

Overview

Florida House Bill 399 was signed into law on March 27, 2026. Effective January 1, 2027, this legislation significantly changes how local governments may regulate the placement of factory-built homes. Its primary purpose is to expand housing supply and affordability by removing local zoning barriers to manufactured and modular homes.

The Core Requirement

Under Section 8 of HB 399 (creating F.S. §553.385), local governments must allow “off-site constructed residential dwellings” by right in any zoning district where single-family detached homes are permitted. Key points:

- No special hearings or discretionary review may be required.
- Any conflicting local ordinance or regulation is automatically void and unenforceable — no grandfathering of old rules.
- The requirement applies to any district that allows single-family detached homes — not just single-family zones, but also multifamily, agricultural, commercial, and industrial districts where single-family homes are permitted.

Definition Distinction: Manufactured vs. Modular Homes

HB 399 uses the umbrella term “off-site constructed residential dwelling,” which covers two legally distinct home types:

	Modular Home	Manufactured Home
Code Standard	Florida Building Code	Federal HUD Code (post-June 15, 1976)
Regulated By	State – DBPR certified	Federal – HUD
Property Requirement	Must be treated as real property; intended as a starter home type	Must be permanently affixed to the ground; homes on wheels do not qualify

Both types must be treated identically to site-built single-family homes in all qualifying zoning districts.

What Local Governments Can Still Control

Localities retain authority to apply uniform architectural and design standards, provided they apply equally to all single-family homes (site-built and factory-built) in the same district and do not effectively exclude factory-built homes. Permitted compatibility standards are limited to:

- Roof pitch
- Minimum square footage of livable space
- Type and quality of exterior finishing materials
- Foundation enclosure
- Existence and type of attached structures
- Building setbacks, lot dimensions, and orientation of the home on the lot

Enforcement

No state agency is assigned to enforce HB 399. Compliance disputes will be resolved through private litigation. Courts are empowered to void and enjoin noncompliant local regulations. Local governments should not treat the absence of a state enforcement mechanism as a reason to delay compliance.

Required Local Government Actions (Deadline: January 1, 2027)

- Audit the local zoning code for any regulations that treat factory-built homes differently from site-built homes.
- Identify every zoning district that permits single-family detached homes — all such districts fall under this law.
- Amend any conflicting regulations before the effective date to avoid litigation exposure.
- Ensure compatibility and design standards are limited to those enumerated in §553.385(2)(d).
- Collaborate with factory-built housing developers to identify whether any permitted standards may have the practical effect of excluding factory-built construction.

Companion Legislation: SB 594

HB 399 pairs with SB 594, also passed this session, which repeals the 20% cap on how much of a local government's annual SHIP allocation can be directed toward manufactured housing. Together, the two bills simultaneously loosen both the zoning barriers and the funding constraints that have historically limited factory-built home placement in Florida.