

## **Issue Brief: BUILDING DESIGN**

### **HB 459 by Rep. Overdorf/ SB 954 by Sen. Perry**

#### **THE BACKGROUND :**

Recently, local governments are circumventing the building code process by including building code provisions in their zoning and development regulations, such as electrical outlet requirements and exterior lighting requirements.

Currently, Section 553.73 F.S. sets forth the processes to amend the statewide Florida Building Code. The statute creates a process for local amendments to the technical provisions of the Code that only have local or regional impact. All local technical amendments to the Florida Building Code must be approved by the Florida Building Commission. The statute also creates an appeals process through the Department of Administrative Hearings should local or regional amendments be denied and the proponents wish to still pursue their amendment.

Additionally, many local governments are mandating aesthetic provisions for new construction that is not within an historical district or a homeowner's association. Examples of these design elements include building color, external materials, roof and porch styles, window and door requirements, and interior room layouts.

#### **THIS LEGISLATION:**

- Provides that local governments may only apply land development regulations requiring certain building design elements to single- and two- family dwellings when:
  - o The dwelling is a historic property or a contributing property to a historic district;
  - o The dwelling is part of an HOA;
  - o The regulations are adopted in order to implement the National Flood Insurance Program; or
  - o The regulations are adopted in accordance, and in compliance, with the procedures for adopting local amendments to the Florida Building Code
- Defines the term "building design elements" to mean exterior color, type or style of exterior cladding, style or material of roof structures or porches, exterior nonstructural architectural ornamentation, location or architectural styling of windows or doors, and number, type, and layout of rooms.
- Provides that the term "building design elements" does not include a dwelling's height, bulk, orientation, location on a zoning lot, or the use of buffering or screening to minimize potential adverse physical or visual impacts or protect the privacy of neighbors.
- Allows a third party to seek an opinion from the building Commission that a provision is a code change, which can then be used as leverage with the local government to adopt in the appropriate manner.

**BOTTOM LINE: FHBA ASKS YOU TO VOTE "YES" on HB 459 / SB 954!**