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1 A bill to be entitled
2 An act relating to mobile homes; amending s. 320.822,
3 F.S.; removing the definition of "seal" or "label";
4 repealing s. 320.824, F.S.; relating to the authority of
5 the Department of Highway Safety and Motor Vehicles to
6 adopt by rule changes in, or modifications to, mobile home
7 standards and to enter any place where mobile homes are
8 manufactured, sold, or offered for sale for certain
9 purposes; amending s. 320.8245, F.S.; conforming a cross-
10 reference; removing authority of the department to
11 promulgate rules and regulations regarding alterations or
12 modifications of mobile homes or recreational vehicles;
13 revising qualifications for the designation of persons
14 qualified to alter or modify a mobile home or recreational
15 vehicle; amending s. 320.8249, F.S.; conforming a cross-
16 reference; repealing s. 320.8255, F.S., relating to mobile
17 home inspections by the department; amending s. 320.827,
18 F.S.; removing a provision authorizing the department to
19 issue labels; requiring mobile homes manufactured in this
20 state to bear a label and certification that the mobile
21 home meets or exceeds the code of the United States
22 Department of Housing and Urban Development; amending s.
23 320.834, F.S.; revising legislative purpose and intent;
24 providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Subsections (14) through (18) of section
 29 320.822, Florida Statutes, are renumbered as subsections (13)
 30 through (17), respectively, and present subsection (13) of that
 31 section is amended to read:

32 320.822 Definitions; ss. 320.822-320.862.--In construing
 33 ss. 320.822-320.862, unless the context otherwise requires, the
 34 following words or phrases have the following meanings:

35 ~~(13) "Seal" or "label" means a device issued by the~~
 36 ~~department certifying that a mobile home or recreational vehicle~~
 37 ~~meets the appropriate code, which device is to be displayed on~~
 38 ~~the exterior of the mobile home or recreational vehicle.~~

39 Section 2. Section 320.824, Florida Statutes, is repealed.

40 Section 3. Section 320.8245, Florida Statutes, is amended
 41 to read:

42 320.8245 Limitation of alteration or modification to
 43 mobile homes or recreational vehicles.--

44 (1) LIMITATION OF ALTERATIONS OR MODIFICATIONS.--No
 45 alteration or modification shall be made to a mobile home or
 46 recreational vehicle by a licensed dealer after shipment from
 47 the manufacturer's plant unless such alteration or modification
 48 is authorized in this section.

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

53 (a) An alteration or modification performed by a mobile
 54 home or recreational vehicle dealer or his or her agent or
 55 employee shall place warranty responsibility for the altered or

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56 modified item upon the dealer. If the manufacturer fulfills, or
57 is required to fulfill, the warranty on the altered or modified
58 item, he or she shall be entitled to recover damages in the
59 amount of his or her costs and attorneys' fees from the dealer.

60 (b) An alteration or modification performed by a mobile
61 home or recreational vehicle owner or his or her agent shall
62 render the manufacturer's warranty as to that item void. A
63 statement shall be displayed clearly and conspicuously on the
64 face of the warranty that the warranty is void as to the altered
65 or modified item if the alteration or modification is performed
66 by other than a qualified person. Failure to display such
67 statement shall result in warranty responsibility on the
68 manufacturer.

69 ~~(3) AUTHORITY OF THE DEPARTMENT. The department is~~
70 ~~authorized to promulgate rules and regulations pursuant to~~
71 ~~chapter 120 which define the alterations or modifications which~~
72 ~~must be made by qualified personnel. The department may regulate~~
73 ~~only those alterations and modifications which substantially~~
74 ~~impair the structural integrity or safety of the mobile home.~~

75 (3)(4) DESIGNATION AS A QUALIFIED PERSON.--

76 ~~(a)~~ In order to be designated as a person qualified to
77 alter or modify a mobile home or recreational vehicle, a person
78 must comply with local or county licensing or competency
79 requirements in skills relevant to performing alterations or
80 modifications on mobile homes or recreational vehicles.

81 ~~(b) When no local or county licensing or competency~~
82 ~~requirements exist, the department may certify persons to~~
83 ~~perform mobile home alterations or modifications. The department~~

84 ~~shall by rule or regulation determine what skills and competency~~
 85 ~~requirements are requisite to the issuance of a certification. A~~
 86 ~~fee sufficient to cover the costs of issuing certifications may~~
 87 ~~be charged by the department. The certification shall be valid~~
 88 ~~for a period which terminates when the county or other local~~
 89 ~~governmental unit enacts relevant competency or licensing~~
 90 ~~requirements. The certification shall be valid only in counties~~
 91 ~~or localities without licensing or competency requirements.~~

92 ~~(c) The department shall determine which counties and~~
 93 ~~localities have licensing or competency requirements adequate to~~
 94 ~~eliminate the requirement of certification. This determination~~
 95 ~~shall be based on a review of the relevant county or local~~
 96 ~~standards for adequacy in regulating persons who perform~~
 97 ~~alterations or modifications to mobile homes. The department~~
 98 ~~shall find local or county standards adequate when minimal~~
 99 ~~licensing or competency standards are provided.~~

100 Section 4. Subsection (6) of section 320.8249, Florida
 101 Statutes, is amended to read:

102 320.8249 Mobile home installers license.--

103 (6) "Installation," as used herein, is synonymous with
 104 "setup" as defined in s. 320.822 (13) ~~(14)~~.

105 Section 5. Section 320.8255, Florida Statutes, is
 106 repealed.

107 Section 6. Section 320.827, Florida Statutes, is amended
 108 to read:

109 320.827 Label; procedures for issuance; certification;
 110 requirements.--No dealer shall sell or offer for sale in this
 111 state any new mobile home manufactured after January 1, 1968,

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112 unless the mobile home bears a label and the certification by
 113 the manufacturer that the mobile home to which the label is
 114 attached meets or exceeds the appropriate code. Any mobile home
 115 bearing the insignia of approval pursuant to this section shall
 116 be deemed to comply with the requirements of all local
 117 government ordinances or rules which govern construction, and no
 118 mobile home bearing an ~~the department~~ insignia of approval shall
 119 be in any way modified except in compliance with this chapter.
 120 ~~Labels may be issued by the department when applied for with an~~
 121 ~~affidavit certifying that the dealer or manufacturer applying~~
 122 ~~will not attach a label to any new mobile home that does not~~
 123 ~~meet or exceed the appropriate code.~~ No mobile home may be
 124 manufactured in this state unless it bears a label and
 125 certification that the mobile home meets or exceeds the code of
 126 the United States Department of Housing and Urban Development.
 127 ~~The label for each mobile home shall be displayed in a manner to~~
 128 ~~be prescribed by the department.~~

129 Section 7. Section 320.834, Florida Statutes, is amended
 130 to read:

131 320.834 Purpose.--It is the intent of the Legislature to
 132 ensure the safety and welfare of residents of mobile homes
 133 through a licensing ~~an inspection~~ program conducted by the
 134 Department of Highway Safety and Motor Vehicles. Mobile homes
 135 are a primary affordable housing resource of many of the
 136 residents of the state and satisfy a large segment of statewide
 137 housing needs. It is the further intent of the Legislature that
 138 ~~the department,~~ mobile home dealers, and mobile home
 139 manufacturers continue to work together to meet the applicable

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140 | code requirements for mobile homes and that such dealers and
141 | manufacturers share the responsibilities of warranting mobile
142 | homes in accordance with applicable codes and resolving
143 | legitimate consumer complaints in a timely, efficient manner.
144 | Section 8. This act shall take effect July 1, 2007.