

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 providing definitions; providing construction;
 7 providing an 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. Subsection (5) of section 163.3202, Florida
 12 Statutes, is renumbered as subsection (6), and a new subsection
 13 (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 regulations are adopted to ensure the protection of
28 coastal wildlife in compliance with s. 161.052, s. 161.053, s.
29 161.0531, s. 161.085, s. 161.163, or chapter 373;

30 5. The dwelling is located in a community redevelopment
31 area, as defined in s. 163.340(10);

32 6. The dwelling is located in a planned unit development
33 or master planned community created pursuant to a local
34 ordinance, resolution, or other final action approved by the
35 local governing body; or

36 7. The dwelling is located within the jurisdiction of a
37 local government that has a design review board or architectural
38 review board that was established on or before July 1, 2021.

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

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

51 2. "Planned unit development" or "master planned
52 community" means an area of land that is planned and developed
53 as a single entity or in approved stages with uses and
54 structures substantially related to the character of the entire
55 development, or a self-contained development in which the
56 subdivision and zoning controls are applied to the project as a
57 whole rather than to individual lots.

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

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