

By Senator Alexander

17-561-05

1    A bill to be entitled  
 2    An act relating to mobile home and recreational  
 3    vehicle safety and sales; transferring all  
 4    powers, duties, responsibilities, functions,  
 5    personnel, property, and appropriations of the  
 6    Bureau of Mobile Home and Recreational Vehicle  
 7    Construction in the Department of Highway  
 8    Safety and Motor Vehicles to the Department of  
 9    Community Affairs; authorizing the Department  
 10    of Community Affairs and the Department of  
 11    Highway Safety and Motor Vehicles to enter into  
 12    agreements to effectuate such transfers;  
 13    transferring the mobile home portion of the  
 14    Mobile Home and Recreational Vehicle Protection  
 15    Trust Fund administered by the Department of  
 16    Highway Safety and Motor Vehicles into the  
 17    Operating Trust Fund of the Department of  
 18    Community Affairs; providing definitions;  
 19    requiring dealers in secondhand mobile homes to  
 20    apply for a certificate of title with the  
 21    Department of Highway Safety and Motor  
 22    Vehicles; requiring nonresident mobile home  
 23    dealers to apply for a certificate of title,  
 24    register with the Department of Revenue, and  
 25    pay a license tax; specifying the license term;  
 26    providing for distributing the tax proceeds;  
 27    providing for service of process on nonresident  
 28    mobile home dealers; prohibiting engaging in  
 29    business as a mobile home dealer without a  
 30    license from the Department of Community  
 31    Affairs; providing definitions; providing for

1 application and renewal of a mobile home dealer  
2 license; authorizing the Department of  
3 Community Affairs to prescribe an application  
4 form; providing for processing of an  
5 applicant's fingerprints by the Department of  
6 Law Enforcement and payment of associated  
7 costs; authorizing issuance of a revocable  
8 mobile home dealer license; authorizing  
9 investigation of an applicant; prohibiting  
10 issuance of a mobile home dealer license under  
11 certain conditions; establishing and providing  
12 for payment and deposit of application and  
13 renewal fees; providing for denial of a license  
14 application, including notice and hearing  
15 regarding a denial; providing terms of a mobile  
16 home dealer license; providing for issuance of  
17 a license certificate; requiring the licensee  
18 to pay certain fees and costs; providing for  
19 distributing fees and costs paid by applicants  
20 and licensees; authorizing the Department of  
21 Community Affairs to set training requirements  
22 for mobile home dealers; requiring an applicant  
23 to verify compliance with training  
24 requirements; providing for issuance of a  
25 supplemental license to a mobile home dealer  
26 licensee; providing for supplemental mobile  
27 home dealer licenses; requiring recordkeeping  
28 by a licensee; requiring that a licensee retain  
29 evidence of title of certain mobile homes;  
30 authorizing rulemaking by the Department of  
31 Community Affairs regarding licensing and

1 mobile home installation; requiring that a  
2 licensee comply with criteria for installing  
3 mobile homes; requiring a mobile home dealer  
4 licensee to place a deposit in escrow;  
5 providing a criminal penalty; authorizing the  
6 Department of Community Affairs to seek  
7 judicial enjoinder of unauthorized action by a  
8 mobile home dealer; authorizing suspension,  
9 denial, or revocation of a mobile home dealer  
10 license; authorizing administrative fines  
11 against a licensee and providing for a hearing;  
12 requiring that an applicant for a mobile home  
13 dealer license provide a bond for the benefit  
14 of certain retail customer claimants;  
15 specifying the amount, terms, and conditions of  
16 the bond; requiring notice to the surety  
17 company of license denial, suspension, or  
18 revocation; requiring a surety company to  
19 notify the Department of Community Affairs of  
20 payment of a claim against the bond or  
21 cancellation of the bond; authorizing the  
22 Department of Community Affairs to charge  
23 certain fees for mobile home dealer or  
24 manufacturer licensure; providing for use of  
25 such fees and other mobile home fees collected  
26 by the Department of Highway Safety and Motor  
27 Vehicles to compensate certain claimants;  
28 limiting use of such fees; providing for  
29 application for such compensation; authorizing  
30 the Department of Community Affairs to require  
31 documentation of a claim; establishing

1 |           procedures and terms for claim processing and  
2 |           payment; authorizing the Department of  
3 |           Community Affairs to seek recovery of claim  
4 |           payments rendered and reimbursement of  
5 |           attorney's fees to secure such recovery;  
6 |           requiring maintenance of a log of qualified  
7 |           claimants; specifying the order of payment of  
8 |           claims; providing criminal penalties for false  
9 |           or misleading statements; providing  
10 |          definitions; prohibiting engaging in business  
11 |          as a mobile home manufacturer without a license  
12 |          from the Department of Community Affairs;  
13 |          providing for license application and renewal;  
14 |          authorizing the Department of Community Affairs  
15 |          to prescribe application forms; establishing  
16 |          and providing for payment and deposit of  
17 |          license application and renewal fees; providing  
18 |          for service of process to a nonresident  
19 |          applicant; requiring a mobile home manufacturer  
20 |          to provide a bond or other financial assurance  
21 |          for the benefit of certain retail customers;  
22 |          requiring rulemaking by the Department of  
23 |          Community Affairs regarding assurance of  
24 |          satisfaction of claims; requiring notice to the  
25 |          surety company of license denial, suspension,  
26 |          or revocation; requiring a surety company to  
27 |          notify the Department of Community Affairs of  
28 |          payment of a claim against, or cancellation of,  
29 |          a licensee's bond; establishing the license  
30 |          term; authorizing denial of an application for  
31 |          a mobile home manufacturer's license;

1 authorizing revocation, suspension, or  
2 reinstatement of a mobile home manufacturer's  
3 license; authorizing civil penalties; requiring  
4 certain mobile homes to meet federal and state  
5 construction and safety standards; authorizing  
6 the Department of Community Affairs to adopt  
7 certain mobile home construction and safety  
8 standards; establishing criteria for the mobile  
9 home repair and remodeling code; authorizing  
10 administration, enforcement, and rulemaking by  
11 the Department of Community Affairs;  
12 authorizing entry into a mobile home  
13 manufacturing establishment to ascertain  
14 compliance with the act; prohibiting certain  
15 alterations to mobile homes by a licensed  
16 dealer; shifting warranty responsibility to a  
17 mobile home dealer who performs prohibited  
18 alternations; authorizing a manufacturer to  
19 recover from the dealer when warranty  
20 responsibility shifts; providing that a  
21 warranty is void if a mobile home owner  
22 undertakes certain alterations; requiring  
23 notice that the warranty will be voided;  
24 providing for designation or certification of a  
25 person authorized to perform mobile home  
26 alterations; authorizing rulemaking by the  
27 Department of Community Affairs regarding  
28 authorized and unauthorized alternation of  
29 mobile homes, including certification fees;  
30 requiring the Department of Community Affairs  
31 to determine the adequacy of local standards

1 authorizing a person to alter mobile homes;  
2 providing criteria for the department's  
3 determination; requiring a license from the  
4 Department of Community Affairs to install a  
5 mobile home; providing application and license  
6 fees for mobile home installers; requiring  
7 annual license renewal; authorizing the  
8 Department of Community Affairs to adopt rules  
9 establishing an application fee for mobile home  
10 installers; establishing licensing criteria for  
11 mobile home installers; requiring a performance  
12 bond, insurance, training, and passage of an  
13 exam approved by the Department of Community  
14 Affairs; authorizing the department to charge  
15 an examination fee to mobile home installers;  
16 authorizing recourse by a licensed dealer or  
17 manufacturer against a mobile home installer's  
18 performance bond; authorizing actions by an  
19 employee of a licensed mobile home installer;  
20 establishing supervisory responsibility of a  
21 licensed installer; prohibiting an unlicensed  
22 person from claiming licensure as a mobile home  
23 installer; providing a criminal penalty;  
24 prohibiting certain activities by a licensee or  
25 a license applicant; authorizing imposition of  
26 penalties by the Department of Community  
27 Affairs, including fines and license denial,  
28 suspension, or revocation; providing for state  
29 preemption of mobile home installer regulation;  
30 authorizing a local occupational license fee;  
31 providing for an installation decal; requiring

1 a licensee to maintain a log; prohibiting  
2 certain activities by installers; providing for  
3 the use of fees received by the department;  
4 prohibiting the manufacture of mobile home  
5 installation items that are not certified by  
6 the Department of Community Affairs; providing  
7 for department certification of mobile home  
8 installation items; providing for suspension or  
9 revocation of certification; delaying  
10 application of the certification requirement;  
11 requiring new mobile home construction to be  
12 inspected by the Department of Community  
13 Affairs; requiring the department to develop  
14 inspection procedures; authorizing rulemaking  
15 by the department regarding mobile home  
16 inspection; authorizing unannounced visits to  
17 mobile home manufacturing plants; requiring  
18 mobile home manufacturers and dealers to pay an  
19 inspection fee; authorizing inspections;  
20 requiring the department to determine  
21 inspection and label fees; providing for use of  
22 fees; prohibiting the sale of a new mobile home  
23 by a dealer without a label from the Department  
24 of Community Affairs and a certification of  
25 code compliance by the manufacturer;  
26 establishing a presumption that a mobile home  
27 having a label complies with local construction  
28 law; prohibiting the alteration of a mobile  
29 home having a label; providing for issuance of  
30 labels by the department; providing for  
31 certification by a manufacturer; prohibiting

1 the manufacture of a mobile home without a  
2 label and certification; authorizing the  
3 department to prescribe the manner of label  
4 display; requiring counties and municipalities  
5 to inspect the installation of mobile homes;  
6 authorizing the Department of Community Affairs  
7 to designate an installation inspector when a  
8 county or municipality does not; requiring that  
9 only competent inspectors be designated;  
10 providing for issuance of a permit for the  
11 installation of mobile homes by a county or  
12 municipality; providing for issuance of a  
13 certificate of occupancy for an inspected  
14 mobile home; providing for inspection fees;  
15 authorizing the department to issue a guideline  
16 for the fee schedule; requiring enforcement by  
17 the department; prescribing regulatory  
18 authority of county and municipal governments  
19 over mobile homes; providing a civil penalty  
20 for a violation of the National Mobile Home  
21 Construction and Safety Standards Act;  
22 providing a criminal penalty for certain  
23 violations of that federal act; providing a  
24 criminal penalty for a manufacturer, dealer, or  
25 inspector for certain violations; preserving  
26 the validity of ch. 527, F.S., relating to  
27 liquefied petroleum gas; authorizing the  
28 Department of Community Affairs to establish  
29 uniform standards by rule for mobile home  
30 installation and for the manufacture of items  
31 used in the installation of mobile homes;



1 providing requirements for installation;  
2 prohibiting alteration of the uniform standards  
3 set by the department by other entities;  
4 requiring a mobile home owner to comply with  
5 the installation rules; limiting the mobile  
6 homes for which a licensed insurer may issue  
7 windstorm damage insurance; prohibiting denial  
8 of insurance coverage in certain circumstances  
9 involving damage to an improperly installed  
10 mobile home; authorizing a civil action by an  
11 aggrieved person against a person that fails to  
12 meet the uniform standards; providing for  
13 costs, damages, and injunctive relief;  
14 authorizing the department or the state  
15 attorneys to pursue injunctive relief, without  
16 a bond and regardless of the adequacy of other  
17 remedies, against a person that fails to meet  
18 uniform standards; limiting application to  
19 certain mobile home installations; providing  
20 definitions; providing for retention, disposal,  
21 and reproduction of records by the Department  
22 of Community Affairs; providing for treatment  
23 of reproductions as originals in determining  
24 admissibility of evidence; requiring a person  
25 who engages in the trade of selling mobile  
26 homes to make disclosures to a buyer or in an  
27 advertisement regarding the manner used to  
28 determine the length of a mobile home;  
29 providing legislative intent relating to mobile  
30 homes; providing for warranties required of a  
31 new mobile home dealer, installer, or component

1 supplier; authorizing the Department of  
2 Community Affairs to establish rules regarding  
3 resolution of disputes among the mobile home  
4 manufacturer, dealer, installer, or component  
5 supplier; providing for presentation of and  
6 response to a warranty claim; authorizing the  
7 transfer of responsibility to remedy a mobile  
8 home defect covered by warranty among mobile  
9 home manufacturers, dealers, or suppliers;  
10 requiring the warrantor to compensate certain  
11 persons who remedy a defect covered by a  
12 warranty; prohibiting coercion to secure  
13 performance of warranty service; authorizing a  
14 civil action to enforce a warranty claim;  
15 authorizing award of damages, including  
16 punitive damages, and costs, including  
17 attorney's fees; prohibiting the waiver of  
18 rights conferred by a warranty; providing that  
19 the warranty is in addition to and not in  
20 derogation of other applicable rights;  
21 providing for liquidated damages due to the  
22 retail seller of a mobile home when the buyer  
23 fails to accept delivery; providing for  
24 inspection of records of a licensed mobile home  
25 manufacturer or dealer by the Department of  
26 Community Affairs relating to a written  
27 complaint against the licensee; authorizing the  
28 department to compel production of documents  
29 and, through subpoena, attendance of witnesses  
30 relating to the disposition of a written  
31 complaint against a licensed manufacturer or

1 dealer; providing for denial, suspension, or  
2 revocation of a license or an application for a  
3 license; providing for a licensee's  
4 responsibility for actions of its employees;  
5 providing requirements regarding maintenance of  
6 electronic records regarding licensees by the  
7 Department of Community Affairs; authorizing  
8 the Department of Community Affairs to accept  
9 an application by electronic or telephonic  
10 means; amending s. 20.18, F.S.; providing a  
11 mission statement for the Department of  
12 Community Affairs with respect to the  
13 regulation of mobile homes; amending ss.  
14 205.193, 319.001, 320.131, 320.27, 320.28, and  
15 320.71, F.S.; conforming provisions to changes  
16 made by the act; repealing s. 320.77, F.S.,  
17 relating to mobile home dealer licenses;  
18 amending ss. 320.771, 320.781, 320.822, and  
19 320.8225, F.S., conforming provisions to  
20 changes made by the act; repealing s. 320.823,  
21 F.S., relating to mobile home construction and  
22 safety standards; amending ss. 320.8232,  
23 320.824, and 320.8245, F.S.; conforming  
24 provisions to changes made by the act;  
25 repealing s. 320.8249, F.S., relating to mobile  
26 home installation licensure; repealing s.  
27 320.8251, F.S., relating to mobile home  
28 installation products; repealing s. 320.8255,  
29 F.S., relating to mobile home inspection;  
30 repealing s. 320.827, relating to mobile home  
31 labeling and certification; amending s.

1 320.8285, F.S.; conforming provisions to  
2 changes made by the act; repealing s. 320.830,  
3 relating to reciprocity with other states that  
4 have mobile home laws; amending ss. 320.831 and  
5 320.8325, F.S.; conforming provisions to  
6 changes made by the act; repealing s. 320.8335,  
7 F.S., relating to disclosure of the manner used  
8 in determining the length of mobile homes;  
9 repealing s. 320.834, F.S.; relating to  
10 legislative intent; amending s. 320.835, F.S.;  
11 conforming provisions to changes made by the  
12 act; repealing s. 320.840, F.S., relating to  
13 liquidated damages when a mobile home buyer  
14 refuses to accept delivery of a mobile home;  
15 amending ss. 320.865, 553.415, 627.351, and  
16 1013.37, F.S.; conforming provisions to changes  
17 made by the act; providing an effective date.  
18

19 Be It Enacted by the Legislature of the State of Florida:  
20

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

1 entities relating to regulation and administration of mobile  
2 homes, are transferred to the Department of Community Affairs.

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

10 Section 2. The portion of the Mobile Home and  
11 Recreational Vehicle Protection Trust Fund created under  
12 section 320.781, Florida Statutes, relating to mobile homes is  
13 transferred to the Operating Trust Fund of the Department of  
14 Community Affairs to be administered and managed by the  
15 Department of Community Affairs pursuant to section 7 of this  
16 act.

17 Section 3. Definitions.--As used in sections 1 through  
18 35 of this act, the term:

19 (1) "Department" means the Department of Community  
20 Affairs.

21 (2) "Mobile home" means a structure, transportable in  
22 one or more sections, which is 8 body feet or more in width  
23 and which is built on an integral chassis and designed to be  
24 used as a dwelling when connected to the required utilities  
25 and includes the plumbing, heating, air-conditioning, and  
26 electrical systems contained therein.

27 (3) "Manufactured home" means a mobile home fabricated  
28 on or after June 15, 1976, in an offsite manufacturing  
29 facility for installation or assembly at the building site,  
30 with each section bearing a seal certifying that it is built  
31

1 in compliance with the federal Manufactured Home Construction  
2 and Safety Standard Act.

3 (4) "Nonresident" means a person who is not a  
4 resident.

5 (5) "Owner" means any person, firm, corporation, or  
6 association controlling any mobile home or manufactured home  
7 by right of purchase, gift, lease, or otherwise.

8 (6) "Person" means and includes natural persons,  
9 corporations, copartnerships, firms, companies, agencies, or  
10 associations, singular or plural.

11 (7) "Resident" means a person who has his or her  
12 principal place of domicile in this state for a period of more  
13 than 6 consecutive months, who has registered to vote in this  
14 state, who has made a statement of domicile pursuant to  
15 section 222.17, Florida Statutes, or who has filed for  
16 homestead tax exemption on property in this state.

17 Section 4. Nonresident dealers in secondhand mobile  
18 homes.--Each dealer in used or secondhand mobile homes who is  
19 a nonresident, does not have a permanent place of business in  
20 this state, and has not qualified as a dealer under section 6  
21 of this act and any person other than a dealer qualified under  
22 section 6 of this act, who brings any used or secondhand  
23 mobile home into the state for the purpose of sale, except to  
24 a dealer licensed under section 6 of this act, shall, at least  
25 10 days before the sale of such mobile home, the offering of  
26 such mobile home for sale, or the advertising of such mobile  
27 home for sale, make and file with the Department of Highway  
28 Safety and Motor Vehicles the official application for a  
29 certificate of title for such mobile home as provided by law.  
30 Any person who has had one or more transactions involving the  
31 sale of three or more used or secondhand mobile homes in this

1 state during any 12-month period shall be deemed to be a  
2 secondhand dealer in mobile homes.

3 Section 5. Nonresident mobile home dealer's license.--

4 (1) A nonresident who does not have a dealer's  
5 contract with a manufacturer of mobile homes or with the  
6 distributor of a manufacturer of mobile homes which authorizes  
7 the sale of mobile homes in a definite Florida territory, and  
8 who sells or engages in the business of selling mobile homes  
9 at retail within the state, shall register with the Department  
10 of Revenue for a sales tax dealer registration number, comply  
11 with chapter 212, Florida Statutes, and pay a license tax of  
12 \$2,000 per annum in each county where such sales are made;  
13 \$1,250 of said tax shall be transmitted to the Department of  
14 Banking and Finance to be deposited in the department's  
15 Operating Trust Fund of the state, and \$750 thereof shall be  
16 returned to the county. The license tax shall cover the  
17 period from January 1 to the following December 31, and no  
18 such license shall be issued for any fractional part of a  
19 year.

20 (2) The acceptance by a person of a license under this  
21 section is equivalent to an appointment by such person of the  
22 Secretary of State as the agent of such person upon whom may  
23 be served all lawful process in any action, suit, or  
24 proceeding against such person arising out of any transaction  
25 or operation connected with or incidental to any activities of  
26 such person carried on under such license and the acceptance  
27 of such license shall be signification of the agreement by  
28 such person that any process against the person which is so  
29 served shall be of the same legal force and validity as if  
30 served personally on him or her. Service of such process  
31 shall be in accordance with and in the same manner as now

1 provided for service of process upon nonresidents under  
2 chapter 48, Florida Statutes.

3 Section 6. License required of mobile home  
4 dealers.--

5 (1) DEFINITIONS.--As used in this section, the term:

6 (a) "Dealer" means any person engaged in the business  
7 of buying, selling, or dealing in mobile homes or offering or  
8 displaying mobile homes for sale. The term "dealer" includes a  
9 mobile home broker. Any person who buys, sells, deals in, or  
10 offers or displays for sale, or who acts as the agent for the  
11 sale of, one or more mobile homes in any 12-month period shall  
12 be prima facie presumed to be a dealer. The terms "selling"  
13 and "sale" include lease-purchase transactions. The term  
14 "dealer" does not include banks, credit unions, and finance  
15 companies that acquire mobile homes as an incident to their  
16 regular business and does not include mobile home rental and  
17 leasing companies that sell mobile homes to dealers licensed  
18 under this section. A licensed dealer may transact business in  
19 recreational vehicles, as those units are defined in section  
20 320.01(1)(b), Florida Statutes, with a motor vehicle auction  
21 as defined in section 320.27(1)(c)4., Florida Statutes. Any  
22 licensed dealer dealing exclusively in mobile homes shall not  
23 have benefit of the privilege of 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 that is  
31



1 for sale or who assists or represents the seller in finding a  
2 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 department and subject  
9 to rules adopted by the department. The application shall be  
10 verified by oath or affirmation and shall contain:

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

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

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

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

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

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

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

30 (h) Certification by the applicant that the location  
31 is a permanent one, not a tent or a temporary stand or other

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

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

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

1 set forth in the application is not true or correctly  
2 represented.

3  
4 The department shall, if it deems necessary, cause an  
5 investigation to be made to ascertain if the statements set  
6 forth in the application are true and may not issue a license  
7 to the applicant until it is satisfied that such statements  
8 are true.

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

18       (5) DENIAL OF LICENSE.--The department may deny any  
19 applicant a license on the ground that:

20           (a) The applicant made a material misstatement in his  
21 or her application for a license.

22           (b) The applicant failed to comply with any applicable  
23 provision of sections 3 through 33 of this act or chapter 320,  
24 Florida Statutes.

25           (c) The applicant failed to provide warranty service.

26           (d) The applicant or one or more of his or her  
27 principals or agents violated any law, rule, or regulation  
28 relating to the sale of mobile homes.

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

31

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

4           (g) The applicant or licensee violated the National  
5 Mobile Home Construction and Safety Standards Act of 1974 or  
6 any rule or regulation of the Department of Housing and Urban  
7 Development promulgated thereunder.

8  
9 Upon denial of a license, the department shall notify the  
10 applicant within 10 days, stating in writing its grounds for  
11 denial. The applicant is entitled to a public hearing and may  
12 request that such hearing be held within 45 days after denial  
13 of the license. All proceedings shall be pursuant to chapter  
14 120, Florida Statutes.

15           (6) LICENSE CERTIFICATE.--A license certificate shall  
16 be issued by the department in accordance with the application  
17 when the same is regular in form and in compliance with this  
18 section. The license certificate may be in the form of a  
19 document or a computerized card as determined by the  
20 department. The cost of each original, additional, or  
21 replacement computerized card shall be borne by the licensee  
22 and is in addition to the fee for licensure. The fees charged  
23 applicants for both the required background investigation and  
24 the computerized card as provided in this section shall be  
25 deposited into the Department of Community Affairs Operating  
26 Trust Fund. The license, when so issued, entitles the licensee  
27 to carry on and conduct the business of a mobile home dealer  
28 at the location set forth in the license for a period of 1  
29 year from October 1 preceding the date of issuance. Each  
30 initial application received by the department shall be  
31 accompanied by verification that, within the preceding 6

1 months, the applicant or one or more of his or her designated  
2 employees has attended a training and information seminar  
3 conducted by the department or by a public or private provider  
4 approved by the department. Such seminar shall include, but  
5 not be limited to, statutory dealer requirements that include  
6 required bookkeeping and recording procedures, requirements  
7 for the collection of sales and use taxes, and such other  
8 information that in the opinion of the department will promote  
9 good business practices.

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

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

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

28 (b) The description of each such mobile home,  
29 including the identification or serial number and such other  
30 numbers or identification marks as may be thereon, and a  
31

1 statement that a number has been obliterated, defaced, or  
2 changed, if such fact is apparent; and

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

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

15 (10) SETUP OPERATIONS.--Each licensee may perform  
16 setup operations only as defined in section 8 of this act, and  
17 the department shall provide by rule for the uniform  
18 application of all existing statutory provisions relating to  
19 licensing and setup operations.

20 (11) ESCROW.--When a licensed mobile home dealer sells  
21 a mobile home to a purchaser under a contract that requires  
22 the purchaser to deliver deposit money to the licensee which  
23 is to be applied to the purchase price upon delivery of the  
24 mobile home to the purchaser, the licensee shall ensure,  
25 immediately upon receipt of such deposit, that such deposit is  
26 placed in escrow with a title company, banking institution,  
27 credit union, or savings and loan association located and  
28 doing business in this state.

29 (12) PENALTY.--A violation of this section is a  
30 misdemeanor of the second degree, punishable as provided in  
31 section 775.082 or section 775.083, Florida Statutes.

1           (13) INJUNCTION.--In addition to the other remedies  
2 that may be available, and notwithstanding the existence of  
3 any adequate remedy at law, the department may apply to any  
4 circuit court of the state, and the circuit court shall have  
5 jurisdiction, upon a hearing and for cause shown, to grant a  
6 temporary or permanent injunction restraining any person from  
7 acting as a mobile home dealer under the terms of this section  
8 who is not properly licensed or who violates chapter 319 or  
9 chapter 320, Florida Statutes, sections 3 through 35 of this  
10 act, or a rule adopted thereunder. Such injunction shall be  
11 issued without bond. A single act in violation of chapter 319  
12 or chapter 320, Florida Statutes, or sections 3 through 35 of  
13 this act, is sufficient to authorize the issuance of an  
14 injunction.

15           (14) DENIAL, SUSPENSION, OR REVOCATION.--

16           (a) The department shall, as it deems necessary,  
17 suspend or revoke any license issued under this section upon a  
18 finding that the licensee violated this section or any other  
19 law of this state having to do with dealing in mobile homes or  
20 perpetrated a fraud upon any person as a result of such  
21 dealing in mobile homes.

22           (b) The department may deny, suspend, or revoke a  
23 mobile home dealer license if the applicant or licensee has  
24 been convicted of a felony, committed a fraud or willful  
25 misrepresentation in application for or in obtaining a  
26 license, or committed, with sufficient frequency so as to  
27 establish a pattern of wrongdoing on the part of a licensee,  
28 one or more of the following activities:

29           1. Failure to apply for transfer of a title as  
30 prescribed in section 319.23(6), Florida Statutes.  
31

1           2. Use of the dealer license identification number by  
2 any person other than the licensed dealer or his or her  
3 designee.

4           3. Failure to continually meet the requirements of the  
5 licensure law.

6           4. Willful failure to comply with a rule of the  
7 Department of Highway Safety and Motor Vehicles or a rule  
8 adopted by the department pursuant to this act.

9           5. Violation of chapter 319, chapter 320, sections  
10 559.901-559.9221, Florida Statutes, or sections 3-35 of this  
11 act.

12           (15) ADMINISTRATIVE FINES.--The department may assess,  
13 impose, levy, and collect by legal process fines, in an amount  
14 not to exceed \$1,000 for each violation, against any licensee  
15 if it finds that a licensee has violated this section or any  
16 other law of this state having to do with dealing in motor  
17 vehicles. A licensee is entitled to a hearing pursuant to  
18 chapter 120, Florida Statutes, if the licensee wishes to  
19 contest the fine levied, or about to be levied, upon him or  
20 her.

21           (16) BOND.--

22           (a) Before any license shall be issued or renewed, the  
23 applicant shall deliver to the department a good and  
24 sufficient surety bond, executed by the applicant as principal  
25 and by a surety company qualified to do business in the state  
26 as surety. The bond shall be in a form to be approved by the  
27 department and shall be conditioned upon the dealer's  
28 complying with any written contract made by the dealer in  
29 connection with the sale, exchange, or improvement of a mobile  
30 home and with chapter 319 or chapter 320, Florida Statutes,  
31 and sections 3 through 35 of this act in the conduct of the



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

11 1. A single dealer who buys, sells, or deals in mobile  
12 homes and who has four or fewer supplemental licenses shall  
13 provide a surety bond in the amount of \$100,000.

14 2. A single dealer who buys, sells, or deals in mobile  
15 homes and who has more than four supplemental licenses shall  
16 provide a surety bond in the amount of \$200,000.

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

22 (c) Any surety company that pays any claim against the  
23 bond of any licensee shall notify the department, in writing,  
24 that it has paid such a claim and shall state the amount of  
25 the claim.

26 (d) Any surety company that cancels the bond of any  
27 licensee shall notify the department, in writing, of such  
28 cancellation, giving reason for the cancellation.

29 Section 7. Claims against mobile home dealers.--

30 (1) The expenses incurred by the department to  
31 administer this section shall be paid only from appropriations

1 made from the department's operating trust fund from moneys  
2 deposited into such fund pursuant to section 320.781, Florida  
3 Statutes, or this section.

4 (2) The department shall charge a fee of \$40 per  
5 annual dealer and manufacturer license and license renewal,  
6 which shall be deposited into the department's operating trust  
7 fund. The sums deposited into such fund pursuant to section  
8 320.781, Florida Statutes, or this section shall be used  
9 exclusively for carrying out the purposes of this section.

10 These sums may be invested and reinvested by the Chief  
11 Financial Officer under the same limitations as apply to  
12 investment of other state moneys, with all interest from these  
13 investments deposited to the credit of such fund.

14 (3) Moneys deposited into the department's operating  
15 trust fund under section 320.781, Florida Statutes, or this  
16 section shall be used to satisfy any judgment secured by any  
17 person, as provided by this section, against a mobile home  
18 dealer for damages, restitution, or expenses, including  
19 reasonable attorney's fees, resulting from a cause of action  
20 directly related to the conditions of any written contract  
21 made by him or her in connection with the sale, exchange, or  
22 improvement of any mobile home, or for any violation of  
23 chapter 319 or chapter 320, Florida Statutes, or sections 3  
24 through 35 of this act.

25 (4) The department's operating trust fund is not  
26 liable for any judgment, or part thereof, resulting from any  
27 tort claim, except as expressly provided in subsection (3),  
28 and is not liable for any punitive, exemplary, double, or  
29 treble damages. A person, the state, or any political  
30 subdivision thereof may recover against the mobile home dealer  
31 or surety, jointly and severally, for such damages,

1 restitution, or expenses; however, such fund or the surety is  
2 not liable for an amount in excess of actual damages,  
3 restitution, or expenses.

4 (5) Subject to the limitations and requirements of  
5 this section, moneys deposited into the department's operating  
6 trust fund under section 320.781, Florida Statutes, or this  
7 section shall be used by the department to compensate persons  
8 who have unsatisfied judgments, or in certain limited  
9 circumstances unsatisfied claims, against a mobile home dealer  
10 in one of the following situations:

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

17 (b) The claimant has obtained a judgment against the  
18 surety of the mobile home dealer which is unsatisfied.

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

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

31

1           (a) If the claimant has obtained a judgment that is  
2 unsatisfied against the mobile home dealer or its surety as  
3 set forth in this section, the verified claim must specify the  
4 following:

5           1.a. That the judgment against the mobile home dealer  
6 and its surety has been entered; or

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

11           2. The amount of actual damages broken down by  
12 category as awarded by the court or jury in the cause that  
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 dealer or its surety;

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

24           5. Such other information as the department requires.

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

29           1. A true copy of the pleadings in the lawsuit that  
30 was stayed or discharged by the bankruptcy court and the order  
31 of the bankruptcy court staying those proceedings;

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

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

12           4. Such other information as the department requires.

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

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

1       (8) The department, in its discretion and where  
2 feasible, may recover from the mobile home dealer, or the  
3 judgment debtor or its surety, all sums paid to persons from  
4 the department's operating trust fund under section 320.781,  
5 Florida Statutes, or this section. Any sums recovered shall  
6 be deposited to the credit of such fund. The department shall  
7 be awarded a reasonable attorney's fee for all actions taken  
8 to recover any sums paid to persons from such fund pursuant to  
9 this section.

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

16       (10) Neither the department, nor the department's  
17 operating trust fund, shall be liable to any person for  
18 recovery if such fund, from moneys deposited into the fund  
19 under section 320.781, Florida Statutes, or this section, does  
20 not have the moneys necessary to pay amounts claimed. If the  
21 fund does not have sufficient assets to pay the claimant, it  
22 shall log the time and date of its determination for payment  
23 to a claimant. If moneys become available pursuant this  
24 section, the department shall pay the claimant whose unpaid  
25 claim is the earliest by time and date of determination.

26       (11) A person or his or her agent may not file any  
27 notice, statement, or other document required under this  
28 section which is false or contains a material misstatement of  
29 fact. Any person who violates this subsection commits a  
30 misdemeanor of the second degree, punishable as provided in s.  
31 775.082 or s. 775.083, Florida Statutes.

1           Section 8. Definitions.--As used in sections 8 through  
2 35 of this act, the term:

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

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

7           (a) The Federal Manufactured Housing Construction and  
8 Safety Standards for single-family mobile homes, adopted by  
9 the Department of Housing and Urban Development; or

10          (b) The Mobile Home Repair and Remodeling Code.

11          (3) "Construction" means the minimum requirements for  
12 materials, products, equipment, and workmanship needed to  
13 ensure that the mobile home will provide structural strength  
14 and rigidity; protection against corrosion, decay, and other  
15 similar destructive forces; resistance to the elements; and  
16 durability and economy of maintenance.

17          (4) "Institute" means the American National Standards  
18 Institute.

19          (5) "Length," for purposes of transportation only,  
20 means the distance from the extreme front of the mobile home  
21 to the extreme rear, including the drawbar and coupling  
22 mechanism, but not including expandable features that do not  
23 project from the body during transportation.

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

31

1       (7) "Licensee" means any person licensed or required  
2 to be licensed under section 9 of this act.

3       (8) "Mobile home dealer" means any person engaged in  
4 the business of buying, selling, or dealing in mobile homes or  
5 offering or displaying mobile homes for sale. Any person who  
6 buys, sells, or deals in one or more mobile homes in any  
7 12-month period or who offers or displays for sale one or more  
8 mobile homes in any 12-month period shall be prima facie  
9 presumed to be engaged in the business of a mobile home  
10 dealer. The terms "selling" and "sale" include lease-purchase  
11 transactions. The term "mobile home dealer" excludes a bank,  
12 credit union, or finance company that acquires mobile homes as  
13 an incident to its regular business, a mobile home rental or  
14 leasing company that sells mobile homes to mobile home dealers  
15 licensed under section 6 of this act, and persons who are  
16 selling their own mobile homes.

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

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

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

26       (12) "Setup" or "installation" means the operations  
27 performed at the occupancy site which render a mobile home fit  
28 for habitation. Such operations include, but are not limited  
29 to, transporting, positioning, blocking, leveling, supporting,  
30 tying down, connecting utility systems, making minor  
31 adjustments, or assembling multiple or expandable units.



1           (13) "Substantial defect" means:

2           (a) Any substantial deficiency or defect in materials  
3 or workmanship occurring to a mobile home that has been  
4 reasonably maintained and cared for in normal use.

5           (b) Any structural element, utility system, or  
6 component of the mobile home, which fails to comply with the  
7 code.

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

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

20           Section 9. Mobile home manufacturer's license.--

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

29           (2) APPLICATION.--The application for a license must  
30 be in the form prescribed by the department and contain  
31 sufficient information to disclose the identity, location, and

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

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

20 (4) NONRESIDENT.--Any person applying for a license  
21 who is not a resident of this state must designate an agent  
22 for service of process pursuant to section 48.181, Florida  
23 Statutes.

24 (5) REQUIREMENT OF ASSURANCE.--

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

1 of this section. The amount of the surety bond, cash bond, or  
2 letter of credit shall be \$100,000. Only one surety bond, cash  
3 bond, or letter of credit is required for each manufacturer,  
4 regardless of the number of factory locations. The surety  
5 bond, cash bond, or letter of credit shall be to the  
6 department, in favor of any retail customer who suffers loss  
7 arising out of noncompliance with code standards or failure to  
8 honor or provide warranty service. The department may  
9 disapprove any bond or letter of credit that does not provide  
10 assurance as specified in this section.

11 (b) The department shall adopt rules pursuant to  
12 chapter 120, Florida Statutes, consistent with this section in  
13 providing assurance of satisfaction of claims.

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

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

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

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

30 (7) DENIAL OF LICENSE.--The department may deny a  
31 mobile home manufacturer's license on the ground that:

1       (a) The applicant made a material misstatement in the  
2 application for a license.

3       (b) The applicant failed to comply with chapter 320,  
4 Florida Statutes, or sections 8 through 35 of this act.

5       (c) The applicant failed to provide warranty service.

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

9       (e) The department has proof of unfitness of the  
10 applicant.

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

14       (g) The applicant or licensee violated the National  
15 Mobile Home Construction and Safety Standards Act of 1974 or  
16 any regulation of Department of Housing and Urban Development  
17 promulgated thereunder.

18  
19 Upon denial of a license, the department shall notify the  
20 applicant within 10 days, stating in writing its grounds for  
21 denial. The applicant is entitled to a public hearing and may  
22 request that such hearing be held within 45 days after denial  
23 of the license. All proceedings shall be pursuant to chapter  
24 120, Florida Statutes.

25       (8) REVOCATION OR SUSPENSION OF LICENSE.--The  
26 department shall suspend or, in the case of a subsequent  
27 offense, shall revoke any license upon a finding that the  
28 licensee violated chapter 320, Florida Statutes, sections 8  
29 through 35 of this act or any other law of this state  
30 regarding the manufacture, warranty, or sale of mobile homes.  
31 When any license has been revoked or suspended by the

1 department, it may be reinstated if the department finds that  
2 the former licensee has complied with chapter 320, Florida  
3 Statutes, and sections 8 through 35 of this act and an  
4 application for a license is refiled pursuant to this section.

5 (9) CIVIL PENALTIES, PROCEDURE.--The department may  
6 assess, impose, levy, and collect by legal process a civil  
7 penalty, in an amount not to exceed \$1,000 for each violation,  
8 against any licensee if it finds that a licensee has violated  
9 any provision of this section or has violated any other law of  
10 this state having to do with dealing in mobile homes. A  
11 licensee is entitled to a hearing pursuant to chapter 120,  
12 Florida Statutes, if the licensee wishes to contest the fine  
13 levied, or about to be levied, upon him or her.

14 Section 10. Mobile home construction and safety  
15 standards.--Each new single-family or duplex mobile home  
16 manufactured in this state or outside this state but sold or  
17 offered for sale in this state must be constructed to meet the  
18 Manufactured Home Construction and Safety Standards,  
19 promulgated by the Department of Housing and Urban  
20 Development, pursuant to the Manufactured Housing Improvement  
21 Act, or meet mobile home construction and safety standards  
22 adopted by the department which do not exceed the authority  
23 granted to the state in 42 U.S.C. 5403(d) which may include,  
24 but need not be limited to, standards for body and frame  
25 construction and the installation of plumbing, HVAC, and  
26 electrical systems.

27 Section 11. Establishment of uniform standards for  
28 repair and remodeling code for mobile homes.--The provisions  
29 of the mobile home repair and remodeling code shall ensure  
30 safe and livable housing and may not be more stringent than  
31 those standards required to be met in the manufacture of

1 mobile homes. Such provisions shall include, but not be  
2 limited to, standards for structural adequacy, plumbing,  
3 heating, electrical systems, and fire and life safety.

4 Section 12. Administration, enforcement, rules,  
5 modification of standards.--

6 (1) The department shall administer and enforce  
7 sections 3 through 35 of this act and may adopt rules pursuant  
8 to sections 120.536(1) and 120.54, Florida Statutes.

9 (2) The department may adopt by rule changes in, or  
10 additions to, the standards adopted in section 10 of this act,  
11 which were approved and officially published by the institute  
12 after July 1, 1967, or promulgated by the Department of  
13 Housing and Urban Development after July 1, 1977.

14 (3) The department or its authorized agent may enter  
15 any place or establishment where mobile homes are  
16 manufactured, sold, or offered for sale, for the purpose of  
17 ascertaining whether the requirements of the code and the  
18 rules adopted by the department have been met.

19 Section 13. Limitation of alteration or modification  
20 to mobile homes.--

21 (1) LIMITATION OF ALTERATIONS OR MODIFICATIONS.--A  
22 licensed dealer may not alter or modify a mobile home after  
23 shipment from the manufacturer's plant unless such alteration  
24 or modification is authorized in this section.

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

30 (a) An alteration or modification performed by a  
31 mobile home dealer or his or her agent or employee shall place

1 warranty responsibility for the altered or modified item upon  
2 the dealer. If the manufacturer fulfills, or is required to  
3 fulfill, the warranty on the altered or modified item, he or  
4 she is entitled to recover damages in the amount of his or her  
5 costs and attorney's fees from the dealer.

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

15 (3) AUTHORITY OF THE DEPARTMENT.--The department may  
16 adopt rules pursuant to chapter 120, Florida Statutes, which  
17 define the alterations or modifications that must be made by  
18 qualified personnel. The department may regulate only those  
19 alterations and modifications that substantially impair the  
20 structural integrity or safety of the mobile home.

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

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

27 (b) When no local or county licensing or competency  
28 requirements exist, the department may certify persons to  
29 perform mobile home alterations or modifications. The  
30 department shall by rule specify what skills and competency  
31 requirements are requisite to the issuance of a certification.

1 A fee sufficient to cover the costs of issuing certifications  
2 may be charged by the department. The certification shall be  
3 valid for a period that terminates when the county or other  
4 local governmental unit enacts relevant competency or  
5 licensing requirements. The certification shall be valid only  
6 in counties or localities without licensing or competency  
7 requirements.

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

16       Section 14. Mobile home installers license.--

17       (1) Any person who installs a mobile home must obtain  
18 a mobile home installers license from the department pursuant  
19 to this section. The license shall be renewed annually, and  
20 each licensee shall pay a fee of \$150.

21       (2) The department shall issue a license as a mobile  
22 home installer to any person who applies to the department,  
23 pays the appropriate application fee, not to exceed \$100, as  
24 set by department rule, and complies with subsection (3).

25       (3) In order to obtain licensure as a mobile home  
26 installer, the applicant must be at least 18 years old; must  
27 hold a valid performance bond in an amount set by department  
28 rule, not to exceed \$100,000, and conditioned upon proper  
29 performance of mobile home installation and weather-sealing  
30 duties for a period of 1 year; must carry liability insurance  
31 in an amount determined by department rule, not to exceed



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

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

21 (5) "Installation," as used in this section, has the  
22 same meaning as the term "setup" as defined in section 8 of  
23 this act.

24 (6) A person may not:

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

27 (b) Falsely impersonate a licensed mobile home  
28 installer;

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

31

1           (d) Knowingly give false or forged evidence to the  
2 department;

3           (e) Use or attempt to use a mobile home installers  
4 license that has been suspended or revoked; or

5           (f) Engage in the business or act in the capacity of a  
6 licensed mobile home installer or advertise himself or herself  
7 or a business organization as available to engage in the  
8 business or act in the capacity of a mobile home installer  
9 without being duly licensed.

10           (7) Any unlicensed person who violates subsection (6)  
11 commits a misdemeanor of the first degree, punishable as  
12 provided in section 775.082 or section 775.083, Florida  
13 Statutes.

14           (8) A licensed person or licensed applicant may not:

15           (a) Obtain a mobile home installers license by fraud  
16 or misrepresentation.

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

21           (c) Violate any law or rule relating to installing,  
22 repairing, or dealing in mobile homes or any lawful order of  
23 the department or the Department of Highway Safety and Motor  
24 Vehicles.

25           (d) Commit fraud or deceit in the practice of  
26 contracting.

27           (e) Commit incompetence or misconduct in the practice  
28 of contracting.

29           (f) Commit gross negligence, repeated negligence, or  
30 negligence resulting in a significant danger to life or  
31 property.

1       (9) Any licensed person or license applicant who  
2 violates subsection (6) or subsection (8) may have any of the  
3 following disciplinary penalties imposed by the department, at  
4 its discretion:  
5       (a) License revocation;  
6       (b) License suspension;  
7       (c) A fine not to exceed \$1,000 per violation  
8 involving a single installation and not to exceed \$5,000 for a  
9 violation involving the total setup;  
10       (d) A requirement to take and pass, or retake and  
11 pass, the department-approved examination;  
12       (e) Probation;  
13       (f) Probation subject to such restriction of practice  
14 as the department chooses to impose;  
15       (g) A notice of noncompliance; or  
16       (h) Refusal of licensure application.  
17       (10) The regulation of mobile home installers is  
18 preempted to the state, and a person may not perform mobile  
19 home installation unless licensed pursuant to this section,  
20 regardless of whether that person holds a local license.  
21       (11) A county, municipality, or other unit of local  
22 government may not require additional licensing, bonding, or  
23 insurance of a duly licensed installer who performs setup  
24 operations as defined in section 8 of this act. However, a  
25 county, municipality, or other unit of local government may  
26 require an installer to obtain a local occupational license,  
27 which license shall not require for its issuance any  
28 conditions other than those required by sections 8 through 35  
29 of this act and payment of the appropriate occupational  
30 license fee.  
31

1       (12) All installers, dealers, and manufacturers shall  
2 purchase installation decals from the department for a fee not  
3 to exceed \$10 per decal. An installation decal shall be  
4 affixed to the manufactured home or mobile home prior to  
5 installation. This decal shall denote the date of  
6 installation, the name of the installer, and the number of the  
7 installer's license or the dealer or manufacturer license  
8 number. Such decal shall be positioned immediately next to the  
9 HUD decal.

10       (13) Each installer shall maintain a location log for  
11 each decal for 2 years. This requirement applies only after  
12 the department develops an acceptable format for the log and  
13 provides a sample of the acceptable format to each licensed  
14 installer.

15       (14) In performing the installation, installers may  
16 not perform plumbing or electrical activities prohibited by  
17 department rules related to setup operations pursuant to  
18 section 8 of this act.

19       (15) Funds received by the department pursuant to this  
20 section shall be deposited in the department's operating trust  
21 fund.

22       Section 15. Mobile home installation products; product  
23 approval.--

24       (1) Each person or entity that engages in the  
25 manufacture of mobile home installation components, products,  
26 or systems must obtain a certification from the department  
27 which affirms that such component, product, or system is  
28 approved for use in the installation of mobile homes in this  
29 state.

30       (2) The department shall certify for use in this state  
31 any mobile home installation component, product, or system for

1 which a person or entity applies to the department and which  
2 complies with subsection (3).

3 (3) In order to obtain the certification set forth in  
4 this section, a manufacturer must submit to the department a  
5 report certifying that the mobile home installation component,  
6 product, or system meets the mobile home installation  
7 standards set forth in this section and in department rules.  
8 The report must be signed and sealed by a professional  
9 engineer registered in this state. In accordance with chapter  
10 120, Florida Statutes, the department shall review the report  
11 and approve or deny the certification of the installation  
12 component, product, or system for use in the installation of  
13 mobile homes in this state.

14 (4) The certification set forth in this section is  
15 subject to suspension or revocation, and the person or entity  
16 that obtained the certification is subject to a fine set by  
17 department rules upon a finding by the department that the  
18 person or entity has obtained the certification by  
19 misrepresentation or fraud or that the product, component, or  
20 system does not meet the mobile home installation standards  
21 set forth in sections 8 through 35 of this act or in  
22 department rules.

23 (5) Any product, component, or system subject to this  
24 section which was being used in the installation of mobile  
25 homes in this state on June 10, 2004, is not required to be  
26 certified in accordance with this section until July 1, 2009.

27 Section 16. Mobile home inspection.--

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

1 which assure compliance with code provisions. The department  
2 may adopt rules pursuant to chapter 120, Florida Statutes, for  
3 the implementation and enforcement of this inspection.

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

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

14 (4) The department shall determine fees for special  
15 inspections and for the label authorized under section 17 of  
16 this act which are sufficient to cover the cost of inspection  
17 and administration under this section. Fees collected shall  
18 be deposited into the General Revenue Fund.

19 Section 17. Label; procedures for issuance;  
20 certification; requirements.--No dealer shall sell or offer  
21 for sale in this state any new mobile home manufactured after  
22 January 1, 1968, unless the mobile home bears a label and the  
23 certification by the manufacturer that the mobile home to  
24 which the label is attached meets or exceeds the appropriate  
25 code. Any mobile home bearing the insignia of approval  
26 pursuant to this section complies with all local government  
27 ordinances or rules which govern construction, and no mobile  
28 home bearing such insignia may be altered or modified in any  
29 way except in compliance with sections 3 through 35 of this  
30 act and chapter 320, Florida Statutes. Labels may be issued by  
31 the department when applied for with an affidavit certifying

1 that the dealer or manufacturer applying will not attach a  
2 label to any new mobile home that does not meet or exceed the  
3 appropriate code. No mobile home may be manufactured in this  
4 state unless it bears a label and certification that the  
5 mobile home meets or exceeds the code. The label for each  
6 mobile home shall be displayed in a manner to be prescribed by  
7 the department.

8 Section 18. Onsite inspection.--

9 (1) Each county or municipality in this state is  
10 responsible for the onsite inspection of each mobile home  
11 installation located within the jurisdiction of such entity.  
12 The onsite inspection shall ensure compliance with the uniform  
13 installation standards in section 22 of this act, department  
14 rules to implement section 22 of this act, chapter 320,  
15 Florida Statutes, and rules of the Department of Highway  
16 Safety and Motor Vehicles.

17 (2) 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 department shall  
20 designate the persons who are to perform the onsite  
21 inspection. A person may not be designated to perform onsite  
22 inspections unless that person is competent in the area of  
23 mobile home installation.

24 (3) The county or municipality issuing a permit for  
25 the installation of a mobile home shall issue such permit only  
26 to a licensed mobile home installer or to a licensed mobile  
27 home dealer or manufactured home owner if the dealer or owner  
28 demonstrates on the face of the application that a licensed  
29 installer will be performing the actual work. In the case of  
30 issuance to an owner, the permit must reflect the name and the  
31 license number of the licensed installer performing the work.

1           (4) Pursuant to the onsite inspection, each mobile  
2 home shall be issued a certificate of occupancy if the mobile  
3 home complies with department rules regarding the installation  
4 of mobile homes.

5           (5) Fees for onsite inspections and certificates of  
6 occupancy of mobile homes shall be reasonable for the services  
7 performed. A guideline for fee schedules shall be issued by  
8 the department.

9           (6) The department shall enforce this section and the  
10 rules adopted pursuant to this section, except that local land  
11 use and zoning requirements, fire zones, building setback and  
12 side and rear yard requirements, site development and property  
13 line requirements, subdivision control, and onsite  
14 installation inspection requirements, as well as review and  
15 regulation of architectural and aesthetic requirements, are  
16 specifically and entirely reserved to local jurisdictions.  
17 However, any architectural or aesthetic requirement imposed on  
18 the mobile home structure itself may pertain only to roofing  
19 and siding materials. Such local requirements and regulations  
20 for manufactured homes must be reasonable, uniformly applied,  
21 and enforced without distinctions as to whether such housing  
22 is manufactured, located in a mobile home park or a mobile  
23 home subdivision, or built in a conventional manner. A local  
24 jurisdiction may not prohibit the siting or resiting of used  
25 mobile homes based solely on the date the unit was  
26 manufactured.

27           Section 19. Reciprocity.--If any other state has codes  
28 for mobile homes at least equal to those established by  
29 chapter 320, Florida Statutes, and sections 3 through 35 of  
30 this act, the department, upon determining that such standards  
31 are being enforced by an independent inspection agency, shall



1 place the other state on a reciprocity list, which list shall  
2 be available to any interested person. Any mobile home that  
3 bears a seal of any state that has been placed on the  
4 reciprocity list is not required to bear the seal of this  
5 state. A mobile home that does not bear the label as provided  
6 in this section may not be manufactured, or offered for sale  
7 by a manufacturer or dealer, in this state unless the mobile  
8 home is designated for delivery into another state that has  
9 not adopted a code entitling the state to be placed on the  
10 reciprocity list.

11 Section 20. Penalties.--

12 (1) Whoever violates a provision of the National  
13 Manufactured Housing Construction and Safety Standards Act of  
14 1974, 42 U.S.C. ss. 5401 et seq., or of a rule, regulation, or  
15 final order issued pursuant to that act is liable for a civil  
16 penalty not to exceed \$1,000 for each such violation. Each  
17 violation of such a provision constitutes a separate violation  
18 with respect to each mobile home or with respect to each  
19 failure or refusal to allow or perform an act required by such  
20 provision. The maximum civil penalty may not exceed \$1 million  
21 for any related series of violations occurring within 1 year  
22 following the date of the first violation.

23 (2) Any individual, or a director, officer, or agent  
24 of a corporation, who knowingly and willfully violates s. 610  
25 of the National Mobile Home Construction and Safety Standards  
26 Act of 1974 in a manner that threatens the health or safety of  
27 any purchaser commits a misdemeanor of the first degree,  
28 punishable as provided in section 775.082 or section 775.083,  
29 Florida Statutes.

30 (3) Any manufacturer, dealer, or inspector who  
31 violates a provision of sections 8 through 33 of this act or

1 rules adopted by the department to implement such sections  
2 commits a misdemeanor of the first degree, punishable as  
3 provided in section 775.082 or section 775.083, Florida  
4 Statutes, provided such violation is not also a violation of  
5 the National Mobile Home Construction and Safety Standards Act  
6 of 1974 or any rule, regulation, or final order issued  
7 thereunder.

8       Section 21. Legislative intent.--Nothing in sections 3  
9 through 35 of this act shall act to nullify or supersede  
10 chapter 527, Florida Statutes.

11       Section 22. Mobile homes; uniform installation  
12 standards; injunctions; penalty.--

13       (1) The department shall adopt rules establishing  
14 uniform standards for the installation of mobile homes and for  
15 the manufacture of components, products, or systems used in  
16 the installation of mobile homes. The rules must ensure that  
17 each home is installed on a permanent foundation that resists  
18 wind, flood, flotation, overturning, sliding, and lateral  
19 movement of the home. No entity, other than the department,  
20 has authority to amend these uniform standards. The owner of  
21 the mobile home is responsible for the installation in  
22 accordance with department rules.

23       (2)(a) Persons licensed in this state to engage in the  
24 business of insuring mobile homes that are subject to this  
25 section against damage from windstorm shall issue such  
26 insurance only if the mobile home has been installed in  
27 accordance with sections 3 through 33 of this act, department  
28 rules to implement those sections, chapter 320, Florida  
29 Statutes, and rules of the Department of Highway Safety and  
30 Motor Vehicles.

31

1       (b) If a mobile home is insured against damage caused  
2 by windstorm and subsequently sustains windstorm damage of a  
3 nature that indicates that the home was not installed in the  
4 manner required by sections 3 through 33 of this act,  
5 department rules to implement those sections, chapter 320,  
6 Florida Statutes, and rules of the Department of Highway  
7 Safety and Motor Vehicles, the person issuing the policy shall  
8 not be relieved from meeting the obligations specified in the  
9 insurance policy with respect to such damage on the basis that  
10 the mobile home was not properly installed.

11       (3) If a person or entity engages in this state in the  
12 business of mobile home installation, or in the business of  
13 manufacturing components, products, or systems used in the  
14 installation of mobile homes, in a manner that is not in  
15 accordance with the uniform standards set by the department, a  
16 person or entity aggrieved thereby may bring an action in the  
17 appropriate court for actual damages. In addition, the court  
18 may provide appropriate equitable relief, including the  
19 enjoining of a violator from engaging in the business or from  
20 committing further violations. If the court finds that a  
21 willful violation has occurred, the court shall award punitive  
22 damages to the aggrieved party. The losing party may be liable  
23 for court costs and reasonable attorney's fees incurred by the  
24 prevailing party.

25       (4) In addition to other penalties provided in this  
26 section, the department or the state attorneys and their  
27 assistants may apply to the circuit courts within their  
28 respective jurisdictions, and such courts shall have  
29 jurisdiction, upon hearing and for cause shown, to grant  
30 temporary or permanent injunctions restraining any person or  
31 entity engaging in the business of mobile home installation,

1 or the manufacturing of components, products, or systems used  
2 in the installation of mobile homes, from installing such  
3 homes or manufacturing or selling such components, products,  
4 or systems in a manner not in accordance with the uniform  
5 standards established by the department or restraining any  
6 persons in the business of installing such components,  
7 products, or systems from using devices that do not meet the  
8 uniform standards set by the department or from installing  
9 such components, products, or systems in a manner not in  
10 accordance with such uniform standards, whether or not there  
11 exists an adequate remedy at law, and such injunctions shall  
12 issue without bond.

13 (5) This section applies only to a mobile home that is  
14 being used as a dwelling place and that is located on a  
15 particular location for a period of time exceeding 14 days.

16 Section 23. Retention, destruction, and reproduction  
17 of records; electronic retention.--Records and documents of  
18 the department, created in compliance with, and in the  
19 implementation of, sections 3 through 35 of this act shall be  
20 retained by the department as specified in record-retention  
21 schedules established under chapter 119, Florida Statutes.  
22 Further, the department may:

23 (1) Destroy, or otherwise dispose of, those records  
24 and documents, in conformity with the approved retention  
25 schedules.

26 (2) Photograph, microphotograph, or reproduce on film,  
27 as authorized and directed by the approved retention  
28 schedules, whereby each page will be exposed in exact  
29 conformity with the original records and documents retained in  
30 compliance with this section. Photographs or microphotographs  
31 in the form of film or print of any records, made in

1 compliance with this section, have the same force and effect  
2 as the originals thereof would have and shall be treated as  
3 originals for the purpose of their admissibility in evidence.  
4 Duly certified or authenticated reproductions of such  
5 photographs or microphotographs shall be admitted in evidence  
6 equally with the original photographs or microphotographs.

7 (3) Maintain all records required or obtained in  
8 compliance with, and in the implementation of, sections 3  
9 through 35 of this act exclusively by electronic means.

10 Section 24. Disclosure of manner used in determining  
11 length of mobile homes.--When the length of the coupling  
12 mechanism is included in the overall length of a mobile home,  
13 any person who engages in the trade or commerce of selling  
14 mobile homes must disclose in writing to the buyer, before the  
15 buyer signs a contract for sale, that the length of the  
16 coupling mechanism has been included in the length of the  
17 mobile home. Any advertisement or other communication that  
18 describes a mobile home in terms of its length or width must  
19 conform to the requirements of this section.

20 Section 25. Purpose.--It is the intent of the  
21 Legislature to ensure the safety and welfare of residents of  
22 mobile homes through an inspection program conducted by the  
23 department. Mobile homes are a primary affordable housing  
24 resource of many of the residents of the state and satisfy a  
25 large segment of statewide housing needs. It is the further  
26 intent of the Legislature that the department, mobile home  
27 dealers, and mobile home manufacturers work together to meet  
28 the applicable code requirements for mobile homes and that  
29 such dealers and manufacturers share the responsibilities of  
30 warranting mobile homes in accordance with applicable codes  
31

1 and resolving legitimate consumer complaints in a timely,  
2 efficient manner.

3       Section 26. New mobile home warranties.--Each  
4 manufacturer, dealer, installer, and supplier of mobile homes  
5 shall warrant each new mobile home sold in this state and the  
6 setup of each such mobile home, in accordance with the  
7 warranty requirements prescribed by this section, for a period  
8 of at least 12 months, measured from the date of delivery of  
9 the mobile home to the buyer in the case of a manufacturer or  
10 dealer, or from the date of receipt of a certificate of  
11 occupancy in the case of an installer. The warranty  
12 requirements of each manufacturer, dealer, installer, and  
13 supplier of such mobile homes are as follows:

14       (1) The manufacturer warrants:

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

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

22       (2) The dealer warrants:

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

28       (b) That setup operations performed on the mobile home  
29 are performed in compliance with section 22 of this act.

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, the warranty responsibility  
9 of the manufacturer or dealer as to setup is limited to  
10 transporting the mobile home to the occupancy site free from  
11 substantial defect.

12           (3) The installer warrants that the setup operations  
13 performed on the mobile home are performed in compliance with  
14 section 22 of this act and department rules governing the  
15 installation.

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

21           (5) The department may adopt rules under chapter 120,  
22 Florida Statutes, to resolve disputes that may arise among the  
23 mobile home manufacturer, dealer, installer, or supplier.  
24 Those rules must comply with the dispute-resolution process as  
25 set forth in the federal Manufactured Housing Improvement Act.

26           Section 27. Presenting warranty claim.--The claim in  
27 writing, stating the substance of the warranty defect, may be  
28 presented to the manufacturer, dealer, or supplier. When the  
29 person notified is not the responsible party he or she shall  
30 inform the claimant and shall notify the responsible party of  
31 the warranty claim immediately.

1           Section 28. Warranty service.--

2           (1) When a service agreement exists between  
3 manufacturers, dealers, and suppliers to provide warranty  
4 service, the agreement may specify which party is to remedy  
5 warranty defects. However, when a warranty defect is not  
6 properly remedied, the responsible party, as determined  
7 pursuant to section 26 of this act, is responsible for  
8 providing warranty service.

9           (2) When no service agreement exists for warranty  
10 service, the responsible party, as designated by section 26 of  
11 this act, is responsible for remedying the warranty defect.

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

20           (4) When the person remedying the defect is not the  
21 responsible party as designated by section 26 of this act he  
22 or she is entitled to reasonable compensation paid to him or  
23 her by the responsible party. Conduct that coerces or requires  
24 a nonresponsible party to perform warranty service is a  
25 violation of this section.

26           (5) Warranty service shall be performed at the site at  
27 which the mobile home is initially delivered to the buyer,  
28 except for components that can be removed for service without  
29 substantial expense or inconvenience to the buyer.

30           Section 29. Civil action.--Notwithstanding the  
31 existence of other remedies, a buyer may bring a civil suit



1 for damages against a responsible party who fails to  
2 satisfactorily resolve a warranty claim. Damages shall be the  
3 actual costs of remedying the defect. Court costs and  
4 reasonable attorney's fees may be awarded to the prevailing  
5 party. When the court finds that failure to honor warranty  
6 claims is a consistent pattern of conduct of the responsible  
7 party, or that the defect is so severe as to significantly  
8 impair the safety of the mobile home, it may assess punitive  
9 damages against the responsible party.

10       Section 30. Cumulative remedies.--The warranty  
11 provisions in sections 25 through 29 of this act are in  
12 addition to, and not in derogation of, any other rights and  
13 privileges that the buyer may have under any other law or  
14 instrument. The manufacturer, dealer, or supplier may not  
15 require the buyer to waive his or her rights under sections 3  
16 through 35 of this act or any other rights under law. Any  
17 such waiver shall be deemed contrary to public policy and  
18 unenforceable and void.

19       Section 31. Liquidated damages.--The retail seller of  
20 a mobile home may, in the absence of an express provision in  
21 the sales contract stipulating reasonable liquidated damages  
22 or retention of a down payment or deposit if the buyer fails  
23 to accept delivery of a mobile home, retain maximum damages  
24 according to the following terms:

25           (1) If the mobile home is in the seller's stock and  
26 not specially ordered from the manufacturer for the buyer, the  
27 maximum retention shall be \$50.

28           (2) If the mobile home is a single-wide and specially  
29 ordered from the manufacturer for the buyer, the maximum  
30 retention shall be \$350.

31

1           (3) If the mobile home is larger than a single-wide  
2 and specially ordered for the buyer from the manufacturer, the  
3 maximum retention shall be \$700.

4           Section 32. Inspection of records; production of  
5 evidence; subpoena power.--

6           (1) The department may inspect the pertinent books,  
7 records, letters, and contracts of any licensee, whether  
8 dealer or manufacturer, relating to any written complaint made  
9 to it against such licensee.

10          (2) The department may exercise the power of subpoena  
11 for the attendance of witnesses and the production of any  
12 documentary evidence necessary to the disposition by it of any  
13 written complaint against any licensee, whether dealer or  
14 manufacturer.

15          Section 33. Denial, suspension, or revocation of  
16 license held by firms or corporations.--If an applicant or  
17 licensee is a firm, partnership, or corporation, it is  
18 sufficient cause to deny, suspend, or revoke a license  
19 provided for in sections 3 through 35 of this act if an  
20 officer, director, or trustee of the firm or corporation, or  
21 any member of a partnership, has committed an act or omission  
22 which would be cause for denying, suspending, or revoking a  
23 license to such party as an individual. Each licensee under  
24 sections 3 through 35 of this act is responsible for these  
25 acts of its employees which are undertaken as the agent of the  
26 licensee if the licensee approved of, or had knowledge of, the  
27 acts or other similar acts and, after such approval or  
28 knowledge, retained the benefits, proceeds, profits, or  
29 advantages accruing from, or otherwise ratified, the acts.

30          Section 34. Maintenance of records by the  
31 department.--Beginning December 1, 2005, the department shall

1 maintain electronic records of all complaints filed against  
2 licensees licensed under sections 6 and 9 of this act,  
3 notwithstanding any other provision of sections 3 through 35  
4 of this act. The records shall contain all enforcement actions  
5 taken against licensees and against unlicensed persons acting  
6 in a capacity that would require them to be licensed under  
7 those sections. The electronic file of each licensee and  
8 unlicensed person shall contain a record of any complaints  
9 filed against him or her and a record of any enforcement  
10 actions taken against him or her. The complainant and the  
11 referring agency, if there is one, shall be advised of the  
12 disposition by the department of the complaint within 10 days  
13 after such action.

14           Section 35. Transactions by electronic or telephonic  
15 means.--The department may accept any application provided for  
16 under sections 3 through 35 of this act by electronic or  
17 telephonic means.

18           Section 36. Subsection (7) is added to section 20.18,  
19 Florida Statutes, to read:

20           20.18 Department of Community Affairs.--There is  
21 created a Department of Community Affairs.

22           (7) The role of state government required by sections  
23 3-35 of this act is the responsibility of the Department of  
24 Community Affairs and the department is the agency of state  
25 government responsible for the state's role in the  
26 installation of mobile homes to such an extent that the  
27 residents of this state are as safe as possible with respect  
28 to destructive weather.

29           Section 37. Section 205.193, Florida Statutes, is  
30 amended to read:

31

1           205.193 Mobile home setup operations; local license  
2 prohibited; exception.--No county, municipality, or other unit  
3 of local government may require a duly licensed mobile home  
4 dealer or a duly licensed mobile home manufacturer, or an  
5 employee of such dealer or manufacturer, who performs setup  
6 operations as defined in section 8 of this act or in s.  
7 320.822 to be licensed to engage in such operations. However,  
8 such dealer or manufacturer shall be required to obtain a  
9 local occupational license for his or her permanent business  
10 location or branch office, which license shall not require for  
11 its issuance any conditions other than those required by  
12 chapter 320 or sections 3-35 of this act.

13           Section 38. Subsection (3) of section 319.001, Florida  
14 Statutes, is amended to read:

15           319.001 Definitions.--As used in this chapter, the  
16 term:

17           (3) "Licensed dealer," unless otherwise specifically  
18 provided, means a motor vehicle dealer licensed under s.  
19 320.27, a mobile home dealer licensed under section 6 of this  
20 act ~~s. 320.77~~, or a recreational vehicle dealer licensed under  
21 s. 320.771.

22           Section 39. Paragraph (d) of subsection (1) of section  
23 320.131, Florida Statutes, is amended to read:

24           320.131 Temporary tags.--

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

28           (d) For banks, credit unions, and other financial  
29 institutions which are not required to be licensed under  
30 section 6 of this act, ~~the provisions of s. 320.27, s. 320.77,~~  
31

1 or s. 320.771, but need temporary tags for the purpose of  
2 demonstrating repossessions for sale.

3  
4 Further, the department is authorized to disallow the purchase  
5 of temporary tags by licensed dealers, common carriers, or  
6 financial institutions in those cases where abuse has  
7 occurred.

8 Section 40. Subsection (9) of section 320.27, Florida  
9 Statutes, is amended to read:

10 320.27 Motor vehicle dealers.--

11 (9) DENIAL, SUSPENSION, OR REVOCATION.--

12 (a) The department may deny, suspend, or revoke any  
13 license issued hereunder or under ~~the provisions of s. 320.77~~  
14 ~~or~~ s. 320.771, upon proof that a licensee has committed any of  
15 the following activities:

16 1. Commission of fraud or willful misrepresentation in  
17 application for or in obtaining a license.

18 2. Conviction of a felony.

19 3. 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. If the  
23 transaction is disputed, the maker of the bank draft or check  
24 shall post a bond in accordance with the provisions of s.  
25 559.917, and no proceeding for revocation or suspension shall  
26 be commenced until the dispute is resolved.

27 (b) The department may deny, suspend, or revoke any  
28 license issued hereunder or under ~~the provisions of s. 320.77~~  
29 ~~or~~ s. 320.771 upon proof that a licensee has committed, with  
30 sufficient frequency so as to establish a pattern of  
31

1 wrongdoing on the part of a licensee, violations of one or  
2 more of the following activities:

3           1. Representation that a demonstrator is a new motor  
4 vehicle, or the attempt to sell or the sale of a demonstrator  
5 as a new motor vehicle without written notice to the purchaser  
6 that the vehicle is a demonstrator. For the purposes of this  
7 section, a "demonstrator," a "new motor vehicle," and a "used  
8 motor vehicle" shall be defined as under s. 320.60.

9           2. Unjustifiable refusal to comply with a licensee's  
10 responsibility under the terms of the new motor vehicle  
11 warranty issued by its respective manufacturer, distributor,  
12 or importer. However, if such refusal is at the direction of  
13 the manufacturer, distributor, or importer, such refusal shall  
14 not be a ground under this section.

15           3. Misrepresentation or false, deceptive, or  
16 misleading statements with regard to the sale or financing of  
17 motor vehicles which any motor vehicle dealer has, or causes  
18 to have, advertised, printed, displayed, published,  
19 distributed, broadcast, televised, or made in any manner with  
20 regard to the sale or financing of motor vehicles.

21           4. Failure by any motor vehicle dealer to provide a  
22 customer or purchaser with an odometer disclosure statement  
23 and a copy of any bona fide written, executed sales contract  
24 or agreement of purchase connected with the purchase of the  
25 motor vehicle purchased by the customer or purchaser.

26           5. Failure of any motor vehicle dealer to comply with  
27 the terms of any bona fide written, executed agreement,  
28 pursuant to the sale of a motor vehicle.

29           6. Failure to apply for transfer of a title as  
30 prescribed in s. 319.23(6).

31

1           7. Use of the dealer license identification number by  
2 any person other than the licensed dealer or his or her  
3 designee.

4           8. Failure to continually meet the requirements of the  
5 licensure law.

6           9. Representation to a customer or any advertisement  
7 to the public representing or suggesting that a motor vehicle  
8 is a new motor vehicle if such vehicle lawfully cannot be  
9 titled in the name of the customer or other member of the  
10 public by the seller using a manufacturer's statement of  
11 origin as permitted in s. 319.23(1).

12           10. Requirement by any motor vehicle dealer that a  
13 customer or purchaser accept equipment on his or her motor  
14 vehicle which was not ordered by the customer or purchaser.

15           11. Requirement by any motor vehicle dealer that any  
16 customer or purchaser finance a motor vehicle with a specific  
17 financial institution or company.

18           12. Requirement by any motor vehicle dealer that the  
19 purchaser of a motor vehicle contract with the dealer for  
20 physical damage insurance.

21           13. Perpetration of a fraud upon any person as a  
22 result of dealing in motor vehicles, including, without  
23 limitation, the misrepresentation to any person by the  
24 licensee of the licensee's relationship to any manufacturer,  
25 importer, or distributor.

26           14. Violation of ~~any of the provisions of~~ s. 319.35 by  
27 any motor vehicle dealer.

28           15. Sale by a motor vehicle dealer of a vehicle  
29 offered in trade by a customer prior to consummation of the  
30 sale, exchange, or transfer of a newly acquired vehicle to the  
31 customer, unless the customer provides written authorization

1 for the sale of the trade-in vehicle prior to delivery of the  
2 newly acquired vehicle.

3 16. Willful failure to comply with a ~~any~~  
4 ~~administrative~~ rule adopted by the department.

5 17. Violation of chapter 319, this chapter, or ss.  
6 559.901-559.9221, which has to do with dealing in or repairing  
7 motor vehicles or mobile homes. Additionally, in the case of  
8 used motor vehicles, the willful violation of the federal law  
9 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining  
10 to the consumer sales window form.

11 (c) When a motor vehicle dealer is convicted of a  
12 crime which results in his or her being prohibited from  
13 continuing in that capacity, the dealer may not continue in  
14 any capacity within the industry. The offender shall have no  
15 financial interest, management, sales, or other role in the  
16 operation of a dealership. Further, the offender may not  
17 derive income from the dealership beyond reasonable  
18 compensation for the sale of his or her ownership interest in  
19 the business.

20 Section 41. Section 320.28, Florida Statutes, is  
21 amended to read:

22 320.28 Nonresident dealers in secondhand motor  
23 vehicles or~~,~~ recreational vehicles, ~~or mobile homes.~~--Every  
24 dealer in used or secondhand motor vehicles or~~,~~ recreational  
25 vehicles, ~~or mobile homes~~ who is a nonresident of the state,  
26 does not have a permanent place of business in this state, and  
27 has not qualified as a dealer under ~~the provisions of~~ ss.  
28 320.27, ~~320.77,~~ and 320.771, and any person other than a  
29 dealer qualified under ~~the provisions of said~~ ss. 320.27~~,~~  
30 ~~320.77,~~ and 320.771, who brings any used or secondhand motor  
31 vehicle or~~,~~ recreational vehicle, ~~or mobile home~~ into the



1 state for the purpose of sale, except to a dealer licensed  
2 under ~~the provisions of~~ ss. 320.27, ~~320.77,~~ and 320.771,  
3 shall, at least 10 days prior to the sale of said vehicle, the  
4 offering of said vehicle for sale, or the advertising of said  
5 vehicle for sale, make and file with the department the  
6 official application for a certificate of title for said  
7 vehicle as provided by law. Any person who has had one or  
8 more transactions involving the sale of three or more used or  
9 secondhand motor vehicles or, recreational vehicles, ~~or mobile~~  
10 ~~homes~~ in Florida during any 12-month period shall be deemed to  
11 be a secondhand dealer in motor vehicles or, recreational  
12 vehicles, ~~or mobile homes~~.

13 Section 42. Subsection (1) of section 320.71, Florida  
14 Statutes, is amended to read:

15 320.71 Nonresident motor vehicle, ~~mobile home,~~ or  
16 recreational vehicle dealer's license.--

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

1 such license shall be issued for any fractional part of a  
2 year.

3 Section 43. Section 320.77, Florida Statutes, is  
4 repealed.

5 Section 44. Subsections (8) and (11) of section  
6 320.771, Florida Statutes, are amended to read:

7 320.771 License required of recreational vehicle  
8 dealers.--

9 (8) LICENSE ENDORSEMENT.--Any mobile home dealer  
10 licensed pursuant to section 6 of this act ~~s. 320.77~~, may  
11 apply to the department for authority to sell recreational  
12 vehicles. The mobile home dealer shall file an application  
13 required by this section and shall be governed by the  
14 licensing provisions contained herein. No additional license  
15 fees or bond shall be required for issuance of this  
16 endorsement to the mobile home dealer's license.

17 (11) SETUP OPERATIONS.--Each licensee may perform  
18 setup operations only as defined in section 8 of this act ~~s.~~  
19 ~~320.822~~, and the department shall provide by rule for the  
20 uniform application of all existing statutory provisions  
21 relating to licensing and setup operations.

22 Section 45. Section 320.781, Florida Statutes, is  
23 amended to read:

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

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

1           (2) Beginning October 1, 1990, the department shall  
2 charge and collect an additional fee of \$1 for each new mobile  
3 home and new recreational vehicle title transaction for which  
4 it charges a fee. ~~Beginning July 31, 2005, the~~ This additional  
5 fee collected for mobile homes shall be deposited into the  
6 operating trust fund of the Department of Community Affairs  
7 for the purposes specified in section 8 of this act. The  
8 additional fee collected for recreational vehicles shall be  
9 deposited into the Recreational Vehicle Trust Fund. The  
10 Department of Highway Safety and Motor Vehicles shall charge a  
11 fee of \$40 per annual recreational vehicle dealer and  
12 manufacturer license and license renewal, which shall be  
13 deposited into the Recreational Vehicle Trust Fund. The sums  
14 deposited in the Recreational Vehicle Trust Fund shall be used  
15 exclusively for carrying out the purposes of this section.  
16 ~~Such~~ These sums may be invested and reinvested by the Chief  
17 Financial Officer under the same limitations as apply to  
18 investment of other state funds, with all interest from these  
19 investments deposited to the credit of the Recreational  
20 Vehicle Trust Fund.

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

30           (4) The Recreational Vehicle Trust Fund shall not be  
31 liable for any judgment, or part thereof, resulting from any

1 | tort claim except as expressly provided in subsection (3), nor  
2 | for any punitive, exemplary, double, or treble damages. A  
3 | person, the state, or any political subdivision thereof may  
4 | recover against the ~~mobile home or~~ recreational vehicle  
5 | dealer, broker, or surety, jointly and severally, for such  
6 | damages, restitution, or expenses; provided, however, that in  
7 | no event shall the trust fund or the surety be liable for an  
8 | amount in excess of actual damages, restitution, or expenses.

9 |       (5) Subject to the limitations and requirements of  
10 | this section, the Recreational Vehicle Trust Fund shall be  
11 | used by the department to compensate persons who have  
12 | unsatisfied judgments, or in certain limited circumstances  
13 | unsatisfied claims, against a ~~mobile home or~~ recreational  
14 | vehicle dealer or broker in one of the following situations:

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

22 |       (b) The claimant has obtained a judgment against the  
23 | surety of the ~~mobile home or~~ recreational vehicle dealer or  
24 | broker that is unsatisfied.

25 |       (c) The claimant has alleged a claim against the  
26 | ~~mobile home or~~ recreational vehicle dealer or broker in a  
27 | lawsuit which has been stayed or discharged as a result of the  
28 | filing for reorganization or discharge in bankruptcy by the  
29 | dealer or broker, and judgment against the surety is not  
30 | possible because of the bankruptcy or liquidation of the  
31 | surety, or because the surety has been found by a court of

1 competent jurisdiction not to be liable due to prior payment  
2 of valid claims against the bond in an amount equal to, or  
3 greater than, the face amount of the applicable bond.

4 (6) In order to recover from the Recreational Vehicle  
5 Trust Fund, the person must file an application and verified  
6 claim with the department.

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

11 1.a. That the judgment against the ~~mobile home or~~  
12 recreational vehicle dealer or broker and its surety has been  
13 entered; or

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

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

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

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

1 certification that the claimant has made a good faith effort  
2 to collect the judgment; and

3 5. Such other information as the department requires.

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

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

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

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

24 4. Such other information as the department requires.

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

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

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

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

21 |         (9) This section does not apply to any claim, and a  
22 | person may not recover against the Recreational Vehicle Trust  
23 | Fund as the result of any claim, against a ~~mobile home or~~  
24 | recreational vehicle dealer or broker resulting from a cause  
25 | of action directly related to the sale, lease-purchase,  
26 | exchange, brokerage, or installation of a ~~mobile home or~~  
27 | recreational vehicle prior to October 1, 1990.

28 |         (10) Neither the department, nor the Recreational  
29 | Vehicle Trust Fund shall be liable to any person for recovery  
30 | if the trust fund does not have the moneys necessary to pay  
31 | amounts claimed. If such ~~the~~ trust fund does not have

1 sufficient assets to pay the claimant, it shall log the time  
2 and date of its determination for payment to a claimant. If  
3 moneys become available, the department shall pay the claimant  
4 whose unpaid claim is the earliest by time and date of  
5 determination.

6 Section 46. Section 320.822, Florida Statutes, is  
7 amended to read:

8 320.822 Definitions; ss. 320.822-320.862.--In  
9 construing ss. 320.822-320.862, unless the context otherwise  
10 requires, the following words or phrases have the following  
11 meanings:

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

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

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

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

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

28 (3) "Construction" means the minimum requirements for  
29 materials, products, equipment, and workmanship needed to  
30 assure that the ~~mobile home or~~ recreational vehicle will  
31 provide structural strength and rigidity; protection against



1 corrosion, decay, and other similar destructive forces;  
2 resistance to the elements; and durability and economy of  
3 maintenance.

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

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

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

19 (6)(7) "Licensee" means any person licensed or  
20 required to be licensed under s. 320.8225.

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

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

5 (7)~~(9)~~ "Recreational vehicle dealer" means any person  
6 engaged in the business of buying, selling, or dealing in  
7 recreational vehicles or offering or displaying recreational  
8 vehicles for sale. The term "dealer" includes a recreational  
9 vehicle broker. Any person who buys, sells, deals in, or  
10 offers or displays for sale, or who acts as the agent for the  
11 sale of, one or more recreational vehicles in any 12-month  
12 period shall be prima facie presumed to be a dealer. The  
13 terms "selling" and "sale" include lease-purchase  
14 transactions. The term "dealer" does not include banks,  
15 credit unions, and finance companies that acquire recreational  
16 vehicles as an incident to their regular business and does not  
17 include mobile home rental and leasing companies that sell  
18 recreational vehicles to dealers licensed under s. 320.771.

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

22 (8)~~(11)~~ "Recreational vehicle manufacturer" means any  
23 person, resident or nonresident, who, as a trade or commerce,  
24 manufactures or assembles recreational vehicles or van-type  
25 vehicles in such manner that they then qualify as recreational  
26 vehicles, for sale in this state.

27 (9)~~(12)~~ "Responsible party" means a manufacturer,  
28 dealer, or supplier.

29 (10)~~(13)~~ "Seal" or "label" means a device issued by  
30 the department certifying that a ~~mobile home or~~ recreational  
31 vehicle meets the appropriate code, which device is to be

1 displayed on the exterior of the ~~mobile home or~~ recreational  
2 vehicle.

3 (11)~~(14)~~ "Setup" or "installation" means the  
4 operations performed at the occupancy site which render a  
5 ~~mobile home or~~ park trailer fit for habitation. Such  
6 operations include, but are not limited to, transporting;  
7 positioning; blocking; leveling, supporting, installing  
8 foundation products, components, and systems; connecting  
9 utility systems; making minor adjustments; or assembling  
10 multiple or expandable units.

11 (12)~~(15)~~ "Substantial defect" means:

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

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

19 (13)~~(16)~~ "Supplier" means the original producer of  
20 completed components, including refrigerators, stoves, hot  
21 water heaters, dishwashers, cabinets, air conditioners,  
22 heating units, and similar components, which are furnished to  
23 a manufacturer or dealer for installation in the ~~mobile home~~  
24 ~~or~~ recreational vehicle prior to sale to a buyer.

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

1            ~~(14)(18)~~ "Body size" of a park trailer, travel  
2 trailer, or fifth-wheel trailer means the distance from the  
3 exterior side or end to the opposite exterior side or end of  
4 the body. Such distance includes expandable rooms, bay  
5 windows, wall and roof extensions, or other extrusions in the  
6 travel mode. The following exceptions apply:

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

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

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

19           Section 47. Section 320.8225, Florida Statutes, is  
20 amended to read:

21           320.8225 ~~Mobile home and~~ Recreational vehicle  
22 manufacturer's license.--

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

1 distributing ~~mobile homes or~~ recreational vehicles for sale in  
2 this state.

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

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

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

28 (5) REQUIREMENT OF ASSURANCE.--

29 ~~(a) Annually, prior to the receipt of a license to~~  
30 ~~manufacture mobile homes, the applicant or licensee shall~~  
31 ~~submit a surety bond, cash bond, or letter of credit from a~~

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

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

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

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

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

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

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

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

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

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

25            (c) The applicant has failed to provide warranty  
26 service.

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

31

1 (e) The department has proof of unfitness of the  
2 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 the code,  
7 ~~any of the provisions of~~ the National Mobile Home Construction  
8 and Safety Standards Act of 1974, or any rule or regulation of  
9 the Department of Housing and Urban Development promulgated  
10 under that act ~~thereunder~~.

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

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

29 (9) CIVIL PENALTIES; PROCEDURE.--In addition to the  
30 exercise of other powers provided in this section, the  
31 department is authorized to assess, impose, levy, and collect



1 by legal process a civil penalty, in an amount not to exceed  
2 \$1,000 for each violation, against any licensee if it finds  
3 that a licensee has violated any provision of this section or  
4 has violated any other law of this state having to do with  
5 dealing in motor vehicles. Any licensee shall be entitled to  
6 a hearing pursuant to chapter 120 should the licensee wish to  
7 contest the fine levied, or about to be levied, upon him or  
8 her.

9 Section 48. Section 320.823, Florida Statutes, is  
10 repealed.

11 Section 49. Section 320.8232, Florida Statutes, is  
12 amended to read:

13 320.8232 Establishment of uniform standards for used  
14 recreational vehicles ~~and repair and remodeling code for~~  
15 ~~mobile homes.--~~

16 (1) Each used recreational vehicle manufactured after  
17 January 1, 1968, and sold or offered for sale in this state by  
18 a dealer or manufacturer shall meet the standards of the Used  
19 Recreational Vehicle Code. The provisions of said code shall  
20 ensure safe and livable housing and shall not be more  
21 stringent than those standards required to be met in the  
22 manufacture of recreational vehicles. Such provisions shall  
23 include, but not be limited to, standards for structural  
24 adequacy, plumbing, heating, electrical systems, and fire and  
25 life safety.

26 ~~(2) The provisions of the repair and remodeling code~~  
27 ~~shall ensure safe and livable housing and shall not be more~~  
28 ~~stringent than those standards required to be met in the~~  
29 ~~manufacture of mobile homes. Such provisions shall include,~~  
30 ~~but not be limited to, standards for structural adequacy,~~  
31

1 ~~plumbing, heating, electrical systems, and fire and life~~  
2 ~~safety.~~

3 Section 50. Section 320.824, Florida Statutes, is  
4 amended to read:

5 320.824 Changes and modifications of standards.--

6 ~~(1)~~ The department may adopt by rule changes in, or  
7 additions to, the standards adopted in ~~s. 320.823~~ or s.  
8 320.8231, which are approved and officially published by the  
9 institute after July 1, 1967, or promulgated by the Department  
10 of Housing and Urban Development after July 1, 1977 ~~subsequent~~  
11 ~~to the effective date of this act.~~

12 ~~(2)~~ ~~The department or its authorized agent may enter~~  
13 ~~any place or establishment where mobile homes are~~  
14 ~~manufactured, sold, or offered for sale, for the purpose of~~  
15 ~~ascertaining whether the requirements of the code and the~~  
16 ~~rules adopted by the department have been met.~~

17 Section 51. Section 320.8245, Florida Statutes, is  
18 amended to read:

19 320.8245 Limitation of alteration or modification to  
20 ~~mobile homes or~~ recreational vehicles.--

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

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

31

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

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

18 ~~(3) AUTHORITY OF THE DEPARTMENT. The department is~~  
19 ~~authorized to promulgate rules and regulations pursuant to~~  
20 ~~chapter 120 which define the alterations or modifications~~  
21 ~~which must be made by qualified personnel. The department may~~  
22 ~~regulate only those alterations and modifications which~~  
23 ~~substantially impair the structural integrity or safety of the~~  
24 ~~mobile home.~~

25 ~~(3)(4)~~ DESIGNATION AS A QUALIFIED PERSON.--

26 ~~(a)~~ In order to be designated as a person qualified to  
27 alter or modify a ~~mobile home or~~ recreational vehicle, a  
28 person must comply with local or county licensing or  
29 competency requirements in skills relevant to performing  
30 alterations or modifications on ~~mobile homes or~~ recreational  
31 vehicles.

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

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

21           Section 52. Section 320.8249, Florida Statutes, is  
22 repealed.

23           Section 53. Section 320.8251, Florida Statutes, is  
24 repealed.

25           Section 54. Section 320.8255, Florida Statutes, is  
26 repealed.

27           Section 55. Section 320.827, Florida Statutes, is  
28 repealed.

29           Section 56. Section 320.8285, Florida Statutes, is  
30 amended to read:

31           320.8285 Onsite inspection.--

1           (1) Each county or municipality in this state shall be  
2 responsible for the onsite inspection of each park trailer  
3 ~~mobile home~~ installation located within the jurisdiction of  
4 such entity. The onsite inspection shall ensure compliance  
5 with the department's uniform installation standards set forth  
6 in this chapter and in department rules.

7           (2) Each county or municipality may designate the  
8 persons who are to perform the onsite inspection. If a county  
9 or municipality does not so designate, the department shall  
10 designate the persons who are to perform the onsite  
11 inspection. A person may not be designated to perform onsite  
12 inspections unless that person is competent in the area of  
13 park trailer ~~mobile home~~ installation.

14           (3) The county or municipality issuing a permit for  
15 the installation of a park trailer ~~mobile home~~ shall issue  
16 such permit only to a ~~licensed~~ mobile home installer who is  
17 licensed under section 14 of this act, ~~or to a licensed~~ mobile  
18 home dealer who is licensed under section 6 of this act, or a  
19 park trailer ~~manufactured home~~ owner if such the dealer or  
20 owner demonstrates on the face of the application that such a  
21 licensed mobile home installer will perform ~~be performing~~ the  
22 actual work. In the case of issuance to an owner, the permit  
23 must reflect the name and the license number of the licensed  
24 installer performing the work.

25           (4) Pursuant to the onsite inspection, each park  
26 trailer ~~mobile home~~ shall be issued a certificate of occupancy  
27 if the park trailer installation ~~mobile home~~ complies with  
28 department rules regarding the installation of park trailers  
29 ~~mobile homes~~.

30           (5) Fees for onsite inspections and certificates of  
31 occupancy of park trailers ~~mobile homes~~ shall be reasonable

1 for the services performed. A guideline for fee schedules  
2 shall be issued by the department.

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

22 ~~(7) Park trailers are subject to inspection in the~~  
23 ~~same manner as are mobile homes pursuant to this section.~~

24 Section 57. Section 320.830, Florida Statutes, is  
25 repealed.

26 Section 58. Section 320.831, is amended to read:

27 320.831 Penalties.--

28 (1) Whoever violates a ~~any~~ provision of the National  
29 Mobile Home Construction and Safety Standards Act of 1974, 42  
30 U.S.C. ss. 5401 et seq., or a rule, regulation ~~any rules,~~  
31 ~~regulations~~, or final order issued under such act is

1 ~~thereunder shall be~~ liable for a civil penalty not to exceed  
2 \$1,000 for each such violation. Each violation of such a  
3 provision constitutes ~~of the act or any rule, regulation, or~~  
4 ~~order issued thereunder shall constitute~~ a separate violation  
5 with respect to each mobile home or with respect to each  
6 failure or refusal to allow or perform an act required by the  
7 provision. ~~thereby, except that~~ The maximum civil penalty may  
8 not exceed \$1 million for any related series of violations  
9 occurring within 1 year from the date of the first violation.

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

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

26 Section 59. Section 320.8325, Florida Statutes, is  
27 amended to read:

28 320.8325 ~~Mobile homes, manufactured homes, and Park~~  
29 trailers; uniform installation standards; injunctions;  
30 penalty.--  
31

1           (1) The department shall adopt rules setting forth  
2 uniform standards for the installation of ~~mobile homes,~~  
3 ~~manufactured homes, and~~ park trailers and for the manufacture  
4 of components, products, or systems used in the installation  
5 of ~~mobile homes, manufactured homes, and~~ park trailers. The  
6 rules shall ensure that the ~~home or~~ park trailer is installed  
7 on a permanent foundation that resists wind, flood, flotation,  
8 overturning, sliding, and lateral movement of the ~~home or~~ park  
9 trailer. No entity, other than the department, has authority  
10 to amend these uniform standards. The owner of the ~~mobile~~  
11 ~~home, manufactured home, or~~ park trailer shall be responsible  
12 for the installation in accordance with department rules.

13           (2)(a) Persons licensed in this state to engage in the  
14 business of insuring ~~mobile homes, manufactured homes, or~~ park  
15 trailers that are subject to the provisions of this section  
16 against damage from windstorm shall issue such insurance only  
17 if the ~~mobile home, manufactured home, or~~ park trailer has  
18 been installed in accordance with the requirements of this  
19 chapter and department rules.

20           (b) If a ~~mobile home, manufactured home, or~~ park  
21 trailer is insured against damage caused by windstorm and  
22 subsequently sustains windstorm damage of a nature that  
23 indicates that ~~the mobile home, manufactured home, or~~ park  
24 trailer was not installed in the manner required by this  
25 chapter and department rules, the person issuing the policy  
26 shall not be relieved from meeting the obligations specified  
27 in the insurance policy with respect to such damage on the  
28 basis that the ~~mobile home or~~ park trailer was not properly  
29 installed.

30           (3) If ~~Whenever~~ a person or entity ~~that~~ engages in  
31 this state in the business of park trailer ~~manufactured~~



1 ~~housing~~ installation or in the business of manufacturing  
2 components, products, or systems used in the installation of  
3 park trailers, in this state and does so in a manner that is  
4 not in accordance with the uniform standards set forth by the  
5 department, a person or entity aggrieved thereby may bring an  
6 action in the appropriate court for actual damages. In  
7 addition, the court may provide appropriate equitable relief,  
8 including the enjoining of a violator from engaging in the  
9 business or from committing ~~engaging in~~ further violations. If  
10 ~~Whenever it is established to the satisfaction of the court~~  
11 finds that a willful violation has occurred, the court shall  
12 award punitive damages to the aggrieved party. The losing  
13 party may be liable for court costs and reasonable attorney's  
14 fees incurred by the prevailing party.

15 (4) In addition to other penalties provided in this  
16 section, the department or the state attorneys and their  
17 assistants are authorized to apply to the circuit courts  
18 within their respective jurisdictions, and such courts shall  
19 have jurisdiction, upon hearing and for cause shown, to grant  
20 temporary or permanent injunctions restraining any person or  
21 entity engaging in the business of park trailer manufactured  
22 ~~housing~~ installation or in the business or, the manufacturing  
23 ~~of~~ components, products, or systems used in the installation  
24 of park trailers from installing such trailers ~~homes~~ or  
25 manufacturing or selling such components, products, or systems  
26 in a manner not in accordance with the uniform standards set  
27 forth by the department or restraining any persons in the  
28 business of installing such components, products, or systems  
29 from using devices that do not meet the uniform standards set  
30 forth by the department or from installing such components,  
31 products, or systems in a manner not in accordance with the

1 uniform standards set forth by the department, whether or not  
2 there exists an adequate remedy at law, and such injunctions  
3 shall issue without bond.

4 (5) This section applies only to a ~~mobile home,~~  
5 ~~manufactured home,~~ or park trailer that is being used as a  
6 dwelling place and that is located on a particular location  
7 for a period of time exceeding ~~14 days,~~ for a ~~mobile or~~  
8 ~~manufactured home,~~ or 45 days, for a ~~park trailer.~~

9 (6) For the purposes of this section, the definitions  
10 set forth in s. 320.822 apply.

11 Section 60. Section 320.8335, Florida Statutes, is  
12 repealed.

13 Section 61. Section 320.834, Florida Statutes, is  
14 repealed.

15 Section 62. Section 320.835, Florida Statutes, is  
16 amended to read:

17 320.835 New Mobile home and recreational vehicle  
18 warranties.--Each manufacturer, dealer, ~~installer,~~ and  
19 supplier of ~~mobile homes or~~ recreational vehicles shall  
20 warrant each new ~~mobile home or~~ recreational vehicle sold in  
21 this state ~~and the setup of each such mobile home,~~ in  
22 accordance with the warranty requirements prescribed by this  
23 section, for a period of at least 12 months, measured from ~~the~~  
24 ~~date of delivery of the mobile home to the buyer or the date~~  
25 of sale of the recreational vehicle ~~in the case of a~~  
26 ~~manufacturer or dealer, or from the date of receipt of a~~  
27 ~~certificate of occupancy in the case of an installer.~~ The  
28 warranty requirements of each manufacturer, dealer, ~~installer,~~  
29 and supplier of such ~~mobile homes or~~ recreational vehicles are  
30 as follows:

31 (1) The manufacturer warrants+

1           ~~(a) For a mobile home or recreational vehicle,~~ that  
2 all structural elements; plumbing systems; heating, cooling,  
3 and fuel-burning systems; electrical systems; fire prevention  
4 systems; and any other components or conditions included by  
5 the manufacturer are free from substantial defect.

6           ~~(b) That 100 ampere electrical service exists in the~~  
7 ~~mobile home.~~

8           (2) The dealer warrants:

9           ~~(a)~~ that any modifications or alterations made to the  
10 ~~mobile home or~~ recreational vehicle by the dealer or  
11 authorized by the dealer shall be free from substantial  
12 defect. Alterations or modifications made by a dealer shall  
13 relieve the manufacturer of warranty responsibility only as to  
14 the item altered or modified.

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

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

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

28           ~~(3) The installer warrants that the setup operations~~  
29 ~~performed on the mobile home are performed in compliance with~~  
30 ~~s. 320.8325 and department rules governing the installation.~~

31

1           ~~(3)(4)~~ The supplier warrants that any warranties  
2 generally offered in the ordinary sale of his or her product  
3 to consumers shall be extended to buyers of ~~mobile homes and~~  
4 recreational vehicles. When no warranty is extended by  
5 suppliers, the manufacturer shall assume warranty  
6 responsibility for that component.

7           ~~(5) The department may adopt rules under chapter 120~~  
8 ~~to resolve disputes that may arise among the mobile home~~  
9 ~~manufacturer, dealer, installer, or supplier. Those rules must~~  
10 ~~comply with the dispute resolution process as set forth in the~~  
11 ~~federal Manufactured Housing Improvement Act.~~

12           Section 63. Section 320.840, Florida Statutes, is  
13 repealed.

14           Section 64. Section 320.865, Florida Statutes, is  
15 amended to read:

16           320.865 Maintenance of records by the  
17 department.--Beginning December 1, 2001, the department shall  
18 maintain electronic records of all complaints filed against  
19 licensees licensed under ~~the provisions of~~ ss. 320.27, 320.61,  
20 ~~320.77,~~ 320.771, and 320.8225, any other provision of this  
21 chapter to the contrary notwithstanding. The records shall  
22 contain all enforcement actions taken against licensees and  
23 against unlicensed persons acting in a capacity which would  
24 require them to be licensed under those sections. The  
25 electronic file of each licensee and unlicensed person shall  
26 contain a record of any complaints filed against him or her  
27 and a record of any enforcement actions taken against him or  
28 her. The complainant and the referring agency, if there is  
29 one, shall be advised of the disposition by the department of  
30 the complaint within 10 days of such action.

31

1           Section 65. Subsection (1) of section 553.415, Florida  
2 Statutes, is amended to read:

3           553.415 Factory-built school buildings.--

4           (1) It is the purpose of this section to provide an  
5 alternative procedure for the construction and installation of  
6 factory-built school buildings designed or intended for use as  
7 school buildings. As used in this section, the term  
8 "factory-built school building" means any building designed or  
9 intended for use as a school building, which is in whole or in  
10 part, manufactured at an offsite facility in compliance with  
11 the State Uniform Code for Public Educational Facilities and  
12 Department of Education rule, effective on January 5, 2000.  
13 After March 1, 2002, the Uniform Code for Public Educational  
14 Facilities shall be incorporated into the Florida Building  
15 Code, including specific requirements for Public Educational  
16 Facilities and the Department of Education rule, effective on  
17 January 5, 2000. For the purpose of this section,  
18 factory-built school buildings include prefabricated  
19 educational facilities, factory-built educational facilities,  
20 and modular-built educational facilities, that are designed to  
21 be portable, relocatable, demountable, or reconstructible; are  
22 used primarily as classrooms or the components of an entire  
23 school; and do not fall under the provisions of ss.  
24 320.822-320.862 or sections 8-33 of this act.

25           Section 66. Paragraph (b) of subsection (2) of section  
26 627.351, Florida Statutes, is amended to read:

27           627.351 Insurance risk apportionment plans.--

28           (2) WINDSTORM INSURANCE RISK APPORTIONMENT.--

29           (b) The department shall require all insurers holding  
30 a certificate of authority to transact property insurance on a  
31 direct basis in this state, other than joint underwriting

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

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

31

1           2.a.(I) All insurers required to be members of such  
2 association shall participate in its writings, expenses, and  
3 losses. Surplus of the association shall be retained for the  
4 payment of claims and shall not be distributed to the member  
5 insurers. Such participation by member insurers shall be in  
6 the proportion that the net direct premiums of each member  
7 insurer written for property insurance in this state during  
8 the preceding calendar year bear to the aggregate net direct  
9 premiums for property insurance of all member insurers, as  
10 reduced by any credits for voluntary writings, in this state  
11 during the preceding calendar year. For the purposes of this  
12 subsection, the term "net direct premiums" means direct  
13 written premiums for property insurance, reduced by premium  
14 for liability coverage and for the following if included in  
15 allied lines: rain and hail on growing crops; livestock;  
16 association direct premiums booked; National Flood Insurance  
17 Program direct premiums; and similar deductions specifically  
18 authorized by the plan of operation and approved by the  
19 department. A member's participation shall begin on the first  
20 day of the calendar year following the year in which it is  
21 issued a certificate of authority to transact property  
22 insurance in the state and shall terminate 1 year after the  
23 end of the calendar year during which it no longer holds a  
24 certificate of authority to transact property insurance in the  
25 state. The commissioner, after review of annual statements,  
26 other reports, and any other statistics that the commissioner  
27 deems necessary, shall certify to the association the  
28 aggregate direct premiums written for property insurance in  
29 this state by all member insurers.

30           (II) Effective July 1, 2002, the association shall  
31 operate subject to the supervision and approval of a board of

1 | governors who are the same individuals that have been  
2 | appointed by the Treasurer to serve on the board of governors  
3 | of the Citizens Property Insurance Corporation.

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

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

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

17 |         (VI) The plan of operation may also provide for the  
18 | award of credits, for a period not to exceed 3 years, from a  
19 | regular assessment pursuant to sub-sub-subparagraph d.(I) or  
20 | sub-sub-subparagraph d.(II) as an incentive for taking  
21 | policies out of the Residential Property and Casualty Joint  
22 | Underwriting Association. In order to qualify for the  
23 | exemption under this sub-sub-subparagraph, the take-out plan  
24 | must provide that at least 40 percent of the policies removed  
25 | from the Residential Property and Casualty Joint Underwriting  
26 | Association cover risks located in Dade, Broward, and Palm  
27 | Beach Counties or at least 30 percent of the policies so  
28 | removed cover risks located in Dade, Broward, and Palm Beach  
29 | Counties and an additional 50 percent of the policies so  
30 | removed cover risks located in other coastal counties, and  
31 | must also provide that no more than 15 percent of the policies



1 | so removed may exclude windstorm coverage. With the approval  
2 | of the department, the association may waive these geographic  
3 | criteria for a take-out plan that removes at least the lesser  
4 | of 100,000 Residential Property and Casualty Joint  
5 | Underwriting Association policies or 15 percent of the total  
6 | number of Residential Property and Casualty Joint Underwriting  
7 | Association policies, provided the governing board of the  
8 | Residential Property and Casualty Joint Underwriting  
9 | Association certifies that the take-out plan will materially  
10 | reduce the Residential Property and Casualty Joint  
11 | Underwriting Association's 100-year probable maximum loss from  
12 | hurricanes. With the approval of the department, the board  
13 | may extend such credits for an additional year if the insurer  
14 | guarantees an additional year of renewability for all policies  
15 | removed from the Residential Property and Casualty Joint  
16 | Underwriting Association, or for 2 additional years if the  
17 | insurer guarantees 2 additional years of renewability for all  
18 | policies removed from the Residential Property and Casualty  
19 | Joint Underwriting Association.

20 |         b. Assessments to pay deficits in the association  
21 | under this subparagraph shall be included as an appropriate  
22 | factor in the making of rates as provided in s. 627.3512.

23 |         c. The Legislature finds that the potential for  
24 | unlimited deficit assessments under this subparagraph may  
25 | induce insurers to attempt to reduce their writings in the  
26 | voluntary market, and that such actions would worsen the  
27 | availability problems that the association was created to  
28 | remedy. It is the intent of the Legislature that insurers  
29 | remain fully responsible for paying regular assessments and  
30 | collecting emergency assessments for any deficits of the  
31 | association; however, it is also the intent of the Legislature

1 | to provide a means by which assessment liabilities may be  
2 | amortized over a period of years.

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

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

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

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

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

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

18 (V) If regular deficit assessments are made under  
19 sub-sub-subparagraph (I) or sub-sub-subparagraph (II), or by  
20 the Residential Property and Casualty Joint Underwriting  
21 Association under sub-subparagraph (6)(b)3.a. or  
22 sub-subparagraph (6)(b)3.b., the association shall levy upon  
23 the association's policyholders, as part of its next rate  
24 filing, or by a separate rate filing solely for this purpose,  
25 a market equalization surcharge in a percentage equal to the  
26 total amount of such regular assessments divided by the  
27 aggregate statewide direct written premium for property  
28 insurance for member insurers for the prior calendar year.  
29 Market equalization surcharges under this sub-sub-subparagraph  
30 are not considered premium and are not subject to commissions,  
31 fees, or premium taxes; however, failure to pay a market

1 equalization surcharge shall be treated as failure to pay  
2 premium.

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

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

17 |         3. The plan shall also provide that any member with a  
18 | surplus as to policyholders of \$20 million or less writing 25  
19 | percent or more of its total countrywide property insurance  
20 | premiums in this state may petition the department, within the  
21 | first 90 days of each calendar year, to qualify as a limited  
22 | apportionment company. The apportionment of such a member  
23 | company in any calendar year for which it is qualified shall  
24 | not exceed its gross participation, which shall not be  
25 | affected by the formula for voluntary writings. In no event  
26 | shall a limited apportionment company be required to  
27 | participate in any apportionment of losses pursuant to  
28 | sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II)  
29 | in the aggregate which exceeds \$50 million after payment of  
30 | available plan funds in any calendar year. However, a limited  
31 | apportionment company shall collect from its policyholders any

1 emergency assessment imposed under sub-sub-subparagraph  
2 2.d.(III). The plan shall provide that, if the department  
3 determines that any regular assessment will result in an  
4 impairment of the surplus of a limited apportionment company,  
5 the department may direct that all or part of such assessment  
6 be deferred. However, there shall be no limitation or  
7 deferment of an emergency assessment to be collected from  
8 policyholders under sub-sub-subparagraph 2.d.(III).

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

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

26           b. The association may require arbitration of a rate  
27 filing under s. 627.062(6). It is the intent of the  
28 Legislature that the rates for coverage provided by the  
29 association be actuarially sound and not competitive with  
30 approved rates charged in the admitted voluntary market such  
31 that the association functions as a residual market mechanism

1 | to provide insurance only when the insurance cannot be  
2 | procured in the voluntary market. The plan of operation shall  
3 | provide a mechanism to assure that, beginning no later than  
4 | January 1, 1999, the rates charged by the association for each  
5 | line of business are reflective of approved rates in the  
6 | voluntary market for hurricane coverage for each line of  
7 | business in the various areas eligible for association  
8 | coverage.

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

25 |       d. The plan of operation must provide objective  
26 | criteria and procedures, approved by the department, to be  
27 | uniformly applied for all applicants in determining whether an  
28 | individual risk is so hazardous as to be uninsurable. In  
29 | making this determination and in establishing the criteria and  
30 | procedures, the following shall be considered:  
31 |



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

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

7  
8 The acceptance or rejection of a risk by the association  
9 pursuant to such criteria and procedures must be construed as  
10 the private placement of insurance, and the provisions of  
11 chapter 120 do not apply.

12 e. If the risk accepts an offer of coverage through  
13 the market assistance program or through a mechanism  
14 established by the association, either before the policy is  
15 issued by the association or during the first 30 days of  
16 coverage by the association, and the producing agent who  
17 submitted the application to the association is not currently  
18 appointed by the insurer, the insurer shall:

19 (I) Pay to the producing agent of record of the  
20 policy, for the first year, an amount that is the greater of  
21 the insurer's usual and customary commission for the type of  
22 policy written or a fee equal to the usual and customary  
23 commission of the association; or

24 (II) Offer to allow the producing agent of record of  
25 the policy to continue servicing the policy for a period of  
26 not less than 1 year and offer to pay the agent the greater of  
27 the insurer's or the association's usual and customary  
28 commission for the type of policy written.

29  
30 If the producing agent is unwilling or unable to accept  
31 appointment, the new insurer shall pay the agent in accordance

1 with sub-sub-subparagraph (I). Subject to the provisions of s.  
2 627.3517, the policies issued by the association must provide  
3 that if the association obtains an offer from an authorized  
4 insurer to cover the risk at its approved rates under either a  
5 standard policy including wind coverage or, if consistent with  
6 the insurer's underwriting rules as filed with the department,  
7 a basic policy including wind coverage, the risk is no longer  
8 eligible for coverage through the association. Upon  
9 termination of eligibility, the association shall provide  
10 written notice to the policyholder and agent of record stating  
11 that the association policy must be canceled as of 60 days  
12 after the date of the notice because of the offer of coverage  
13 from an authorized insurer. Other provisions of the insurance  
14 code relating to cancellation and notice of cancellation do  
15 not apply to actions under this sub-subparagraph.

16 f. When the association enters into a contractual  
17 agreement for a take-out plan, the producing agent of record  
18 of the association policy is entitled to retain any unearned  
19 commission on the policy, and the insurer shall:

20 (I) Pay to the producing agent of record of the  
21 association policy, for the first year, an amount that is the  
22 greater of the insurer's usual and customary commission for  
23 the type of policy written or a fee equal to the usual and  
24 customary commission of the association; or

25 (II) Offer to allow the producing agent of record of  
26 the association policy to continue servicing the policy for a  
27 period of not less than 1 year and offer to pay the agent the  
28 greater of the insurer's or the association's usual and  
29 customary commission for the type of policy written.

30  
31

1 | If the producing agent is unwilling or unable to accept  
2 | appointment, the new insurer shall pay the agent in accordance  
3 | with sub-sub-subparagraph (I).

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

14 |         b. Any entity created under this subsection, or any  
15 | entity formed for the purposes of this subsection, may sue and  
16 | be sued, may borrow money; issue bonds, notes, or debt  
17 | instruments; pledge or sell assessments, market equalization  
18 | surcharges and other surcharges, rights, premiums, contractual  
19 | rights, projected recoveries from the Florida Hurricane  
20 | Catastrophe Fund, other reinsurance recoverables, and other  
21 | assets as security for such bonds, notes, or debt instruments;  
22 | enter into any contracts or agreements necessary or proper to  
23 | accomplish such borrowings; and take other actions necessary  
24 | to carry out the purposes of this subsection. The association  
25 | may issue bonds or incur other indebtedness, or have bonds  
26 | issued on its behalf by a unit of local government pursuant to  
27 | subparagraph (6)(g)2., in the absence of a hurricane or other  
28 | weather-related event, upon a determination by the association  
29 | subject to approval by the department that such action would  
30 | enable it to efficiently meet the financial obligations of the  
31 | association and that such financings are reasonably necessary

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

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

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

30 8. Subject to approval by the department, the  
31 association may establish different eligibility requirements

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

15 9. Notwithstanding any other provision of law:

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

27 b. No such proceeding shall relieve the association of  
28 its obligation, or otherwise affect its ability to perform its  
29 obligation, to continue to collect, or levy and collect,  
30 assessments, market equalization or other surcharges,  
31 projected recoveries from the Florida Hurricane Catastrophe

1 Fund, reinsurance recoverables, or any other rights, revenues,  
2 or other assets of the association pledged.

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

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

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

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

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

20 Section 67. Subsection (1) of section 1013.37, Florida  
21 Statutes, is amended to read:

22 1013.37 State uniform building code for public  
23 educational facilities construction.--

24 (1) UNIFORM BUILDING CODE.--A uniform statewide  
25 building code for the planning and construction of public  
26 educational and ancillary plants by district school boards and  
27 community college district boards of trustees shall be adopted  
28 by the Florida Building Commission within the Florida Building  
29 Code, pursuant to s. 553.73. Included in this code must be  
30 flood plain management criteria in compliance with the rules  
31 and regulations in 44 C.F.R. parts 59 and 60, and subsequent

1 revisions thereto which are adopted by the Federal Emergency  
2 Management Agency. It is also the responsibility of the  
3 department to develop, as a part of the uniform building code,  
4 standards relating to:

5 (a) Prefabricated facilities or factory-built  
6 facilities that are designed to be portable, relocatable,  
7 demountable, or reconstructible; are used primarily as  
8 classrooms; and do not fall under the provisions of ss.  
9 320.822-320.862 or sections 8-33 of this act. Such standards  
10 must permit boards to contract with the Department of  
11 Community Affairs for factory inspections by certified  
12 building code inspectors to certify conformance with  
13 applicable law and rules. The standards must comply with ~~the~~  
14 ~~requirements of~~ s. 1013.20 for relocatable facilities intended  
15 for long-term use as classroom space, and the relocatable  
16 facilities shall be designed subject to missile impact  
17 criteria of s. 423(24)(d)(1) of the Florida Building Code when  
18 located in the windborne debris region.

19 (b) The sanitation of educational and ancillary plants  
20 and the health of occupants of educational and ancillary  
21 plants.

22 (c) The safety of occupants of educational and  
23 ancillary plants as provided in s. 1013.12, except that the  
24 firesafety criteria shall be established by the State Fire  
25 Marshal in cooperation with the Florida Building Commission  
26 and the department and such firesafety requirements must be  
27 incorporated into the Florida Fire Prevention Code.

28 (d) Accessibility for children, notwithstanding the  
29 provisions of s. 553.512.

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31



1 (e) The performance of life-cycle cost analyses on  
2 alternative architectural and engineering designs to evaluate  
3 their energy efficiencies.

4 1. The life-cycle cost analysis must consist of the  
5 sum of:

6 a. The reasonably expected fuel costs over the life of  
7 the building which are required to maintain illumination,  
8 water heating, temperature, humidity, ventilation, and all  
9 other energy-consuming equipment in a facility; and

10 b. The reasonable costs of probable maintenance,  
11 including labor and materials, and operation of the building.

12 2. For computation of the life-cycle costs, the  
13 department shall develop standards that must include, but need  
14 not be limited to:

15 a. The orientation and integration of the facility  
16 with respect to its physical site.

17 b. The amount and type of glass employed in the  
18 facility and the directions of exposure.

19 c. The effect of insulation incorporated into the  
20 facility design and the effect on solar utilization of the  
21 properties of external surfaces.

22 d. The variable occupancy and operating conditions of  
23 the facility and subportions of the facility.

24 e. An energy-consumption analysis of the major  
25 equipment of the facility's heating, ventilating, and cooling  
26 system; lighting system; and hot water system and all other  
27 major energy-consuming equipment and systems as appropriate.

28 3. Life-cycle cost criteria published by the  
29 Department of Education for use in evaluating projects.

30 4. Standards for construction materials and systems  
31 based on life-cycle costs that consider initial costs,

1 maintenance costs, custodial costs, operating costs, and life  
2 expectancy. The standards may include multiple acceptable  
3 materials. It is the intent of the Legislature to require  
4 district school boards to comply with these standards when  
5 expending funds from the Public Education Capital Outlay and  
6 Debt Service Trust Fund or the School District and Community  
7 College District Capital Outlay and Debt Service Trust Fund  
8 and to prohibit district school boards from expending local  
9 capital outlay revenues for any project that includes  
10 materials or systems that do not comply with these standards,  
11 unless the district school board submits evidence that  
12 alternative materials or systems meet or exceed standards  
13 developed by the department.

14  
15 It is not a purpose of the Florida Building Code to inhibit  
16 the use of new materials or innovative techniques; nor may it  
17 specify or prohibit materials by brand names. The code must be  
18 flexible enough to cover all phases of construction so as to  
19 afford reasonable protection for the public safety, health,  
20 and general welfare. The department may secure the service of  
21 other state agencies or such other assistance as it finds  
22 desirable in recommending to the Florida Building Commission  
23 revisions to the code.

24           Section 68. This act shall take effect July 1, 2005.  
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SENATE SUMMARY

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3 Transfers certain powers, duties, personnel, property,  
4 and appropriations relating to mobile home safety and  
5 sales from the Department of Highway Safety and Motor  
6 Vehicles to the Department of Community Affairs.  
7 Authorizes both departments to enter into agreements to  
8 effectuate such transfers. Transfers the mobile home  
9 portion of the Mobile Home and Recreational Vehicle  
10 Protection Trust Fund administered by the Florida  
11 Department of Highway Safety and Motor Vehicles into the  
12 Department of Community Affairs Operating Trust Fund.  
13 Requires a mobile home dealer licensee to place a  
14 purchase deposit in escrow. Authorizes application of  
15 current civil, criminal, administrative, and judicial  
16 remedies to inappropriate action of a licensed mobile  
17 home dealer against a licensee who violates the escrow  
18 requirement. Provides a mission statement for the  
19 Department of Community Affairs. Makes conforming  
20 amendments. Repeals provisions relating to mobile home  
21 dealer licensure, mobile home construction and safety  
22 standards, mobile home installation licensure, mobile  
23 home installation products, mobile home inspection,  
24 mobile home labeling and certification, reciprocity with  
25 other states that have mobile home laws, disclosure of  
26 manner used in determining length of mobile homes, and to  
27 liquidated damages when a mobile home buyer refuses to  
28 accept delivery of a mobile home, to conform.  
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