, the driver shall make~~
3 ~~every reasonable effort to move the vehicle or have it moved~~
4 ~~so as not to obstruct the regular flow of traffic.~~ Any person
5 who fails to comply with this subsection commits a misdemeanor
6 of the second degree, punishable as provided in s. 775.082 or
7 s. 775.083.

8 (2) Every such stop shall be made without obstructing
9 traffic more than is necessary. If a damaged vehicle is
10 obstructing traffic, the driver shall make every reasonable
11 effort to move the vehicle or have it moved so as not to
12 obstruct the regular flow of traffic. A violation of this
13 subsection is a noncriminal traffic infraction, punishable as
14 a nonmoving violation as provided in chapter 318.

15 (3) The law enforcement officer at the scene of a a
16 crash ~~an accident~~ required to be reported in accordance with
17 the provisions of subsection (1) or the law enforcement
18 officer receiving a report by a driver as required by
19 subsection (1) shall, if part or any of the property damaged
20 is a fence or other structure used to house or contain
21 livestock, promptly make a reasonable effort to notify the
22 owner, occupant, or agent of this damage.

23 Section 10. Section 316.0815, Florida Statutes, is
24 created to read:

25 316.0815 Duty to yield to public transit vehicles.--

26 (1) The driver of a vehicle shall yield the
27 right-of-way to a publicly owned transit bus traveling in the
28 same direction which has signaled and is reentering the
29 traffic flow.

1 (2) This section does not relieve the driver of a
2 public transit vehicle from the duty to drive with due regard
3 for the safety of all persons using the roadway.

4 Section 11. Subsection (5) is added to section
5 316.091, Florida Statutes, to read:

6 316.091 Limited access facilities; interstate
7 highways; use restricted.--

8 (5) A person may drive a commercial motor vehicle
9 having a gross vehicle weight of 26,001 pounds or more or 3
10 axles or more, or a combination of vehicles weighing 26,001
11 pounds or more, upon any limited access facility with six or
12 more lanes only in the two right through lanes, except when
13 exiting the facility. However, in congested urban areas the
14 Department of Transportation may allow commercial motor
15 vehicles to operate in additional lanes when necessary for the
16 safe flow of traffic.

17 Section 12. Subsection (6) of section 316.1967,
18 Florida Statutes, is amended to read:

19 (6) Any county or municipality may provide by
20 ordinance that the clerk of the court or traffic bureau shall
21 supply the department with a magnetically encoded computer
22 tape reel or cartridge or send by other electronic means data
23 which is machine readable by the installed computer system at
24 the department, listing persons who have two ~~three~~ or more
25 outstanding parking violations, including violations of s.
26 316.1955. Each county shall provide by ordinance that the
27 clerk of the court or the traffic violations bureau shall
28 supply the department with a magnetically encoded computer
29 tape reel or cartridge or send by other electronic means data
30 that is machine readable by the installed computer system at
31 the department, listing persons who have outstanding

1 violations of s. 316.1955 or similar ordinance that regulates
2 parking in spaces designated for use by persons who have
3 disabilities. The department shall mark the appropriate
4 registration record of persons who are so reported. Section
5 320.03(8) applies to each person whose name appears on the
6 list.

7 Section 13. Section 316.2055, Florida Statutes, is
8 amended to read:

9 316.2055 Motor vehicles, throwing advertising
10 materials in.--It is unlawful for any person on a public
11 street, highway, or sidewalk in the state to throw into, or
12 attempt to throw into, any motor vehicle, or offer, or attempt
13 to offer, to any occupant of any motor vehicle, whether
14 standing or moving, or to place or throw into any motor
15 vehicle any advertising or soliciting materials or to cause or
16 secure any person or persons to do any one of such unlawful
17 acts. A violation of this section is a noncriminal traffic
18 infraction, punishable as a pedestrian violation as provided
19 in chapter 318.

20 Section 14. Section 316.555, Florida Statutes, is
21 amended to read:

22 316.555 Weight, load, speed limits may be lowered;
23 condition precedent.--Anything in this chapter to the contrary
24 notwithstanding, the Department of Transportation with respect
25 to state roads, and local authorities with respect to highways
26 under their jurisdiction, may prescribe, by notice hereinafter
27 provided for, loads and weights and speed limits lower than
28 the limits prescribed in this chapter and other laws, whenever
29 in its or their judgment any road or part thereof or any
30 bridge or culvert shall, by reason of its design,
31 deterioration, rain, or other climatic or natural causes be

1 liable to be damaged or destroyed by motor vehicles, trailers,
2 or semitrailers, if the gross weight or speed limit thereof
3 shall exceed the limits prescribed in said notice. The
4 Department of Transportation or local authority may, by like
5 notice, regulate or prohibit, in whole or in part, the
6 operation of any specified class or size of motor vehicles,
7 trailers, or semitrailers on any highways or specified parts
8 thereof under its or their jurisdiction, whenever in its or
9 their judgment, such regulation or prohibition is necessary to
10 provide for the public safety and convenience on the highways,
11 or parts thereof, by reason of traffic density, intensive use
12 thereof by the traveling public, or other reasons of public
13 safety and convenience. The notice or the substance thereof
14 shall be posted at conspicuous places at terminals of all
15 intermediate crossroads and road junctions with the section of
16 highway to which the notice shall apply. After any such
17 notice has been posted, the operation of any motor vehicle or
18 combination contrary to its provisions shall constitute a
19 violation of this chapter. An exemption from any locally
20 imposed weight limit shall be granted by a local government to
21 vehicles transporting silvicultural and agricultural products
22 and to equipment used in connection with silvicultural and
23 agricultural site management when a county road offers the
24 only access into and out of the property. This exemption shall
25 not apply to any bridge or other structure which has weight
26 restrictions established for safety reasons. However, no
27 limitation shall be established by any county, municipal, or
28 other local authorities pursuant to the provisions of this
29 section that would interfere with or interrupt traffic as
30 authorized hereunder over state roads, including officially
31 established detours for such highways, including cases where

1 such traffic passes over roads, streets or thoroughfares
2 within the sole jurisdiction of the county, municipal or other
3 local authorities unless such limitations and further
4 restrictions have first been approved by the Department of
5 Transportation. With respect to county roads, except such as
6 are in use as state road detours, the respective county road
7 authorities shall have full power and authority to further
8 limit the weights of vehicles upon bridges and culverts upon
9 such public notice as they deem sufficient, and existing laws
10 applicable thereto shall not be affected by the terms of this
11 chapter.

12 Section 15. Subsection (2) of section 318.15, Florida
13 Statutes, is amended to read:

14 318.15 Failure to comply with civil penalty or to
15 appear; penalty.--

16 (2) After suspension of the driver's license and
17 privilege to drive of a person under subsection (1), the
18 license and privilege may not be reinstated until the person
19 complies with all obligations and penalties imposed on him or
20 her under s. 318.18 and presents to a driver license office a
21 certificate of compliance issued by the court, together with
22 the \$25 nonrefundable service fee imposed under s. 322.29, or
23 pays the aforementioned \$25 service fee to the clerk of the
24 court or a tax collector clearing such suspension. Such
25 person shall also be in compliance with requirements of
26 chapter 322 prior to reinstatement.

27 Section 16. Paragraph (c) of subsection (3) of section
28 318.18, Florida Statutes, is amended to read:

29 318.18 Amount of civil penalties.--The penalties
30 required for a noncriminal disposition pursuant to s. 318.14
31 are as follows:

1 (3)

2 (b) For moving violations involving unlawful speed,
3 the fines are as follows:

4		
5	For speed exceeding the limit by:	Fine:
6	1-9 m.p.h.....	\$ 25
7	10-14 m.p.h.....	\$100
8	15-19 m.p.h.....	\$125
9	20-29 m.p.h.....	\$150
10	30 m.p.h. and above.....	\$250

11

12 (c) A person cited for exceeding the speed limit in a
 13 legally posted school zone or a posted construction zone will
 14 be assessed a fine double the amount listed in paragraph (b).
 15 The fine shall only be doubled for construction zone
 16 violations if construction personnel are present or operating
 17 equipment on the road or immediately adjacent to the road
 18 under construction.

19 Section 17. Subsection (42) is added to section
 20 320.01, Florida Statutes, to read:

21 320.01 Definitions, general.--As used in the Florida
 22 Statutes, except as otherwise provided, the term:

23 For purposes of this chapter, "agricultural products"
 24 means any food product; any agricultural, horticultural, or
 25 livestock product; any raw material used in plant food
 26 formulation; or any plant food used to produce food and fiber.

27 Section 18. Paragraph (a) of subsection (1) of section
 28 320.04, Florida Statutes, is amended to read:

29 320.04 Registration service charge.--

30 (1)(a) There shall be a service charge of \$2.50 for
 31 each application which is handled in connection with original

1 issuance, duplicate issuance, or transfer of any license
2 plate, mobile home sticker, or validation sticker or with
3 transfer or duplicate issuance of any registration
4 certificate. There may also be a service charge of up to \$1
5 for the issuance of each license plate validation sticker and
6 mobile home sticker issued from an automated vending facility
7 or printer dispenser machine which shall be payable to and
8 retained by the department to provide for automated vending
9 facilities or printer dispenser machines used to dispense such
10 stickers by ~~in~~ each tax collector's or license tag agent's
11 employee office.

12 Section 19. Subsections (2) and (7) of section
13 320.055, Florida Statutes, are amended to read:

14 320.055 Registration periods; renewal periods.--The
15 following registration periods and renewal periods are
16 established:

17 (2) For a vehicle subject to registration under s.
18 320.08(11), the registration period begins January 1 and ends
19 December 31. For a vehicle subject to this registration
20 period, the renewal period is the 31-day period prior to
21 expiration ~~beginning January 1~~.

22 (7) For those vehicles subject to registration under
23 s. 320.0657, the department shall implement a system that
24 distributes the registration renewal process throughout the
25 year ~~For a vehicle subject to registration under s. 320.065,~~
26 ~~the registration period begins December 1 and ends November~~
27 ~~30. For a vehicle subject to this registration period, the~~
28 ~~renewal period is the 31-day period beginning December 1.~~

29 Section 20. Section 320.065, Florida Statutes, is
30 repealed.

31

1 Section 21. Section 320.0657, Florida Statutes, is
2 amended to read:

3 320.0657 Permanent registration; fleet license
4 plates.--

5 (1) For purposes of this section, the term "fleet"
6 means nonapportioned motor vehicles owned or leased by a
7 company and used for business purposes. Vehicle numbers
8 comprising a "fleet" shall be established by the Department of
9 Highway Safety and Motor Vehicles. Vehicles registered as
10 short-term rental vehicles are excluded from the provisions of
11 this section.

12 (2)(a) The owner or lessee of a fleet of motor
13 vehicles shall, upon application in the manner and at the time
14 prescribed and upon approval by the department and payment of
15 the license tax prescribed under s. 320.08(2), (3), (4),
16 (5)(a) and (b), (6)(a), (7), and (8), be issued permanent
17 fleet license plates. All vehicles with a fleet license plate
18 shall have the company's name or logo and unit number
19 displayed so that they are readily identifiable. The
20 provisions of s. 320.0605 do not apply to vehicles registered
21 in accordance with this section, and no annual validation
22 sticker is required.

23 ~~(a) The owner or lessee of 250 or more nonapportioned~~
24 ~~commercial motor vehicles licensed under s. 320.08(2), (3),~~
25 ~~(4), (5)(a)1. and (b), and (7), who has posted a bond as~~
26 ~~prescribed by department rules, may apply via magnetically~~
27 ~~encoded computer tape reel or cartridge which is machine~~
28 ~~readable by the installed computer system at the department~~
29 ~~for permanent license plates. All vehicles with a fleet~~
30 ~~license plate shall have the company's name or logo and unit~~
31 ~~number displayed so that they are readily identifiable. The~~

1 ~~provisions of s. 320.0605 shall not apply to vehicles~~
 2 ~~registered in accordance with this section, and no annual~~
 3 ~~validation sticker is required.~~

4 (b) The plates, which shall be of a distinctive color,
 5 shall have the word "Fleet" appearing at the bottom and the
 6 word "Florida" appearing at the top. The plates shall conform
 7 in all respects to the provisions of this chapter, except as
 8 specified herein.

9 (c) In addition to the license tax prescribed by s.
 10 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), an
 11 annual fleet management fee of \$2 shall be charged. A
 12 one-time license plate manufacturing fee of \$1.50 shall be
 13 charged for plates issued for the established number of
 14 vehicles in the fleet. If the size of the fleet is increased,
 15 a \$20-per-vehicle issuance fee will be charged to include the
 16 license plate manufacturing fee. If the license plate
 17 manufacturing cost increases, the department shall increase
 18 the license-plate manufacturing fee to recoup its cost. Fees
 19 collected shall be deposited into the Highway Safety Operating
 20 Trust Fund. Payment of registration license tax and fees
 21 shall be made annually and be evidenced only by the issuance
 22 of a single receipt by the department. The provisions of s.
 23 320.0605 do not apply to vehicles registered in accordance
 24 with this section, and no annual validation sticker is
 25 required.

26 ~~(c) In addition to the license tax prescribed by s.~~
 27 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), an annual fee~~
 28 ~~of \$6 shall be charged for each vehicle registered hereunder.~~
 29 ~~Of this \$6 fee, \$2.50 shall be retained as a service charge by~~
 30 ~~the tax collector, if the registration occurs at such office,~~
 31 ~~or by the department, if the registration occurs at offices of~~

1 ~~the department. Receipts from the \$6 fee not retained by tax~~
2 ~~collectors shall be deposited into the Highway Safety~~
3 ~~Operating Trust Fund. Payment of registration license tax and~~
4 ~~fees shall be made annually and be evidenced only by the~~
5 ~~issuance of a single receipt by the department. Half-year~~
6 ~~registrations shall not be available for vehicles registered~~
7 ~~in accordance with the provisions of this section. The~~
8 ~~provision of s. 320.06(1)(b) shall not apply to the fleet~~
9 ~~renewal process.~~

10 ~~(2) All recipients of permanent license plates~~
11 ~~authorized by this section shall submit an annual audit as~~
12 ~~prescribed by rule of the department. Such audit shall include~~
13 ~~a percentage of the vehicles registered by each owner or~~
14 ~~lessee, not to exceed 10 percent. The department shall~~
15 ~~randomly select the vehicles to be audited and shall forward a~~
16 ~~listing of said vehicles only to the office of the auditor~~
17 ~~performing the audit. Every attempt shall be made to provide~~
18 ~~for groupings of vehicles based in the same location; however,~~
19 ~~the location shall change from year to year. The audit shall~~
20 ~~be prepared by a certified public accountant licensed under~~
21 ~~chapter 473, at the recipient's expense, and shall be~~
22 ~~performed to standards prescribed by the department. Such~~
23 ~~audits shall be delivered to the department on or before~~
24 ~~February 15 of each calendar year. Any fees or taxes which the~~
25 ~~audit determines are due the department shall be submitted to~~
26 ~~the department along with such audit. In addition, any company~~
27 ~~found to be habitually abusing the privileges afforded by~~
28 ~~permanent licensure shall forfeit the bond required in~~
29 ~~subsection (1), and may be required by the department to~~
30 ~~relinquish all permanent license plates, and not be eligible~~
31 ~~to continue to participate in the program.~~

1 (3) The department is authorized to adopt such rules
2 as necessary to comply with this section.

3 (4) If a recipient of fleet license plates fails to
4 properly and timely renew or initially register vehicles in
5 its fleet, the department may impose a delinquency penalty of
6 \$50 or 10 percent of the delinquent taxes due, whichever is
7 greater, if the failure is for not more than 30 days, with an
8 additional 10 percent penalty for each additional 30 days, or
9 fraction thereof, during the time the failure continues, not
10 to exceed a total penalty of 100 percent in the aggregate.
11 However, the penalty may not be less than \$50.

12 (5) All recipients of fleet license plates authorized
13 by this section must provide the department with an annual
14 vehicle reconciliation and must annually surrender all
15 unassigned license plates. Failure to comply may result in
16 finances of up to \$1,000 for each occurrence or in suspension or
17 termination from the fleet program.

18 Section 22. Subsection (5) is added to section
19 320.0715, Florida Statutes, to read:

20 320.0715 International Registration Plan; motor
21 carrier services; permits; retention of records.--

22 (5) The provisions of this section do not apply to any
23 commercial motor vehicle domiciled in a foreign state that
24 enters this state solely for the purpose of bringing a
25 commercial vehicle in for repairs, or picking up a newly
26 purchased commercial vehicle, so long as the commercial motor
27 vehicle is operated by its owner and is not hauling a load.

28 Section 23. Subsection (2) of section 320.8235,
29 Florida Statutes, is amended to read:

30
31

1 320.8325 Mobile homes and park trailers; tie-down
 2 requirements; ~~minimum~~ installation standards; injunctions;
 3 penalty.--

4 (2) The Department of Community Affairs ~~department~~
 5 shall promulgate rules and regulations setting forth ~~minimum~~
 6 standards for the manufacture and ~~or~~ installation of
 7 manufactured housing installation systems, composed of
 8 anchors, buckles, straps, stabilizer plates, and piers or
 9 other requirements mandated by a manufacturer's installation
 10 manual. anchors, tie-downs, over-the-roof ties, or other
 11 ~~reliable methods of securing mobile homes or park trailers~~
 12 ~~when over-the-roof ties are not suitable due to factors such~~
 13 ~~as unreasonable cost, design of the mobile home or park~~
 14 ~~trailer, or potential damage to the mobile home or park~~
 15 ~~trailer. Such systems devices required under this section,~~
 16 ~~when properly installed, shall insure a manufactured home~~
 17 ~~remains secured to the ground when subjected to winds equal to~~
 18 ~~or less than their HUD code design criteria and shall cause~~
 19 ~~the mobile home or park trailer to resist wind overturning and~~
 20 ~~sliding. In promulgating such Such rules and regulations, the~~
 21 ~~Department of Community Affairs may make such discriminations~~
 22 ~~regarding mobile home or park trailer tie-down requirements~~
 23 ~~shall be reasonably related to the as are reasonable when~~
 24 ~~factors such as age, and windzone of the manufactured housing.~~
 25 ~~location, and practicality of tying down a mobile home or park~~
 26 ~~trailer are considered. The Department of Community Affairs~~
 27 ~~shall also develop standards for installation and anchoring~~
 28 ~~systems for park trailers. Fees and civil penalties collected~~
 29 ~~by the Department of Community Affairs pursuant to s. 320.8325~~
 30 ~~shall be deposited into a trust fund for the use by the~~
 31 ~~Department of Community Affairs for the testing of~~

1 manufactured housing installation systems and their individual
2 components to insure that such products being delivered to
3 consumers in this state meet the wind design criteria adopted
4 by the Department of Community Affairs.

5 Section 24. Section 321.045, Florida Statutes, is
6 created to read:

7 321.045 Florida Highway Patrol program
8 objectives.--The mission of the Florida Highway Patrol is to
9 ensure public safety on Florida's State Highway System and to
10 minimize violations of Florida's traffic laws. In order to
11 accomplish this mission, the program objectives of the Florida
12 Highway Patrol are to:

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

15 (2) Reduce the number of alcohol and drug-related
16 crashes.

17 (3) Reduce the statewide response time to calls for
18 services.

19 (4) Increase compliance with traffic laws.

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

22 Section 25. Effective January 1, 1999, paragraph (d)
23 is added to subsection (2) of section 20.18, Florida Statutes,
24 and subsection (7) is added to said section, to read:

25 20.18 Department of Community Affairs.--There is
26 created a Department of Community Affairs.

27 (2) The following units of the Department of Community
28 Affairs are established:

29 (d) Division of Factory-built Housing.

30 (7) The Department of Community Affairs shall be the
31 agency responsible for ensuring that there is adequate

1 affordable housing in this state through the use of
2 factory-built homes, that the federal code on mobile homes is
3 strictly observed by manufacturers, and that the state code
4 for manufactured buildings is an efficient method for
5 providing manufactured buildings to residents of this state.
6 The department shall also be the agency responsible for the
7 installation of mobile homes and manufactured buildings to
8 such an extent that residents of this state are as safe as
9 possible with respect to destructive weather.

10 Section 26. Effective January 1, 1999, the powers,
11 duties, responsibilities, functions, records, personnel,
12 property, and unexpended balances of appropriations,
13 allocations, or other funds within the Department of Community
14 Affairs relating to administration, implementation, and
15 enforcement of part IV of chapter 553, Florida Statutes, is
16 hereby transferred to the Division of Factory-built Housing of
17 the department.

18 Section 27. Effective January 1, 1999:

19 (1) All statutory powers, duties, functions, records,
20 personnel, property, and unexpended balances of
21 appropriations, allocations, or other funds of the Bureau of
22 Mobile Home and Recreational Vehicle Construction of the
23 Department of Highway Safety and Motor Vehicles relating to
24 regulation and administration of mobile homes, and all
25 existing authority and actions of the bureau, including, but
26 not limited to, all pending and completed actions on orders
27 and rules, all enforcement matters, and delegations,
28 interagency agreements, and contracts with federal, state,
29 regional, and local governments and private entities relating
30 to regulation and administration of mobile homes, are hereby

31

1 transferred to the Division of Factory-built Housing of the
2 Department of Community Affairs.

3 (2) The Department of Community Affairs and the
4 Department of Highway Safety and Motor Vehicles shall have the
5 authority to enter into interagency agreements with each other
6 concerning any matter affected by the transfer of the Bureau
7 of Mobile Home and Recreational Vehicle Construction to the
8 Department of Community Affairs to promote the efficient and
9 effective operation of both departments.

10 Section 28. Effective January 1, 1999, the Mobile Home
11 and Recreational Vehicle Protection Trust Fund created under
12 s. 320.781, Florida Statutes, is divided into two separate
13 trust funds, the Recreational Vehicle Protection Trust Fund to
14 be administered and managed by the Department of Highway
15 Safety and Motor Vehicles as provided in s. 320.781, Florida
16 Statutes, and the Factory-built Housing Trust Fund to be
17 administered and managed by the Division of Factory-built
18 Housing of the Department of Community Affairs under s.
19 553.433, Florida Statutes.

20 Section 29. Effective January 1, 1999, section
21 320.781, Florida Statutes, is amended to read:

22 320.781 ~~Mobile Home and~~ Recreational Vehicle
23 Protection Trust Fund.--

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

30 (2) Beginning October 1, 1990, the department shall
31 charge and collect an additional fee of \$1 for each ~~new mobile~~

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

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

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

31

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

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
31

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

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

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

17 4. Such other information as the department requires.

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

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

1 execute an assignment to the department of all the person's
2 rights and title to, and interest in, the unsatisfied judgment
3 and judgment lien or the claim against the dealer or broker
4 and its surety.

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

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

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

28 (11) It is unlawful for any person or his or her agent
29 to file any notice, statement, or other document required
30 under this section which is false or contains any material
31 misstatement of fact. Any person who violates this subsection

1 is guilty of a misdemeanor of the second degree, punishable as
2 provided in s. 775.082 or s. 775.083.

3 Section 30. Effective January 1, 1999, subsections
4 (7), (8), (9), (10), (11), (12), (13), and (14) of section
5 553.36, Florida Statutes, are renumbered as subsections (8),
6 (9), (10), (11), (12), (13), (14), and (15), respectively, and
7 new subsection (7) is added to said section, to read:

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

10 Section 31. Effective January 1, 1999, section 553.38,
11 Florida Statutes, is amended to read:

12 553.38 Application and scope.--

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

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

1 conventionally constructed or manufactured building. A local
2 government shall require permit fees only for those
3 inspections actually performed by the local government for the
4 installation of a factory-built structure. Such fees shall be
5 equal to the amount charged for similar inspections on
6 conventionally built housing.

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

10 Section 32. Effective January 1, 1999, section
11 553.431, Florida Statutes, is created to read:

12 553.431 Nonresident mobile home dealer's license.--

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

28 (2) The acceptance by any person of a license under
29 this section shall be deemed equivalent to an appointment by
30 such person of the Secretary of State as the agent of such
31 person upon whom may be served all lawful process in any

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

11 Section 33. Effective January 1, 1999, section
12 553.4315, Florida Statutes, is created to read:

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

1 Section 34. Effective January 1, 1999, section 320.77,
2 Florida Statutes, is transferred and renumbered as section
3 553.432, Florida Statutes, and is amended to read:

4 553.432 ~~320.77~~ License required of mobile home
5 dealers.--

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

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

24 (b) "Mobile home broker" means any person who is
25 engaged in the business of offering to procure or procuring
26 used mobile homes for the general public; who holds himself or
27 herself out through solicitation, advertisement, or otherwise
28 as one who offers to procure or procures used mobile homes for
29 the general public; or who acts as the agent or intermediary
30 on behalf of the owner or seller of a used mobile home which
31

1 is for sale or who assists or represents the seller in finding
2 a buyer for the mobile home.

3 (2) LICENSE REQUIRED.--No person shall engage in
4 business as, or serve in the capacity of, a dealer in this
5 state unless such person possesses a valid, current license as
6 provided in this section.

7 (3) APPLICATION.--The application for such license
8 shall be in the form prescribed by the division ~~department~~ and
9 subject to such rules as may be prescribed by it. The
10 application shall be verified by oath or affirmation and shall
11 contain:

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

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

17 (c) The names and places of residence of the principal
18 officers, if the applicant is a body corporate or other
19 artificial body.

20 (d) The name of the state under whose laws the
21 corporation is organized.

22 (e) The former place or places of residence of the
23 applicant.

24 (f) The prior businesses in which the applicant has
25 been engaged, the dates during which the applicant was engaged
26 in such businesses, and the locations thereof.

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

31

1 (h) Certification by the applicant that the location
 2 is a permanent one, not a tent or a temporary stand or other
 3 temporary quarters; and, except in the case of a mobile home
 4 broker, that the location affords sufficient unoccupied space
 5 to store all mobile homes offered and displayed for sale; and
 6 that the location is a suitable place in which the applicant
 7 can in good faith carry on business and keep and maintain
 8 books, records, and files necessary to conduct such business,
 9 which will be available at all reasonable hours to inspection
 10 by the department or any of its inspectors or other employees.
 11 This subsection shall not preclude a licensed mobile home
 12 dealer from displaying and offering for sale mobile homes in a
 13 mobile home park.

14 (i) Certification by the applicant that the business
 15 of a mobile home dealer is the principal business which shall
 16 be conducted at that location; however, this provision shall
 17 not apply to mobile home park operators licensed as mobile
 18 home dealers.

19 (j) Such other relevant information as may be required
 20 by the division ~~department~~. Each applicant, general partner in
 21 the case of a partnership, or corporate officer and director
 22 in the case of a corporate applicant, must file a set of
 23 fingerprints with the division ~~department~~ for the purpose of
 24 determining any prior criminal record or any outstanding
 25 warrants. The division ~~department~~ shall submit the
 26 fingerprinting to the Department of Law Enforcement for state
 27 processing and forwarding to the Federal Bureau of
 28 Investigation for federal processing. The actual cost of such
 29 state and federal processing shall be borne by the applicant
 30 and is to be in addition to the fee for licensure. The
 31 division ~~department~~ may issue a license to an applicant

1 pending the results of the fingerprint investigation, which
2 license is fully revocable if the division ~~department~~
3 subsequently determines that any facts set forth in the
4 application are not true or correctly represented.

5
6 The division ~~department~~ shall, if it deems necessary, cause an
7 investigation to be made to ascertain if the facts set forth
8 in the application are true and shall not issue a license to
9 the applicant until it is satisfied that the facts set forth
10 in the application are true.

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

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

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

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

27 (c) The applicant has failed to provide warranty
28 service.

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

1 (e) The division ~~department~~ has proof of unfitness of
2 the applicant.

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

6 (g) The applicant or licensee has violated any of the
7 provisions of the National Mobile Home Construction and Safety
8 Standards Act of 1974 or any rule or regulation of the
9 Department of Housing and Urban Development adopted
10 ~~promulgated~~ thereunder.

11
12 Upon denial of a license, the division ~~department~~ shall notify
13 the applicant within 10 days, stating in writing its grounds
14 for denial. The applicant is entitled to a public hearing and
15 may request that such hearing be held within 45 days of denial
16 of the license. All proceedings shall be pursuant to chapter
17 120.

18 (6) LICENSE CERTIFICATE.--A license certificate shall
19 be issued by the division ~~department~~ in accordance with the
20 application when the same is regular in form and in compliance
21 with the provisions of this section. The license certificate
22 may be in the form of a document or a computerized card as
23 determined by the division ~~department~~. The cost of each
24 original, additional, or replacement computerized card shall
25 be borne by the licensee and is in addition to the fee for
26 licensure. The fees charged applicants for both the required
27 background investigation and the computerized card as provided
28 in this section shall be deposited into the Factory-built
29 Housing ~~Highway Safety Operating~~ Trust Fund. The license, when
30 so issued, shall entitle the licensee to carry on and conduct
31 the business of a mobile home dealer at the location set forth

1 in the license for a period of 1 year from October 1 preceding
 2 the date of issuance. Each initial application received by the
 3 division ~~department~~ shall be accompanied by verification that,
 4 within the preceding 6 months, the applicant or one or more of
 5 his or her designated employees has attended a training and
 6 information seminar conducted by the division ~~department~~ or by
 7 a public or private provider approved by the division
 8 ~~department~~. Such seminar shall include, but not be limited to,
 9 statutory dealer requirements, which requirements include
 10 required bookkeeping and recording procedures, requirements
 11 for the collection of sales and use taxes, and such other
 12 information that in the opinion of the division ~~department~~
 13 will promote good business practices.

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

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

31

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

3 (b) The description of each such mobile home,
4 including the identification or serial number and such other
5 numbers or identification marks as may be thereon, and a
6 statement that a number has been obliterated, defaced, or
7 changed, if such fact is apparent; and

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

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

20 (10) SETUP OPERATIONS.--Each licensee may perform
21 setup operations only as defined in s. 553.434 ~~320.822~~, and
22 the division ~~department~~ shall provide by rule for the uniform
23 application of all existing statutory provisions relating to
24 licensing and setup operations.

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

28 (12) INJUNCTION.--In addition to the remedies provided
29 in this chapter, and notwithstanding the existence of any
30 adequate remedy at law, the division ~~department~~ is authorized
31 to make application to any circuit court of the state, and the

1 circuit court shall have jurisdiction, upon a hearing and for
 2 cause shown, to grant a temporary or permanent injunction
 3 restraining any person from acting as a mobile home dealer
 4 under the terms of this section who is not properly licensed
 5 or who violates or fails or refuses to comply with any of the
 6 provisions of ~~chapter 319~~ and this part ~~chapter~~ or any rule or
 7 regulation adopted thereunder. Such injunction shall be issued
 8 without bond. A single act in violation of the provisions of
 9 ~~chapter 319~~ or this part ~~chapter~~ shall be sufficient to
 10 authorize the issuance of an injunction.

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

18 (14) ADMINISTRATIVE FINES.--In addition to the
 19 exercise of other powers provided in this section, the
 20 division ~~department~~ is authorized to assess, impose, levy, and
 21 collect by legal process fines, in an amount not to exceed
 22 \$1,000 for each violation, against any licensee if it finds
 23 that a licensee has violated any provision of this section or
 24 has violated any other law of this state having to do with
 25 dealing in mobile homes ~~motor vehicles~~. Any licensee shall be
 26 entitled to a hearing pursuant to chapter 120 should the
 27 licensee wish to contest the fine levied, or about to be
 28 levied, upon him or her.

29 (15) BOND.--

30 (a) Before any license shall be issued or renewed, the
 31 applicant shall deliver to the division ~~department~~ a good and

1 sufficient surety bond, executed by the applicant as principal
2 and by a surety company qualified to do business in the state
3 as surety. The bond shall be in a form to be approved by the
4 division ~~department~~ and shall be conditioned upon the dealer's
5 complying with the conditions of any written contract made by
6 the dealer in connection with the sale, exchange, or
7 improvement of any mobile home and his or her not violating
8 any of the provisions of ~~chapter 319~~ or this part ~~chapter~~ in
9 the conduct of the business for which the dealer is licensed.
10 The bond shall be to the division ~~department~~ and in favor of
11 any retail customer who shall suffer any loss as a result of
12 any violation of the conditions hereinabove contained. The
13 bond shall be for the license period, and a new bond or a
14 proper continuation certificate shall be delivered to the
15 division ~~department~~ at the beginning of each license period.
16 However, the aggregate liability of the surety in any one
17 license year shall in no event exceed the sum of such bond.
18 The amount of the bond required shall be as follows:
19 1. A single dealer who buys, sells, or deals in mobile
20 homes and who has four or fewer supplemental licenses shall
21 provide a surety bond in the amount of \$25,000.
22 2. A single dealer who buys, sells, or deals in mobile
23 homes and who has more than four supplemental licenses shall
24 provide a surety bond in the amount of \$50,000.
25
26 ~~For the purposes of this paragraph, any person who buys,~~
27 ~~sells, or deals in both mobile homes and recreational vehicles~~
28 ~~shall provide the same surety bond required of dealers who~~
29 ~~buy, sell, or deal in mobile homes only.~~
30 (b) The division ~~department~~ shall, upon denial,
31 suspension, or revocation of any license, notify the surety

1 company of the licensee, in writing, that the license has been
2 denied, suspended, or revoked and shall state the reason for
3 such denial, suspension, or revocation.

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

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

11 Section 35. Effective January 1, 1999, section
12 553.433, Florida Statutes, is created to read:

13 553.433 Factory-built Housing Trust Fund.--

14 (1) There is hereby established a Factory-built
15 Housing Trust Fund. The trust fund shall be administered and
16 managed by the Division of Factory-built Housing of the
17 Department of Community Affairs. The expenses incurred by the
18 division in administering this section shall be paid only from
19 appropriations made from the trust fund.

20 (2) Beginning October 1, 1999, the division shall
21 charge and collect an additional fee of \$1 for each new mobile
22 home transaction for which it charges a fee. This additional
23 fee shall be deposited into the trust fund. The division
24 shall charge a fee of \$40 per annual dealer and manufacturer
25 license and license renewal, which shall be deposited into the
26 trust fund. The sums deposited in the trust fund shall be used
27 exclusively for carrying out the purposes of this section.
28 These sums may be invested and reinvested by the Treasurer
29 under the same limitations as apply to investment of other
30 state funds, with all interest from these investments
31 deposited to the credit of the trust fund.

1 (3) The trust fund shall be used to satisfy any
2 judgment by any person, as provided by this section, against a
3 mobile home dealer or broker for damages, restitution, or
4 expenses, including reasonable attorney's fees, resulting from
5 a cause of action directly related to the conditions of any
6 written contract made by him or her in connection with the
7 sale, exchange, or improvement of any mobile home, or for any
8 violation of this part.

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

19 (5) Subject to the limitations and requirements of
20 this section, the trust fund shall be used by the division to
21 compensate persons who have unsatisfied judgments, or in
22 certain limited circumstances unsatisfied claims, against a
23 mobile home dealer or broker in one of the following
24 situations:

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

1 (b) The claimant has obtained a judgment against the
2 surety of the mobile home dealer or broker that is
3 unsatisfied.

4 (c) The claimant has alleged a claim against the
5 mobile home dealer or broker in a lawsuit which has been
6 stayed or discharged as a result of the filing for
7 reorganization or discharge in bankruptcy by the dealer or
8 broker, and judgment against the surety is not possible
9 because of the bankruptcy or liquidation of the surety, or
10 because the surety has been found by a court of competent
11 jurisdiction not to be liable due to prior payment of valid
12 claims against the bond in an amount equal to, or greater
13 than, the face amount of the applicable bond.

14 (6) In order to recover from the trust fund, the
15 person must file an application and verified claim with the
16 department.

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

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

23 b. That the judgment against the mobile home dealer or
24 broker contains a specific finding that the surety has no
25 liability, that execution has been returned unsatisfied, and
26 that a judgment lien has been perfected;

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

31

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

4 4. The amount that may be realized, if any, from the
5 sale of real or personal property or other assets of the
6 judgment debtor liable to be sold or applied in satisfaction
7 of the judgment and the balance remaining due on the judgment
8 after application of the amount which has been realized and a
9 certification that the claimant has made a good faith effort
10 to collect the judgment; and

11 5. Such other information as the division requires.

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

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

19 2. Allegations of the acts or omissions by the mobile
20 home dealer or broker setting forth the specific acts or
21 omissions complained of which resulted in actual damage to the
22 person, along with the actual dollar amount necessary to
23 reimburse or compensate the person for costs or expenses
24 resulting from the acts or omissions of which the person
25 complained;

26 3. True copies of all purchase agreements, notices,
27 service or repair orders or papers or documents of any kind
28 whatsoever which the person received in connection with the
29 purchase, exchange, or lease-purchase of the mobile home from
30 which the person's cause of action arises; and

31 4. Such other information as the division requires.

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

3 (7) Within 90 days after receipt of the application
4 and verified claim, the division shall issue its determination
5 on the claim. Such determination shall not be subject to the
6 provisions of chapter 120, but shall be reviewable only by
7 writ of certiorari in the circuit court in the county in which
8 the claimant resides in the manner and within the time
9 provided by the Florida Rules of Appellate Procedure. The
10 claim must be paid within 45 days after the determination, or,
11 if judicial review is sought, within 45 days after the review
12 becomes final. A person may not be paid an amount from the
13 fund in excess of \$25,000 per mobile home. Prior to payment,
14 the person must execute an assignment to the division of all
15 the person's rights and title to, and interest in, the
16 unsatisfied judgment and judgment lien or the claim against
17 the dealer or broker and its surety.

18 (8) The division, in its discretion and where
19 feasible, may try to recover from the mobile home dealer or
20 broker, or the judgment debtor or its surety, all sums paid to
21 persons from the trust fund. Any sums recovered shall be
22 deposited to the credit of the trust fund. The division shall
23 be awarded a reasonable attorney's fee for all actions taken
24 to recover any sums paid to persons from the trust fund
25 pursuant to this section.

26 (9) This section does not apply to any claim, and a
27 person may not recover against the trust fund as the result of
28 any claim, against a mobile home dealer or broker resulting
29 from a cause of action directly related to the sale,
30 lease-purchase, exchange, brokerage, or installation of a
31 mobile home prior to October 1, 1999.

1 (10) Neither the division, nor the trust fund shall be
2 liable to any person for recovery if the trust fund does not
3 have the moneys necessary to pay amounts claimed. If the
4 trust fund does not have sufficient assets to pay the
5 claimant, it shall log the time and date of its determination
6 for payment to a claimant. If moneys become available, the
7 department shall pay the claimant whose unpaid claim is the
8 earliest by time and date of determination.

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

15 Section 36. Effective January 1, 1999, section
16 553.434, Florida Statutes, is created to read:

17 553.434 Definitions.--In construing ss.
18 553.434-553.458, unless the context otherwise requires, the
19 following words or phrases have the following meanings:

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

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

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

27 (b) The Uniform Standards Code approved by the
28 American National Standards Institute, ANSI A-119.2 for
29 recreational vehicles and ANSI A-119.5 for park trailers or
30 the United States Department of Housing and Urban Development
31

1 standard for park trailers certified as meeting that standard;
2 or

3 (c) The Mobile Home Repair and Remodeling Code and
4 Used Recreational Vehicle Code.

5 (3) "Construction" means the minimum requirements for
6 materials, products, equipment, and workmanship needed to
7 assure that the mobile home will provide structural strength
8 and rigidity; protection against corrosion, decay, and other
9 similar destructive forces; resistance to the elements; and
10 durability and economy of maintenance.

11 (4) "Institute" means the United States of America
12 Standards Institute.

13 (5) "Length," for purposes of transportation only,
14 means the distance from the extreme front of the mobile home,
15 to the extreme rear, including the drawbar and coupling
16 mechanism, but not including expandable features that do not
17 project from the body during transportation.

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

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

27 (8) "Mobile home dealer" means any person engaged in
28 the business of buying, selling, or dealing in mobile homes or
29 offering or displaying mobile homes for sale. Any person who
30 buys, sells, or deals in one or more mobile homes in any
31 12-month period or who offers or displays for sale one or more

1 mobile homes in any 12-month period shall be prima facie
2 presumed to be engaged in the business of a mobile home
3 dealer. The terms "selling" and "sale" include lease-purchase
4 transactions. The term "mobile home dealer" does not include
5 a bank, credit union, or finance company that acquires mobile
6 homes as an incident to its regular business, does not include
7 a mobile home rental or leasing company that sells mobile
8 homes to mobile home dealers licensed under s. 553.432, and
9 does not include persons who are selling their own mobile
10 homes.

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

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

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

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

26 (13) "Substantial defect" means:

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

30
31

1 (b) Any structural element, utility system, or
2 component of the mobile home, which fails to comply with the
3 code.

4 (14) "Supplier" means the original producer of
5 completed components, including refrigerators, stoves, hot
6 water heaters, dishwashers, cabinets, air conditioners,
7 heating units, and similar components, which are furnished to
8 a manufacturer or dealer for installation in the mobile home
9 prior to sale to a buyer.

10 (15) "Width of a mobile home" means the distance from
11 the exterior of one side wall to the exterior of the opposite
12 side wall where such walls enclose living or other interior
13 space and such distance includes expandable rooms but not bay
14 windows, porches, wall and roof extensions, or other
15 attachments.

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

26 Section 37. Effective January 1, 1999, section
27 553.435, Florida Statutes, is created to read:

28 553.435 Mobile home manufacturer's license.--

29 (1) LICENSE REQUIRED.--Any person who engages in the
30 business of a mobile home manufacturer in this state, or who
31 manufactures mobile homes out of state which are ultimately

1 offered for sale in this state, shall obtain annually a
2 license for each factory location in this state and for each
3 factory location out of state which manufactures mobile homes
4 for sale in this state, prior to distributing mobile homes for
5 sale in this state.

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

20 (3) FEES.--Upon making initial application, the
21 applicant shall pay to the division a fee of \$300. Upon
22 making renewal application, the applicant shall pay to the
23 division a fee of \$100. Any applicant for renewal who has
24 failed to submit his or her renewal application by October 1
25 shall pay a renewal application fee equal to the original
26 application fee. No fee is refundable. All fees shall be
27 deposited into the Factory-built Housing Trust Fund.

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

31 (5) REQUIREMENT OF ASSURANCE.--

1 (a) Annually, prior to the receipt of a license to
2 manufacture mobile homes, the applicant or licensee shall
3 submit a surety bond, cash bond, or letter of credit from a
4 financial institution, or a proper continuation certificate,
5 sufficient to assure satisfaction of claims against the
6 licensee for failure to comply with appropriate code
7 standards, failure to provide warranty service, or violation
8 of any provisions of this section. The amount of the surety
9 bond, cash bond, or letter of credit shall be \$50,000. Only
10 one surety bond, cash bond, or letter of credit shall be
11 required for each manufacturer, regardless of the number of
12 factory locations. The surety bond, cash bond, or letter of
13 credit shall be to the division, in favor of any retail
14 customer who shall suffer loss arising out of noncompliance
15 with code standards or failure to honor or provide warranty
16 service. The division shall have the right to disapprove any
17 bond or letter of credit that does not provide assurance as
18 provided in this section.

19 (b) The division shall adopt rules pursuant to chapter
20 120 consistent with this section in providing assurance of
21 satisfaction of claims.

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

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

31

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

4 (6) LICENSE YEAR.--A license issued to a mobile home
5 manufacturer entitles the licensee to conduct the business of
6 a mobile home manufacturer for a period of 1 year from October
7 1 preceding the date of issuance.

8 (7) DENIAL OF LICENSE.--The division may deny a mobile
9 home manufacturer's license on the ground that:

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

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

14 (c) The applicant has failed to provide warranty
15 service.

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

19 (e) The division has proof of unfitness of the
20 applicant.

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

24 (g) The applicant or licensee has violated any of the
25 provisions of the National Mobile Home Construction and Safety
26 Standards Act of 1974 or any rule or regulation of the
27 Department of Housing and Urban Development promulgated
28 thereunder.

29
30 Upon denial of a license, the division shall notify the
31 applicant within 10 days, stating in writing its grounds for

1 denial. The applicant is entitled to a public hearing and may
2 request that such hearing be held within 45 days of denial of
3 the license. All proceedings shall be pursuant to chapter
4 120.

5 (8) REVOCATION OR SUSPENSION OF LICENSE.--The division
6 shall suspend or, in the case of a subsequent offense, shall
7 revoke any license upon a finding that the licensee violated
8 any provision of this part or any other law of this state
9 regarding the manufacture, warranty, or sale of mobile homes.
10 When any license has been revoked or suspended by the
11 division, it may be reinstated if the division finds that the
12 former licensee has complied with all applicable requirements
13 of this part and an application for a license is refiled
14 pursuant to this section.

15 (9) CIVIL PENALTIES; PROCEDURE.--In addition to the
16 exercise of other powers provided in this section, the
17 division is authorized to assess, impose, levy, and collect by
18 legal process a civil penalty, in an amount not to exceed
19 \$1,000 for each violation, against any licensee if it finds
20 that a licensee has violated any provision of this section or
21 has violated any other law of this state having to do with
22 dealing in mobile homes. Any licensee shall be entitled to a
23 hearing pursuant to chapter 120 should the licensee wish to
24 contest the fine levied, or about to be levied, upon him or
25 her.

26 Section 38. Effective January 1, 1999, section
27 320.823, Florida Statutes, is transferred and renumbered as
28 section 553.436, Florida Statutes.

29 Section 39. Effective January 1, 1999, section
30 553.4365, Florida Statutes, is created to read:

31

1 553.4365 Establishment of uniform standards for park
2 trailers.--Park trailers exceeding 400 square feet shall meet
3 the Federal Manufactured Home Construction and Safety
4 Standards and shall have a United States Department of Housing
5 and Urban Development label.

6 Section 40. Effective January 1, 1999, section
7 553.437, Florida Statutes, is created to read:

8 553.437 Rules and regulations, changes and
9 modifications of standards.--

10 (1) The division may make such rules and regulations
11 as it shall deem necessary or proper for the effective
12 administration and enforcement of ss. 553.431-553.458 and may
13 adopt any changes in, or additions to, the standards adopted
14 in s. 553.436 or s. 553.4365, which are approved and
15 officially published by the institute or adopted by the
16 Department of Housing and Urban Development subsequent to the
17 effective date of this act.

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

23 Section 41. Effective January 1, 1999, section
24 553.438, Florida Statutes, is created to read:

25 553.438 Limitation of alteration or modification to
26 mobile homes.--

27 (1) LIMITATION OF ALTERATIONS OR MODIFICATIONS.--No
28 alteration or modification shall be made to a mobile home by a
29 licensed dealer after shipment from the manufacturer's plant
30 unless such alteration or modification is authorized in this
31 section.

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

6 (a) An alteration or modification performed by a
7 mobile home dealer or his or her agent or employee shall place
8 warranty responsibility for the altered or modified item upon
9 the dealer. If the manufacturer fulfills, or is required to
10 fulfill, the warranty on the altered or modified item, he or
11 she shall be entitled to recover damages in the amount of his
12 or her costs and attorneys' fees from the dealer.

13 (b) An alteration or modification performed by a
14 mobile home owner or his or her agent shall render the
15 manufacturer's warranty as to that item void. A statement
16 shall be displayed clearly and conspicuously on the face of
17 the warranty that the warranty is void as to the altered or
18 modified item if the alteration or modification is performed
19 by other than a qualified person. Failure to display such
20 statement shall result in warranty responsibility on the
21 manufacturer.

22 (3) AUTHORITY OF THE DEPARTMENT.--The division is
23 authorized to adopt rules and regulations pursuant to chapter
24 120 which define the alterations or modifications which must
25 be made by qualified personnel. The division may regulate
26 only those alterations and modifications which substantially
27 impair the structural integrity or safety of the mobile home.

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

29 (a) In order to be designated as a person qualified to
30 alter or modify a mobile home, a person must comply with local
31 or county licensing or competency requirements in skills

1 relevant to performing alterations or modifications on mobile
2 homes.

3 (b) When no local or county licensing or competency
4 requirements exist, the division may certify persons to
5 perform mobile home alterations or modifications. The
6 division shall by rule or regulation determine what skills and
7 competency requirements are requisite to the issuance of a
8 certification. A fee sufficient to cover the costs of issuing
9 certifications may be charged by the division. The
10 certification shall be valid for a period which terminates
11 when the county or other local governmental unit enacts
12 relevant competency or licensing requirements. The
13 certification shall be valid only in counties or localities
14 without licensing or competency requirements.

15 (c) The division shall determine which counties and
16 localities have licensing or competency requirements adequate
17 to eliminate the requirement of certification. This
18 determination shall be based on a review of the relevant
19 county or local standards for adequacy in regulating persons
20 who perform alterations or modifications to mobile homes. The
21 division shall find local or county standards adequate when
22 minimal licensing or competency standards are provided.

23 Section 42. Effective January 1, 1999, section
24 320.8249, Florida Statutes, is transferred and renumbered as
25 section 553.439, Florida Statutes, and is amended to read:

26 553.439 ~~320.8249~~ Mobile home installers license.--

27 (1) Any person who engages in mobile home installation
28 shall obtain a mobile home installers license from the
29 ~~division Bureau of Mobile Home and Recreational Vehicle~~
30 ~~Construction of the Department of Highway Safety and Motor~~

31

1 ~~Vehicles~~ pursuant to this section. Said license shall be
2 renewed annually, and each licensee shall pay a fee of \$150.

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

8 (3) In order to obtain licensure as a mobile home
9 installer, the applicant must be at least 18 years old, must
10 hold a valid performance bond in an amount set by division
11 ~~department~~ rule, not to exceed \$5,000, conditioned upon proper
12 performance of mobile home installation and weather-sealing
13 duties for a period of 1 year, must carry liability insurance
14 in an amount determined by division ~~department~~ rule, not to
15 exceed \$100,000, must complete a minimum 8-hour training
16 course approved by the division ~~department~~, and must pass a
17 division-approved ~~department-approved~~ examination designed to
18 test the skills necessary to properly and competently perform
19 mobile home installation and to ascertain that the applicant
20 has adequate knowledge of federal, state, and local laws
21 applicable to mobile home installation contracting. The
22 division ~~department~~ may charge an examination fee sufficient
23 to defray the costs of developing or obtaining and providing
24 the examination, not to exceed \$100. Any licensed dealer or
25 licensed manufacturer who has subcontracted with an installer
26 for installation and who remedies any faulty installation
27 performed by said installer shall have recourse against said
28 installer's performance bond.

29 (4) Notwithstanding the provisions of subsection (3),
30 any person who can show that he or she had been engaged in the
31 business of mobile home installation on October 1, 1999 ~~1996~~,

1 shall be exempted until October 1, 2000 ~~1997~~, from the
2 requirement for completing training and for passing an
3 examination in order to be licensed by the department as a
4 mobile home installer and shall be licensed upon application,
5 provided he or she has complied with all requirements of
6 subsection (3), other than the training and examination
7 requirements. No person shall be licensed or remain licensed
8 as a mobile home installer subsequent to October 1, 2000 ~~1997~~,
9 who has not taken and passed the department-approved mobile
10 home installer examination.

11 (5) A direct employee of a licensed mobile home
12 installer working under the supervision of the licensee and
13 within the job scope of the licensee is not required to be
14 licensed as a mobile home installer. The licensed mobile home
15 installer is responsible for supervising all such employees
16 and for the proper and competent performance of all employees
17 working under his or her supervision.

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

20 (7) No person shall:

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

23 (b) Falsely impersonate a licensed mobile home
24 installer;

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

27 (d) Knowingly give false or forged evidence to the
28 division ~~department~~;

29 (e) Use or attempt to use a mobile home installers
30 license which has been suspended or revoked; or
31

1 (f) Engage in the business or act in the capacity of a
2 licensed mobile home installer or advertise himself or herself
3 or a business organization as available to engage in the
4 business or act in the capacity of a mobile home installer
5 without being duly licensed.

6 (8) Any unlicensed person who violates any of the
7 provisions of subsection (7) is guilty of a misdemeanor of the
8 first degree, punishable as provided in s. 775.082 or s.
9 775.083.

10 (9) No licensed person nor licensed applicant shall:

11 (a) Obtain a mobile home installers license by fraud
12 or misrepresentation.

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

17 (c) Violate any lawful order of the division
18 ~~department~~.

19 (d) Commit fraud or deceit in the practice of
20 contracting.

21 (e) Commit incompetence or misconduct in the practice
22 of contracting.

23 (f) Commit gross negligence, repeated negligence, or
24 negligence resulting in a significant danger to life or
25 property.

26 (g) Commit violations of the installation standards
27 for mobile homes or manufactured homes contained in rules
28 15C-1.0102 to 15C-1.0104, Florida Administrative Code.

29 (10) Any licensed person or license applicant who
30 violates any provision of subsection (9) may have any of the
31

1 following disciplinary penalties imposed by the division
2 ~~department~~:

- 3 (a) License revocation;
- 4 (b) License suspension;
- 5 (c) A fine not to exceed \$1,000 per violation;
- 6 (d) A requirement to take and pass, or retake and
7 pass, the department-approved examination;
- 8 (e) Probation;
- 9 (f) Probation subject to such restriction of practice
10 as the division ~~department~~ chooses to impose;
- 11 (g) A notice of noncompliance; or
- 12 (h) Refusal of licensure application.

13 (11) Licensed mobile home dealers and licensed mobile
14 home manufacturers are exempt from requirements to obtain a
15 license as a mobile home installer and may perform mobile home
16 installation. Any licensed dealer or licensed manufacturer
17 who does not subcontract with a licensed installer and who
18 performs his or her own installations, either himself or
19 herself or through direct employees, shall have at least one
20 employee who has completed an 8-hour installation training
21 course, as approved by the division ~~department~~. Licensed
22 mobile home dealers and mobile home manufacturers are subject
23 to discipline against their license for violation of
24 subsection (9).

25 (12) The regulation of manufactured home installers or
26 mobile home installers is preempted to the state, and no
27 person may perform mobile home installation unless licensed
28 pursuant to this section, regardless of whether that person
29 holds a local license.

30 (13) No county, municipality, or other unit of local
31 government may require additional licensing of a duly licensed

1 installer who performs setup operations as defined in s.
2 553.434 ~~320.822~~. However, a county, municipality, or other
3 unit of local government may require an installer to obtain a
4 local occupational license, which license shall not require
5 for its issuance any conditions other than those required by
6 this act and payment of the appropriate occupational license
7 fee.

8 (14) All installers, dealers, and manufacturers shall
9 purchase installation decals from the division ~~Department of~~
10 ~~Highway Safety and Motor Vehicles~~ for a fee not to exceed \$10
11 per decal. An installation decal shall be affixed to the
12 manufactured home or mobile home prior to installation. This
13 decal shall denote the date of installation, the name of the
14 installer, and the number of the installer's license or the
15 dealer or manufacturer license number. Such decal shall be
16 positioned immediately next to the HUD decal.

17 (15) In performing the installation, installers shall
18 not perform plumbing or electrical activities prohibited by
19 division ~~department~~ rules related to setup operations pursuant
20 to s. 553.434 ~~320.822~~.

21 (16) Funds received by the department pursuant to this
22 section shall be deposited in the Highway Safety Operating
23 Trust Fund.

24 (17) When mobile homeowners in a mobile home park
25 obtain evaluations of the wind resistance of their mobile
26 homes and make improvements in accordance thereto using funds
27 from the General Appropriations Act pursuant to s. 627.0629,
28 the applicable local, county, or municipal government may
29 charge only one building permit or any other applicable fee or
30 change, not to exceed the usual permit fee or charge that
31 would have applied to a single mobile homeowner, for the

1 entire mobile home park in which such evaluations are being
2 performed. ~~There are hereby appropriated five positions and~~
3 ~~\$219,295 from the Highway Safety Operating Trust Fund in the~~
4 ~~Department of Highway Safety and Motor Vehicles to implement~~
5 ~~the provisions of this section.~~

6 Section 43. Effective January 1, 1999, section
7 320.8255, Florida Statutes, is transferred and renumbered as
8 section 553.440, Florida Statutes, and is amended to read:

9 553.440 ~~320.8255~~ Mobile home inspection.--

10 (1) In order to ensure the highest degree of quality
11 control in the construction of new mobile homes, each new
12 mobile home sold in the state shall be inspected by the
13 division ~~department~~ pursuant to procedures developed by the
14 division ~~department~~ which assure compliance with code
15 provisions. The division ~~department~~ may adopt reasonable
16 rules and regulations pursuant to chapter 120 for the
17 implementation and enforcement of this inspection.

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

21 (3) Mobile home manufacturers and dealers shall be
22 charged a fee for special inspections, including, but not
23 limited to, plant approvals, 100 percent plant inspections,
24 increased frequency inspections, reinspections, and special
25 consumer complaint investigations as requested by a
26 manufacturer or dealer or as may be deemed necessary by the
27 division ~~department~~.

28 (4) The division ~~department~~ shall determine fees for
29 special inspections and for the seal authorized under s.
30 553.441 ~~320.827~~ which are sufficient to cover the cost of
31 inspection and administration under this section. Fees

1 collected shall be deposited into the Factory-built Housing
2 Trust ~~General Revenue~~ Fund.

3 Section 44. Effective January 1, 1999, section
4 320.827, Florida Statutes, is transferred and renumbered as
5 section 553.441, Florida Statutes, and is amended to read:

6 553.441 ~~320.827~~ Label; procedures for issuance;
7 certification; requirements.--No dealer shall sell or offer
8 for sale in this state any new mobile home manufactured after
9 January 1, 2001 ~~1968~~, unless the mobile home bears a label and
10 the certification by the manufacturer that the mobile home to
11 which the label is attached meets or exceeds the appropriate
12 code. Any mobile home bearing the insignia of approval
13 pursuant to this section shall be deemed to comply with the
14 requirements of all local government ordinances or rules which
15 govern construction, and no mobile home bearing the division
16 ~~department~~ insignia of approval shall be in any way modified
17 except in compliance with this chapter. Labels may be issued
18 by the division ~~department~~ when applied for with an affidavit
19 certifying that the dealer or manufacturer applying will not
20 attach a label to any new mobile home that does not meet or
21 exceed the appropriate code. No mobile home may be
22 manufactured in this state unless it bears a label and
23 certification that the mobile home meets or exceeds the code.
24 The label for each mobile home shall be displayed in a manner
25 to be prescribed by the division ~~department~~.

26 Section 45. Effective January 1, 1999, section
27 320.8285, Florida Statutes, is transferred and renumbered as
28 section 553.442, Florida Statutes, and is amended to read:

29 553.442 ~~320.8285~~ Onsite inspection.--

30 (1) Each county or municipality in this state shall
31 prepare and adopt a plan providing for an onsite inspection of

1 each mobile home located within such entity. The onsite
 2 inspection shall ensure compliance with state and local
 3 building codes, ordinances, and regulations regarding such
 4 functions as blocking and leveling, tie-downs, utility
 5 connections, conversions of appliances, and external
 6 improvements on the mobile home. If a mobile home is
 7 manufactured in conformity with the code, as established in s.
 8 553.436 ~~320-823~~, a county may not require modification of the
 9 mobile home in order to comply with local tie-down
 10 regulations.

11 (2) When a county or municipality has not prepared and
 12 adopted a plan providing for onsite inspection, the division
 13 ~~department~~ shall prepare a minimum onsite inspection plan for
 14 such county. The division ~~department~~ may adopt ~~promulgate~~
 15 reasonable rules and regulations pursuant to chapter 120 in
 16 preparing and enforcing such a minimum onsite inspection plan.

17 (3) Each county or municipality may designate the
 18 persons who are to perform the onsite inspection. If a county
 19 or municipality does not so designate, the division ~~department~~
 20 shall designate the persons who are to perform the onsite
 21 inspection. No person shall be designated to perform onsite
 22 inspections unless such person is competent in the areas of
 23 mobile home blocking and leveling, tie-downs, utility
 24 connections, conversions of appliances, and external
 25 improvements. Pursuant to the onsite inspection, each mobile
 26 home shall be issued a certificate of occupancy if the mobile
 27 home complies with state and local building codes, ordinances,
 28 and regulations regarding such functions as blocking and
 29 leveling, tie-downs, utility connections, conversion of
 30 appliances, and external improvements to the mobile home.

31

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

5 (5) The division ~~Department of Highway Safety and~~
6 ~~Motor Vehicles~~ shall enforce every provision of this section
7 and the regulations adopted pursuant hereto, except that local
8 land use and zoning requirements, fire zones, building setback
9 and side and rear yard requirements, site development and
10 property line requirements, subdivision control, and onsite
11 installation requirements, as well as review and regulation of
12 architectural and aesthetic requirements, are hereby
13 specifically and entirely reserved to local jurisdictions.
14 However, any architectural or aesthetic requirement imposed on
15 the mobile home structure itself may pertain only to roofing
16 and siding materials. Such local requirements and regulations
17 and others for manufactured homes must be reasonable,
18 uniformly applied, and enforced without distinctions as to
19 whether such housing is manufactured, located in a mobile home
20 park or a mobile home subdivision, or built in a conventional
21 manner. No local jurisdiction shall prohibit siting or
22 resiting of used mobile homes based solely on the date the
23 unit was manufactured.

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

26 Section 46. Effective January 1, 1999, section
27 320.830, Florida Statutes, is transferred and renumbered as
28 section 553.443, Florida Statutes, and is amended to read:

29 553.443 ~~320.830~~ Reciprocity.--If any other state has
30 codes for mobile homes at least equal to those established by
31 this part ~~chapter~~, the division ~~department~~, upon determining

1 that such standards are being enforced by an independent
 2 inspection agency, shall place the other state on a
 3 reciprocity list, which list shall be available to any
 4 interested person. Any mobile home that bears a seal of any
 5 state which has been placed on the reciprocity list may not be
 6 required to bear the seal of this state. A mobile home that
 7 does not bear the label herein provided shall not be permitted
 8 to be manufactured or offered for sale by a manufacturer or
 9 dealer anywhere within the geographical limits of this state
 10 unless the mobile home is designated for delivery into another
 11 state that has not adopted a code entitling the state to be
 12 placed on the reciprocity list.

13 Section 47. Effective January 1, 1999, section
 14 320.831, Florida Statutes, is transferred and renumbered as
 15 section 553.444, Florida Statutes, and is amended to read:

16 553.444 ~~320.831~~ Penalties.--

17 (1) Whoever violates any provision of the National
 18 Mobile Home Construction and Safety Standards Act of 1974, 42
 19 U.S.C. ss. 5401 et seq., or any rules, regulations, or final
 20 order issued thereunder shall be liable for a civil penalty
 21 not to exceed \$1,000 for each such violation. Each violation
 22 of a provision of the act or any rule, regulation, or order
 23 issued thereunder shall constitute a separate violation with
 24 respect to each mobile home or with respect to each failure or
 25 refusal to allow or perform an act required thereby, except
 26 that the maximum civil penalty may not exceed \$1 million for
 27 any related series of violations occurring within 1 year from
 28 the date of the first violation.

29 (2) Any individual, or a director, officer, or agent
 30 of a corporation, who knowingly and willfully violates the
 31 provisions of s. 610 of the National Mobile Home Construction

1 and Safety Standards Act of 1974 in a manner which threatens
2 the health or safety of any purchaser is guilty of a
3 misdemeanor of the first degree, punishable as provided in s.
4 775.082 or s. 775.083.

5 (3) Any manufacturer, dealer, or inspector who
6 violates or fails to comply with any of the provisions of ss.
7 553.434-553.456 ~~320.822-320.862~~ or any of the rules adopted by
8 the department is guilty of a misdemeanor of the first degree,
9 punishable as provided in s. 775.082 or s. 775.083, provided
10 such violation is not also a violation of the National Mobile
11 Home Construction and Safety Standards Act of 1974 or any
12 rule, regulation, or final order issued thereunder.

13 Section 48. Effective January 1, 1999, section
14 320.8325, Florida Statutes, is transferred and renumbered as
15 section 553.445, Florida Statutes, and is amended to read:

16 553.445 ~~320.8325~~ Mobile homes and park trailers;
17 tie-down requirements; minimum installation standards;
18 injunctions; penalty.--

19 (1) The owner of a mobile home or park trailer shall
20 secure the mobile home or park trailer to the ground by the
21 use of anchors and tie-downs so as to resist wind overturning
22 and sliding. However, nothing herein shall be construed as
23 requiring that anchors and tie-downs be installed to secure
24 mobile homes or park trailers which are permanently attached
25 to a permanent structure. A permanent structure shall have a
26 foundation and such other structural elements as are required
27 pursuant to rules and regulations promulgated by the division
28 ~~department~~ which assure the rigidity and stability of the
29 mobile home or park trailer.

30 (a) A mobile home or park trailer manufactured in
31 accordance with the code standards and labeled "hurricane and

1 windstorm resistive" shall be anchored to each anchor point
2 provided on the mobile home or park trailer. A mobile home or
3 park trailer which does not meet these standards must be
4 anchored with anchor points spaced as required by the division
5 ~~department~~ starting at each end of the mobile home or park
6 trailer.

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

9 1. A mobile home or park trailer having built-in,
10 over-the-roof ties shall be secured by the tie-down points,
11 provided such built-in ties and points meet the standards
12 adopted promulgated by the division department.

13 2. A mobile home or park trailer not having built-in,
14 over-the-roof ties and tie-down points which meet division
15 ~~department~~ standards shall be secured in accordance with
16 standards adopted promulgated by the division department.

17 (2) The division department shall adopt promulgate
18 ~~rules and regulations~~ setting forth minimum standards for the
19 manufacture or installation of anchors, tie-downs,
20 over-the-roof ties, or other reliable methods of securing
21 mobile homes or park trailers when over-the-roof ties are not
22 suitable due to factors such as unreasonable cost, design of
23 the mobile home or park trailer, or potential damage to the
24 mobile home or park trailer. Such devices required under this
25 section, when properly installed, shall cause the mobile home
26 or park trailer to resist wind overturning and sliding. In
27 adopting promulgating such rules ~~and regulations~~, the division
28 ~~department~~ may make such discriminations regarding mobile home
29 or park trailer tie-down requirements as are reasonable when
30 factors such as age, location, and practicality of tying down
31 a mobile home or park trailer are considered.

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

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

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

31

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 49. 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

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

22 Section 51. 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

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 52. 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.

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 53. 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 54. 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

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 55. 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

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 56. 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 57. Effective January 1, 1999, section
18 320.840, Florida Statutes, is transferred and renumbered as
19 section 553.454, Florida Statutes.

20 Section 58. 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

1 disposition by it of any written complaint against any
2 licensee, whether dealer or manufacturer.

3 Section 59. Effective January 1, 1999, section
4 553.456, Florida Statutes, is created to read:

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

19 Section 60. Effective January 1, 1999, section
20 553.457, Florida Statutes, is created to read:

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

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

7 Section 61. Effective January 1, 1999, section
8 553.458, Florida Statutes, is created to read:

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

13 Section 62. Effective January 1, 1999, paragraph (b)
14 of subsection (1) of section 161.55, Florida Statutes, is
15 amended to read:

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

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

22 (b) Mobile homes shall conform to the Federal Mobile
23 Home Construction and Safety Standards or the Uniform
24 Standards Code ANSI book A-119.1, pursuant to s. 553.436
25 ~~320.823~~, and to the requirements of paragraph (c).

26 Section 63. Effective January 1, 1999, subsection (2)
27 of section 319.001, Florida Statutes, is amended to read:

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

30 (2) "Licensed dealer," unless otherwise specifically
31 provided, means a motor vehicle dealer licensed under s.

1 320.27, a mobile home dealer licensed under s. 553.432 ~~320.77~~,
2 or a recreational vehicle dealer licensed under s. 320.771.

3 Section 64. Effective January 1, 1999, paragraph (d)
4 of subsection (1) of section 320.131, Florida Statutes, is
5 amended to read:

6 320.131 Temporary tags.--

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

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

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

20 Section 65. Effective January 1, 1999, subsection (9)
21 of section 320.27, Florida Statutes, is amended to read:

22 320.27 Motor vehicle dealers.--

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

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

1 mobile homes or willful failure to comply with any
2 administrative rule promulgated by the department.

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

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

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

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

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

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

31

1 (h) Requirement by any motor vehicle dealer that any
2 customer or purchaser finance a motor vehicle with a specific
3 financial institution or company.

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

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

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

15 (l) Violation of any of the provisions of s. 319.35 by
16 any motor vehicle dealer.

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

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

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

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

1 (q) Conviction of a felony.

2 (r) Failure to continually meet the requirements of
3 the licensure law.

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

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

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

28 Section 66. Effective January 1, 1999, section 320.28,
29 Florida Statutes, is amended to read:

30 320.28 Nonresident dealers in secondhand motor
31 vehicles or, recreational vehicles, ~~or mobile homes~~.--Every

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

21 Section 67. Effective January 1, 1999, subsection (1)
 22 of section 320.71, Florida Statutes, is amended to read:

23 320.71 Nonresident motor vehicle,~~mobile home~~,or
 24 recreational vehicle dealer's license.--

25 (1) Any person who is a nonresident of the state, who
 26 does not have a dealer's contract from the manufacturer or
 27 manufacturer's distributor of motor vehicles,~~mobile homes~~,or
 28 recreational vehicles authorizing the sale thereof in definite
 29 Florida territory, and who sells or engages in the business of
 30 selling said vehicles at retail within the state shall
 31 register with the Department of Revenue for a sales tax dealer

1 registration number and comply with chapter 212, and pay a
2 license tax of \$2,000 per annum in each county where such
3 sales are made; \$1,250 of said tax shall be transmitted to the
4 Department of Banking and Finance to be deposited in the
5 General Revenue Fund of the state, and \$750 thereof shall be
6 returned to the county. The license tax shall cover the
7 period from January 1 to the following December 31, and no
8 such license shall be issued for any fractional part of a
9 year.

10 Section 68. Effective January 1, 1999, section
11 320.822, Florida Statutes, is amended to read:

12 320.822 Definitions.--In construing ss.
13 320.822-320.862, unless the context otherwise requires, the
14 following words or phrases have the following meanings:

15 (1) "Buyer" means a person who purchases at retail
16 from a dealer or manufacturer a ~~mobile home or~~ recreational
17 vehicle for his or her own use as a residence, or other
18 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, promulgated~~
22 ~~by 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 the~~
30 Used Recreational Vehicle Code.

31

1 (3) "Construction" means the minimum requirements for
2 materials, products, equipment, and workmanship needed to
3 assure that the ~~mobile home or~~ recreational vehicle will
4 provide structural strength and rigidity; protection against
5 corrosion, decay, and other similar destructive forces;
6 resistance to the elements; and durability and economy of
7 maintenance.

8 (4) "Institute" means the United States of America
9 Standards Institute.

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

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

23 (6)(7) "Licensee" means any person licensed or
24 required to be licensed under s. 320.8225.

25 ~~(8) "Mobile home dealer" means any person engaged in~~
26 ~~the business of buying, selling, or dealing in mobile homes or~~
27 ~~offering or displaying mobile homes for sale. Any person who~~
28 ~~buys, sells, or deals in one or more mobile homes in any~~
29 ~~12-month period or who offers or displays for sale one or more~~
30 ~~mobile homes in any 12-month period shall be prima facie~~
31 ~~presumed to be engaged in the business of a mobile home~~

1 ~~dealer. The terms "selling" and "sale" include lease-purchase~~
 2 ~~transactions. The term "mobile home dealer" does not include~~
 3 ~~a bank, credit union, or finance company that acquires mobile~~
 4 ~~homes as an incident to its regular business, does not include~~
 5 ~~a mobile home rental or leasing company that sells mobile~~
 6 ~~homes to mobile home dealers licensed under s. 320.77, and~~
 7 ~~does not include persons who are selling their own mobile~~
 8 ~~homes.~~

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

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

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

31

1 (9)~~(12)~~ "Responsible party" means a manufacturer,
2 dealer, or supplier.

3 (10)~~(13)~~ "Seal" or "label" means a device issued by
4 the department certifying that a ~~mobile home or recreational~~
5 vehicle meets the appropriate code, which device is to be
6 displayed on the exterior of the ~~mobile home or recreational~~
7 vehicle.

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

14 (11)~~(15)~~ "Substantial defect" means:

15 (a) Any substantial deficiency or defect in materials
16 or workmanship occurring to a ~~mobile home or recreational~~
17 vehicle which has been reasonably maintained and cared for in
18 normal use.

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

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

28 ~~(17) "Width of a mobile home" means the distance from~~
29 ~~the exterior of one side wall to the exterior of the opposite~~
30 ~~side wall where such walls enclose living or other interior~~
31 ~~space and such distance includes expandable rooms but not bay~~

1 ~~windows, porches, wall and roof extensions, or other~~
2 ~~attachments.~~

3 (13)~~(18)~~ "Body size" of a ~~park trailer,~~ travel
4 trailer, or fifth-wheel trailer means the distance from the
5 exterior side or end to the opposite exterior side or end of
6 the body. Such distance includes expandable rooms, bay
7 windows, wall and roof extensions, or other extrusions in the
8 travel mode. The following exceptions apply:

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

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

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

21 Section 69. Effective January 1, 1999, section
22 320.8225, Florida Statutes, is amended to read:

23 320.8225 ~~Mobile home and~~ Recreational vehicle
24 manufacturer's license.--

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

1 ~~or~~ recreational vehicles for sale in this state, prior to
2 distributing ~~mobile homes or~~ recreational vehicles for sale in
3 this state.

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

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

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

29 (5) REQUIREMENT OF ASSURANCE.--

30 ~~(a) Annually, prior to the receipt of a license to~~
31 ~~manufacture mobile homes, the applicant or licensee shall~~

1 ~~submit a surety bond, cash bond, or letter of credit from a~~
 2 ~~financial institution, or a proper continuation certificate,~~
 3 ~~sufficient to assure satisfaction of claims against the~~
 4 ~~licensee for failure to comply with appropriate code~~
 5 ~~standards, failure to provide warranty service, or violation~~
 6 ~~of any provisions of this section. The amount of the surety~~
 7 ~~bond, cash bond, or letter of credit shall be \$50,000. Only~~
 8 ~~one surety bond, cash bond, or letter of credit shall be~~
 9 ~~required for each manufacturer, regardless of the number of~~
 10 ~~factory locations. The surety bond, cash bond, or letter of~~
 11 ~~credit shall be to the department, in favor of any retail~~
 12 ~~customer who shall suffer loss arising out of noncompliance~~
 13 ~~with code standards or failure to honor or provide warranty~~
 14 ~~service. The department shall have the right to disapprove any~~
 15 ~~bond or letter of credit that does not provide assurance as~~
 16 ~~provided in this section.~~

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

30
 31

1 **(b)**~~(c)~~ The department shall adopt rules pursuant to
2 chapter 120 consistent with this section in providing
3 assurance of satisfaction of claims.

4 **(c)**~~(d)~~ The department shall, upon denial, suspension,
5 or revocation of any license, notify the surety company of the
6 licensee, in writing, that the license has been denied,
7 suspended, or revoked and shall state the reason for such
8 denial, suspension, or revocation.

9 **(d)**~~(e)~~ Any surety company which pays any claim against
10 the bond of any licensee shall notify the department, in
11 writing, that it has paid such a claim and shall state the
12 amount of the claim.

13 **(e)**~~(f)~~ Any surety company which cancels the bond of
14 any licensee shall notify the department, in writing, of such
15 cancellation, giving reason for the cancellation.

16 (6) LICENSE YEAR.--A license issued to a ~~mobile home~~
17 ~~or~~ recreational vehicle manufacturer entitles the licensee to
18 conduct the business of a ~~mobile home or~~ recreational vehicle
19 manufacturer for a period of 1 year from October 1 preceding
20 the date of issuance.

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

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

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

28 (c) The applicant has failed to provide warranty
29 service.

30 (d) The applicant or one or more of his or her
31 principals or agents has violated any law, rule, or regulation

1 relating to the manufacture or sale of ~~mobile homes or~~
2 recreational vehicles.

3 (e) The department has proof of unfitness of the
4 applicant.

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

8 (g) The applicant or licensee has violated any of the
9 provisions relating to recreational vehicles of the National
10 Mobile Home Construction and Safety Standards Act of 1974 or
11 any rule or regulation of the Department of Housing and Urban
12 Development promulgated thereunder.

13

14 Upon denial of a license, the department shall notify the
15 applicant within 10 days, stating in writing its grounds for
16 denial. The applicant is entitled to a public hearing and may
17 request that such hearing be held within 45 days of denial of
18 the license. All proceedings shall be pursuant to chapter
19 120.

20 (8) REVOCATION OR SUSPENSION OF LICENSE.--The
21 department shall suspend or, in the case of a subsequent
22 offense, shall revoke any license upon a finding that the
23 licensee violated any provision of this chapter or any other
24 law of this state regarding the manufacture, warranty, or sale
25 of ~~mobile homes or~~ recreational vehicles. When any license
26 has been revoked or suspended by the department, it may be
27 reinstated if the department finds that the former licensee
28 has complied with all applicable requirements of this chapter
29 and an application for a license is refiled pursuant to this
30 section.

31

1 (9) CIVIL PENALTIES; PROCEDURE.--In addition to the
2 exercise of other powers provided in this section, the
3 department is authorized to assess, impose, levy, and collect
4 by legal process a civil penalty, in an amount not to exceed
5 \$1,000 for each violation, against any licensee if it finds
6 that a licensee has violated any provision of this section or
7 has violated any other law of this state having to do with
8 dealing in motor vehicles. Any licensee shall be entitled to
9 a hearing pursuant to chapter 120 should the licensee wish to
10 contest the fine levied, or about to be levied, upon him or
11 her.

12 Section 70. Effective January 1, 1999, subsection (1)
13 of section 320.8231, Florida Statutes, is amended to read:

14 320.8231 Establishment of uniform standards for
15 recreational vehicle-type units ~~and park trailers~~.--

16 (1) Each recreational vehicle-type unit, as defined in
17 s. 320.01(1)(b), manufactured in this state or manufactured
18 outside this state but sold or offered for sale in this state
19 shall meet the Uniform Standards Code ANSI book A-119.2 or
20 A-119.5, as applicable, approved by the American National
21 Standards Institute. Such standards shall include, but are not
22 limited to, standards for the installation of plumbing,
23 heating, and electrical systems and fire and life safety in
24 recreational vehicle-type units ~~and park trailers~~. ~~However,~~
25 ~~those park trailers exceeding 400 square feet shall meet the~~
26 ~~Federal Manufactured Home Construction and Safety Standards~~
27 ~~and shall have a United States Department of Housing and Urban~~
28 ~~Development label.~~

29 Section 71. Effective January 1, 1999, section
30 320.8232, Florida Statutes, is amended to read:

31

1 320.8232 Establishment of uniform standards for used
2 recreational vehicles ~~and repair and remodeling code for~~
3 ~~mobile homes.--~~

4 (1) Each used recreational vehicle manufactured after
5 January 1, 1968, and sold or offered for sale in this state by
6 a dealer or manufacturer shall meet the standards of the Used
7 Recreational Vehicle Code. The provisions of said code shall
8 ensure safe and livable housing and shall not be more
9 stringent than those standards required to be met in the
10 manufacture of recreational vehicles. Such provisions shall
11 include, but not be limited to, standards for structural
12 adequacy, plumbing, heating, electrical systems, and fire and
13 life safety.

14 ~~(2) The provisions of the repair and remodeling code~~
15 ~~shall ensure safe and livable housing and shall not be more~~
16 ~~stringent than those standards required to be met in the~~
17 ~~manufacture of mobile homes. Such provisions shall include,~~
18 ~~but not be limited to, standards for structural adequacy,~~
19 ~~plumbing, heating, electrical systems, and fire and life~~
20 ~~safety.~~

21 Section 72. Effective January 1, 1999, section
22 320.824, Florida Statutes, is amended to read:

23 320.824 Rules and regulations, changes and
24 modifications of standards.--

25 (1) The department may make such rules and regulations
26 as it shall deem necessary or proper for the effective
27 administration and enforcement of ss. 320.822-320.90 and may
28 adopt and promulgate any changes in, or additions to, the
29 standards adopted in ~~s. 320.823~~ or s. 320.8231, which are
30 approved and officially published by the institute or
31

1 promulgated by the Department of Housing and Urban Development
2 subsequent to the effective date of this act.

3 ~~(2) The department or its authorized agent may enter~~
4 ~~any place or establishment where mobile homes are~~
5 ~~manufactured, sold, or offered for sale, for the purpose of~~
6 ~~ascertaining whether the requirements of the code and the~~
7 ~~regulations adopted by the department have been met.~~

8 Section 73. Effective January 1, 1999, section
9 320.8245, Florida Statutes, is amended to read:

10 320.8245 Limitation of alteration or modification to
11 ~~mobile homes or recreational vehicles.--~~

12 (1) LIMITATION OF ALTERATIONS OR MODIFICATIONS.--No
13 alteration or modification shall be made to a ~~mobile home or~~
14 recreational vehicle by a licensed dealer after shipment from
15 the manufacturer's plant unless such alteration or
16 modification is authorized in this section.

17 (2) EFFECT ON ~~MOBILE HOME~~ WARRANTY.--Unless an
18 alteration or modification is performed by a qualified person
19 as defined in subsection (4), the warranty responsibility of
20 the manufacturer as to the altered or modified item shall be
21 void.

22 (a) An alteration or modification performed by a
23 ~~mobile home or recreational vehicle dealer or his or her agent~~
24 or employee shall place warranty responsibility for the
25 altered or modified item upon the dealer. If the manufacturer
26 fulfills, or is required to fulfill, the warranty on the
27 altered or modified item, he or she shall be entitled to
28 recover damages in the amount of his or her costs and
29 attorneys' fees from the dealer.

30 (b) An alteration or modification performed by a
31 ~~mobile home or recreational vehicle owner or his or her agent~~

1 shall render the manufacturer's warranty as to that item void.
2 A statement shall be displayed clearly and conspicuously on
3 the face of the warranty that the warranty is void as to the
4 altered or modified item if the alteration or modification is
5 performed by other than a qualified person. Failure to
6 display such statement shall result in warranty responsibility
7 on the manufacturer.

8 (3) AUTHORITY OF THE DEPARTMENT.--The department is
9 authorized to promulgate rules and regulations pursuant to
10 chapter 120 which define the alterations or modifications
11 which must be made by qualified personnel. The department may
12 regulate only those alterations and modifications which
13 substantially impair the structural integrity or safety of the
14 recreational vehicle ~~mobile home~~.

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

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

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

1 requirements. The certification shall be valid only in
2 counties or localities without licensing or competency
3 requirements.

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

13 Section 74. Effective January 1, 1999, section
14 320.8256, Florida Statutes, is amended to read:

15 320.8256 Recreational vehicle inspection.--

16 ~~(1)~~ In order to ensure the highest degree of quality
17 control in the construction of new recreational vehicles and
18 to ensure the safe condition of used recreational vehicles,
19 each new or used recreational vehicle sold in the state shall
20 be inspected by licensed recreational vehicle dealers offering
21 such unit for sale.

22 ~~(2) The department shall determine a fee for the seal~~
23 ~~authorized under s. 320.827 which is sufficient to cover the~~
24 ~~cost of producing and issuing the seal. Fees collected shall~~
25 ~~be deposited into the General Revenue Fund.~~

26 Section 75. Effective January 1, 1999, section
27 320.834, Florida Statutes, is amended to read:

28 320.834 Purpose.--It is the intent of the Legislature
29 to ensure the safety and welfare of residents of recreational
30 vehicles ~~mobile homes~~ through an inspection program conducted
31 by the Department of Highway Safety and Motor Vehicles.

1 ~~Mobile homes are a primary housing resource of many of the~~
 2 ~~residents of the state and satisfy a large segment of~~
 3 ~~statewide housing needs. It is the further intent of the~~
 4 Legislature that the department, recreational vehicle ~~mobile~~
 5 ~~home~~ dealers, and recreational vehicle ~~mobile home~~
 6 manufacturers continue to work together to meet the applicable
 7 code requirements for recreational vehicles ~~mobile homes~~ and
 8 that such dealers and manufacturers share the responsibilities
 9 of warranting recreational vehicles ~~mobile homes~~ in accordance
 10 with applicable codes and resolving legitimate consumer
 11 complaints in a timely, efficient manner.

12 Section 76. Effective January 1, 1999, section
 13 320.835, Florida Statutes, is amended to read:

14 320.835 ~~Mobile home and~~ Recreational vehicle
 15 warranties.--Each manufacturer, dealer, and supplier of ~~mobile~~
 16 ~~homes or~~ recreational vehicles shall warrant each new ~~mobile~~
 17 ~~home or~~ recreational vehicle sold in this state ~~and the setup~~
 18 ~~of each such mobile home~~, in accordance with the warranty
 19 requirements prescribed by this section, for a period of at
 20 least 12 months, measured from ~~the date of delivery of the~~
 21 ~~mobile home to the buyer or~~ the date of sale of the
 22 recreational vehicle. The warranty requirements of each
 23 manufacturer, dealer, and supplier of ~~mobile homes or~~
 24 recreational vehicles are as follows:

- 25 (1) The manufacturer warrants⁺
 26 (a) for a ~~mobile home or~~ recreational vehicle, that
 27 all structural elements; plumbing systems; heating, cooling,
 28 and fuel-burning systems; electrical systems; fire prevention
 29 systems; and any other components or conditions included by
 30 the manufacturer are free from substantial defect.

31

1 ~~(b) That 100-ampere electrical service exists in the~~
2 ~~mobile home.~~

3 (2) The dealer warrants*

4 ~~(a) that any modifications or alterations made to the~~
5 ~~mobile home or recreational vehicle by the dealer or~~
6 authorized by the dealer shall be free from substantial
7 defect. Alterations or modifications made by a dealer shall
8 relieve the manufacturer of warranty responsibility only as to
9 the item altered or modified.

10 ~~(b) That setup operations performed on the mobile home~~
11 ~~are performed in compliance with s. 320.8325.~~

12 ~~(c) That substantial defects do not occur to the~~
13 ~~mobile home during setup or by transporting it to the~~
14 ~~occupancy site.~~

15
16 ~~When the setup of a mobile home is performed by a person who~~
17 ~~is not an employee or agent of the mobile home manufacturer or~~
18 ~~dealer and is not compensated or authorized by, or connected~~
19 ~~with, such manufacturer or dealer, then the warranty~~
20 ~~responsibility of the manufacturer or dealer as to setup shall~~
21 ~~be limited to transporting the mobile home to the occupancy~~
22 ~~site free from substantial defect.~~

23 (3) The supplier warrants that any warranties
24 generally offered in the ordinary sale of his or her product
25 to consumers shall be extended to buyers of ~~mobile homes and~~
26 recreational vehicles. When no warranty is extended by
27 suppliers, the manufacturer shall assume warranty
28 responsibility for that component.

29 Section 77. Effective January 1, 1999, section
30 320.865, Florida Statutes, is amended to read:

1 320.865 Maintenance of records by the department.--The
 2 department shall maintain uniform records of all complaints
 3 filed against licensees licensed under the provisions of ss.
 4 320.27, 320.61, ~~320.77~~,320.771, and 320.8225, any other
 5 provision of this chapter to the contrary notwithstanding. The
 6 records shall contain all enforcement actions taken against
 7 licensees and against unlicensed persons acting in a capacity
 8 which would require them to be licensed under those sections.
 9 The permanent file of each licensee and unlicensed person
 10 shall contain a record of any complaints filed against him or
 11 her and a record of any enforcement actions taken against him
 12 or her. All complaints and satisfactions thereof and
 13 enforcement actions on each licensee and unlicensed person
 14 shall be entered into the central database in such a manner
 15 that rapid retrieval will be facilitated. The complainant and
 16 the referring agency, if there is one, shall be advised of the
 17 disposition by the department of the complaint within 10 days
 18 of such action.

19 Section 78. Effective January 1, 1999, subsection (3)
 20 of section 325.202, Florida Statutes, is amended to read:

21 325.202 Definitions.--As used in this act, the term:

22 (3) "Dealer certificate" means an inspection
 23 certificate issued to a motor vehicle dealer, motor vehicle
 24 broker as defined in s. 320.07, mobile home dealer as defined
 25 in s. 553.432 ~~320.77~~, or recreational vehicle dealer as
 26 defined in s. 320.771, indicating that a motor vehicle has
 27 passed an emissions inspection, which grants the dealer or
 28 broker 12 months in which to sell at retail the identified
 29 motor vehicle owned by the dealer or broker.

30 Section 79. Effective January 1, 1999, subsection (8)
 31 of section 325.203, Florida Statutes, is amended to read:

1 325.203 Motor vehicles subject to annual inspection;
2 exemptions.--

3 (8) A motor vehicle dealer, motor vehicle broker as
4 defined in s. 320.27, mobile home dealer as defined in s.
5 553.432 ~~320.77~~, recreational vehicle dealer as defined in s.
6 320.771, governmental agency subject to subsection (5), or
7 person located in a program area may not sell at retail any
8 motor vehicle that is subject to inspection under this act and
9 that is to be registered in a program area unless the motor
10 vehicle has received a valid inspection certificate within 180
11 days before sale or received a valid dealer certificate within
12 12 months before sale. If a motor vehicle is purchased outside
13 the program area and is required to be registered in the
14 program area, the purchaser must meet the inspection
15 requirements of this act before such registration.

16 Section 80. Effective January 1, 1999, subsections (2)
17 and (4) and paragraph (a) of subsection (6) of section
18 325.213, Florida Statutes, are amended to read:

19 325.213 Self-inspectors.--

20 (2) Any applicant shall pay to the department a
21 nonrefundable fee of \$100 in addition to any other fees
22 required by law. Upon making a renewal application, the
23 applicant shall pay to the department a nonrefundable fee of
24 \$50 in addition to any other fees required by law. If the
25 applicant is a motor vehicle ~~or mobile home~~ dealer licensed
26 under s. 320.27 ~~or s. 320.77~~, or a recreational vehicle dealer
27 licensed under s. 320.771, the nonrefundable application fee
28 and subsequent nonrefundable renewal application fee is \$25,
29 in addition to any other fees required by law.

30 (4) Each self-inspector license issued by the
31 department is valid for the year of issue and shall expire

1 annually on December 31 unless revoked or suspended prior to
 2 that date. The self-inspector license for a motor vehicle,
 3 ~~mobile home dealer,~~ and recreational vehicle dealer shall
 4 expire annually on the same date that the dealer license
 5 issued pursuant to the provisions of s. 320.27, ~~s. 320.77,~~ or
 6 s. 320.771 expires. A renewal application made subsequent to
 7 the expiration date must be accompanied by a delinquency fee
 8 of \$50 in addition to the renewal application fee prescribed
 9 in subsection (2).

10 (6)(a) Prior to the issuance of a self-inspector
 11 license, the applicant shall deliver to the department a good
 12 and sufficient surety bond or irrevocable letter of credit,
 13 executed by the applicant as principal, in the sum of \$5,000.
 14 If the applicant is a motor vehicle dealer, ~~a mobile home~~
 15 ~~dealer,~~ or a recreational vehicle dealer licensed by the
 16 department, this requirement shall be waived in lieu of the
 17 surety bond required under s. 320.27, ~~s. 320.77,~~ or s.
 18 320.771. A surety bond or letter of credit is not required if
 19 the applicant is a state or local government agency.

20 Section 81. Effective January 1, 1999, paragraph (b)
 21 of subsection (2) of section 627.351, Florida Statutes, is
 22 amended to read:

23 627.351 Insurance risk apportionment plans.--

24 (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

25 (b) The department shall require all insurers holding
 26 a certificate of authority to transact property insurance on a
 27 direct basis in this state, other than joint underwriting
 28 associations and other entities formed pursuant to this
 29 section, to provide windstorm coverage to applicants from
 30 areas determined to be eligible pursuant to paragraph (c) who
 31 in good faith are entitled to, but are unable to procure, such

1 coverage through ordinary means; or it shall adopt a
2 reasonable plan or plans for the equitable apportionment or
3 sharing among such insurers of windstorm coverage, which may
4 include formation of an association for this purpose. As used
5 in this subsection, the term "property insurance" means
6 insurance on real or personal property, as defined in s.
7 624.604, including insurance for fire, industrial fire, allied
8 lines, farmowners multiperil, homeowners' multiperil,
9 commercial multiperil, and mobile homes, and including
10 liability coverages on all such insurance, but excluding
11 inland marine as defined in s. 624.607(3) and excluding
12 vehicle insurance as defined in s. 624.605(1)(a) other than
13 insurance on mobile homes used as permanent dwellings. The
14 department shall adopt rules that provide a formula for the
15 recovery and repayment of any deferred assessments.

16 1. For the purpose of this section, properties
17 eligible for such windstorm coverage are defined as dwellings,
18 buildings, and other structures, including mobile homes which
19 are used as dwellings and which are tied down in compliance
20 with mobile home tie-down requirements prescribed by the
21 Division of Factory-built Housing of the Department of
22 Community Affairs ~~Highway Safety and Motor Vehicles~~ pursuant
23 to s. 553.445 ~~320.8325~~, and the contents of all such
24 properties. An applicant or policyholder is eligible for
25 coverage only if an offer of coverage cannot be obtained by or
26 for the applicant or policyholder from an admitted insurer at
27 approved rates.

28 2.a.(I) All insurers required to be members of such
29 association shall participate in its writings, expenses, and
30 losses. Surplus of the association shall be retained for the
31 payment of claims and shall not be distributed to the member

1 insurers. Such participation by member insurers shall be in
2 the proportion that the net direct premiums of each member
3 insurer written for property insurance in this state during
4 the preceding calendar year bear to the aggregate net direct
5 premiums for property insurance of all member insurers, as
6 reduced by any credits for voluntary writings, in this state
7 during the preceding calendar year. For the purposes of this
8 subsection, the term "net direct premiums" means direct
9 written premiums for property insurance, reduced by premium
10 for liability coverage and for the following if included in
11 allied lines: rain and hail on growing crops; livestock;
12 association direct premiums booked; National Flood Insurance
13 Program direct premiums; and similar deductions specifically
14 authorized by the plan of operation and approved by the
15 department. A member's participation shall begin on the first
16 day of the calendar year following the year in which it is
17 issued a certificate of authority to transact property
18 insurance in the state and shall terminate 1 year after the
19 end of the calendar year during which it no longer holds a
20 certificate of authority to transact property insurance in the
21 state. The commissioner, after review of annual statements,
22 other reports, and any other statistics that the commissioner
23 deems necessary, shall certify to the association the
24 aggregate direct premiums written for property insurance in
25 this state by all member insurers.

26 (II) The plan of operation shall provide for a board
27 of directors consisting of the Insurance Consumer Advocate
28 appointed under s. 627.0613, 1 consumer representative
29 appointed by the Insurance Commissioner, 1 consumer
30 representative appointed by the Governor, and 12 additional
31 members appointed as specified in the plan of operation. One

1 of the 12 additional members shall be elected by the domestic
2 companies of this state on the basis of cumulative weighted
3 voting based on the net direct premiums of domestic companies
4 in this state. Nothing in the 1997 amendments to this
5 paragraph terminates the existing board or the terms of any
6 members of the board.

7 (III) The plan of operation shall provide a formula
8 whereby a company voluntarily providing windstorm coverage in
9 affected areas will be relieved wholly or partially from
10 apportionment of a regular assessment pursuant to
11 sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II).

12 (IV) A company which is a member of a group of
13 companies under common management may elect to have its
14 credits applied on a group basis, and any company or group may
15 elect to have its credits applied to any other company or
16 group.

17 (V) There shall be no credits or relief from
18 apportionment to a company for emergency assessments collected
19 from its policyholders under sub-sub-subparagraph d.(III).

20 (VI) The plan of operation may also provide for the
21 award of credits, for a period not to exceed 3 years, from a
22 regular assessment pursuant to sub-sub-subparagraph d.(I) or
23 sub-sub-subparagraph d.(II) as an incentive for taking
24 policies out of the Residential Property and Casualty Joint
25 Underwriting Association. In order to qualify for the
26 exemption under this sub-sub-subparagraph, the take-out plan
27 must provide that at least 40 percent of the policies removed
28 from the Residential Property and Casualty Joint Underwriting
29 Association cover risks located in Dade, Broward, and Palm
30 Beach Counties or at least 30 percent of the policies so
31 removed cover risks located in Dade, Broward, and Palm Beach

1 Counties and an additional 50 percent of the policies so
 2 removed cover risks located in other coastal counties, and
 3 must also provide that no more than 15 percent of the policies
 4 so removed may exclude windstorm coverage. With the approval
 5 of the department, the association may waive these geographic
 6 criteria for a take-out plan that removes at least the lesser
 7 of 100,000 Residential Property and Casualty Joint
 8 Underwriting Association policies or 15 percent of the total
 9 number of Residential Property and Casualty Joint Underwriting
 10 Association policies, provided the governing board of the
 11 Residential Property and Casualty Joint Underwriting
 12 Association certifies that the take-out plan will materially
 13 reduce the Residential Property and Casualty Joint
 14 Underwriting Association's 100-year probable maximum loss from
 15 hurricanes. With the approval of the department, the board
 16 may extend such credits for an additional year if the insurer
 17 guarantees an additional year of renewability for all policies
 18 removed from the Residential Property and Casualty Joint
 19 Underwriting Association, or for 2 additional years if the
 20 insurer guarantees 2 additional years of renewability for all
 21 policies removed from the Residential Property and Casualty
 22 Joint Underwriting Association.

23 b. Assessments to pay deficits in the association
 24 under this subparagraph shall be included as an appropriate
 25 factor in the making of rates as provided in s. 627.3512.

26 c. The Legislature finds that the potential for
 27 unlimited deficit assessments under this subparagraph may
 28 induce insurers to attempt to reduce their writings in the
 29 voluntary market, and that such actions would worsen the
 30 availability problems that the association was created to
 31 remedy. It is the intent of the Legislature that insurers

1 remain fully responsible for paying regular assessments and
2 collecting emergency assessments for any deficits of the
3 association; however, it is also the intent of the Legislature
4 to provide a means by which assessment liabilities may be
5 amortized over a period of years.

6 d.(I) When the deficit incurred in a particular
7 calendar year is 10 percent or less of the aggregate statewide
8 direct written premium for property insurance for the prior
9 calendar year for all member insurers, the association shall
10 levy an assessment on member insurers in an amount equal to
11 the deficit.

12 (II) When the deficit incurred in a particular
13 calendar year exceeds 10 percent of the aggregate statewide
14 direct written premium for property insurance for the prior
15 calendar year for all member insurers, the association shall
16 levy an assessment on member insurers in an amount equal to
17 the greater of 10 percent of the deficit or 10 percent of the
18 aggregate statewide direct written premium for property
19 insurance for the prior calendar year for member insurers. Any
20 remaining deficit shall be recovered through emergency
21 assessments under sub-sub-subparagraph (III).

22 (III) Upon a determination by the board of directors
23 that a deficit exceeds the amount that will be recovered
24 through regular assessments on member insurers, pursuant to
25 sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the
26 board shall levy, after verification by the department,
27 emergency assessments to be collected by member insurers and
28 by underwriting associations created pursuant to this section
29 which write property insurance, upon issuance or renewal of
30 property insurance policies other than National Flood
31 Insurance policies in the year or years following levy of the

1 regular assessments. The amount of the emergency assessment
2 collected in a particular year shall be a uniform percentage
3 of that year's direct written premium for property insurance
4 for all member insurers and underwriting associations,
5 excluding National Flood Insurance policy premiums, as
6 annually determined by the board and verified by the
7 department. The department shall verify the arithmetic
8 calculations involved in the board's determination within 30
9 days after receipt of the information on which the
10 determination was based. Notwithstanding any other provision
11 of law, each member insurer and each underwriting association
12 created pursuant to this section shall collect emergency
13 assessments from its policyholders without such obligation
14 being affected by any credit, limitation, exemption, or
15 deferment. The emergency assessments so collected shall be
16 transferred directly to the association on a periodic basis as
17 determined by the association. The aggregate amount of
18 emergency assessments levied under this sub-sub-subparagraph
19 in any calendar year may not exceed the greater of 10 percent
20 of the amount needed to cover the original deficit, plus
21 interest, fees, commissions, required reserves, and other
22 costs associated with financing of the original deficit, or 10
23 percent of the aggregate statewide direct written premium for
24 property insurance written by member insurers and underwriting
25 associations for the prior year, plus interest, fees,
26 commissions, required reserves, and other costs associated
27 with financing the original deficit. The board may pledge the
28 proceeds of the emergency assessments under this
29 sub-sub-subparagraph as the source of revenue for bonds, to
30 retire any other debt incurred as a result of the deficit or
31 events giving rise to the deficit, or in any other way that

1 the board determines will efficiently recover the deficit. The
2 emergency assessments under this sub-sub-subparagraph shall
3 continue as long as any bonds issued or other indebtedness
4 incurred with respect to a deficit for which the assessment
5 was imposed remain outstanding, unless adequate provision has
6 been made for the payment of such bonds or other indebtedness
7 pursuant to the document governing such bonds or other
8 indebtedness. Emergency assessments collected under this
9 sub-sub-subparagraph are not part of an insurer's rates, are
10 not premium, and are not subject to premium tax, fees, or
11 commissions; however, failure to pay the emergency assessment
12 shall be treated as failure to pay premium.

13 (IV) Each member insurer's share of the total regular
14 assessments under sub-sub-subparagraph (I) or
15 sub-sub-subparagraph (II) shall be in the proportion that the
16 insurer's net direct premium for property insurance in this
17 state, for the year preceding the assessment bears to the
18 aggregate statewide net direct premium for property insurance
19 of all member insurers, as reduced by any credits for
20 voluntary writings for that year.

21 (V) If regular deficit assessments are made under
22 sub-sub-subparagraph (I) or sub-sub-subparagraph (II), or by
23 the Residential Property and Casualty Joint Underwriting
24 Association under sub-subparagraph (6)(b)3.a. or
25 sub-subparagraph (6)(b)3.b., the association shall levy upon
26 the association's policyholders, as part of its next rate
27 filing, or by a separate rate filing solely for this purpose,
28 a market equalization surcharge in a percentage equal to the
29 total amount of such regular assessments divided by the
30 aggregate statewide direct written premium for property
31 insurance for member insurers for the prior calendar year.

1 Market equalization surcharges under this sub-sub-subparagraph
2 are not considered premium and are not subject to commissions,
3 fees, or premium taxes; however, failure to pay a market
4 equalization surcharge shall be treated as failure to pay
5 premium.

6 e. The governing body of any unit of local government,
7 any residents of which are insured under the plan, may issue
8 bonds as defined in s. 125.013 or s. 166.101 to fund an
9 assistance program, in conjunction with the association, for
10 the purpose of defraying deficits of the association. In order
11 to avoid needless and indiscriminate proliferation,
12 duplication, and fragmentation of such assistance programs,
13 any unit of local government, any residents of which are
14 insured by the association, may provide for the payment of
15 losses, regardless of whether or not the losses occurred
16 within or outside of the territorial jurisdiction of the local
17 government. Revenue bonds may not be issued until validated
18 pursuant to chapter 75, unless a state of emergency is
19 declared by executive order or proclamation of the Governor
20 pursuant to s. 252.36 making such findings as are necessary to
21 determine that it is in the best interests of, and necessary
22 for, the protection of the public health, safety, and general
23 welfare of residents of this state and the protection and
24 preservation of the economic stability of insurers operating
25 in this state, and declaring it an essential public purpose to
26 permit certain municipalities or counties to issue bonds as
27 will provide relief to claimants and policyholders of the
28 association and insurers responsible for apportionment of plan
29 losses. Any such unit of local government may enter into such
30 contracts with the association and with any other entity
31 created pursuant to this subsection as are necessary to carry

1 out this paragraph. Any bonds issued under this
2 sub-subparagraph shall be payable from and secured by moneys
3 received by the association from assessments under this
4 subparagraph, and assigned and pledged to or on behalf of the
5 unit of local government for the benefit of the holders of
6 such bonds. The funds, credit, property, and taxing power of
7 the state or of the unit of local government shall not be
8 pledged for the payment of such bonds. If any of the bonds
9 remain unsold 60 days after issuance, the department shall
10 require all insurers subject to assessment to purchase the
11 bonds, which shall be treated as admitted assets; each insurer
12 shall be required to purchase that percentage of the unsold
13 portion of the bond issue that equals the insurer's relative
14 share of assessment liability under this subsection. An
15 insurer shall not be required to purchase the bonds to the
16 extent that the department determines that the purchase would
17 endanger or impair the solvency of the insurer. The authority
18 granted by this sub-subparagraph is additional to any bonding
19 authority granted by subparagraph 6.

20 3. The plan shall also provide that any member with a
21 surplus as to policyholders of \$20 million or less writing 25
22 percent or more of its total countrywide property insurance
23 premiums in this state may petition the department, within the
24 first 90 days of each calendar year, to qualify as a limited
25 apportionment company. The apportionment of such a member
26 company in any calendar year for which it is qualified shall
27 not exceed its gross participation, which shall not be
28 affected by the formula for voluntary writings. In no event
29 shall a limited apportionment company be required to
30 participate in any apportionment of losses pursuant to
31 sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II)

1 in the aggregate which exceeds \$50 million after payment of
 2 available plan funds in any calendar year. However, a limited
 3 apportionment company shall collect from its policyholders any
 4 emergency assessment imposed under sub-sub-subparagraph
 5 2.d.(III). The plan shall provide that, if the department
 6 determines that any regular assessment will result in an
 7 impairment of the surplus of a limited apportionment company,
 8 the department may direct that all or part of such assessment
 9 be deferred. However, there shall be no limitation or
 10 deferment of an emergency assessment to be collected from
 11 policyholders under sub-sub-subparagraph 2.d.(III).

12 4. The plan shall provide for the deferment, in whole
 13 or in part, of a regular assessment of a member insurer under
 14 sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II),
 15 but not for an emergency assessment collected from
 16 policyholders under sub-sub-subparagraph 2.d.(III), if, in the
 17 opinion of the commissioner, payment of such regular
 18 assessment would endanger or impair the solvency of the member
 19 insurer. In the event a regular assessment against a member
 20 insurer is deferred in whole or in part, the amount by which
 21 such assessment is deferred may be assessed against the other
 22 member insurers in a manner consistent with the basis for
 23 assessments set forth in sub-sub-subparagraph 2.d.(I) or
 24 sub-sub-subparagraph 2.d.(II).

25 5.a. The plan of operation may include deductibles and
 26 rules for classification of risks and rate modifications
 27 consistent with the objective of providing and maintaining
 28 funds sufficient to pay catastrophe losses.

29 b. The association may require arbitration of a rate
 30 filing under s. 627.062(6). It is the intent of the
 31 Legislature that the rates for coverage provided by the

1 association be actuarially sound and not competitive with
 2 approved rates charged in the admitted voluntary market such
 3 that the association functions as a residual market mechanism
 4 to provide insurance only when the insurance cannot be
 5 procured in the voluntary market. The plan of operation shall
 6 provide a mechanism to assure that, beginning no later than
 7 January 1, 1999, the rates charged by the association for each
 8 line of business are reflective of approved rates in the
 9 voluntary market for hurricane coverage for each line of
 10 business in the various areas eligible for association
 11 coverage.

12 c. The association shall provide for windstorm
 13 coverage on residential properties in limits up to \$10 million
 14 for commercial lines residential risks and up to \$1 million
 15 for personal lines residential risks. If coverage with the
 16 association is sought for a residential risk valued in excess
 17 of these limits, coverage shall be available to the risk up to
 18 the replacement cost or actual cash value of the property, at
 19 the option of the insured, if coverage for the risk cannot be
 20 located in the authorized market. The association must accept
 21 a commercial lines residential risk with limits above \$10
 22 million or a personal lines residential risk with limits above
 23 \$1 million if coverage is not available in the authorized
 24 market. The association may write coverage above the limits
 25 specified in this subparagraph with or without facultative or
 26 other reinsurance coverage, as the association determines
 27 appropriate.

28 d. The plan of operation must provide objective
 29 criteria and procedures, approved by the department, to be
 30 uniformly applied for all applicants in determining whether an
 31 individual risk is so hazardous as to be uninsurable. In

1 making this determination and in establishing the criteria and
2 procedures, the following shall be considered:

3 (I) Whether the likelihood of a loss for the
4 individual risk is substantially higher than for other risks
5 of the same class; and

6 (II) Whether the uncertainty associated with the
7 individual risk is such that an appropriate premium cannot be
8 determined.

9
10 The acceptance or rejection of a risk by the association
11 pursuant to such criteria and procedures must be construed as
12 the private placement of insurance, and the provisions of
13 chapter 120 do not apply.

14 e. The policies issued by the association must provide
15 that if the association obtains an offer from an authorized
16 insurer to cover the risk at its approved rates under either a
17 standard policy including wind coverage or, if consistent with
18 the insurer's underwriting rules as filed with the department,
19 a basic policy including wind coverage, the risk is no longer
20 eligible for coverage through the association. Upon
21 termination of eligibility, the association shall provide
22 written notice to the policyholder and agent of record stating
23 that the association policy must be canceled as of 60 days
24 after the date of the notice because of the offer of coverage
25 from an authorized insurer. Other provisions of the insurance
26 code relating to cancellation and notice of cancellation do
27 not apply to actions under this sub-subparagraph.

28 f. Association policies and applications must include
29 a notice that the association policy could, under this
30 section, be replaced with a policy issued by an authorized
31 insurer that does not provide coverage identical to the

1 coverage provided by the association. The notice shall also
 2 specify that acceptance of association coverage creates a
 3 conclusive presumption that the applicant or policyholder is
 4 aware of this potential.

5 6.a. The plan of operation may authorize the formation
 6 of a private nonprofit corporation, a private nonprofit
 7 unincorporated association, a partnership, a trust, a limited
 8 liability company, or a nonprofit mutual company which may be
 9 empowered, among other things, to borrow money by issuing
 10 bonds or by incurring other indebtedness and to accumulate
 11 reserves or funds to be used for the payment of insured
 12 catastrophe losses. The plan may authorize all actions
 13 necessary to facilitate the issuance of bonds, including the
 14 pledging of assessments or other revenues.

15 b. Any entity created under this subsection, or any
 16 entity formed for the purposes of this subsection, may sue and
 17 be sued, may borrow money; issue bonds, notes, or debt
 18 instruments; pledge or sell assessments, market equalization
 19 surcharges and other surcharges, rights, premiums, contractual
 20 rights, projected recoveries from the Florida Hurricane
 21 Catastrophe Fund, other reinsurance recoverables, and other
 22 assets as security for such bonds, notes, or debt instruments;
 23 enter into any contracts or agreements necessary or proper to
 24 accomplish such borrowings; and take other actions necessary
 25 to carry out the purposes of this subsection. The association
 26 may issue bonds or incur other indebtedness, or have bonds
 27 issued on its behalf by a unit of local government pursuant to
 28 subparagraph (g)2., in the absence of a hurricane or other
 29 weather-related event, upon a determination by the association
 30 subject to approval by the department that such action would
 31 enable it to efficiently meet the financial obligations of the

1 association and that such financings are reasonably necessary
 2 to effectuate the requirements of this subsection. Any such
 3 entity may accumulate reserves and retain surpluses as of the
 4 end of any association year to provide for the payment of
 5 losses incurred by the association during that year or any
 6 future year. The association shall incorporate and continue
 7 the plan of operation and articles of agreement in effect on
 8 the effective date of chapter 76-96, Laws of Florida, to the
 9 extent that it is not inconsistent with chapter 76-96, and as
 10 subsequently modified consistent with chapter 76-96. The board
 11 of directors and officers currently serving shall continue to
 12 serve until their successors are duly qualified as provided
 13 under the plan. The assets and obligations of the plan in
 14 effect immediately prior to the effective date of chapter
 15 76-96 shall be construed to be the assets and obligations of
 16 the successor plan created herein.

17 c. In recognition of s. 10, Art. I of the State
 18 Constitution, prohibiting the impairment of obligations of
 19 contracts, it is the intent of the Legislature that no action
 20 be taken whose purpose is to impair any bond indenture or
 21 financing agreement or any revenue source committed by
 22 contract to such bond or other indebtedness issued or incurred
 23 by the association or any other entity created under this
 24 subsection.

25 7. On such coverage, an agent's remuneration shall be
 26 that amount of money payable to the agent by the terms of his
 27 or her contract with the company with which the business is
 28 placed. However, no commission will be paid on that portion of
 29 the premium which is in excess of the standard premium of that
 30 company.

31

1 8. Subject to approval by the department, the
 2 association may establish different eligibility requirements
 3 and operational procedures for any line or type of coverage
 4 for any specified eligible area or portion of an eligible area
 5 if the board determines that such changes to the eligibility
 6 requirements and operational procedures are justified due to
 7 the voluntary market being sufficiently stable and competitive
 8 in such area or for such line or type of coverage and that
 9 consumers who, in good faith, are unable to obtain insurance
 10 through the voluntary market through ordinary methods would
 11 continue to have access to coverage from the association. When
 12 coverage is sought in connection with a real property
 13 transfer, such requirements and procedures shall not provide
 14 for an effective date of coverage later than the date of the
 15 closing of the transfer as established by the transferor, the
 16 transferee, and, if applicable, the lender.

17 9. Notwithstanding any other provision of law:

18 a. The pledge or sale of, the lien upon, and the
 19 security interest in any rights, revenues, or other assets of
 20 the association created or purported to be created pursuant to
 21 any financing documents to secure any bonds or other
 22 indebtedness of the association shall be and remain valid and
 23 enforceable, notwithstanding the commencement of and during
 24 the continuation of, and after, any rehabilitation,
 25 insolvency, liquidation, bankruptcy, receivership,
 26 conservatorship, reorganization, or similar proceeding against
 27 the association under the laws of this state or any other
 28 applicable laws.

29 b. No such proceeding shall relieve the association of
 30 its obligation, or otherwise affect its ability to perform its
 31 obligation, to continue to collect, or levy and collect,

1 assessments, market equalization or other surcharges,
2 projected recoveries from the Florida Hurricane Catastrophe
3 Fund, reinsurance recoverables, or any other rights, revenues,
4 or other assets of the association pledged.

5 c. Each such pledge or sale of, lien upon, and
6 security interest in, including the priority of such pledge,
7 lien, or security interest, any such assessments, emergency
8 assessments, market equalization or renewal surcharges,
9 projected recoveries from the Florida Hurricane Catastrophe
10 Fund, reinsurance recoverables, or other rights, revenues, or
11 other assets which are collected, or levied and collected,
12 after the commencement of and during the pendency of or after
13 any such proceeding shall continue unaffected by such
14 proceeding.

15 d. As used in this subsection, the term "financing
16 documents" means any agreement, instrument, or other document
17 now existing or hereafter created evidencing any bonds or
18 other indebtedness of the association or pursuant to which any
19 such bonds or other indebtedness has been or may be issued and
20 pursuant to which any rights, revenues, or other assets of the
21 association are pledged or sold to secure the repayment of
22 such bonds or indebtedness, together with the payment of
23 interest on such bonds or such indebtedness, or the payment of
24 any other obligation of the association related to such bonds
25 or indebtedness.

26 e. Any such pledge or sale of assessments, revenues,
27 contract rights or other rights or assets of the association
28 shall constitute a lien and security interest, or sale, as the
29 case may be, that is immediately effective and attaches to
30 such assessments, revenues, contract, or other rights or
31 assets, whether or not imposed or collected at the time the

1 pledge or sale is made. Any such pledge or sale is effective,
 2 valid, binding, and enforceable against the association or
 3 other entity making such pledge or sale, and valid and binding
 4 against and superior to any competing claims or obligations
 5 owed to any other person or entity, including policyholders in
 6 this state, asserting rights in any such assessments,
 7 revenues, contract, or other rights or assets to the extent
 8 set forth in and in accordance with the terms of the pledge or
 9 sale contained in the applicable financing documents, whether
 10 or not any such person or entity has notice of such pledge or
 11 sale and without the need for any physical delivery,
 12 recordation, filing, or other action.

13 f. There shall be no liability on the part of, and no
 14 cause of action of any nature shall arise against, any member
 15 insurer or its agents or employees, agents or employees of the
 16 association, members of the board of directors of the
 17 association, or the department or its representatives, for any
 18 action taken by them in the performance of their duties or
 19 responsibilities under this subsection. Such immunity does not
 20 apply to actions for breach of any contract or agreement
 21 pertaining to insurance, or any willful tort.

22 Section 82. Effective January 1, 1999, subsections (8)
 23 and (11) of section 320.771, Florida Statutes, are repealed.

24 Section 83. Paragraph (c) of subsection (7) of section
 25 322.08, Florida Statutes, is repealed.

26 Section 84. Subsection (3) of section 322.1615,
 27 Florida Statutes, is amended to read:

28 322.1615 Learner's driver's license.--

29 (3) A person who holds a learner's driver's license
 30 may operate a vehicle only during daytime ~~daylight~~ hours,
 31 except that the holder of a learner's driver's license may

1 operate a vehicle during nighttime hours, but no later than 10
2 p.m., ~~between the hours of 7 p.m. and 10 p.m.~~ 3 months after
3 the issuance of the learner's driver's license.

4 Section 85. Section 331.304, Florida Statutes, is
5 amended to read:

6 331.304 Spaceport territory.--The following property
7 shall constitute spaceport territory:

8 (1) Certain real property located in Brevard County
9 that is included within the 1997 boundaries of Patrick Air
10 Force Base, Cape Canaveral Air Station, John F. Kennedy Space
11 Center with the following boundaries:

12 (a) ~~Northern boundary--Latitude 28°32'30" North.~~

13 (b) ~~Eastern boundary--The mean high water line of the~~
14 ~~shore along the Atlantic Ocean.~~

15 (c) ~~Western boundary--Cape Road (State Road 401).~~

16 (d) ~~Southern boundary--Latitude 28°26' North.~~

17 (2) Certain real property located in Gulf County with
18 the following boundaries:

19 (a) Northern boundary--Latitude 29°40'45" North from
20 longitude 85°20' West in a westerly direction to the mean high
21 water line of the Gulf of Mexico.

22 (b) Eastern boundary--Longitude 85°20' West.

23 (c) Western boundary--The mean high water line of the
24 shore along the Gulf of Mexico.

25 (d) Southern boundary--The mean high water line of the
26 shore along the Gulf of Mexico.

27 (3) Certain real property located in Santa Rosa,
28 Okaloosa, and Walton Counties that is included within the 1997
29 boundaries of Eglin Air Force Base.

30 Section 86. Subsection (6) of section 322.28, Florida
31 Statutes, is amended to read:

1 322.28 Period of suspension or revocation.--

2 (6) No court shall stay the administrative suspension
3 of a driving privilege under s. 322.2615 or s. 322.2616 ~~shall~~
4 ~~be stayed upon a request for~~ during judicial review of the
5 departmental order that resulted in such suspension and,
6 ~~except as provided in former s. 322.261,~~no suspension or
7 revocation of a driving privilege shall be stayed upon an
8 appeal of the conviction or order that resulted therein.

9 Section 87. Section 332.003, Florida Statutes, is
10 amended to read:

11 332.003 Florida Airport Development and Assistance
12 Act; short title.--Sections 332.003-332.009 ~~332.003-332.007~~
13 may be cited as the "Florida Airport Development and
14 Assistance Act."

15 Section 88. Subsections (1) and (5) of section
16 332.004, Florida Statutes, are amended to read:

17 332.004 Definitions of terms used in ss.
18 332.003-332.007.--As used in ss. 332.003-332.007, the term:

19 (1) "Airport" means any area of land or water, or any
20 manmade object or facility located therein, which is used, or
21 intended for public use, for the landing and takeoff of
22 aircraft, including reusable launch vehicles and other space
23 transportation systems,and any appurtenant areas which are
24 used, or intended for public use, for airport buildings or
25 other airport facilities or rights-of-way.

26 (5) "Airport or aviation discretionary capacity
27 improvement projects" or "discretionary capacity improvement
28 projects" means capacity improvements which are consistent, to
29 the maximum extent feasible, with the approved local
30 government comprehensive plans of the units of local
31 government in which the airport is located, and which enhance

1 intercontinental or space transportation capacity at airports
2 which:

3 (a) Are international airports with United States
4 Customs Service or a spaceport as defined in s. 331.303(19);

5 (b) Had one or more orbital flights or regularly
6 scheduled intercontinental flights during the previous
7 calendar year or have an agreement in writing for installation
8 of one or more orbital flights or regularly scheduled
9 intercontinental flights upon the commitment of funds for
10 stipulated airport capital improvements; and

11 (c) Have available or planned public ground
12 transportation between the airport and other major
13 transportation facilities.

14 Section 89. Paragraph (a) of subsection (7) of section
15 332.007, Florida Statutes, is amended to read:

16 332.007 Administration and financing of aviation and
17 airport programs and projects; state plan.--

18 (7) Subject to the availability of appropriated funds
19 in addition to aviation fuel tax revenues, the department may
20 participate in the capital cost of eligible public airport and
21 aviation discretionary capacity improvement projects. The
22 annual legislative budget request shall be based on the
23 funding required for discretionary capacity improvement
24 projects in the aviation and airport work program.

25 (a) The department shall provide priority funding in
26 support of:

27 1. Land acquisition which provides additional capacity
28 at the qualifying international airport or at that airport's
29 supplemental air carrier airport.

30
31

1 2. Runway and taxiway projects that add capacity or
2 are necessary to accommodate technological changes in the
3 aviation industry.

4 3. Airport access transportation projects that improve
5 direct airport access and are approved by the airport sponsor.

6 4. International terminal projects that increase
7 international gate capacity.

8 5. Commercial and dual-use space transportation
9 projects.

10 Section 90. Section 332.009, Florida Statutes, is
11 created to read:

12 332.009 Nothing in this chapter shall be construed to
13 authorize expenditure of aviation fuel tax revenues on space
14 transportation projects. Nothing in this chapter shall be
15 construed to limit the department's authority under s.
16 331.360.

17 Section 91. Subsection (1) of section 334.0445,
18 Florida Statutes, is amended to read:

19 334.0445 Model career service classification and
20 compensation plan.--

21 (1) Effective July 1, 1994, the Legislature grants to
22 the Department of Transportation in consultation with the
23 Department of Management Services, the Executive Office of the
24 Governor, legislative appropriations committees, legislative
25 personnel committees, and the affected certified bargaining
26 unions, the authority on a pilot basis to develop and
27 implement a model career service classification and
28 compensation system. Such system shall be developed for use by
29 all state agencies. Authorization for this program will end
30 June 30, 2000 ~~be for 3 fiscal years beginning July 1, 1994,~~
31 ~~and ending June 30, 1997;~~ however, the department may elect or

1 be directed by the Legislature to return to the current system
2 at anytime during this period if the model system does not
3 meet the stated goals and objectives.

4 Section 92. Subsection (1) of section 335.0415,
5 Florida Statutes, is amended to read:

6 335.0415 Public road jurisdiction and transfer
7 process.--

8 (1) The jurisdiction of public roads and the
9 responsibility for operation and maintenance within the
10 right-of-way of any road within the state, county, and
11 municipal road system shall be that which existed on June 10,
12 1995 ~~exists on July 1, 1995.~~

13 Section 93. Section 335.165, Florida Statutes, is
14 repealed.

15 Section 94. Paragraph (a) of subsection (8) of section
16 337.11, Florida Statutes, is amended to read:

17 337.11 Contracting authority of department; bids;
18 emergency repairs, supplemental agreements, and change orders;
19 combined design and construction contracts; progress payments;
20 records; requirements of vehicle registration.--

21 (8)(a) The department shall permit the use of written
22 supplemental agreements and written change orders to any
23 contract entered into by the department. Any supplemental
24 agreement shall be reduced to written contract form, ~~approved~~
25 ~~by the contractor's surety,~~ and executed by the contractor and
26 the department. Any supplemental agreement modifying any item
27 in the original contract must be approved by the head of the
28 department, or his or her designee, and executed by the
29 appropriate person designated by him or her.

30 Section 95. Section 337.185, Florida Statutes, is
31 amended to read:

1 337.185 State Arbitration Board.--

2 (1) To facilitate the prompt settlement of claims for
 3 additional compensation arising out of construction contracts
 4 between the department and the various contractors with whom
 5 it transacts business, the Legislature does hereby establish
 6 the State Arbitration Board, referred to in this section as
 7 the "board." For the purpose of this section, "claim" shall
 8 mean the aggregate of all outstanding claims by a party
 9 arising out of a construction contract. Every contractual
 10 claim in an amount up to \$250,000~~\$100,000~~ per contract or, at
 11 the claimant's option, up to \$500,000~~\$250,000~~ per contract
 12 that cannot be resolved by negotiation between the department
 13 and the contractor shall be arbitrated by the board after
 14 acceptance of the project by the department. As an exception,
 15 either party to the dispute may request that the claim be
 16 submitted to binding private arbitration. A court of law may
 17 not consider the settlement of such a claim until the process
 18 established by this section has been exhausted.

19 (2) The board shall be composed of three members. One
 20 member shall be appointed by the head of the department, and
 21 one member shall be elected by those construction companies
 22 who are under contract with the department. The third member
 23 shall be chosen by agreement of the other two members.
 24 Whenever the third member has a conflict of interest regarding
 25 affiliation with one of the parties, the other two members
 26 shall select an alternate member for that hearing. The head of
 27 the department may select an alternative or substitute to
 28 serve as the department member for any hearing or term.Each
 29 member shall serve a 2-year term. The board shall elect a
 30 chair, each term, who shall be the administrator of the board
 31 and custodian of its records.

1 (3) A hearing may be requested by the department or by
2 a contractor who has a dispute with the department which,
3 under the rules of the board, may be the subject of
4 arbitration. The board shall conduct the hearing within 45
5 days of the request. The party requesting the board's
6 consideration shall give notice of the hearing to each member.
7 If the board finds that a third party is necessary to resolve
8 the dispute, the board may vote to dismiss the claim, which
9 may thereafter be pursued in accordance with the laws of the
10 State of Florida ~~a court of law.~~

11 (4) All members shall be necessary to conduct a
12 meeting. Upon being called into session, the board shall
13 promptly proceed to a determination of the issue or issues in
14 dispute.

15 (5) When a valid contract is in effect defining the
16 rights, duties, and liabilities of the parties with respect to
17 any matter in dispute, the board shall have power only to
18 determine the proper interpretation and application of the
19 contract provisions which are involved. Any investigation
20 made by less than the whole membership of the board shall be
21 by authority of a written directive by the chair, and such
22 investigation shall be summarized in writing and considered by
23 the board as part of the record of its proceedings.

24 (6) The board shall hand down its order within 60 days
25 after it is called into session. If all three members of the
26 board do not agree, the order of the majority will constitute
27 the order of the board.

28 (7) The members ~~member~~ of the board ~~elected by~~
29 ~~construction companies and the third member of the board~~ may
30 receive compensation for the performance of their duties
31 hereunder, from administrative fees received by the board,

1 except that no employee of the department may receive
 2 compensation from the board. The compensation amount shall be
 3 determined by the board, but shall not exceed \$125 per hour,
 4 up to a maximum of \$1,000~~\$750~~ per day for each member
 5 authorized to receive compensation. Nothing in this section
 6 shall prevent the member elected by construction companies
 7 from being an employee of an association affiliated with the
 8 industry, even if the sole responsibility of that member is
 9 service on the board. Travel expenses for the industry member
 10 may be paid by an industry association, if necessary. The
 11 board may allocate funds annually for clerical and other
 12 administrative services.

13 (8) The party requesting arbitration shall pay a fee
 14 to the board in accordance with a schedule established by it,
 15 not to exceed \$500 per claim which is \$25,000 or less, not to
 16 exceed \$1,000 per claim which is in excess of \$25,000 but not
 17 exceeding \$50,000, not to exceed \$1,500 per claim which is in
 18 excess of \$50,000 but not exceeding \$100,000, not to exceed
 19 \$2,000 per claim which is in excess of \$100,000 but not
 20 exceeding \$200,000, ~~and~~ not to exceed \$3,000~~\$2,500~~ per claim
 21 which is in excess of \$200,000 but not exceeding \$300,000
 22 ~~\$250,000~~, not to exceed \$4,000 per claim which is in excess of
 23 \$300,000 but not exceeding \$400,000, and not to exceed \$5,000
 24 per claim which is in excess of \$400,000 but not exceeding
 25 \$500,000, to cover the cost of administration and compensation
 26 of the board.

27 (9) The board in its order may apportion the fee set
 28 out in subsection (8), and the cost of recording and preparing
 29 a transcript of the hearing, among the parties in accordance
 30 with the board's finding of liability.

31

1 Section 96. Subsection (1) of section 337.19, Florida
2 Statutes, is amended to read:

3 337.19 Suits by and against department; limitation of
4 actions; forum.--

5 (1) Suits at law and in equity may be brought and
6 maintained by and against the department on any contract claim
7 arising from the breach of an express provision or an implied
8 covenant of a written agreement or a written directive issued
9 by the department pursuant to the written agreement. In any
10 such suit, the department and the contractor shall have all of
11 the same rights, obligations, remedies, and defenses as a
12 private person under a like contract, except that no liability
13 may be based on an oral modification of the written contract
14 or written directive. However, this section shall not be
15 construed to in any way prohibit the department from limiting
16 its liability or damages through provisions in its contracts.
17 Notwithstanding anything to the contrary contained herein, no
18 employee or agent of the department may be held personally
19 liable to an extent greater than that under s. 768.28 ~~under~~
20 ~~contract for work done~~; provided, that no suit sounding in
21 tort shall be maintained against the department.

22 Section 97. Subsection (1) of section 337.403, Florida
23 Statutes, is amended to read:

24 337.403 Relocation of utility; expenses.--

25 (1) Any utility heretofore or hereafter placed upon,
26 under, over, or along any public road or publicly owned rail
27 corridor that is found by the authority to be unreasonably
28 interfering in any way with the convenient, safe, or
29 continuous use, or the maintenance, improvement, extension, or
30 expansion, of such public road or publicly owned rail corridor
31 shall, upon 30 days' written notice to the utility or its

1 agent by the authority, be removed or relocated by such
2 utility at its own expense except as provided in paragraphs
3 (a), and (b), and (c).

4 (a) If the relocation of utility facilities, as
5 referred to in s. 111 of the Federal-Aid Highway Act of 1956,
6 Pub. L. No. 627 of the 84th Congress, is necessitated by the
7 construction of a project on the federal-aid interstate
8 system, including extensions thereof within urban areas, and
9 the cost of such project is eligible and approved for
10 reimbursement by the Federal Government to the extent of 90
11 percent or more under the Federal Aid Highway Act, or any
12 amendment thereof, then in that event the utility owning or
13 operating such facilities shall relocate such facilities upon
14 order of the department, and the state shall pay the entire
15 expense properly attributable to such relocation after
16 deducting therefrom any increase in the value of the new
17 facility and any salvage value derived from the old facility.

18 (b) When a joint agreement between the department and
19 the utility is executed for utility improvement, relocation,
20 or removal work to be accomplished as part of a contract for
21 construction of a transportation facility, the department may
22 participate in those utility improvement, relocation, or
23 removal costs that exceed the department's official estimate
24 of the cost of such work by more than 10 percent. The amount
25 of such participation shall be limited to the difference
26 between the official estimate of all the work in the joint
27 agreement plus 10 percent and the amount awarded for this work
28 in the construction contract for such work. The department may
29 not participate in any utility improvement, relocation, or
30 removal costs that occur as a result of changes or additions
31 during the course of the contract.

1 (c) When an agreement between the department and
2 utility is executed for utility improvement, relocation, or
3 removal work to be accomplished in advance of a contract for
4 construction of a transportation facility, the department may
5 participate in the cost of clearing and grubbing necessary to
6 perform such work.

7 Section 98. Section 338.229, Florida Statutes, is
8 amended to read:

9 338.229 Pledge to bondholders not to restrict certain
10 rights of department.--The state does pledge to, and agree
11 with, the holders of the bonds issued pursuant to ss.
12 338.22-338.241 ~~338.22-338.244~~ that the state will not limit or
13 restrict the rights vested in the department to construct,
14 reconstruct, maintain, and operate any turnpike project as
15 defined in ss. 338.22-338.241 ~~338.22-338.244~~ or to establish
16 and collect such tolls or other charges as may be convenient
17 or necessary to produce sufficient revenues to meet the
18 expenses of maintenance and operation of the turnpike system
19 and to fulfill the terms of any agreements made with the
20 holders of bonds authorized by this act and that the state
21 will not in any way impair the rights or remedies of the
22 holders of such bonds until the bonds, together with interest
23 on the bonds, are fully paid and discharged. In implementing
24 this section, the department is specifically authorized to
25 provide for further restrictions on the sale, transfer, lease,
26 or other disposition or operation of any portion of the
27 turnpike system, which reduces the revenue available for
28 payment to bondholders.

29 Section 99. Subsections (3) and (23) of section
30 479.01, Florida Statutes, are amended to read:

1 479.01 Definitions.--As used in this chapter, the
 2 term:
 3 (3) "Commercial or industrial zone" means a parcel of
 4 land ~~an area within 660 feet of the nearest edge of the~~
 5 ~~right-of-way of the interstate or federal-aid primary system~~
 6 designated ~~predominately~~ for commercial or industrial use
 7 under both the future land use map of the comprehensive plan
 8 and the land use development regulations adopted pursuant to
 9 chapter 163. Where a parcel is located in an area designated
 10 for multiple uses on the future land use map of the
 11 comprehensive plan, and the land development regulations do
 12 not clearly designate the parcel for a specific use, the area
 13 will be considered an unzoned commercial or industrial area if
 14 it meets the criteria of subsection (23)~~where a local~~
 15 ~~governmental entity has not enacted a comprehensive plan by~~
 16 ~~local ordinance but has zoning regulations governing the area,~~
 17 ~~the zoning of an area shall determine whether the area is~~
 18 ~~designated predominately for commercial or industrial uses.~~
 19 (23)(a) "Unzoned commercial or industrial area" means
 20 a parcel of land designated by the ~~an area within 660 feet of~~
 21 ~~the nearest edge of the right-of-way of the interstate or~~
 22 ~~federal-aid primary system where the land use is not covered~~
 23 ~~by a future land use map~~ of the comprehensive plan for
 24 multiple uses, including commercial or industrial uses, but
 25 not specifically designated for commercial or industrial uses
 26 under the land development regulations ~~or zoning regulation~~
 27 ~~pursuant to subsection (2),~~ in which there are located three
 28 or more separate and distinct conforming industrial or
 29 commercial activities such that:
 30
 31

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 1. At least one of the commercial or industrial
2 activities is located on the same side of the highway and
3 within 800 feet of the sign location;

4 2. The commercial or industrial activities are within
5 660 feet from the nearest edge of the right-of-way; and

6 3. The commercial or industrial activities are within
7 1,600 feet of each other.

8
9 Distances shall be measured from the nearest outer edge of the
10 primary building or, when the individual units of a building
11 complex are connected by covered walkways, from the nearest
12 outer edge of the primary building complex.~~uses located~~
13 ~~within a 1,600-foot radius of each other and generally~~
14 ~~recognized as commercial or industrial by zoning authorities~~
15 ~~in this state.~~

16 (b) Certain activities, including, but not limited to,
17 the following, may not be so recognized as commercial or
18 industrial:

19 1.(a) Signs.

20 2. Communication towers.

21 3.(b) Agricultural, forestry, ranching, grazing,
22 farming, and related activities, including, but not limited
23 to, wayside fresh produce stands.

24 4.(c) Transient or temporary activities.

25 5.(d) Activities not visible from the main-traveled
26 way.

27 6.(e) Activities conducted more than 660 feet from the
28 nearest edge of the right-of-way.

29 7.(f) Activities conducted in a building principally
30 used as a residence.

31 8.(g) Railroad tracks and minor sidings.

1 Section 100. Paragraph (b) of subsection (8) of
2 section 479.07, Florida Statutes, is amended to read:

3 479.07 Sign permits.--

4 (8)

5 (b) If a permittee has not submitted his or her fee
6 payment by the expiration date of the licenses or permits, the
7 department shall send a notice of violation to the permittee
8 within 45 days after the expiration date, requiring the
9 payment of the permit fee within 30 days after the date of the
10 notice and payment of a delinquency fee equal to 10 percent of
11 the original amount due or, in the alternative to these
12 payments, requiring the filing of a request for an
13 administrative hearing to show cause why his or her sign
14 should not be subject to immediate removal due to expiration
15 of his or her license or permit. If the permittee submits
16 payment as required by the violation notice, his or her
17 license or permit will be automatically reinstated and such
18 reinstatement will be retroactive to the original expiration
19 date. If the permittee does not respond to the notice of
20 violation within the 30-day period, the department shall,
21 within 30 days, issue a final notice of sign removal and may,
22 following 90 days after the date of the department's final
23 notice of sign removal, remove the sign without incurring any
24 liability as a result of such removal. However, if at any time
25 prior to removal of the sign ~~within 90 days after the date of~~
26 ~~the department's final notice of sign removal~~, the permittee
27 demonstrates that a good faith error on the part of the
28 permittee resulted in cancellation or nonrenewal of the
29 permit, the department may reinstate the permit if:

30 1. ~~The sign has not yet been disassembled by the~~
31 ~~permittee;~~

1 ~~2. Conflicting applications have not been filed by~~
2 ~~other persons.~~

3 1.3. A The permit reinstatement fee of up to \$300 is
4 paid, based on the size of the sign;

5 ~~2.4.~~ All other permit renewal and delinquent permit
6 fees due as of the reinstatement date are paid; and

7 ~~3.5.~~ The permittee reimburses the department for all
8 actual costs resulting from the permit cancellation or
9 nonrenewal ~~and sign removal.~~

10
11 Conflicting applications filed by other persons for the same
12 or competing site covered by a permit subject to the
13 provisions of this paragraph shall not be approved until after
14 the sign subject to the expired permit has been removed.

15 Section 101. Subsection (15) of section 479.16,
16 Florida Statutes, is amended to read:

17 479.16 Signs for which permits are not required.--The
18 following signs are exempt from the requirement that a permit
19 for a sign be obtained under the provisions of this chapter
20 but are required to comply with the provisions of s.
21 479.11(4)-(8):

22 (15) Signs not in excess of 16 square feet placed at a
23 road junction with the State Highway System denoting only the
24 distance or direction of a residence or farm operation, or, in
25 a rural area where a hardship is created because a small
26 business is not visible from the road junction with the State
27 Highway System, one sign not in excess of 16 ~~8~~ square feet,
28 denoting only the name of the business and the distance and
29 direction to the business. The small-business-sign provision
30 of this subsection does not apply to charter counties and may
31 not be implemented if the Federal Government notifies the

1 department that implementation will adversely affect the
 2 allocation of federal funds to the department.

3 Section 102. Subsection (1) of section 14 of chapter
 4 96-423, Laws of Florida, is amended to read:

5 Section 14. (1) Notwithstanding chapter 253, Florida
 6 Statutes, or chapter 270, Florida Statutes, the Department of
 7 Transportation, on behalf of the Board of Trustees of the
 8 Internal Improvement Trust Fund, may sell the state real
 9 property located at 5200 East Colonial Drive, Orlando,
 10 Florida, which is utilized by the Department of Highway Safety
 11 and Motor Vehicles. Any such sale shall be at fair market
 12 value. Proceeds from the sale shall be deposited in the State
 13 Transportation Trust Fund.~~or the existing lease between the~~
 14 ~~Board of Trustees of the Internal Improvement Trust Fund and~~
 15 ~~the Department of Business and Professional Regulation for use~~
 16 ~~of the regional service center located at 133 South Semoran~~
 17 ~~Boulevard, Orlando, Florida, the department, with the~~
 18 ~~technical assistance and staff support of the Department of~~
 19 ~~Management Services, may sell the regional service center.~~
 20 ~~Proceeds from the sale shall be deposited in the Professional~~
 21 ~~Regulation Trust Fund and distributed to the accounts of the~~
 22 ~~professions, based on each profession's pro rata share of the~~
 23 ~~costs of the original purchase and renovation of the real~~
 24 ~~estate.~~The Board of Trustees of the Internal Improvement
 25 Trust Fund shall execute and deliver a deed of conveyance for
 26 the purpose of carrying into effect a contract or agreement of
 27 sale.

28 Section 103. When the Department of Transportation
 29 receives federal funds through reauthorization of the Federal
 30 Intermodal Surface Transportation Efficiency Act, the
 31 department shall expend \$5,000,000 from the State

1 Transportation Trust fund for Orlando Area Metropolitan
2 Planning Organization project No. 5147232, for the
3 construction of an interchange on Interstate 4 at Conroy Road.

4 Section 104. Effective October 1, 1998, subsection (1)
5 of section 832.06, Florida Statutes, is amended to read:

6 832.06 Prosecution for worthless checks given tax
7 collector for licenses or taxes; refunds.--

8 (1) Whenever any person, firm, or corporation violates
9 the provisions of s. 832.05 by drawing, making, uttering,
10 issuing, or delivering to any county tax collector any check,
11 draft, or other written order on any bank or depository for
12 the payment of money or its equivalent for any tag, title,
13 lien, tax (except ad valorem taxes), penalty, or fee relative
14 to a boat, airplane, or motor vehicle; any occupational
15 license, beverage license, or sales or use tax; ~~or~~ any hunting
16 or fishing license; or any driver license or identification
17 card, the county tax collector, after the exercise of due
18 diligence to locate the person, firm, or corporation which
19 drew, made, uttered, issued, or delivered the check, draft, or
20 other written order for the payment of money, or to collect
21 the same by the exercise of due diligence and prudence, shall
22 swear out a complaint in the proper court against the person,
23 firm, or corporation for the issuance of the worthless check
24 or draft. If the state attorney cannot sign the information
25 due to lack of proof, as determined by the state attorney in
26 good faith, for a prima facie case in court, he or she shall
27 issue a certificate so stating to the tax collector. If
28 payment of the dishonored check, draft, or other written
29 order, together with court costs expended, is not received in
30 full by the county tax collector within 30 days after service
31 of the warrant, 30 days after conviction, or 60 days after the

1 collector swears out the complaint or receives the certificate
2 of the state attorney, whichever is first, the county tax
3 collector shall make a written report to this effect to the
4 Department of Highway Safety and Motor Vehicles relative to
5 airplanes and motor vehicles, to the Department of
6 Environmental Protection relative to boats, to the Department
7 of Revenue relative to occupational licenses and the sales and
8 use tax, to the Division of Alcoholic Beverages and Tobacco of
9 the Department of Business and Professional Regulation
10 relative to beverage licenses, or to the Game and Fresh Water
11 Fish Commission relative to hunting and fishing licenses,
12 containing a statement of the amount remaining unpaid on the
13 worthless check or draft. If the information is not signed,
14 the certificate of the state attorney is issued, and the
15 written report of the amount remaining unpaid is made, the
16 county tax collector may request the sum be forthwith refunded
17 by the appropriate governmental entity, agency, or department.
18 If a warrant has been issued and served, he or she shall
19 certify to that effect, together with the court costs and
20 amount remaining unpaid on the check. The county tax collector
21 may request that the sum of money certified by him or her be
22 forthwith refunded by the Department of Highway Safety and
23 Motor Vehicles, the Department of Environmental Protection,
24 the Department of Revenue, the Division of Alcoholic Beverages
25 and Tobacco of the Department of Business and Professional
26 Regulation, or the Game and Fresh Water Fish Commission to the
27 county tax collector. Within 30 days after receipt of the
28 request, the Department of Highway Safety and Motor Vehicles,
29 the Department of Environmental Protection, the Department of
30 Revenue, the Division of Alcoholic Beverages and Tobacco of
31 the Department of Business and Professional Regulation, or the

1 Game and Fresh Water Fish Commission, upon being satisfied as
2 to the correctness of the certificate of the tax collector, or
3 the report, shall refund to the county tax collector the sums
4 of money so certified or reported. If any officer of any court
5 issuing the warrant is unable to serve it within 60 days after
6 the issuance and delivery of it to the officer for service,
7 the officer shall make a written return to the county tax
8 collector to this effect. Thereafter, the county tax collector
9 may certify that the warrant has been issued and that service
10 has not been had upon the defendant and further certify the
11 amount of the worthless check or draft and the amount of court
12 costs expended by the county tax collector, and the county tax
13 collector may file the certificate with the Department of
14 Highway Safety and Motor Vehicles relative to motor vehicles
15 and airplanes, with the Department of Environmental Protection
16 relative to boats, with the Department of Revenue relative to
17 occupational licenses and the sales and use tax, with the
18 Division of Alcoholic Beverages and Tobacco of the Department
19 of Business and Professional Regulation relative to beverage
20 licenses, or with the Game and Fresh Water Fish Commission
21 relative to hunting and fishing licenses, together with a
22 request that the sums of money so certified be forthwith
23 refunded by the Department of Highway Safety and Motor
24 Vehicles, the Department of Environmental Protection, the
25 Department of Revenue, the Division of Alcoholic Beverages and
26 Tobacco of the Department of Business and Professional
27 Regulation, or the Game and Fresh Water Fish Commission to the
28 county tax collector, and within 30 days after receipt of the
29 request, the Department of Highway Safety and Motor Vehicles,
30 the Department of Environmental Protection, the Department of
31 Revenue, the Division of Alcoholic Beverages and Tobacco of

1 the Department of Business and Professional Regulation, or the
2 Game and Fresh Water Fish Commission, upon being satisfied as
3 to the correctness of the certificate, shall refund the sums
4 of money so certified to the county tax collector.

5 Section 105. Paragraph (c) of subsection (3) of
6 section 319.23, Florida Statutes, is amended to read:

7 319.23 Application for, and issuance of, certificate
8 of title.--

9 (3) If a certificate of title has not previously been
10 issued for a motor vehicle or mobile home in this state, the
11 application, unless otherwise provided for in this chapter,
12 shall be accompanied by a proper bill of sale or sworn
13 statement of ownership, or a duly certified copy thereof, or
14 by a certificate of title, bill of sale, or other evidence of
15 ownership required by the law of the state or county from
16 which the motor vehicle or mobile home was brought into this
17 state. The application shall also be accompanied by:

18 (c) If the vehicle is an ancient or antique, ~~or~~
19 ~~collectible~~ vehicle as defined in s. 320.086, the application
20 shall be accompanied either by a certificate of title; a
21 notarized bill of sale and a registration; or a notarized bill
22 of sale, an affidavit by the owner defending the title from
23 all claims. The bill of sale must contain a complete vehicle
24 description to include the vehicle identification or engine
25 number, year make, color, selling price, and signatures of the
26 seller and purchaser.

27
28 Verification of the vehicle identification number shall not be
29 required for any new motor vehicle sold in this state by a
30 licensed motor vehicle dealer; any mobile home; any trailer or
31 semitrailer with a net weight of less than 2,000 pounds; or

1 any travel trailer, camping trailer, truck camper, or
2 fifth-wheel recreation trailer.

3 Section 106. Paragraph (e) of subsection (1),
4 paragraph (a) of subsection (2), and paragraph (e) of
5 subsection (3) of section 320.08, Florida Statutes, are
6 amended to read:

7 320.08 License taxes.--Except as otherwise provided
8 herein, there are hereby levied and imposed annual license
9 taxes for the operation of motor vehicles, mopeds, motorized
10 bicycles as defined in s. 316.003(2), and mobile homes, as
11 defined in s. 320.01, which shall be paid to and collected by
12 the department or its agent upon the registration or renewal
13 of registration of the following:

14 (1) MOTORCYCLES, MOPEDS, MOTORIZED BICYCLES.--

15 (e) An ancient or,~~antique, or collectible~~ motorcycle:
16 \$10 flat.

17 (2) AUTOMOBILES FOR PRIVATE USE.--

18 (a) An ancient or,~~antique, or collectible~~ automobile
19 as defined in s. 320.086 or street rod as defined in s.
20 320.0863: \$7.50 flat.

21 (3) TRUCKS.--

22 (e) An ancient or,~~antique, or collectible~~ truck as
23 defined in s. 320.086: \$7.50 flat.

24 Section 107. Section 320.086, Florida Statutes, is
25 amended to read:

26 320.086 Ancient or,~~antique, or collectible~~ motor
27 vehicles; "horseless carriage," antique, ~~collectible,~~or
28 historical license plates.--

29 (1) The owner of a motor vehicle for private use
30 manufactured in 1942 ~~1927~~ or earlier, equipped with an engine
31 manufactured in 1942 ~~1927~~ or earlier or manufactured to the

1 specifications of the original engine, and operated on the
2 streets and highways of this state shall, upon application in
3 the manner and at the time prescribed by the department and
4 upon payment of the license tax for an ancient motor vehicle
5 prescribed by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a
6 special license plate for such motor vehicle. The license
7 plate shall be permanent and valid for use without renewal so
8 long as the vehicle is in existence. In addition to the
9 payment of all other fees required by law, the applicant shall
10 pay such fee for the issuance of the special license plate as
11 may be prescribed by the department commensurate with the cost
12 of its manufacture. The registration numbers and special
13 license plates assigned to such motor vehicles shall run in a
14 separate numerical series, commencing with "Horseless Carriage
15 No. 1," and the plates shall be of a distinguishing color.

16 ~~(2) The owner of a motor vehicle for private use~~
17 ~~manufactured between 1928 and 1945, inclusive, with an engine~~
18 ~~manufactured between 1928 and 1945, inclusive, or manufactured~~
19 ~~to the specifications of the original engine and operated on~~
20 ~~the streets and highways of this state shall, upon application~~
21 ~~in the manner and at the time prescribed by the department and~~
22 ~~upon payment of the license tax prescribed by s. 320.08(1)(e),~~
23 ~~(2)(a), or (3)(e), be issued a special license plate for such~~
24 ~~motor vehicle. In addition to the payment of all other fees~~
25 ~~required by law, the applicant shall pay such fee for the~~
26 ~~issuance of the special license plate as may be prescribed by~~
27 ~~the department commensurate with the cost of its manufacture.~~
28 ~~The registration numbers and special license plates assigned~~
29 ~~to such motor vehicles shall run in a separate numerical~~
30 ~~series, commencing with "Antique Vehicle No. 1," and the~~
31 ~~plates shall be of a distinguishing color.~~

1 ~~(2)(3)~~(a) The owner of a motor vehicle for private use
2 manufactured after 1942 and of the age of 30 ~~20~~ years or more
3 from the date of manufacture, equipped with an engine of the
4 age of 30 ~~20~~ years or more from the date of manufacture, and
5 operated on the streets and highways of this state may ~~shall~~,
6 upon application in the manner and at the time prescribed by
7 the department and upon payment of the license tax prescribed
8 by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a special
9 license plate for such motor vehicle. In addition to the
10 payment of all other fees required by law, the applicant shall
11 pay such fee for the issuance of the special license plate as
12 may be prescribed by the department commensurate with the cost
13 of its manufacture. The registration numbers and special
14 license plates assigned to such motor vehicles shall run in a
15 separate numerical series, commencing with "Antique
16 ~~Collectible~~ No. 1," and the plates shall be of a
17 distinguishing color. The owner of such motor vehicle may,
18 upon application and payment of the license tax prescribed by
19 s. 320.08, be issued a regular Florida graphic license plate
20 or specialty license plate in lieu of the special "Antique"
21 license plate.

22 (b) Motor vehicles currently licensed under this
23 section which have been issued a permanent license plate prior
24 to October 1, 1998, shall maintain such plate unless the
25 vehicle is transferred to a new owner. Motor vehicles
26 currently licensed under this section with a "Collectible"
27 license plate may retain that license plate until the next
28 regularly scheduled replacement.

29 (3) The owner of an ancient or antique firefighting
30 apparatus or other motor vehicle 30 years old or older which
31 is only used in expositions or parades may, upon application

1 in the manner and at the time prescribed by the department and
2 upon payment of the license tax prescribed by s. 320.08(2)(a),
3 be issued a license plate as prescribed in subsection (1) or
4 subsection (2). License plates issued under this subsection
5 shall be permanent and valid for use without renewal as long
6 as the vehicle is in existence and its use is consistent with
7 this subsection.~~Motor vehicles with a model year of~~
8 ~~1928-1960, registered as ancient prior to July 1, 1996, shall~~
9 ~~be grandfathered to maintain a permanent license plate unless~~
10 ~~a vehicle with a model year of 1946-1960 is transferred to a~~
11 ~~new owner. Upon transfer of a vehicle with a model year of~~
12 ~~1946-1960, after July 1, 1996, the vehicle shall be registered~~
13 ~~as a collectible and required to renew annually as prescribed~~
14 ~~by s. 320.08.~~

15 (4) Any person who is the registered owner of a motor
16 vehicle that is at least 20 years old or the registered owner
17 of an ancient ~~or, antique, or collectible~~ motor vehicle as
18 defined in this section may apply to the department for
19 permission to use a historical Florida license plate which
20 clearly represents the model year of the vehicle as a
21 personalized prestige license plate. This plate shall be
22 furnished by such person and shall be presented to the
23 department with a reasonable fee to be determined by the
24 department for approval and for authentication that the
25 historic license plate and any applicable decals were issued
26 by this state in the same year as the model year of the car or
27 truck. The requirements of s. 320.0805(8)(b) do not apply to
28 historical plates authorized under this subsection.

29 Section 108. Funds included in appropriation Item
30 1916C of Chapter 94-357, Laws of Florida, may be used to
31

1 purchase land at the Florida Highway Patrol station in Cross
2 City, Dixie County.

3 Section 109. In the event additional federal funds are
4 received through reauthorization of the Federal Intermodal
5 Surface Transportation Efficiency Act, the department shall
6 apply \$4.6 million to the Winchester and Englewood Corridor
7 projects, provided such use of transportation funds is
8 endorsed by the Charlotte and Sarasota/Manatee Metropolitan
9 Planning Organization. Prior to receiving any new federal
10 funds, the department shall allocate \$1 million to the
11 Winchester and Englewood Corridor projects as an advance on
12 the \$4.6 million of additional federal funds to be applied to
13 the projects.

14 Section 110. Except as otherwise provided herein, this
15 act shall take effect upon becoming a law.