

By Senator Perry

8-00243B-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 structures; providing exceptions;
6 defining the term "building design elements";
7 providing construction; 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. 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) Zoning and development regulations relating to
16 building design elements may not be applied to any residential
17 dwelling unless:

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

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

26 (b) For purposes of this subsection, the term "building
27 design elements" means the external building color; the type or
28 style of exterior cladding material; the style or material of
29 roof structures or porches; the exterior nonstructural

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30 architectural ornamentation; the location or architectural
31 styling of windows or doors, including garage doors; the number
32 and type of rooms; and the interior layout of rooms. The term
33 does not include the height, bulk, orientation, or location of a
34 structure on a zoning lot; or the use of buffering or screening
35 to minimize potential adverse physical or visual impacts or
36 protect the privacy of neighbors.

37 (c) This subsection does not affect the validity or
38 enforceability of private covenants or other contractual
39 agreements relating to building design elements between property
40 owners.

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