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| 1 | A bill to be entitled |
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| 2 | An act relating to mobile and manufactured homes; amending |
| 3 | s. 319.261, F.S.; deleting a requirement that the |
| 4 | manufacturer's certificate of origin be recorded with the |
| 5 | clerk of court in order for the Department of Highway |
| 6 | Safety and Motor Vehicles to retire the title to a mobile |
| 7 | home; amending s. 320.822, F.S.; defining the term |
| 8 | "installation"; amending s. 320.823, F.S.; requiring that |
| 9 | mobile and manufactured homes sold in this state be |
| 10 | constructed to meet certain standards; amending s. |
| 11 | 320.8249, F.S.; revising penalties imposed against mobile |
| 12 | home installers who engage in certain prohibited |
| 13 | activities; prohibiting a local government from requiring |
| 14 | an installer to obtain an additional bond or insurance; |
| 15 | requiring installers to maintain a location log; creating |
| 16 | s. 320.8251, F.S.; requiring a person or entity that |
| 17 | manufactures mobile home installation components, |
| 18 | products, or systems to obtain a certificate of approval |
| 19 | from the Department of Highway Safety and Motor Vehicles; |
| 20 | providing requirements for certification; authorizing the |
| 21 | department to suspend or revoke the certification under |
| 22 | certain circumstances; providing that products, |
| 23 | components, or systems currently used in the installation |
| 24 | of mobile homes need not be certified until a certain |
| 25 | date; amending s. 320.8285, F.S.; requiring each county or |
| 26 | municipality to be responsible for the onsite inspection |
| 27 | of mobile home installation within its jurisdiction; |
| 28 | revising competency requirements for performing onsite |
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29 inspections; providing requirements for a county or municipality in issuing a permit for the installation of a 30 mobile home and issuing a certificate of occupancy; 31 amending s. 320.8325, F.S.; deleting provisions requiring 32 33 the use of tie-downs and anchors; revising requirements of 34 the department with respect to rules setting forth 35 standards for the installation of mobile homes, manufactured homes, and park trailers; providing that 36 37 owners are responsible for installation pursuant to 38 department rules; amending s. 320.834, F.S.; providing 39 legislative intent that mobile homes be an affordable 40 housing resource in this state; amending s. 320.835, F.S.; 41 requiring installers to warrant the installation of a new 42 mobile home from the date of receipt of a certificate of 43 occupancy for a certain period; authorizing the department 44 to adopt rules to resolve disputes between mobile home 45 manufacturers, dealers, installers, or suppliers; amending s. 215.559, F.S., relating to the Hurricane Loss 46 47 Mitigation Program, to extend the repeal date of said section; providing an effective date. 48 49 50 Be It Enacted by the Legislature of the State of Florida:

52 Section 1. Subsections (2), (3), and (6) of section 53 319.261, Florida Statutes, are amended to read:

54319.261 Real property transactions; retiring title to55mobile home.--

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56 (2) The title to the mobile home may be retired by the 57 department if the owner of the real property records the 58 following documents in the official records of the clerk of 59 court in the county in which the real property is located:

The original title to the mobile home, or for a new 60 (a) 61 home the manufacturers' certificate of origin, which document 62 shall include a description of the mobile home, including model year, make, width, length, and vehicle identification number, 63 and a statement by any recorded lienholder on the title that the 64 security interest in the home has been released, or that such 65 66 security interest will be released upon retirement of the title as set forth in this section. 67

(b) The legal description of the real property, and in thecase of a leasehold interest, a copy of the lease agreement.

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

(3) The clerk of court, upon receipt of the documents set forth in subsection (2), shall record said documents against the real property and provide a copy of the recorded title or manufacturers' certificate of origin to the owner of the real property with a copy of all the documents recorded pursuant to subsection (2).

(6) The owner of the real property with a recorded and
retired title shall file an application with the department to
issue a new title to the mobile home, if the mobile home is to
be removed from the real property. The department shall issue a

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84 new title upon receipt of an application from the owner of the 85 real property containing the following information:

86 (a) An affidavit signed by the owners of the land and all
87 secured parties and other lienholders consenting to the removal
88 of the home.

(b) A certification from a title insurance company listing the owners and all secured parties and other lienholders, which is dated within 10 days <u>of</u> after the date of application for a new title under this subsection.

93 Section 2. Subsection (14) of section 320.822, Florida
94 Statutes, is amended to read:

95 320.822 Definitions; ss. 320.822-320.862.--In construing 96 ss. 320.822-320.862, unless the context otherwise requires, the 97 following words or phrases have the following meanings:

"Setup" or "installation" means the operations 98 (14)performed at the occupancy site which render a mobile home or 99 100 park trailer fit for habitation. Such operations include, but 101 are not limited to, transporting; τ positioning; τ blocking; τ leveling, supporting, and installing foundation products, 102 103 components, and systems; tying down, connecting utility 104 systems; τ making minor adjustments; τ or assembling multiple or 105 expandable units.

106 Section 3. Section 320.823, Florida Statutes, is amended 107 to read:

108 320.823 Establishment of uniform mobile home 109 standards.--Each <u>new</u> single-family <u>or duplex</u> mobile <u>or</u> 110 <u>manufactured</u> home manufactured in this state or manufactured 111 outside this state but sold or offered for sale in this state

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112 must be constructed to shall meet the Manufactured Federal 113 Mobile Home Construction and Safety Standards, promulgated by 114 the Department of Housing and Urban Development, pursuant to the 115 Manufactured Housing Improvement Act. Each duplex mobile home manufactured in this state or manufactured outside this state 116 117 but sold or offered for sale in this state shall be constructed 118 to meet the Federal Mobile Home Construction and Safety 119 Standards. Construction requirements shall include a 1-hour-120 fire-rated wall separating the two units. Such standards must 121 shall include, but need not be limited to, standards for body 122 and frame construction and the installation of plumbing, HVAC 123 heating, and electrical systems.

Section 4. Subsections (1), (9), (10), and (12) of section 320.8249, Florida Statutes, are amended, present subsections (14), (15), and (16) are renumbered as subsections (15), (16), and (17), respectively, and a new subsection (14) is added to said section, to read:

129

320.8249 Mobile home installers license.--

(1) Any person who <u>installs a</u> engages in mobile home installation shall obtain a mobile home installers license from the Bureau of Mobile Home and Recreational Vehicle Construction of the Department of Highway Safety and Motor Vehicles pursuant to this section. Said license shall be renewed annually, and each licensee shall pay a fee of \$150.

136 (9) <u>A No licensed person or nor licensed applicant may not</u>
137 shall:

(a) Obtain a mobile home installers license by fraud ormisrepresentation.

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140 (b) Be convicted or found guilty of, or enter a plea of nolo contendere to, regardless of adjudication, a crime in any 141 jurisdiction which directly relates to the practice of mobile 142 143 home installation or the ability to practice. 144 (c) Violate any law or rule relating to installing, 145 repairing, or dealing in mobile homes or any lawful order of the 146 department. 147 Commit fraud or deceit in the practice of contracting. (d) 148 (e) Commit incompetence or misconduct in the practice of 149 contracting. (f) Commit gross negligence, repeated negligence, or 150 151 negligence resulting in a significant danger to life or 152 property. (g) Commit violations of the installation standards for 153 154 mobile homes or manufactured homes contained in rules 15C-1.0102 155 to 15C-1.0104, Florida Administrative Code. 156 (10) Any licensed person or license applicant who violates 157 subsection (7) or any provision of subsection (9) may have any 158 of the following disciplinary penalties imposed by the 159 department, at its discretion: 160 (a) License revocation; 161 (b) License suspension; 162 (c) A fine not to exceed \$1,000 per violation involving a 163 single installation and not to exceed \$5,000 for a violation 164 involving the total setup; 165 (d) A requirement to take and pass, or retake and pass, 166 the department-approved examination; 167 (e) Probation;

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| 168 | (f) Probation subject to such restriction of practice as |
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| 169 | the department chooses to impose; |
| 170 | (g) A notice of noncompliance; or |
| 171 | (h) Refusal of licensure application. |
| 172 | (12) <u>A</u> No county, municipality, or other unit of local |
| 173 | government may <u>not</u> require additional licensing <u>, bonding, or</u> |
| 174 | insurance of a duly licensed installer who performs setup |
| 175 | operations as defined in s. 320.822. However, a county, |
| 176 | municipality, or other unit of local government may require an |
| 177 | installer to obtain a local occupational license, which license |
| 178 | shall not require for its issuance any conditions other than |
| 179 | those required by this <u>chapter</u> act and payment of the |
| 180 | appropriate occupational license fee. |
| 181 | (14) Each installer shall maintain a location log for each |
| 182 | decal for 2 years. This requirement shall not take effect until |
| 183 | the department develops an acceptable format for the log and |
| 184 | provides a sample of the acceptable format to each licensed |
| 185 | installer. |
| 186 | Section 5. Section 320.8251, Florida Statutes, is created |
| 187 | to read: |
| 188 | 320.8251 Mobile home installation products; product |
| 189 | approval |
| 190 | (1) Each person or entity that engages in the manufacture |
| 191 | of mobile home installation components, products, or systems |
| 192 | must obtain a certification from the department which affirms |
| 193 | that such component, product, or system is approved for use in |
| 194 | the installation of mobile homes in this state. |
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| 195 | (2) The department shall certify for use in this state any |
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| 196 | mobile home installation component, product, or system for which |
| 197 | a person or entity applies to the department and which complies |
| 198 | with subsection (3). |
| 199 | (3) In order to obtain the certification set forth in this |
| 200 | section, a manufacturer must submit to the department a report |
| 201 | certifying that the mobile home installation component, product, |
| 202 | or system meets the mobile home installation standards set forth |
| 203 | in this section and in department rules. The report must be |
| 204 | signed and sealed by a professional engineer registered in this |
| 205 | state. In accordance with chapter 120, the department shall |
| 206 | review the report and approve or deny the certification of the |
| 207 | installation component, product, or system for use in the |
| 208 | installation of mobile homes in this state. |
| 209 | (4) The certification set forth in this subsection is |
| 210 | subject to suspension or revocation, and the person or entity |
| 211 | that obtained the certification is subject to a fine set by |
| 212 | department rules upon a finding by the department that the |
| 213 | person or entity has obtained the certification by |
| 214 | misrepresentation or fraud or that the product, component, or |
| 215 | system does not meet the mobile home installation standards set |
| 216 | forth in this chapter or in department rules. |
| 217 | (5) Any product, component, or system subject to this |
| 218 | section which is currently being used in the installation of |
| 219 | mobile homes in this state is not required to be certified in |
| 220 | accordance with this section until July 1, 2009. |
| 221 | Section 6. Section 320.8285, Florida Statutes, is amended |
| 222 | to read: |
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223

320.8285 Onsite inspection. --

224 Each county or municipality in this state shall be (1)225 responsible for the prepare and adopt a plan providing for an 226 onsite inspection of each mobile home installation located within the jurisdiction of such entity. The onsite inspection 227 228 shall ensure compliance with the department's uniform 229 installation standards set forth in this chapter and in 230 department rules. state and local building codes, ordinances, 231 and regulations regarding such functions as blocking and 232 leveling, tie-downs, utility connections, conversions of 233 appliances, and external improvements on the mobile home. If a 234 mobile home is manufactured in conformity with the code, as 235 established in s. 320.823, a county may not require modification 236 of the mobile home in order to comply with local tie-down 237 regulations.

238 (2) When a county or municipality has not prepared and 239 adopted a plan providing for onsite inspection, the department 240 shall prepare a minimum onsite inspection plan for such county. 241 The department may promulgate reasonable rules and regulations 242 pursuant to chapter 120 in preparing and enforcing such a 243 minimum onsite inspection plan.

244 (2)(3) Each county or municipality may designate the
245 persons who are to perform the onsite inspection. If a county or
246 municipality does not so designate, the department shall
247 designate the persons who are to perform the onsite inspection.
248 <u>A No person may not shall</u> be designated to perform onsite
249 inspections unless <u>that such person is competent in the area</u>
250 areas of mobile home <u>installation</u>. <u>blocking and leveling</u>, tie-

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| 251 | downs, utility connections, conversions of appliances, and |
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| 252 | external improvements. Pursuant to the onsite inspection, each |
| 253 | mobile home shall be issued a certificate of occupancy if the |
| 254 | mobile home complies with state and local building codes, |
| 255 | ordinances, and regulations regarding such functions as blocking |
| 256 | and leveling, tie-downs, utility connections, conversion of |
| 257 | appliances, and external improvements to the mobile home. |
| 258 | (3) The county or municipality issuing a permit for the |
| 259 | installation of a mobile home shall issue such permit only to a |
| 260 | licensed mobile home installer or to a licensed mobile home |
| 261 | dealer or manufactured home owner if the dealer or owner |
| 262 | demonstrates on the face of the application that a licensed |
| 263 | installer will be performing the actual work. In the case of |
| 264 | issuance to an owner, the permit must reflect the name and the |
| 265 | license number of the licensed installer performing the work. |
| 266 | (4) Pursuant to the onsite inspection, each mobile home |
| 267 | shall be issued a certificate of occupancy if the mobile home |
| 268 | complies with department rules regarding the installation of |
| 269 | mobile homes. |
| 270 | (5) (4) Fees for onsite inspections and certificates of |
| 271 | occupancy of mobile homes shall be reasonable for the services |
| 272 | performed. A guideline for fee schedules shall be issued by the |
| 273 | department. |

274 (6)(5) The Department of Highway Safety and Motor Vehicles
 275 shall enforce every provision of this section and the <u>rules</u>
 276 regulations adopted pursuant hereto, except that local land use
 277 and zoning requirements, fire zones, building setback and side
 278 and rear yard requirements, site development and property line

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279 requirements, subdivision control, and onsite installation 280 inspection requirements, as well as review and regulation of architectural and aesthetic requirements, are hereby 281 282 specifically and entirely reserved to local jurisdictions. 283 However, any architectural or aesthetic requirement imposed on 284 the mobile home structure itself may pertain only to roofing and 285 siding materials. Such local requirements and regulations and others for manufactured homes must be reasonable, uniformly 286 applied, and enforced without distinctions as to whether such 287 housing is manufactured, located in a mobile home park or a 288 289 mobile home subdivision, or built in a conventional manner. No 290 local jurisdiction shall prohibit siting or resiting of used 291 mobile homes based solely on the date the unit was manufactured.

292 (7)(6) Park trailers are subject to inspection in the same 293 manner as are mobile homes pursuant to this section.

294 Section 7. Section 320.8325, Florida Statutes, is amended 295 to read:

296 320.8325 Mobile homes, manufactured homes, and park 297 trailers; <u>uniform</u> tie-down requirements; minimum installation 298 standards; injunctions; penalty.--

299 (1) The owner of a mobile home or park trailer shall 300 secure the mobile home or park trailer to the ground by the use of anchors and tie-downs so as to resist wind overturning and 301 sliding. However, nothing herein shall be construed as requiring 302 that anchors and tie-downs be installed to secure mobile homes 303 304 or park trailers which are permanently attached to a permanent 305 structure. A permanent structure shall have a foundation and 306 such other structural elements as are required pursuant to rules

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| 307 | and regulations promulgated by the department which assure the |
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| 308 | rigidity and stability of the mobile home or park trailer. |
| 309 | (a) A mobile home or park trailer manufactured in |
| 310 | accordance with the code standards and labeled "hurricane and |
| 311 | windstorm resistive shall be anchored to each anchor point |
| 312 | provided on the mobile home or park trailer. A mobile home or |
| 313 | park trailer which does not meet these standards must be |
| 314 | anchored with anchor points spaced as required by the department |
| 315 | starting at each end of the mobile home or park trailer. |
| 316 | (b) In addition, each mobile home or park trailer shall be |
| 317 | tied down by one of the following means: |
| 318 | 1. A mobile home or park trailer having built-in, over- |
| 319 | the-roof ties shall be secured by the tie-down points, provided |
| 320 | such built-in ties and points meet the standards promulgated by |
| 321 | the department. |
| 322 | 2. A mobile home or park trailer not having built-in, |
| 323 | over-the-roof ties and tie-down points which meet department |
| 324 | standards shall be secured in accordance with standards |
| 325 | promulgated by the department. |
| 326 | (1)(2) The department shall <u>adopt</u> promulgate rules and |
| 327 | regulations setting forth uniform standards for the installation |
| 328 | of mobile homes, manufactured homes, and park trailers and for |
| 329 | the manufacture of components, products, or systems used in the |
| 330 | installation of mobile homes, manufactured homes, and park |
| 331 | trailers. The rules shall ensure that the home or park trailer |
| 332 | is installed on a permanent foundation that resists wind, flood, |
| 333 | flotation, overturning, sliding, and lateral movement of the |
| 334 | home or park trailer. manufacture or installation of anchors, |
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| 335 | tie-downs, over-the-roof ties, or other reliable methods of |
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| 336 | securing mobile homes or park trailers when over-the-roof ties |
| 337 | are not suitable due to factors such as unreasonable cost, |
| 338 | design of the mobile home or park trailer, or potential damage |
| 339 | to the mobile home or park trailer. No entity, other than the |
| 340 | department, has authority to amend these uniform standards. <u>The</u> |
| 341 | owner of the mobile home, manufactured home, or park trailer |
| 342 | shall be responsible for the installation in accordance with |
| 343 | department rules. Such devices required under this section, when |
| 344 | properly installed, shall cause the mobile home or park trailer |
| 345 | to resist wind overturning and sliding. In promulgating such |
| 346 | rules and regulations, the department may make such |
| 347 | discriminations regarding mobile home or park trailer tie-down |
| 348 | requirements as are reasonable when factors such as age, |
| 349 | location, and practicality of tying down a mobile home or park |
| 350 | trailer are considered. |
| 351 | (2) (3) (a) Persons licensed in this state to engage in the |

business of insuring mobile homes, <u>manufactured homes</u>, or park trailers that are subject to the provisions of this section against damage from windstorm shall issue such insurance only if the mobile home, <u>manufactured home</u>, or park trailer has been <u>installed</u> anchored and tied down in accordance with the <u>requirements</u> provisions of this <u>chapter and department rules</u> section.

(b) <u>If</u> In the event that a mobile home, manufactured home,
or park trailer is insured against damage caused by windstorm
and subsequently sustains windstorm damage of a nature that
indicates that the mobile home, manufactured home, or park

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trailer was not <u>installed</u> anchored or tied down in the manner required by this <u>chapter and department rules</u> section, the person issuing the policy shall not be relieved from meeting the obligations specified in the insurance policy with respect to such damage on the basis that the mobile home or park trailer was not properly <u>installed</u> anchored or tied down.

369 (3) (4) Whenever a person or entity that who engages in the 370 business of manufactured housing installation or installing anchors, tie-downs, or over-the-roof ties or who engages in the 371 372 business of manufacturing components, products, or systems, 373 distributing, or dealing in such devices for use in this state 374 and does so in a manner that is not in accordance with the 375 uniform minimum standards set forth by the department, a person 376 or entity aggrieved thereby may bring an action in the 377 appropriate court for actual damages. In addition, the court may provide appropriate equitable relief, including the enjoining of 378 379 a violator from engaging in the business or from engaging in further violations. Whenever it is established to the 380 381 satisfaction of the court that a willful violation has occurred, the court shall award punitive damages to the aggrieved party. 382 383 The losing party may be liable for court costs and reasonable 384 attorney's fees incurred by the prevailing party.

385 <u>(4)(5)</u> In addition to other penalties provided in this 386 section, the department or the state attorneys and their 387 assistants are authorized to apply to the circuit courts within 388 their respective jurisdictions, and such courts shall have 389 jurisdiction, upon hearing and for cause shown, to grant 390 temporary or permanent injunctions restraining any person or

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391 entity persons engaging in the business of manufactured housing 392 installation or the manufacturing of components, products, or systems manufacturing, distributing, or dealing in anchors, tie-393 394 downs, or over-the-roof ties from installing homes or manufacturing or selling such components, products, or systems 395 396 devices in a manner not in accordance with the uniform minimum 397 standards set forth by the department or restraining any persons in the business of installing such components, products, or 398 399 systems anchors, tie-downs, or over-the-roof ties from using 400 utilizing devices that do not meet the uniform minimum standards 401 set forth by the department or from installing such components, 402 products, or systems devices in a manner not in accordance with 403 the uniform minimum standards set forth by the department, 404 whether or not there exists an adequate remedy at law, and such 405 injunctions shall issue without bond.

406 <u>(5)(6)</u> This section only applies <u>only</u> to a mobile home, 407 <u>manufactured home</u>, or park trailer that is being used as a 408 dwelling place and that is located on a particular location for 409 a period of time exceeding 14 days, for a mobile <u>or manufactured</u> 410 home, or 45 days, for a park trailer.

411 (6)(7) For the purposes of this section, the definitions
412 set forth in s. 320.822 apply.

413 Section 8. Section 320.834, Florida Statutes, is amended 414 to read:

415 320.834 Purpose.--It is the intent of the Legislature to 416 ensure the safety and welfare of residents of mobile homes 417 through an inspection program conducted by the Department of 418 Highway Safety and Motor Vehicles. Mobile homes are a primary

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419 affordable housing resource of many of the residents of the state and satisfy a large segment of statewide housing needs. It 420 is the further intent of the Legislature that the department, 421 422 mobile home dealers, and mobile home manufacturers continue to work together to meet the applicable code requirements for 423 424 mobile homes and that such dealers and manufacturers share the 425 responsibilities of warranting mobile homes in accordance with applicable codes and resolving legitimate consumer complaints in 426 427 a timely, efficient manner.

428 Section 9. Section 320.835, Florida Statutes, is amended 429 to read:

320.835 Mobile home and recreational vehicle 430 431 warranties.--Each manufacturer, dealer, installer, and supplier 432 of mobile homes or recreational vehicles shall warrant each new mobile home or recreational vehicle sold in this state and the 433 434 setup of each such mobile home, in accordance with the warranty 435 requirements prescribed by this section, for a period of at 436 least 12 months, measured from the date of delivery of the 437 mobile home to the buyer or the date of sale of the recreational vehicle in the case of a manufacturer or dealer, or from the 438 439 date of receipt of a certificate of occupancy in the case of an 440 installer. The warranty requirements of each manufacturer, dealer, installer, and supplier of mobile homes or recreational 441 vehicles are as follows: 442

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(1) The manufacturer warrants:

444 (a) For a mobile home or recreational vehicle, that all
445 structural elements; plumbing systems; heating, cooling, and
446 fuel-burning systems; electrical systems; fire prevention

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447 systems; and any other components or conditions included by the 448 manufacturer are free from substantial defect.

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

451

(2) The dealer warrants:

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

(b) That setup operations performed on the mobile home areperformed in compliance with s. 320.8325.

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

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

470 (3) The installer warrants that the setup operations
471 performed on the mobile home are performed in compliance with s.
472 320.8325 and department rules governing the installation.

473 (4)(3) The supplier warrants that any warranties generally 474 offered in the ordinary sale of his or her product to consumers

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475 shall be extended to buyers of mobile homes and recreational 476 vehicles. When no warranty is extended by suppliers, the 477 manufacturer shall assume warranty responsibility for that 478 component. 479 (5) The department may adopt rules under chapter 120 to 480 resolve disputes that may arise among the mobile home manufacturer, dealer, installer, or supplier. Those rules must 481 482 comply with the dispute resolution process as set forth in the 483 federal Manufactured Housing Improvement Act. 484 Section 10. Subsection (8) of section 215.559, Florida 485 Statutes, is amended to read: 486 215.559 Hurricane Loss Mitigation Program. --487 (8) This section is repealed June 30, 2011 2006. 488 Section 11. This act shall take effect upon becoming a 489 law.

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