

ST. JOHNS COUNTY

R E S O L U T I O N - 9 2 - 1 3 0

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 competency 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 18 day of August, 1992.



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

ATTEST: CARL "BUD" MARKEL, CLERK  
By: Orma Pacetti  
Deputy Clerk