

By the Committee on Community Affairs; and Senators Perry and Hutson

578-02919-21

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1 A bill to be entitled
2 An act relating to building design; amending s.
3 163.3202, F.S.; prohibiting certain regulations
4 relating to building design elements from being
5 applied to certain dwellings; providing exceptions;
6 defining terms; providing construction; providing an
7 effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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

14 163.3202 Land development regulations.-

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

18 1. The dwelling is listed in the National Register of
19 Historic Places, as defined in s. 267.021(5); is located in a
20 National Register Historic District; or is designated as a
21 historic property or located in a historic district, under the
22 terms of a local preservation ordinance;

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

25 3. The regulations are adopted pursuant to and in
26 compliance with chapter 553;

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

29 5. The dwelling is located in a planned unit development or

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30 master planned community created pursuant to a local ordinance
31 enacted on or before July 1, 2021.

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

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

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

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

54 Section 2. This act shall take effect July 1, 2021.