

CHAPTER 553

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PART I

MANUFACTURED (MODULAR) BUILDINGS

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553.35 Short title.--This part shall be known and may be cited as the "Florida Manufactured (Modular) Building Act of 1979."

History.--s. 1, ch. 71-172; s. 1, ch. 74-208; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 6, ch. 79-152; ss. 2, 3, ch. 81-318; ss. 3, 4, ch. 84-32; s. 4, ch. 91-429.

553.355 Minimum construction requirements established.--The Florida Building Code and the Florida Fire Prevention and Lifesafety Codes shall be the minimum construction requirements governing the manufacture, design, construction, erection, alteration, modification, repair, and demolition of manufactured (modular) buildings.

History.--s. 54, ch. 2000-141; s. 34, ch. 2001-186; s. 3, ch. 2001-372.

553.36 Definitions.--The definitions contained in this section govern the construction of this part unless the context otherwise requires.

(1) "Approved" means conforming to the requirements of the Florida Building Code.

(2) "Approved inspection agency" (Third Party Agency) means an organization determined by the department to be especially qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate, test, and evaluate manufactured building units or systems or the component parts thereof, together with the plans, specifications, and quality control procedures to ensure that such units, systems, or component parts are in full compliance with the Florida Building Code and to label such units complying with those standards.

(3) "Closed construction" means that condition when any building, component, assembly, subassembly, or system is manufactured in such a manner that all portions cannot be readily inspected at the installation site without disassembly or destruction thereof.

(4) "Open construction" means any building, building component, assembly, or system manufactured in such a manner that all portions can be readily inspected at the building site without disassembly thereof, damage thereto, or destruction thereof.

(5) "Columbarium" means a permanent structure consisting of niches.

(6) "Component" means any assembly, subassembly, or combination of parts for use as a part of a building, which may include structural, electrical, mechanical, and fire protection systems

and other systems affecting health and safety. Components that incorporate elements of a building subject to the product approval system adopted under s. 553.842 are subject to approval in accordance with the product approval system upon implementation thereof and are not subject to the rules adopted under this part. Components to which the rules adopted under this part apply are limited to three-dimensional systems for use as part of a building.

(7) "Department" means the Department of Community Affairs.

(8) "Factory-built school shelter" means any site-assembled or factory-built school building that is designed to be portable, relocatable, demountable, or reconstructible and that complies with the provisions for enhanced hurricane protection areas, as required by the applicable code.

(9) "Insignia" means an approved device or seal issued by the department to indicate compliance with the standards and rules established pursuant to this part.

(10) "Install" means the assembly of a manufactured (modular) building component or system on site and the process of affixing a manufactured (modular) building component or system to land, a foundation, or an existing building, and service connections which are a part thereof.

(11) "Local government" means any municipality, county, district, or combination thereof comprising a governmental unit.

(12) "Manufacture" means the process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, semi-finished, or finished materials.

(13) "Manufactured (Modular) building" means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes residential and commercial buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. The term also includes factory-built school buildings, which means any building designed or intended for use as a school building, which is in whole or in part, manufactured at an offsite facility in compliance with the Florida Building Code, including specific requirements for Public Educational Facilities. This part does not apply to mobile homes.

(14) "Mobile home" means any residential unit, commonly referred to as manufactured housing, constructed to standards promulgated by the United States Department of Housing and Urban Development.

(15) "Module" means a separately transported three-dimensional component of a manufactured (modular) building which contains all or a portion of structural systems, electrical systems, plumbing systems, mechanical systems, fire systems, and thermal systems.

(16) "Private mausoleum" means a structure intended for the private use of a family or group of family members.

(17) "Site" is the location on which a manufactured (modular) building is installed or is to be installed.

(18) "System" means structural, plumbing, mechanical, heating, electrical, or ventilating elements, materials, or components combined for use in a building.

History.--s. 2, ch. 71-172; s. 1, ch. 74-208; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 6, ch. 79-152; s. 76, ch. 81-167; ss. 2, 3, ch. 81-318; s. 79, ch. 83-55; ss. 3, 4, ch. 84-32; s. 4, ch. 91-429; ss. 55, 56, ch. 2000-141; ss. 21, 34, ch. 2001-186; s. 3, ch. 2001-372; s. 12, ch. 2007-55.

553.37 Rules; inspections; and insignia.--

(1) The Florida Building Commission shall adopt within the Florida Building Code requirements for construction or modification of manufactured (modular) buildings ~~and building modules~~, to address:

(a) Submittal to and approval by the department of manufacturers' drawings and specifications, including any amendments.

(b) Submittal to and approval by the department of manufacturers' internal quality control procedures and manuals, including any amendments.

(2) The department shall, by rule, establish criterion to address:

~~(e)~~ (a) Procedures and qualifications for approval of third-party plan review and inspection ~~entities~~ agencies and of those who perform inspections and plan reviews.

~~(d)~~ (b) Investigation of consumer complaints of noncompliance of manufactured (modular) buildings with the Florida Building Code and the Florida Fire Prevention Code.

~~(e)~~ (c) Issuance, cancellation, and revocation of any insignia issued by the department and procedures for auditing and accounting for disposition of them.

~~(f)~~ (d) Monitoring the manufacturers', inspection ~~entities~~, and plan review ~~entities~~ agencies' compliance with this part and the Florida Building Code. Monitoring may include, but is not limited to, performing audits of plans, inspections of manufacturing facilities and observation of the manufacturing and inspection process, and onsite inspections of buildings.

~~(g)~~ (e) The performance by the department of any other functions required by this part.

~~(2)~~ (3) After the effective date of the Florida Building Code, no manufactured (modular) building, except as provided in subsection ~~(11)~~ (12), may be installed in this state unless it is approved and bears the insignia of approval of the department and a manufacturer's data plate. Approvals issued by the department under the provisions of the prior part shall be deemed to comply with the requirements of this part.

~~(3)~~ (4) All manufactured (modular) buildings issued and bearing insignia of approval pursuant to subsection (2) shall be deemed to comply with the Florida Building Code and are exempt from local amendments enacted by any local government.

~~(4)~~ (5) No manufactured (modular) building bearing department insignia of approval pursuant to subsection (2) shall be in any way modified prior to installation, except in conformance with the Florida Building Code.

~~(5)~~ (6) Manufactured (modular) buildings which have been issued and bear the insignia of approval pursuant to this part upon manufacture or first sale shall not require an additional approval or insignia by a the local government in which they are subsequently sold or installed. Buildings or structures that meet the definition of "open construction" are subject to permitting by the local jurisdiction and are not required to bear insignia.

~~(6)~~(7) If the ~~Florida Building Commission~~ department determines that the standards for construction and inspection of manufactured (modular) buildings prescribed by statute or rule of another state are at least equal to the Florida Building Code and that such standards are actually enforced by such other state, it may provide by rule that the manufactured (modular) building which has been inspected and approved by such other state shall be deemed to have been approved by the department and shall authorize the affixing of the appropriate insignia of approval.

~~(7)~~(8) The ~~Florida Building Commission~~ department, by rule, shall establish a schedule of fees to pay the cost ~~incurred by the department~~ for the ~~work related to~~ administration and enforcement of this part.

~~(8)~~(9) The department may delegate its enforcement authority to a state department having building construction responsibilities or a local government. The department may delegate its plan review and inspection authority for manufactured (modular) buildings to a state department~~s~~ having building construction responsibilities, a local government~~s~~, an approved inspection agency~~ies~~, an approved plan review agency~~ies~~, or an agency of another state. The department may delegate its plans review authority for factory-built school buildings to one or more than one state agency or public or private entity; however, the department shall ensure that any person conducting plans reviews is a certified plans examiner, pursuant to part XII of chapter 468 or qualified under chapter 471 or chapter 481 FS.

~~(9) If the commission delegates its inspection authority to third party approved inspection agencies, manufacturers must have one, and only one, inspection agency responsible for inspection of a manufactured building, module, or component.~~

~~(10) If the commission delegates its inspection authority to third party approved plan review agencies, manufacturers must have one, and only one, plan review agency responsible for review of plans of a manufactured building, module, or component at all times.~~

(10) The department shall develop an identification insignia to be affixed to all newly constructed buildings by the manufacturer or the inspection agency prior to the building leaving the plant. The department may charge a fee for issuing such insignias. Such insignias shall bear the department's name, and state seal and an identification number unique to that insignia.

(11) The department shall, by rule, develop minimum building identification criterion (data plate) which shall be affixed to all newly constructed buildings by the manufacturer or the inspection agency prior to the building leaving the plant.

~~(11)~~(12) Custom or one-of-a-kind prototype manufactured (modular) buildings shall not be required to have state approval but must comply with all local requirements of the governmental agency having jurisdiction at the installation site.

History.--s. 3, ch. 71-172; s. 1, ch. 74-208; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 6, ch. 79-152; ss. 1, 4, ch. 80-86; ss. 2, 3, ch. 81-318; ss. 1, 3, 4, ch. 84-32; s. 4, ch. 91-429; s. 1, ch. 98-145; ss. 57, 58, ch. 2000-141; s. 34, ch. 2001-186; s. 3, ch. 2001-372.

553.375 Recertification of ~~manufactured~~ modular buildings.--Prior to the relocation to a higher wind speed design, modification, or change of occupancy of a manufactured (modular) building within the state, the manufacturer, dealer, or owner thereof may apply to the department for recertification of that manufactured (modular) building. The department shall, by rule, provide what information the applicant must submit for recertification and for plan review and inspection of such manufactured (modular) buildings and shall establish fees for recertification. Upon a determination by the department that the manufactured (modular) building complies with the applicable building codes, the department shall issue a recertification insignia. A manufactured (modular) building that bears recertification insignia does not require any additional approval by an enforcement jurisdiction in which the building is sold or installed, and is considered to comply with all applicable codes. As an alternative to recertification by the department, the manufacturer, dealer, or owner of a manufactured (modular) building may seek appropriate permitting and a certificate of occupancy from the local jurisdiction in accordance with procedures generally applicable under the Florida Building Code.

History.--s. 59, ch. 2000-141; s. 34, ch. 2001-186; s. 3, ch. 2001-372.

553.38 Application and scope.--The department shall enforce every provision of the Florida Building Code adopted pursuant hereto, except that local land use and zoning requirements, fire zones, building setback requirements, side and rear yard requirements, site development requirements, property line requirements, subdivision control, and onsite installation requirements, as well as the review and regulation of architectural and aesthetic requirements, are specifically and entirely reserved to local authorities. Such local requirements and rules which may be enacted by local authorities must be reasonable and uniformly applied and enforced without any distinction as to whether a building is a conventionally constructed or manufactured (modular) building. A local government shall require permit fees only for those inspections actually performed by the local government for the installation of a factory-built structure. Such fees shall be equal to the amount charged for similar inspections on conventionally built housing.

History.--s. 4, ch. 71-172; s. 1, ch. 74-208; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 3, ch. 78-323; ss. 1, 6, ch. 79-152; ss. 2, 4, ch. 80-86; ss. 2, 3, ch. 81-318; ss. 3, 4, ch. 84-32; s. 4, ch. 91-429; s. 60, ch. 2000-141; s. 34, ch. 2001-186; s. 3, ch. 2001-372.

553.381 Manufacturer certification.--

(1) Before manufacturing buildings to be located within this state or selling manufactured (modular) buildings within this state, whichever occurs later, a manufacturer must be certified by the department. The department shall certify a manufacturer upon receipt from the manufacturer and approval and verification by the department of the following:

- (a) The manufacturer's internal quality control procedures and manuals, including any amendments;
- (b) Evidence that the manufacturer has product liability insurance for the safety and welfare of the public in amounts determined by rule of the ~~commission~~ department; and
- (c) The fee established by the ~~commission under s. 553.37(7)~~ department.

(2) The department may impose disciplinary sanctions against a manufacturer ~~revoke any certification~~ upon the failure of the manufacturer to comply with the Florida Building Code, or other requirements of this part, which sanctions may include revocation of the manufacturer's

certification, suspension of the manufacturer's certification, enhanced inspection requirements, remedial work to buildings, payment of monetary penalties, payment of the costs of investigation and prosecution of the violation or any combination of the foregoing. The department shall adopt by rule a schedule of penalties associated with categories of violations and circumstances of the violation.

(3) Certification of manufacturers under this section shall be for a period of 3 years, subject to renewal by the manufacturer. Upon application for renewal, the manufacturer must submit the information described in subsection (1) or a sworn statement that there has been no change in the status or content of that information since the manufacturer's last submittal. Fees for renewal of manufacturers' certification shall be established by the ~~commission~~ department by rule.

History.--ss. 2, 4, ch. 84-32; s. 4, ch. 91-429; s. 802, ch. 97-103; ss. 61, 62, ch. 2000-141; s. 30, ch. 2001-63; s. 34, ch. 2001-186; s. 3, ch. 2001-372.

553.382 Placement of certain housing.--Notwithstanding any other law or ordinance to the contrary, in order to expand the availability of affordable housing in this state, any residential manufactured (modular) building that is certified under this chapter by the Department of Community Affairs may be placed on a mobile home lot in a mobile home park, recreational vehicle park, or mobile home condominium, cooperative, or subdivision. Any such housing unit placed on a mobile home lot is a mobile home for purposes of chapter 723 and, therefore, all rights, obligations, and duties under chapter 723 apply, including the specifics of the prospectus. However, a housing unit subject to this section may not be placed on a mobile home lot without the prior written approval of the park owner. Each housing unit subject to this section shall be taxed as a mobile home under s. 320.08(11) and is subject to payments to the Florida Mobile Home Relocation Fund under s. 723.06116. This section is not intended to alter the foundations requirements for modular residences contained in the Florida Building Code.

History.--s. 7, ch. 2007-227.

553.39 Injunctive relief.--The department may seek injunctive or other relief from the circuit court of appropriate jurisdiction to compel compliance with the requirements of this part or with the Florida Building Code or to enjoin the sale, delivery, or installation of a manufactured (modular) building, upon an affidavit specifying the manner in which the building does not conform to the Florida Building Code or other requirements of this part. Noncompliance with the Florida Building Code or this part shall be considered prima facie evidence of irreparable damage in any cause of action brought under the authority of this part.

History.--s. 6, ch. 71-172; s. 1, ch. 74-208; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 6, ch. 79-152; ss. 3, 4, ch. 80-86; ss. 2, 3, ch. 81-318; ss. 3, 4, ch. 84-32; s. 4, ch. 91-429; s. 63, ch. 2000-141.

553.41 Penalties.--Any person who violates any of the provisions of this part is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 5A, ch. 71-172; s. 1, ch. 74-208; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 6, ch. 79-152; ss. 2, 3, ch. 81-318; ss. 3, 4, ch. 84-32; s. 146, ch. 91-224; s. 4, ch. 91-429.

~~**553.415 Factory-built school buildings.**~~

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

~~(2) A manufacturer of factory-built school buildings shall be subject to the certification and enforcement requirements in this part except as provided in this section.~~

~~(3) Within 90 days after the effective date of this section, the department shall adopt by emergency rule regulations to carry out the provisions of this section. Such rule shall ensure the safety of design, construction, accessibility, alterations, and inspections and shall also prescribe procedures for the plans, specifications, and methods of construction to be submitted to the department for approval.~~

~~(4) A manufacturer of factory-built school buildings designed or intended for use as school buildings shall submit to the department for approval the manufacturer's plans, specifications, alterations, and methods of construction. The department is authorized to charge manufacturers a fee which reflects the actual expenses incurred for the review of such plans and specifications.~~

~~(5) The department in accordance with the standards and procedures adopted pursuant to this section and as such standards and procedures may thereafter be modified, shall approve or reject such plans, specifications, and methods of construction. Approval shall not be given unless such plans, specifications, and methods of construction are in compliance with the State Uniform Building Code for Public Educational Facilities, and department rule. After March 1, 2002, the Uniform Code for Public Educational Facilities shall be incorporated into the Florida Building Code, including specific requirements for public educational facilities and department rule.~~

~~(6) The department may delegate its plans review authority to a state agency or public or private entity; however, the department shall ensure that any person conducting plans reviews is a certified plans examiner, pursuant to part XII of chapter 468.~~

~~(7) A standard plan approval may be obtained from the department for factory-built school buildings and such department-approved plans shall be accepted by the enforcement agency as approved for the purpose of obtaining a construction permit for the structure itself. The department, or its designated representative, shall determine if the plans qualify for purposes of a factory-built school shelter, as defined in s. 553.36.~~

~~(8) Any amendment to the State Uniform Code for Public Educational Facilities, and after March 1, 2002, the Florida Building Code, shall become effective 180 days after the amendment is filed with the Secretary of State. Notwithstanding the 180-day delayed effective date, the manufacturer shall submit and obtain a revised approved plan within the 180 days. A revised plan submitted pursuant to this subsection shall be processed as a renewal or revision~~

~~with appropriate fees. A plan submitted after the period of time provided shall be processed as a new application with appropriate fees.~~

~~(9) The school district or community college district for which any factory built school building is constructed or altered after July 1, 2001, shall provide for periodic inspection of the proposed factory built school building during each phase of construction or alteration. The inspector shall act under the direction of the governing board for employment purposes. This subsection does not prevent a school district or community college district from purchasing or otherwise using a factory built school building that has been inspected during all phases of construction or alteration conducted after July 1, 2001, by another school district or community college or by an approved inspection agency certified pursuant to s. 553.36(2). If a factory built school building is constructed or altered for an entity other than a school district or community college district, such entity may employ at its election a school district, community college district, or such approved inspection agency to conduct such inspections. A school district or community college district so employed may charge such entity for services at reasonable rates comparable to those charged for similar services by approved inspection agencies.~~

~~(10) The department shall, by rule, develop forms and reporting periods for the architect or structural engineer in charge of the supervision of the work of construction in the factory, the inspector on the work, and the manufacturer verifying that based upon personal knowledge, the work during the period covered by the report has been performed, and the materials used and installed, in every particular, in accordance with the approved plans and specifications, setting forth such detailed statements of facts as required by the department.~~

~~(11) The department shall develop a unique identification label to be affixed to all newly constructed factory built school buildings and existing factory built school buildings which have been brought into compliance with the standards for existing "satisfactory" buildings pursuant to chapter 5 of the Uniform Code for Public Educational Facilities, and after March 1, 2002, the Florida Building Code. The department may charge a fee for issuing such labels. Such labels, bearing the department's name and state seal, shall at a minimum, contain:~~

~~(12) Such identification label shall be permanently affixed by the manufacturer in the case of newly constructed factory built school buildings, or by the department or its designee in the case of an existing factory built building altered to comply with provisions of s. 1013.20.~~

~~(a) The name of the manufacturer.~~

~~(b) The standard plan approval number or alteration number.~~

~~(c) The date of manufacture or alteration.~~

~~(d) The serial or other identification number.~~

~~(e) The following designed for loads: lbs. per square foot live load; lbs. per square foot floor live load; lbs. per square foot horizontal wind load; and lbs. per square foot wind uplift load.~~

~~(f) The designed for flood zone usage.~~

~~(g) The designed for wind zone usage.~~

~~(h) The designed for enhanced hurricane protection zone usage: yes or no.~~

~~(13) As of July 1, 2001, all newly constructed factory built school buildings shall bear a label pursuant to subsection (12). As of July 1, 2002, existing factory built school buildings and manufactured buildings used as classrooms and not bearing such label shall not be used as classrooms pursuant to s. 1013.20.~~

~~(14) Nothing in this section shall affect any requirement for compliance with firesafety criteria.~~

History.--s. 64, ch. 2000-141; s. 22, ch. 2001-186; s. 1, ch. 2001-372; s. 1028, ch. 2002-387.

553.42 Legislative intent.--Nothing herein shall act to nullify or supersede the provisions of chapter 527 relating to sale, use, or storage of liquefied petroleum gas, except that inspections made pursuant to chapter 527 shall be made at the place of manufacture.

History.--s. 7, ch. 71-172; s. 1, ch. 74-208; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 6, ch. 79-152; ss. 2, 3, ch. 81-318; ss. 3, 4, ch. 84-32; s. 4, ch. 91-429.