

By Representative Constantine

1 A bill to be entitled
2 An act relating to Department of Community
3 Affairs; amending s. 20.18, F.S.; providing for
4 the Bureau of Manufactured Housing within the
5 Division of Housing and Community Development;
6 providing for the duties of the department with
7 respect to certain affordable housing;
8 transferring certain funds of the Bureau of
9 Mobile Home and Recreational Vehicle
10 Construction of the Department of Highway
11 Safety and Motor Vehicles to the Department of
12 Community Affairs; providing for certain
13 interagency agreements; transferring a
14 described portion of the Mobile Home and
15 Recreational Vehicle Protection Trust Fund to
16 the Operating Trust Fund of the Department of
17 Community Affairs; providing for the transfer
18 of certain funds from the Operating Trust Fund
19 of the Department of Highway Safety and Motor
20 Vehicles and certain funds in the General
21 Revenue Fund to the Operating Trust Fund of the
22 Department of Community Affairs; transferring
23 certain powers, duties, and functions of the
24 Department of Highway Safety and Motor Vehicles
25 relating to the regulation or licensing of
26 mobile home installers to the Department of
27 Community Affairs; amending s. 320.781, F.S.;
28 changing the name of the Mobile Home and
29 Recreational Vehicle Protection Trust Fund to
30 the Recreational Vehicle Protection Trust Fund;
31 deleting reference to mobile homes with respect

1 to the fund; renaming part IV of ch. 553, F.S.,
2 as Manufactured Building and Housing; amending
3 s. 553.35, F.S.; renaming the "Florida
4 Manufactured Building Act of 1979" as the
5 "Florida Manufactured Building and Housing Act
6 of 1999"; amending s. 553.36, F.S.; providing
7 definitions; creating s. 553.433, F.S.;
8 providing for factory-built housing judgment
9 liability; amending s. 553.38, F.S.; revising
10 language with respect to application and scope;
11 transferring and amending s. 320.8325(2), F.S.;
12 providing for tie-down requirements,
13 installation standards, injunctions, and
14 penalties with respect to mobile homes and park
15 trailers; amending ss. 316.515 and 627.702,
16 F.S.; correcting cross references; providing
17 effective dates.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (d) is added to subsection (2) of
22 section 20.18, Florida Statutes, 1998 Supplement, and
23 subsection (7) is added to said section, to read:

24 20.18 Department of Community Affairs.--There is
25 created a Department of Community Affairs.

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

28 (d) Bureau of Manufactured Housing within the
29 department's Division of Housing and Community Development.

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 manufactured homes, that the federal code on manufactured
3 homes as defined in s. 553.36(12) is strictly observed by
4 manufacturers, and that the state code for manufactured
5 buildings is an efficient method for providing manufactured
6 buildings to residents of this state. The department shall
7 also be the agency responsible for the installation of
8 manufactured homes and buildings to such an extent that
9 residents of this state are as safe as possible.

10 Section 2. (1) All statutory powers, duties,
11 functions, records, personnel, property, and unexpended
12 balances of appropriations, allocations, or other funds of the
13 Bureau of Mobile Home and Recreational Vehicle Construction of
14 the Department of Highway Safety and Motor Vehicles relating
15 to regulation and administration of mobile homes, and all
16 existing authority and actions of the bureau, including, but
17 not limited to, all pending and completed actions on orders
18 and rules, all enforcement matters, and delegations,
19 interagency agreements, and contracts with federal, state,
20 regional, and local governments and private entities relating
21 to regulation and administration of manufactured homes are
22 hereby transferred to the Division of Housing and Community
23 Development of the Department of Community Affairs.

24 (2) The Department of Community Affairs and the
25 Department of Highway Safety and Motor Vehicles shall have the
26 authority to enter into interagency agreements with each other
27 concerning any matter affected by the transfer of the Bureau
28 of Mobile Home and Recreational Vehicle Construction to the
29 Department of Community Affairs to promote the efficient and
30 effective operation of both departments.

31

1 Section 3. (1) The portion of the Mobile Home and
2 Recreational Vehicle Protection Trust Fund created under s.
3 320.781, Florida Statutes, relating to manufactured homes, as
4 defined in s. 553.36, Florida Statutes, is transferred to the
5 Operating Trust Fund of the Department of Community Affairs to
6 be administered and managed by the Bureau of Manufactured
7 Housing of the Department of Community Affairs pursuant to s.
8 20.18, Florida Statutes.

9 (2) That portion of the Highway Safety Operating Trust
10 Fund, created under s. 318.39, Florida Statutes, and into
11 which fees and penalties relating to manufactured home
12 regulation, manufacture, licensure, except mobile home
13 dealers' and manufacturers' licensure pursuant to ss. 320.77
14 and 320.8225, Florida Statutes, and installation, are
15 deposited, and all fees and penalties that are deposited into
16 the General Revenue Fund, are transferred to the Operating
17 Trust Fund of the Department of Community Affairs to be
18 administered and managed by the Division of Housing and
19 Community Development.

20 Section 4. All statutory powers, duties, and functions
21 of the Department of Highway Safety and Motor Vehicles
22 relating to the regulation or licensing of mobile home
23 installers are transferred to the Bureau of Manufactured
24 Housing of the Department of Community Affairs.

25 Section 5. Effective January 1, 1999, section 320.781,
26 Florida Statutes, is amended to read:

27 320.781 ~~Mobile Home and~~ Recreational Vehicle
28 Protection Trust Fund.--

29 (1) There is hereby established a ~~Mobile Home and~~
30 Recreational Vehicle Protection Trust Fund. The trust fund
31 shall be administered and managed by the Department of Highway

1 Safety and Motor Vehicles. The expenses incurred by the
2 department in administering this section shall be paid only
3 from appropriations made from the trust fund.

4 (2) Beginning October 1, 1990, the department shall
5 charge and collect an additional fee of \$1 for each ~~new mobile~~
6 ~~home~~ and new recreational vehicle title transaction for which
7 it charges a fee. This additional fee shall be deposited into
8 the trust fund. The Department of Highway Safety and Motor
9 Vehicles shall charge a fee of \$40 per annual dealer and
10 manufacturer license and license renewal, which shall be
11 deposited into the trust fund. The sums deposited in the trust
12 fund shall be used exclusively for carrying out the purposes
13 of this section. These sums may be invested and reinvested by
14 the Treasurer under the same limitations as apply to
15 investment of other state funds, with all interest from these
16 investments deposited to the credit of the trust fund.

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

26 (4) The trust fund shall not be liable for any
27 judgment, or part thereof, resulting from any tort claim
28 except as expressly provided in subsection (3), nor for any
29 punitive, exemplary, double, or treble damages. A person, the
30 state, or any political subdivision thereof may recover
31 against the mobile home or recreational vehicle dealer,

1 broker, or surety, jointly and severally, for such damages,
2 restitution, or expenses; provided, however, that in no event
3 shall the trust fund or the surety be liable for an amount in
4 excess of actual damages, restitution, or expenses.

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

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

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

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

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1 (6) In order to recover from the trust fund, the
2 person must file an application and verified claim with the
3 department.

4 (a) If the claimant has obtained a judgment which is
5 unsatisfied against the ~~mobile home or~~ recreational vehicle
6 dealer or broker or its surety as set forth in this section,
7 the verified claim must specify the following:

8 1.a. That the judgment against the ~~mobile home or~~
9 recreational vehicle dealer or broker and its surety has been
10 entered; or

11 b. That the judgment against the ~~mobile home or~~
12 recreational vehicle dealer or broker contains a specific
13 finding that the surety has no liability, that execution has
14 been returned unsatisfied, and that a judgment lien has been
15 perfected;

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

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

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

30 5. Such other information as the department requires.
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1 (b) If the claimant has alleged a claim as set forth
2 in paragraph (5)(c) and for the reasons set forth therein has
3 not been able to secure a judgment, the verified claim must
4 contain the following:

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

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

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

21 4. Such other information as the department requires.

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

24 (7) Within 90 days after receipt of the application
25 and verified claim, the department shall issue its
26 determination on the claim. Such determination shall not be
27 subject to the provisions of chapter 120, but shall be
28 reviewable only by writ of certiorari in the circuit court in
29 the county in which the claimant resides in the manner and
30 within the time provided by the Florida Rules of Appellate
31 Procedure. The claim must be paid within 45 days after the

1 determination, or, if judicial review is sought, within 45
2 days after the review becomes final. A person may not be paid
3 an amount from the fund in excess of \$25,000 per ~~mobile home~~
4 ~~or~~ recreational vehicle. Prior to payment, the person must
5 execute an assignment to the department of all the person's
6 rights and title to, and interest in, the unsatisfied judgment
7 and judgment lien or the claim against the dealer or broker
8 and its surety.

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

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

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

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

7 Section 6. Part IV of chapter 553, Florida Statutes,
8 is redesignated as Manufactured Building and Housing.

9 Section 7. Section 553.35, Florida Statutes, is
10 amended to read:

11 553.35 Short title.--This part shall be known and may
12 be cited as the "Florida Manufactured Building and Housing Act
13 of 1999 ~~1979~~."

14 Section 8. Subsections (7), (8), (9), (10), (11),
15 (12), (13), and (14) of section 553.36, Florida Statutes, are
16 renumbered as subsections (8), (9), (10), (11), (12), (13),
17 (14), and (15), a new subsection (7) is added to said section,
18 and present subsections (11) and (12) are amended, to read:

19 553.36 Definitions.--The definitions contained in this
20 section govern the construction of this part unless the
21 context otherwise requires.

22 (7) "Division" means the Division of Housing and
23 Community Development which contains the Bureau of
24 Manufactured Building and Housing in the department.

25 (11) "Manufactured building" means a closed structure,
26 building assembly, or system of subassemblies, which may
27 include structural, electrical, plumbing, heating,
28 ventilating, or other service systems manufactured in
29 manufacturing facilities for installation or erection, with or
30 without other specified components, as a finished building or
31 as part of a finished building, which shall include, but not

1 be limited to, residential, commercial, institutional,
2 storage, and industrial structures. This subsection ~~part~~ does
3 not apply to manufactured ~~mobile~~ homes. Manufactured building
4 may also mean, at the option of the manufacturer, any building
5 of open construction made or assembled in manufacturing
6 facilities away from the building site for installation, or
7 assembly and installation, on the building site.

8 (12) "Manufactured ~~Mobile~~ home" means any mobile home
9 or residential unit constructed to standards promulgated by
10 the United States Department of Housing and Urban Development.

11 Section 9. Effective January 1, 2000, section 553.433,
12 Florida Statutes, is created to read:

13 553.433 Factory-built housing judgment liability.--

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

18 (2) Beginning January 1, 2000, the division shall
19 charge and collect an additional fee of \$1 for each new mobile
20 home transaction for which it charges a fee. This additional
21 fee shall be deposited into the department's operating trust
22 fund. The division shall charge a fee of \$40 per annual
23 dealer and manufacturer license and license renewal, which
24 shall be deposited into such fund. The sums deposited into
25 such fund pursuant to this section shall be used exclusively
26 for carrying out the purposes of this section. These sums may
27 be invested and reinvested by the Treasurer under the same
28 limitations as apply to investment of other state moneys, with
29 all interest from these investments deposited to the credit of
30 such fund.

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

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

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

27 (a) The claimant has obtained a final judgment which
28 is unsatisfied against the mobile home dealer or broker or its
29 surety jointly and severally, or against the mobile home
30 dealer or broker only, if the court found that the surety was
31 not liable due to prior payment of valid claims against the

1 bond in an amount equal to, or greater than, the face amount
2 of the applicable bond.

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

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

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

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

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

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

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

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

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

13 5. Such other information as the division requires.

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

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

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

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

3 4. Such other information as the division requires.

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

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

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

30 (9) This section does not apply to any claim, and a
31 person may not recover against the department's operating

1 trust fund as the result of any claim, against a mobile home
2 dealer or broker resulting from a cause of action directly
3 related to the sale, lease-purchase, exchange, brokerage, or
4 installation of a mobile home prior to January 1, 2000.

5 (10) Neither the division nor the department's
6 operating trust fund shall be liable to any person for
7 recovery if such fund, from moneys deposited into the fund
8 under this section, does not have the moneys necessary to pay
9 amounts claimed. If the fund does not have sufficient assets
10 to pay the claimant, it shall log the time and date of its
11 determination for payment to a claimant. If moneys become
12 available pursuant this section, the division shall pay the
13 claimant whose unpaid claim is the earliest by time and date
14 of determination.

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

21 Section 10. Section 553.38, Florida Statutes, is
22 amended to read:

23 553.38 Application and scope.--

24 (1) The division, through its Bureau of Manufactured
25 Housing, ~~department~~ shall promulgate rules which protect the
26 health, safety, and property of the people of this state by
27 assuring that each manufactured building and home is
28 structurally sound and properly installed on site and that
29 plumbing, heating, electrical, and other systems thereof are
30 reasonably safe, and which interpret and make specific the
31 provisions of this part.

1 (2) The division ~~department~~ shall enforce every
2 provision of this part and the rules adopted pursuant hereto,
3 except that local land use and zoning requirements, fire
4 zones, building setback requirements, side and rear yard
5 requirements, site development requirements, property line
6 requirements, subdivision control, and onsite installation
7 requirements, as well as the review and regulation of
8 architectural and aesthetic requirements, are specifically and
9 entirely reserved to local authorities. Such local
10 requirements and rules which may be enacted by local
11 authorities must be reasonable and uniformly applied and
12 enforced without any distinction as to whether a building is a
13 conventionally constructed or manufactured building. A local
14 government shall require permit fees only for those
15 inspections actually performed by the local government for the
16 installation of a manufactured ~~factory-built~~ structure. Such
17 fees shall be equal to the amount charged for similar
18 inspections on conventionally built housing.

19 Section 11. Subsection (2) of section 320.8325,
20 Florida Statutes, is transferred to section 553.775, Florida
21 Statutes, and amended to read:

22 553.775 ~~320.8325~~ Mobile homes and park trailers;
23 tie-down requirements; ~~minimum~~ installation standards;
24 injunctions; penalty.--

25 ~~(2)~~ The department shall promulgate rules and
26 regulations setting forth ~~minimum~~ standards for the
27 manufacture and ~~or~~ installation of manufactured housing
28 installation systems composed of anchors, buckles, straps,
29 stabilizer plates, and piers or other requirements mandated by
30 a manufacturer's installation manual ~~anchors, tie-downs,~~
31 ~~over-the-roof ties, or other reliable methods of securing~~

1 ~~mobile homes or park trailers when over the roof ties are not~~
2 ~~suitable due to factors such as unreasonable cost, design of~~
3 ~~the mobile home or park trailer, or potential damage to the~~
4 ~~mobile home or park trailer. Such systems devices required~~
5 ~~under this section, when properly installed, shall ensure a~~
6 ~~manufactured home remains secured to the ground when subjected~~
7 ~~to winds equal to or less than their HUD code design criteria~~
8 ~~and shall cause the mobile home or park trailer to resist wind~~
9 ~~overturning and sliding. ~~In promulgating~~ Such rules and~~
10 ~~regulations, shall be reasonably related to the department may~~
11 ~~make such discriminations regarding mobile home or park~~
12 ~~trailer tie-down requirements as are reasonable when factors~~
13 ~~such as age and windzone of the manufactured housing,~~
14 ~~location, and practicality of tying down a mobile home or park~~
15 ~~trailer are considered. The department shall also develop~~
16 ~~standards for installation and anchoring systems for park~~
17 ~~trailers. Fees and civil penalties collected by the~~
18 ~~department pursuant to s. 320.8249 shall be deposited into the~~
19 ~~department's operating trust fund for use by the department~~
20 ~~for the testing of manufactured housing installation systems~~
21 ~~and their individual components to ensure that such products~~
22 ~~being delivered to consumers in this state meet the wind~~
23 ~~design criteria adopted by the Department of Community~~
24 ~~Affairs.~~

25 Section 12. Subsection (14) of section 316.515,
26 Florida Statutes, is amended to read:

27 316.515 Maximum width, height, length.--

28 (14) MANUFACTURED BUILDINGS.--The Department of
29 Transportation may, in its discretion and upon application and
30 good cause shown therefor that the same is not contrary to the
31 public interest, issue a special permit for truck

1 tractor-semitrailer combinations where the total number of
2 overwidth deliveries of manufactured buildings, as defined in
3 s. 553.36~~(11)~~, may be reduced by permitting the use of an
4 overlength trailer of no more than 54 feet.

5 Section 13. Subsections (1) and (5) of section
6 627.702, Florida Statutes, are amended to read:

7 627.702 Valued policy law.--

8 (1) In the event of the total loss of any building,
9 structure, mobile home as defined in s. 320.01(2), or
10 manufactured building as defined in s. 553.36~~(11)~~, located in
11 this state and insured by any insurer as to a covered peril,
12 in the absence of any change increasing the risk without the
13 insurer's consent and in the absence of fraudulent or criminal
14 fault on the part of the insured or one acting in her or his
15 behalf, the insurer's liability, if any, under the policy for
16 such total loss shall be in the amount of money for which such
17 property was so insured as specified in the policy and for
18 which a premium has been charged and paid.

19 (5) This section does not apply as to personal
20 property or any interest therein, except with respect to
21 mobile homes as defined in s. 320.01(2) or manufactured
22 buildings as defined in s. 553.36~~(11)~~. Nor does this section
23 apply to coverage of an appurtenant structure or other
24 structure or any coverage or claim in which the dollar amount
25 of coverage available as to the structure involved is not
26 directly stated in the policy as a dollar amount specifically
27 applicable to that particular structure.

28 Section 14. Except as otherwise provided herein, this
29 act shall take effect July 1, 1999.

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HOUSE SUMMARY

Revises provisions of law with respect to the Department of Community Affairs to:

1. Provide for the Bureau of Manufactured Housing within the Division of Housing and Community Development.

2. Provide for the duties of the department with respect to certain affordable housing, to transfer certain funds of the Bureau of Mobile Home and Recreational Vehicle Construction of the Department of Highway Safety and Motor Vehicles to the Department of Community Affairs, provide for certain interagency agreements, transfer a described portion of the Mobile Home and Recreational Vehicle Protection Trust Fund to the Operating Trust Fund of the Department of Community Affairs, provide for the transfer of certain funds from the Operating Trust Fund of the Department of Highway Safety and Motor Vehicles and certain funds in the General Revenue Fund to the Operating Trust Fund of the Department of Community Affairs, and transfer certain powers, duties, and functions of the Department of Highway Safety and Motor Vehicles relating to the regulation or licensing of mobile home installers to the Department of Community Affairs.

3. Change the name of the Mobile Home and Recreational Vehicle Protection Trust Fund to the Recreational Vehicle Protection Trust Fund and delete reference to mobile homes with respect to the fund.

4. Rename part IV of ch. 553, F.S. as Manufactured Building and Housing.

5. Rename the "Florida Manufactured Building Act of 1979" as the "Florida Manufactured Building and Housing Act of 1999."

6. Provide for factory-built housing judgment liability.

7. Provide for tie-down requirements, installation standards, injunctions, and penalties with respect to mobile homes and park trailers.

See bill for details.