

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 557 Movable Tiny Homes

SPONSOR(S): Regulatory Reform & Economic Development Subcommittee, Stevenson

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Regulatory Reform & Economic Development Subcommittee	15 Y, 0 N, As CS	Wright	Anstead
2) Transportation & Modals Subcommittee	14 Y, 0 N	Hinshelwood	Hinshelwood
3) Commerce Committee			

SUMMARY ANALYSIS

Under Florida law, a tiny house affixed to a permanent foundation must meet Florida Building Code standards applicable to tiny houses. A “tiny house”, as defined in the Florida Building Code, is a dwelling that is 400 square feet or less in floor area excluding lofts and must be built to the tiny house standards in the Florida Building Code.

In some instances, current law allows a movable tiny home built on a chassis or flatbed trailer to be registered as a “park trailer” under the purview of the Department of Highway Safety and Motor Vehicles. However, such movable tiny home is limited to seasonal use.

A “trailer” means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle. There is no seasonal time limitation for the use of trailers.

The bill would allow a movable tiny home, when built in accordance with the Florida Building Code, to be utilized for year-round living.

The bill includes “movable tiny home” in the definition of “trailer.”

Under the bill, a "movable tiny home" means a trailer:

- That is transportable unit with a house affixed to a single chassis;
- Designed to provide permanent living quarters for no more than one household;
- With a body width not exceeding 14 feet;
- With a total area in set up mode that does not exceed 500 square feet;
- Connected to utilities necessary for operation of installed fixtures and appliances;
- Constructed and inspected in accordance with the Building Code; and
- With a sticker or other documentation certifying that it was inspected and certified for compliance with the Building Code by a licensed professional engineer, architect, or third-party inspector for compliance with the Building Code.

The bill also requires the Building Commission to review any updates to such codes which pertain to requirements for movable tiny homes.

The bill does not appear to have a fiscal impact on state or local governments.

The bill has an effective date of October 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Tiny Houses v. Movable Tiny Homes

Under current Florida law, a tiny house affixed to a permanent foundation must meet Florida Building Code standards applicable to tiny houses.¹ In some instances, current law allows a movable tiny home built on a chassis or flatbed trailer to be registered as a “park trailer” under the purview of the Department of Highway Safety and Motor Vehicles (DHSMV).² However, such movable tiny home is limited to seasonal use.

Park Trailers

Chapter 320, F.S., defines “park trailer” as a type of recreational vehicle that is transportable with a body width not exceeding 14 feet, which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.³ The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to American National Standards Institute (ANSI)⁴ A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development (HUD) Standards.⁵

The DHSMV has adopted rules setting forth uniform standards for the installation of a mobile home, manufactured home, or park trailer that is being used as a dwelling place and that is located on a particular location for a period of time exceeding 14 days, for a mobile or manufactured home, or 45 days, for a park trailer.⁶ The rules must ensure that the home or park trailer is installed on a permanent foundation that resists wind, flood, flotation, overturning, sliding, and lateral movement of the home or park trailer.⁷ Such rules are in Ch. 15C-1, F.A.C., and include requirements for anchors and tie-downs.⁸ A county or municipality is responsible for the onsite inspection of each park trailer installation located within its jurisdiction in order to ensure compliance with the DHSMV’s uniform installation standards.⁹

As stated above, the definition of “park trailer” contemplates that it is used as “seasonal or temporary living quarters.” Some people live in movable tiny homes year-round but must periodically leave RV and mobile home parks because of the seasonal/temporary nature of their registration as a “park trailer.”

¹ FBC, Residential, Appendix Q (8th Ed. 2023), <https://up.codes/viewer/florida/fl-residential-code-2020/chapter/Q/tiny-houses#AQ102> (last visited Jan. 29, 2024).

² S. 320.01(1)(b)7., F.S.

³ *Id.*

⁴ The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system. The Institute works in close collaboration with stakeholders from industry and government to identify and develop standards - and conformance-based solutions to national and global priorities. American National Standards Institute, *Introduction*, <https://www.ansi.org/about/introduction> (last visited Jan. 29, 2024).

⁵ S. 320.01(1)(b)7., F.S.

⁶ S. 320.8325(1)&(5), F.S.

⁷ *Id.*

⁸ Ch. 15C-1, F.A.C., available at <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=15c-1>.

⁹ S. 320.8285(1)&(7), F.S.

Trailers

Chapter 320, F.S., defines “trailer” to mean any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.¹⁰

Building Standards for Tiny Homes

Florida Building Code Provisions Related to Tiny Houses

The 2020 Edition of the Florida Building Code (Building Code) incorporated Appendix Q to outline tiny house standards statewide,¹¹ which defines “tiny house” as a permanent residential dwelling that is 400 square feet or less in floor area excluding lofts and must be built to the tiny house standards in the Florida Building Code.¹² As a tiny house is a type of residential dwelling, it must be on and permanently affixed to a foundation and comply with building requirements for the superstructure.¹³

Florida Building Code

Since 2000, Florida has operated under a uniform statewide building code. Prior to that, different counties had different building codes.

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida’s minimum standards were met. Local governments could choose from four separate model codes. The state’s role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹⁴

In 1992, Hurricane Andrew demonstrated that Florida’s system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study’s commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Building Code, and that first edition replaced all local codes on March 1, 2002.¹⁵ The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.¹⁶

Chapter 553, part IV, F.S., is known as the “Florida Building Codes Act” (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.¹⁷

The Florida Building Commission (Commission) was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,¹⁸ the National Electric Code,

¹⁰ S. 320.01(4), F.S.

¹¹ FBC, Residential, Appendix Q (8th Ed. 2023).

¹² S. AQ101.1, FBC, Residential (8th Ed. 2023).

¹³ S. R401.1, FBC, Residential (8th Ed. 2023).

¹⁴ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 29, 2024).

¹⁵ *Id.*

¹⁶ Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Jan. 29, 2024).

¹⁷ See s. 553.72(1), F.S.

¹⁸ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 29, 2024).

and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.¹⁹

Building Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.²⁰ Every local government must enforce the Building Code and issue building permits.²¹ A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.²² Any construction work that requires a building permit also requires the review of building plans and inspections of the progress of work completed by the building official, inspector, or plans examiner to ensure the work complies with the Building Code.²³

It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a building permit from the local government or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.²⁴

To obtain a permit, an applicant must complete an application for the proposed work on the form furnished by the local enforcing agency.²⁵ A local enforcing agency may not issue a permit until the building official or plans reviewer has reviewed the building plans and determined that they comply with the Building Code.²⁶ A certificate of completion for a building or structure may be issued when such work passes its final building inspection.²⁷

Substructure and Superstructure

The part of the structure that is buried underground is referred to as the substructure, and includes the foundation. The building's weight is dispersed throughout the substructure and the ground underneath it.²⁸ A building's foundation serves to transmit loads from the superstructure to the ground underneath. The Building Code requires foundations to be capable of resisting all loads from roof uplift and building overturn.²⁹

The superstructure is the whole part of a structure that is above ground or above the foundation. Beams, columns, finishes, windows, doors, the roof, and floors, are considered to be part of the superstructure.³⁰

Tie-Downs

In general, tie-downs are systems of heavy-duty straps and ground anchors that stabilize manufactured homes or trailers during high winds. Failure to properly install and maintain tie-downs results in reduced capacity to resist sliding and overturning.³¹

¹⁹ S. 553.73(7)(a), F.S.

²⁰ S. 553.72, F.S.

²¹ Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

²² S. 468.603(2), F.S.; S. 202, FBC, Building (8th Ed. 2023).

²³ Ss. 107, 110.1, and 110.3, FBC, Building (8th Ed. 2023).

²⁴ See ss. 125.56(4)(a) and 553.79(1), F.S.

²⁵ Ss. 125.56(4)(b), 553.79(1), and 713.135(5) and (6), F.S.

²⁶ S. 553.79(2), F.S.

²⁷ Passage of a final building inspection includes obtaining approvals for all permits issued for the project (such as building and fire permits and sub-permits such as electrical, mechanical, elevator, plumbing, and roof permits). S. 553.79(17)(a), F.S.; S. 110, Fla. Bldg. Code, 7th Ed. (2020).

²⁸ Civil Engineering Forum, *WHAT IS SUPERSTRUCTURE AND SUBSTRUCTURE?*, Nov. 20, 2022, <https://www.civilengineeringforum.me/superstructure-and-substructure/> (last visited Jan. 29, 2024).

²⁹ S. R401.2, FBC, Residential (8th Ed. 2023).

³⁰ Civil Engineering Forum, *supra* note 33.

³¹ Nick Gromicko and Kenton Shepard, *Tie-Downs for Manufactured Homes*, International Association of Certified Home Inspectors, <https://www.nachi.org/manufactured-home-tie-downs.htm#:~:text=Tie%2Ddowns%20are%20systems%20of,to%20resist%20sliding%20and%20overturning.> (last visited Jan. 29, 2024).

Effect of the Bill

The bill allows a movable tiny home, when built in accordance with the Florida Building Code, to be utilized for year-round living.

The bill amends s. 320.01(4), F.S., to include “movable tiny home” in the definition of “trailer;” and creates s. 320.8201, F.S., to provide standards for movable tiny homes.

Under the bill, a "movable tiny home" means a trailer:

- That is transportable unit with a house affixed to a single chassis;
- Designed to provide permanent living quarters for no more than one household;
- With a body width not exceeding 14 feet;³²
- With a total area in set up mode that does not exceed 500 square feet;³³
- Connected to utilities necessary for operation of installed fixtures and appliances;
- Constructed and inspected in accordance with the Building Code; and
- With a sticker or other documentation certifying that it was inspected and certified for compliance with the Building Code by a licensed professional engineer, architect, or third-party inspector for compliance with the Building Code.

The bill also requires the Building Commission to review any updates to such codes which pertain to requirements for movable tiny homes.

The bill has an effective date of October 1, 2024.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 320.01, F.S., relating to definitions, general.
Section 2: Creating s. 320.8201, F.S., relating to movable tiny home standards.
Section 3: Amends s. 553.73, F.S., relating to Florida Building Code.
Section 4: Provides an effective date of October 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.

2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.

2. Expenditures:
None.

³² Under the bill, the length of a movable tiny home means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

³³ Under the bill, total area means when the unit is when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals who live in a movable tiny home may be able to live in one location for as long as they choose.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DHSMV will likely need to amend its rules regarding trailers to conform to provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill should be amended to clarify that only the *superstructure* of a movable tiny home must be constructed and inspected in accordance with the Florida Building Code, since tiny houses are required to be permanently affixed to a foundation, and a movable tiny home is built on a chassis.

A movable tiny home as defined and treated in the bill would not be subject to DHSMV's rules relating to tie-downs.

If a movable tiny home exceeds 400 square feet, as the bill would allow it to be built up to 500 square feet, it is unclear whether such a movable tiny home could be built to tiny house standards under the Florida Building Code, which contemplates tiny houses built up to just 400 square feet.

The language stricken on lines 66 – 68 should be restored to current law.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 24, 2024, the Regulatory Reform and Economic Development Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The committee substitute:

- Moves the new definition for “movable tiny homes” to be a subset of “trailers,” from a subset of “park trailers.”
- Requires movable tiny homes to be built to the Florida Building Code, as opposed to ANSI or HUD standards.

This analysis is drafted to the committee substitute as passed by the Regulatory Reform and Economic Development Subcommittee.