ST. JOHNS COUNTY

RESOLUTION - 92 - 130

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA, OPPOSING THE PROPOSED
RULE CHANGES TO ADMINISTRATIVE RULE 15C-2.0072, FLORIDA
ADMINISTRATIVE CODE, WHICH PERTAINS TO SET UP OPERATION
BY LICENSED DEALERS AND MANUFACTURERS, BEING PROPOSED
BY THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES,
DIVISION OF MOTOR VEHICLES (DMV).

WHEREAS, the Department of Motor Vehicles (DMV), through
their rule making authority, proposes to require that the
standards identified by Rule 15C-1.010,F.A.C., shall be the
maximum standards applied throughout Florida for the set
up of used mobile/Manufactured housing or park models in
the absence of manufacturers installation standards; and,

WHEREAS, the proposed Rule written by the DMV takes
a questionable interpretation of the legislators' intent
with the recent changes to Section 320.77 (10),F.S., which
reads as follows

"Each license may perform set up operations only as
defined in Section 320.822,F.S., and the department
shall provide by rule the uniform application of all
existing statutory provisions relating to licensing
and set up operation"; and,

WHEREAS, the proposed Rule would remove the existing
right for local jurisdictions, if they deem it appropriate,
to require additional standards for the set up of
mobile/manufactured housing or park models; and,

WHEREAS, the proposed Rule conflicts with Section
320.8285(5),F.S., which gives the local jurisdiction the right
to regulate on site installation and reads as follows:

(5) The Department of Highway Safety and Motor Vehicles
shall enforce every provision of this section and the
regulations adopted pursuant hereto, except that local
land use and zoning requirements, fire zones, building
setback, an side and rear yard requirements, site
development and property line requirements, subdivision
control, and on site installation requirements, as well
as review and regulation of architectural and aesthetic
requirements, are hereby
specifically and entirely reserved to local jurisdictions. However, any architectural or aesthetic requirement imposed on the mobile home structure itself may pertain only to roofing and siding materials. Such local requirements and regulations for manufactured homes must be reasonable, uniformly applied, and enforced without distinctions as to whether such housing is manufactured, located in a mobile home park or a mobile home subdivision, or built in a conventional manner; and,

WHEREAS, the proposed Rule would allow a licensed dealer or manufacturer to connect electrical conductors between the mobile/manufactured home or park model to an existing electrical supply system disconnect, i.e. service pole or pedestal, which is in conflict with Chapter 489, F.S., and local ordinance; and,

WHEREAS, all new and most used mobile/manufactured housing within St. Johns County will require the installation and connection of electrical wiring at the home site with very few having simple plug-ins which connect directly with the electrical supply; and,

WHEREAS, the proposed Rule would allow a licensed dealer or manufacturer to connect sanitary drainage from the mobile/manufactured home or park model to an existing sewer tap or septic tank which is in conflict with Chapter 489 and 553, F.S.; and,

WHEREAS, the proposed Rule would allow a licensed dealer or manufacturer to connect potable water from the water connection on the mobile/manufactured home or park trailer to an existing water meter, water tap, or other independent water supply system which is in conflict with Chapter 489 and 553, F.S.; and,

WHEREAS, Chapter 320, F.S., does not specify minimum competency requirements in the electrical or plumbing trades as part of the dealer or manufacturer license requirements, which are regulated by DMV; and,
WHEREAS, it is not in the best interest of public health, safety and welfare to promote reduced standards for installation of mobile/manufactured homes and park models as compared with conventional site built homes, by allowing individuals with no electrical or plumbing trade competence requirements as called for by Chapter 489 and 553 F.S. to perform electrical and plumbing work and connect to existing utilities; and,

WHEREAS, the proposed Rule is scheduled to go before the Governor and Cabinet during the first week of September 1992; and,

NOW, THEREFORE, BE IT RESOLVED, by the St. Johns County Board of County Commissioners, in their meeting assembled on August 18, 1992, that for the reasons stated in this Resolution, the Board opposes the proposed wording for Chapter 15C-2.0072, Florida Administrative Code, Set Up Operation by Licensed Dealers and Manufacturers.

BE IT FURTHER RESOLVED, that the St. Johns County Board of County Commissioners desires to continue local regulation of on site installation for mobile/manufactured housing and park models.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Governor, Cabinet, State Legislators, Florida Association of Counties, North East Florida Regional Planning Council, Florida League of Cities and any other appropriate individuals or organizations.

DONE, ORDERED AND ADOPTED this 18th day of August, 1992.

BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA
By:  [Signature]
Chairman - Fred Brinkhoff

ATTEST: CARL "BUD" MARKEL, CLERK
By:  [Signature]
Deputy Clerk