



485418

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Before line 88

insert:

Section 1. Present subsection (5) of section 163.3202, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

163.3202 Land development regulations.—

(5) (a) Land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling unless:



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12           1. The dwelling is listed in the National Register of  
13 Historic Places, as defined in s. 267.021(5); is located in a  
14 National Register Historic District; or is designated as a  
15 historic property or located in a historic district, under the  
16 terms of a local preservation ordinance;

17           2. The regulations are adopted in order to implement the  
18 National Flood Insurance Program;

19           3. The regulations are adopted pursuant to and in  
20 compliance with chapter 553;

21           4. The dwelling is located in a community redevelopment  
22 area, as defined in s. 163.340(10);

23           5. The dwelling is located in a planned unit development or  
24 master planned community created pursuant to a local ordinance  
25 enacted on or before July 1, 2021; or

26           6. The dwelling is located within the jurisdiction of a  
27 local government that has a design review board or architectural  
28 review board and the dwelling was reviewed by such board on or  
29 before July 1, 2021.

30           (b) For purposes of this subsection, the term:

31           1. "Building design elements" means the external building  
32 color; the type or style of exterior cladding material; the  
33 style or material of roof structures or porches; the exterior  
34 nonstructural architectural ornamentation; the location or  
35 architectural styling of windows or doors; the location or  
36 orientation of the garage; the number and type of rooms; and the  
37 interior layout of rooms. The term does not include the height,  
38 bulk, orientation, or location of a dwelling on a zoning lot; or  
39 the use of buffering or screening to minimize potential adverse  
40 physical or visual impacts or to protect the privacy of



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41 neighbors.

42 2. "Planned unit development" or "master planned community"  
43 means an area of land that is planned and developed as a single  
44 entity or in approved stages with uses and structures  
45 substantially related to the character of the entire  
46 development, or a self-contained development in which the  
47 subdivision and zoning controls are applied to the project as a  
48 whole rather than to individual lots.

49 (c) This subsection does not affect the validity or  
50 enforceability of private covenants or other contractual  
51 agreements relating to building design elements.

52

53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Between lines 2 and 3

56 insert:

57 s. 163.3202, F.S.; prohibiting certain regulations  
58 relating to building design elements from being  
59 applied to certain dwellings; providing exceptions;  
60 defining terms; providing construction; amending