



ITEM NO. (ID # 2022-55360)

DATE: **8/18/2022**

AGENDA REQUEST

TO: Planning and Zoning Commission

PRESENTED BY: Mayte Santamaria, Planning & Development Services Director

SUBMITTED BY: Planning & Development Services

SUBJECT: County Initiated Land Development Code Text Amendment Eliminating Provisions for Class A Mobile Homes

BACKGROUND:

This is a County initiated Text Amendment to amend Land Development Code Section 2.00.00, Definitions, deleting the term Class A Mobile Home and amending the terms for Detached Single-Family Dwelling, Manufactured Home, Mobile Home, and Final Development Order; deleting Section 11.05.02, Class A Mobile Home Permits; amending sections to eliminate the references to Class A Mobile Homes, including the RVP, Recreational Vehicle Park and HIRD, Hutchinson Island Residential Districts In Section 3.01.03, Zoning Districts, Section 7.10.16, Recreational Vehicle Parks, Section 11.00.03, Notice, Section 11.00.04, Hearing Procedures, Section 11.01.04, Post-Development Order Changes, Section 12.00.00, Board of County Commissioners, and Section 12.06.01, Jurisdiction, Authority, and Duties.

The County Land Development Code (LDC) includes Section 11.05.02, Class A Mobile Home Permits, which establishes design element criteria (for example, the exterior finish of the roof and walls, and the skirting of the mobile home), to utilize in defining a mobile home as a detached single-family dwelling unit.

In 2021, the Florida Legislature adopted Chapter 2021-201, Laws of Florida, amending Section 163.3202, F.S., to prohibit the application of land development regulations relating to building design elements on single-family or two-family dwelling, including the external building color, the type or style of exterior cladding material, the style or material of roof structures or porches, the exterior nonstructural architectural ornamentation, the location or architectural styling of windows or doors, the location or orientation of the garage, the number and type of rooms, and the interior layout of rooms.

This new statute section became effective on July 1, 2021, and limits the County's ability to regulate the roof pitch, roofing materials and exterior finish of a single-family dwelling unit, except for in limited circumstances. As such, if a local government can no longer regulate building design elements of a single-family dwelling unit, then arguably the local government can no longer regulate those same building design elements of a mobile home (particularly in defining a mobile home as a single family detached dwelling) because to do so would amount to a statutorily prohibited (see Section 320.8285(6), F.S.) disparate treatment of mobile homes based solely on home type. Section 320.8285(6), F.S., states, "The Department of Highway Safety and Motor Vehicles shall enforce every provision of this section and the rules adopted pursuant hereto, except that local land use and zoning requirements, fire zones, building setback and side and rear yard requirements, site development and property line requirements, subdivision control, and onsite installation inspection requirements, as well as review and regulation of architectural and aesthetic requirements, are hereby specifically and entirely reserved to local jurisdictions. However, any architectural or aesthetic requirement imposed on the mobile home structure itself

may pertain only to roofing and siding materials. Such local requirements and regulations for manufactured homes must be reasonable, uniformly applied, and enforced without distinctions as to whether such housing is manufactured, located in a mobile home park or a mobile home subdivision, or built in a conventional manner..." Section 320.827, F.S., states, ".... Any mobile home bearing the insignia of approval pursuant to this section shall be deemed to comply with the requirements of all local government ordinances or rules which govern construction..."

Based on the recent change in law following the amendment of Section 163.3202, F.S., the County is proposing LDC amendments to eliminate the Class A Mobile Home Permitting process.

PREVIOUS ACTION:

The BOCC previously adopted Ordinance 12-008 amending Land Development Code Section 11.05.02 Class A Mobile Home Permits, creating an administrative review procedure.

The BOCC approved the permission to advertise this County initiated Land Development Code Text Amendment at the July 5, 2022 Board meeting.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends the proposed Text Amendment to the Land Development Code be forwarded to the Board of County Commissioners with a recommendation of approval.

COMMISSION ACTION:

RESULT:	
MOVER:	
SECONDER:	None
AYES:	None
NAYS:	None
EXCUSED:	None

Coordination/Signatures



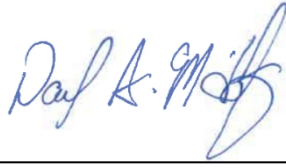
Date: August 11, 2022

Benjamin Balcer, Planning & Development Services Assistant Director



Date: August 11, 2022

Mayte Santamaria, Planning & Development Services Director



Daniel McIntyre, County Attorney

Date: August 11, 2022



Mark Satterlee, Deputy County Administrator

Date: August 12, 2022

**ORDINANCE No. 2022-XXX
FILE NO.: TLDC-2206-000017**

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 2.00.00, DEFINITIONS, DELETING THE TERM CLASS A MOBILE HOME AND AMENDING THE TERMS FOR DETACHED SINGLE-FAMILY DWELLING, MANUFACTURED HOME, MOBILE HOME, AND FINAL DEVELOPMENT ORDER; DELETING SECTION 11.05.02, CLASS A MOBILE HOME PERMITS; AMENDING SECTIONS TO ELIMINATE THE REFERENCES TO CLASS A MOBILE HOMES, INCLUDING THE RVP, RECREATIONAL VEHICLE PARK AND HIRD, HUTCHINSON ISLAND RESIDENTIAL DISTRICTS IN SECTION 3.01.03, ZONING DISTRICTS, SECTION 7.10.16, RECREATIONAL VEHICLE PARKS, SECTION 11.00.03, NOTICE, SECTION 11.00.04, HEARING PROCEDURES, SECTION 11.01.04, POST-DEVELOPMENT ORDER CHANGES, SECTION 12.00.00, BOARD OF COUNTY COMMISSIONERS, AND SECTION 12.06.01, JURISDICTION, AUTHORITY, AND DUTIES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; AND PROVIDING FOR ADOPTION.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125 – County Government, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, pursuant to Article 8 of the Florida Constitution and Section 125.66, Florida Statutes, St. Lucie County possesses the police powers to enact ordinances in order to protect the health, safety, and welfare of the County’s citizens; and

WHEREAS, on August 1, 1990, the Board of County Commissioners adopted the St. Lucie County Land Development Code; and

WHEREAS, the Board of County Commissioners is authorized by Section 125.01(1)(h), Florida Statutes, to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners is authorized by Section 125.01(1)(t), Florida Statutes, to adopt ordinances and resolutions necessary for the exercise of its powers and to prescribe fines and penalties for the violations of ordinances in accordance with law; and

WHEREAS, the Florida Legislature adopted Chapter 2021-201, Laws of Florida, amending Section 163.3202 , F.S., to prohibit the application of land development regulations

relating to building design elements on single-family or two-family dwelling, including the external building color, the type or style of exterior cladding material, the style or material of roof structures or porches, the exterior nonstructural architectural ornamentation, the location or architectural styling of windows or doors, the location or orientation of the garage, the number and type of rooms, and the interior layout of rooms; and

WHEREAS, a Florida Attorney General has issued an Advisory Legal Opinion and there have been legal cases that state a local government may not exclude manufactured homes from a zoning classification that permits conventionally constructed housing; and

WHEREAS, Section 320.8285(6), F.S., provides that local requirements and regulations for manufactured homes must be reasonable, uniformly applied, and enforced without distinctions as to whether such housing is manufactured, located in a mobile home park or a mobile home subdivision, or built in a conventional manner; and

WHEREAS, on _____, the Planning and Zoning Commission held a public hearing on the proposed ordinance, after publishing due notice in the St. Lucie News Tribune on _____. The Planning and Zoning Commission recommended to the Board to **[approve/deny]** of the proposed text amendment to the St. Lucie County Land Development Code; and

WHEREAS, on _____, the Board of County Commissioners held its first public hearing on the proposed ordinance, after publishing due notice in the St. Lucie News Tribune on _____; and

WHEREAS, on _____, the Board of County Commissioners held its second Public Hearing on the proposed ordinance, after publishing due notice in the St. Lucie News Tribune on _____; and

WHEREAS, the Board has determined that the proposed amendments to the LDC are consistent with the general purpose, goals, objectives, and standards of the County's Comprehensive Plan, and are in the best interest of the health, safety, and public welfare of the citizens of the County.

NOW, THEREFORE, BE IT ORDAINED by the St. Lucie County Board of County Commissioners that the St. Lucie County Land Development is amended as set forth in the following amendments, as shown in ~~strike through~~ and underline format in Section 2.

SECTION 1. RATIFICATION OF RECITALS. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

SECTION 2. This ordinance specifically amends St. Lucie County Land Development Code, as follows:

Words in ~~strike through~~ type are deletions from existing text.
Words in underlined type are additions to existing text.
Asterisks (***) indicate existing text not shown.

2.00.00. DEFINITIONS

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section. Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies:

* * * * *

Development Order, Final:

- (1) Building Permit;
- (2) ~~Class A Mobile Home Permit;~~
- (3) Conditional use approval;
- (4) Mining Permit;
- (5) Planned Development Final Site Plan Approval;
- (6) Major Development Site Plan Approval;
- (7) Minor Development Site Plan Approval;
- (8) Variance;
- (9) Mobile Home (Tie Down) Permit.

Development Order, Preliminary:

- (1) Amendment to any Portion of the Comprehensive Plan;
- (2) Planned Development Preliminary Site Plan Approval;
- (3) Amendment to the Official Zoning Atlas;
- (4) Development of Regional Impact—Development Order;
- (5) Any other development approval other than a Final Development Order.

Development Permit: For the purposes of this Code, a development permit is that official St. Lucie County document that authorizes the commencement of construction or land alteration without need for further application or approval. Development permits include but are not limited to, building permits, sign permits, mining permits, tree removal permits, mangrove alteration permits, and wastewater and sewage compliance permits.

Dwelling: Any building or structure or portion thereof that is designed for or used for residential purposes.

Dwelling, Detached Single-Family: An individual dwelling unit located in a building that is not physically connected to any other dwelling unit and that is designed to be occupied by no more than one

(1) family, living as a separate household unit. ~~The Board of County Commissioners shall determine that a Class A Mobile Home meets the definition of a detached single family dwelling unit upon the demonstration by the applicant that the exterior dimensions, the exterior walls, and the roof of the Class A Mobile Home is similar to that of a detached single family dwelling unit.~~ A detached single-family dwelling includes a mobile home or manufactured home.

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units, designed to be occupied by three (3) or more families living independently of each other, each as a separate housekeeping unit.

Dwelling, Two-Family: A building containing two (2) dwelling units, designed to be occupied by not more than two (2) families living independently of each other, each as a separate housekeeping unit.

Dwelling Unit: A self-sufficient dwelling that is designed for or used as a residence by a single housekeeping unit.

* * * * *

Manufactured Building: A structure, building assembly, or system of subassemblies, approved by and bearing the insignia of approval of the Florida Department of Community Affairs, or its successor agency, pursuant to the provisions of F.S. Ch. 553, Part IV. No mobile home, whether complying or not complying with mobile home construction standards promulgated by the United States Department of Housing and Urban Development or required by the State of Florida shall be considered a manufactured building for the purpose of this Code.

~~*Manufactured Home:* As used in Section 6.05.00, Floodplain Management, a structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. A manufactured home means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]~~

* * * * *

Mobile Home: A structure transportable in one (1) or more sections, which structure is eight (8) body feet (2.4 meters) or more in width and over thirty-five (35) feet in length, and which structure is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A mobile home is a residential unit certified to be in conformity with the Mobile Home Construction and Safety Standards of the United States Department of Housing and Urban Development, or its successor agency, and the standards of Section 320.823, F.S.

~~*Mobile Home, Class A:* A mobile home certified to be in conformity with the Mobile Home Construction and Safety Standards of the United States Department of Housing and Urban Development, or its successor agency, and the standards of F.S. § 320.823.~~

* * * * *

3.01.03. Zoning Districts.

* * * * *

Z. RVP RECREATIONAL VEHICLE PARK.

1. *Purpose.* The purpose of this district is to provide for the location of recreational vehicles and travel trailers. The number in "()" following each identified use corresponds to the SIC Code reference described in Section 3.01.02(B). The number 999 applies to a use not defined under the SIC Code but may be further defined in Section 2.00.00 of this Code.
2. *Permitted Uses:*
 - a. Single-family residences, including ~~Class A~~ Mobile Homes, subject to the requirements of Section 7.10.16. (999)
 - b. Recreational vehicles and travel trailers. (7033)
 - c. Recreational vehicle parks are subject to the requirements of Section 7.10.16. (7033)
3. *Conditional Uses:*
 - a. Telecommunication towers - subject to the standards of Section 7.10.23. (999)
4. *Accessory Uses.* Accessory uses are subject to the requirements of Sections 7.10.16 and 8.00.00.
 - a. Solar energy systems, subject to the requirements of Section 7.10.28.

* * * * *

AA. HIRD HUTCHINSON ISLAND RESIDENTIAL DISTRICT.

1. *Purpose.* The purpose of the Hutchinson Island Residential District (HIRD) is to provide a residential environment on North and South Hutchinson Island that is respectful of the natural resources and value of the barrier islands and can be supported by available public and private services. HIRD is intended to ensure that the intensity, location, and timing of new residential growth and development is of a character that can be served by adequate public and private facilities, and that protects, preserves and enhances the public health, safety, and welfare of the citizens of St. Lucie County. Hutchinson Island constitutes a unique and valuable public resource that plays a vital role in defining the County's economic and geographic character. HIRD is intended to facilitate growth and development of the barrier islands while conserving the natural and human values the islands represent. Given the environmentally sensitive nature of barrier islands, HIRD is designed to ensure that growth and development is clustered away from environmentally sensitive lands and is limited to the more tolerant upland portions of Hutchinson Island. HIRD is also intended to implement and be consistent with the St. Lucie County Comprehensive Plan.

* * * * *

15. *Additions to Recreational Vehicles, Mobile Homes, and Travel Trailers.*
 - a. Notwithstanding any other provision of this Section, any mobile home, recreational vehicle, or travel trailer park space located in this district shall be considered an existing conditional use under Section 11.07.05(G) if and only if:
 - (1) The mobile home has been erected and occupied, or the recreational vehicle or travel trailer park space constructed and used, prior to the effective date of this Code; and

- (2) The mobile home, recreational vehicle, or travel trailer park space was a fully conforming use on the effective date of this Code.
 - b. No addition to an existing mobile home shall be permitted unless the addition meets all requirements of the RMH-5 District.
 - c. No Recreational Vehicle, Travel Trailer, Detached Single-Family Residence, ~~Class A~~ Mobile Home or addition thereto shall be permitted unless the Recreational Vehicle, Travel Trailer, Detached Single-Family Residence, ~~Class A~~ Mobile Home or addition thereto meets all applicable requirements of Section 7.10.16 (Recreational Vehicle Parks) in existing recreational vehicle parks, or Section 7.10.17 (Mobile Home Parks) in existing mobile home parks.
 - d. An addition in existence as of April 18, 1989, (Ordinance 89-09) which does not meet the requirement established in this Section shall be deemed a nonconforming structure and shall be subject to the provisions of Section 10.00.03. However, existing additions which pose a threat of imminent danger to the health, safety, or welfare of the general public as determined by the Fire Marshal pursuant to the Standard for Fire Safety Criteria for Mobile Home Installations, Sites, and Communities, NFPA 501A-1982, as applicable, must be brought into compliance or removed. The decision of the Fire Marshal may be appealed to the Board of Construction and Appeal.
16. *Sea Turtle Protection.* Sea turtle protection requirements shall be in accordance with Section 6.04.02.

* * * * *

7.10.16. Recreational Vehicle Parks.

- A. *Generally.* Unless otherwise noted, the following standards shall be applied to all Recreational Vehicle Parks within unincorporated St. Lucie County.
- B. *Land Use Compatibility.* No new Recreational Vehicle Park may be located in any Future Land Use District other than Commercial (COM), or as permitted in the Mixed Use (MXD) Designation. Unless otherwise addressed in this Code, any Recreational Vehicle Park located in any other Land Use Designation shall be considered a nonconforming use.
- C. *Minimum Park Size.* A Recreational Vehicle Park shall be permitted only on tracts on land consisting of a minimum of five (5) acres and having a minimum frontage of sixty (60) feet on a paved public road.

* * * * *

Q. Permitted Specific Uses and Additions.

- 1. Any Recreational Vehicle Park, occupying more than ten (10) acres, unless located on North or South Hutchinson Island where there shall be no minimum acreage requirement other than that set out in Section 7.10.15(C), is permitted to have installed, erected, constructed or otherwise placed on site Recreational Vehicles, Travel Trailers, Detached Single-Family Residences, ~~Class A~~ Mobile Homes and additions thereto, including wood decks, screen rooms, patios and like accessory facilities subject to the following requirements:

* * * * *

- c. For the purpose of this section, the maximum height of any onsite construction or the installation of any Recreational Vehicles, Travel Trailer, Detached Single-Family Residence, ~~Class A~~ Mobile Home including additions thereto, shall not exceed twenty-two (22) feet above finished grade or minimum flood elevation, whichever is higher. The

maximum height of any structure shall be determined at the highest point of the roof. In the case of multiple roof lines, the maximum height of any structure shall be determined at the highest point of the highest roof structure or system. To the extent that the method of determining maximum building height as described in this paragraph conflicts with any other provision of this Code, the terms of this paragraph shall apply.

Figure 7-34 illustrates a typical wall section example that is to be used in determining the maximum height of all buildings.

* * * * *

- g. All new or replacement Recreational Vehicles, Travel Trailers, Single-Family Residences, ~~Class A Mobile Home~~ and additions thereto are required to have a permit from the Planning and Development Services Growth Management Director prior to any placement or construction activity commencing.

* * * * *

11.00.03. Notice.

Notice of all public hearings which are required by a provision of this Code shall be given as follows, unless expressly stated otherwise:

- A. *Content of Notice.* Every required notice shall include: the date, time, and place of the hearing or appeal; a description of the substance of the subject matter that will be discussed at the hearing or appeal; a location description of the properties directly affected including the street address when available; a statement of the body conducting the hearing; the title of the proposed ordinance or resolution to be considered (if applicable) and the place or places in the County where such ordinance or resolution may be inspected by the public; a brief statement of what action the body conducting the hearing is authorized to take; a statement that interested parties may appear at the public hearing and be heard with respect to the proposed action; and a statement that the hearing may be continued from time to time as may be necessary.
- B. *Publication.* Publication of the notice shall be as follows:
 - 1. General: Except as provided in paragraph 2 and 3 below, notice of all public hearings of amendments to the Official Zoning Atlas, applications for Planned Developments, applications for conditional use approval, applications for major adjustment to a conditional use, applications for variances, ~~applications requesting a Class A Mobile Home be defined as a detached single family dwelling unit~~, and appeals from a decision, order, requirement, or determination of an administrative officer of the County shall be properly advertised in a newspaper of general circulation in St. Lucie County not more than thirty (30) days nor less than ten (10) days before the date of the hearing.

* * * * *

- D. *Mail.* Mailing notice to specific real property owners shall be as follows:
 - 1. Amendments and Applications That Affect Less than Ten (10) contiguous acres:
 - a. In addition to publication requirements in Section 11.00.03(B), in the case of a public hearing regarding an amendment to the Official Zoning Atlas that applies to less than ten (10) contiguous acres in the unincorporated area of the County, applications for Planned Developments, applications for conditional use approval, and applications for variances, ~~and applications requesting a Class A Mobile Home be defined as a detached single family dwelling unit~~, notice shall also be provided by the Planning and Development Services Growth Management Director (or the Public Works Director depending on the application for public hearing that is filed) by mail to all

property owners who own real property directly affected by the proposed action and whose address is known by reference to the latest approved ad valorem tax roll, and to all property owners who own real property within five hundred (500) feet of the property directly affected by the proposed action whose address is known by reference to the latest ad valorem tax rolls. Notification shall be mailed not more than thirty (30) days nor less than ten (10) days before the date of the hearing.

- b. In the case of amendments to the Official Zoning Atlas which have been initiated by the Board of County Commissioners or its designee and affect less than ten (10) contiguous acres of land area in the unincorporated area of the County, notice shall also be provided by the Planning and Development Services Growth Management Director (or the Public Works Director depending on the application for public hearing that is filed) by mail to each real property owner whose land is the subject of the proposed amendment and whose address is known by reference to the latest approved ad valorem tax roll. Such notice shall be mailed at least thirty (30) days before the date of the hearing.
2. Amendments That Affect Ten (10) Contiguous Acres or More of Land. An amendment to the Official Zoning Atlas or an amendment to the text of this Code that affects ten (10) contiguous acres or more of the land in the County's jurisdiction does not require notice by mail.

E. *Posting of Notice.*

1. After an application has been filed for an amendment to the Official Zoning Atlas, for a Planned Development, for conditional use approval, or for a major adjustment to a conditional use, or for a variance or requesting a Class A Mobile Home to be defined as a detached single family dwelling unit, the Planning and Development Services Growth Management Director (or the Public Works Director depending on the application for public hearing that is filed) shall cause the posting of a sign or signs on the property concerned. The sign or signs shall not be less than ten (10) square feet in size and located where, in the judgment of the Director, the sign or signs would be in the most conspicuous place to the passing public. Each sign shall contain the following information:
 - a. Present zoning and requested rezoning classification, if applicable;
 - b. Conditional use information, if applicable;
 - c. ~~Class A Mobile Home information, if applicable;~~
 - d. Variance information, if applicable; and
 - e. Dates of scheduled hearings.

The sign or signs shall be posted not less than ten (10) days prior to the public hearing. The Director will only be responsible for erection of the sign or signs.
2. The Planning and Development Services Growth Management Director (or the Public Works Director depending on the application for public hearing that is filed) shall provide a signed affidavit stating that the notice was posted at the initiation of the advertising period. Failure to maintain a conspicuous notice on the property shall not affect any change or amendment of said Code.

11.00.04. Hearing Procedures.

- A. *Setting the Hearing.* When the Planning and Development Services Growth Management Director (or the Public Works Director depending on the application for public hearing that is filed) determines

that an application for an amendment to the Official Zoning Atlas, an application for an amendment to the text of this Code, an application for a Planned Development, an application for conditional use approval, an application for a major adjustment to a conditional use, ~~an application requesting a Class A Mobile Home be defined as a detached single family dwelling unit~~, or an application for a variance is completed, or that a petition for an administrative appeal has been filed and is complete, the Director shall notify the appropriate decision making body so a public hearing may be set and notice given in accordance with the provisions of this Code.

* * * * *

11.01.04. Post-Development Order Changes.

After a Preliminary or Final Development Order has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the Preliminary or Final Development Order. A modification may be applied for in the same manner as the original Preliminary or Final Development Order.

A written record of the modification to a Preliminary or Final Development Order for a Conditional Use approval, Planned Development Final Site Plan Approval, Planned Development Preliminary Site Plan Approval, Major Development Site Plan Approval, Minor Development Site Plan Approval, Variance, Development of Regional Impact Development Order, Amendment to any portion the Comprehensive Plan, or Amendment to the Official Zoning Atlas, shall be entered upon the original Preliminary or Final Development Order and maintained in the files of the Planning and Development Services ~~Growth Management~~ Director.

A written record of the modification to a Preliminary or Final Development Order for a Building Permit, ~~Class A Mobile Home Permit~~, Mining Permit, or a Mobile Home (Tie Down) Permit, shall be entered upon the original Preliminary or Final Development Order and maintained in the files of the Public Works Director.

* * * * *

11.05.02. ~~Class A Mobile Home Permits.~~

~~A. *Application for Permit.* Any person desiring to have a Class A Mobile Home defined as a detached single family dwelling unit shall submit an application to the Planning and Development Services Director, in a form established by the Director, accompanied by a non-refundable application fee, pursuant to Section 11.12.00.~~

~~B. *Application Contents.* The application shall include the following information:~~

- ~~1. The applicant's name and address.~~
- ~~2. Legal description, street address, lot number and subdivision name, if any, of the property upon which the Class A Mobile Home is to be located.~~
- ~~3. Statement of ownership of the mobile home.~~
- ~~4. Size of subject property in square feet and acres.~~
- ~~5. Statement describing the type and dimensions of the Class A Mobile Home proposed to be located on the property.~~
- ~~6. Elevations and photographs of all sides of the Class A Mobile Home proposed to be located on the property.~~
- ~~7. A statement describing the exterior dimensions and roof slope of the Class A Mobile proposed to be located on the property.~~

- ~~8. A description of the exterior finish of the Class A Mobile Home, including exterior walls and roof.~~
 - ~~9. A description of the skirting materials to be used.~~
 - ~~10. A description of the dimensions of the Class A Mobile Home.~~
 - ~~11. Proof that the Class A Mobile Home has met the Mobile Homes Construction and Safety Standards of the U.S. Department of Housing and Urban Development, and the standards of F.S. § 320.823.~~
 - ~~12. A boundary survey showing the proposed use and including the following:
 - ~~a. Location of the property by lot number, block number and street address, if any.~~
 - ~~b. The limits of any jurisdictional wetlands; locations of all native trees meeting the minimum sizes outlined in Chapter 6; the results of any required listed species surveys; and an identification of what areas will be impacted by the proposed development activity and what areas are proposed for protection/preservation, with plans for mitigation per Chapter 6, if applicable.~~
 - ~~c. The dimensions of the lot or parcel of land on which the Class A Mobile Home is to be located.~~
 - ~~d. The location of the proposed Class A Mobile Home on the property, including all setback information.~~~~
 - ~~13. A schematic design of the Class A Mobile Home showing the roof, skirtings, and other improvements.~~
 - ~~14. A recorded deed of the subject property on which the Class A Mobile Home is to be located.~~
- ~~C. Procedure for Review of Class A Mobile Home Permit Applications on Properties Zoned AG-5 and AG-2.5.~~
- ~~1. Within twenty (20) days after an application has been submitted, the Planning and Development Services Director shall determine whether the application is complete. If the Director determines the application is not complete, a written statement shall be sent to the applicant by mail specifying the application's deficiencies. The Director shall take no further action on the application unless the deficiencies are remedied.~~
 - ~~2. Within thirty (30) days after the Planning and Development Services Director determines the application is complete, the application shall be reviewed, and the Director shall determine whether the proposal complies with the definition of a detached single family dwelling unit.~~
 - ~~3. Following the determination of compliance, the Planning and Development Services Director shall notify all property owners within 500 feet of the subject property of the Director's decision to issue the permit. If there are no written objections provided by the property owners within the notification area within fourteen (14) calendar days of receiving such notice, the Director shall administratively issue the permit.~~
- ~~If any written objection is obtained from a property owner within the notification area, the application shall be scheduled on the next available regular Board of County Commissioners meeting, in accordance with the procedures in Sections 11.00.03 and 11.00.04. The Board of County Commissioners shall review any objections and make a determination whether the application meets the definition of a detached single family dwelling unit in the form specified in Section 11.05.02(E). Notification of the Board of County Commissioners' decision shall be mailed to the petitioner and filed with the Planning and Development Services Director in accordance with Section 11.00.04.~~

~~D. Procedure for Review of Class A Mobile Home Permit Applications on Properties Zoned AG-1, AR-1, R/C, RE-1, RE-2, RS-2, RS-3, RS-4, RMH-5, RM-5, RM-7, RM-9, RM-11 and RM-15.~~

- ~~1. Within twenty (20) days after an application has been submitted, the Planning and Development Services Director shall determine whether the application is complete. If the Director determines the application is not complete, a written statement shall be sent to the applicant by mail specifying the application's deficiencies. The Director shall take no further action on the application unless the deficiencies are remedied.~~
- ~~2. Within thirty (30) days after the Planning and Development Services Director determines the application is complete, the application shall be reviewed, and the Director shall determine whether the proposal complies with the definition of a detached single family dwelling unit.~~
- ~~3. Following the determination of compliance the Planning and Development Services Director shall place the application for the determination of the Class A Mobile Home as a detached single family dwelling unit on the agenda of the next available regular Board of County Commissioners meeting, in accordance with the procedures in Section 11.00.03.~~
- ~~4. The public hearing held on the application shall be in accordance with Section 11.00.04. In determining whether the Class A Mobile Home meets the definition of a detached single family dwelling unit, the Board of County Commissioners shall consider the standards in the subsection. Within a reasonable time of the conclusion of the public hearing, the Board of County Commissioners shall make a determination as to whether the application meets the definition of a detached single family dwelling unit in the form specified in Section 11.05.02(E).~~
- ~~5. Notification of the Board of County Commissioners' decision shall be mailed to the petitioner and filed with the Planning and Development Services Director in accordance with Section 11.00.04.~~

~~E. Standards for Review. In determining whether a Class A Mobile Home meets the definitions of detached single family dwelling unit, the exterior dimensions, the exterior finish of the roof and walls, and the skirting of the mobile home shall be considered. Before a Class A Mobile Home will be defined as a detached single family dwelling unit, the following must be determined:~~

- ~~1. Minimum Width of Main Body. The minimum horizontal dimension of the main body of the mobile home as assembled on the site is not less than twenty (20) feet, as measured across the narrowest portion, except that in the Agricultural Residential (AR-1), Agricultural 1 (AG-1), Agricultural 2.5 (AG-2.5) and Agricultural 5 (AG-5), Zoning Districts, no minimum horizontal dimension shall apply.~~
- ~~2. Minimum Roof Pitch. The minimum roof pitch is similar in slope to that of detached single family dwelling units in the same zoning district in which it is to be located.~~
- ~~3. Roofing Materials. The roofing material used is similar in texture, color and appearance to that of detached single family dwelling units in the same zoning district in which it is to be located.~~
- ~~4. Exterior Finish; Light Reflection. The materials used for the exterior finish and skirting are similar in texture, color, and materials to detached single family dwelling units in the same zoning district in which it is to be located, and are applied in such a manner as to make the Class A Mobile Home similar in appearance with surrounding detached single family dwelling units. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel.~~

~~* * * * *~~

12.00.00. BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners shall have the following powers and duties under this Code:

- A. The powers to initiate, review, and adopt amendments to the Official Zoning Atlas as provided in Section 11.06.00;
- B. The powers to initiate, review, and adopt amendments to the text of this Code as provided in Section 11.06.00;
- C. The powers to review and grant, grant with conditions, or deny Preliminary Site Plans and Final Site Plans, as provided in Section 11.02.00;
- D. The power to review and grant or deny plat applications, as provided in Section 11.03.00;
- E. ~~The powers to review and determine whether a Class A Mobile Home can be defined as a detached single family dwelling, as provided in Section 11.05.02;~~
- F. The powers to review and grant, grant with conditions, or deny conditional uses as provided in Section 11.07.00;
- G. The powers to review and grant or deny applications for development agreements, as provided in Section 11.08.00;
- H. The powers to interpret boundaries of the various zoning districts on the Official Zoning Atlas, as provided in Section 1.06.02.
- I. The power to establish a schedule of fees in order to cover the costs of technical and administrative activities required by this Code as provided in Section 11.12.00;
- J. The power to hear and decide appeals initiated by any person, officer, board, or bureau of St. Lucie County aggrieved by a decision by the County Administrator with respect to the Vested Rights and Adequate Public Facilities provisions of this Code as provided in Section 11.09.00 and Chapter V.
- K. When sitting as the Environmental Control Board, the power to hear and decide appeals initiated by any person, officer, board, or bureau of St. Lucie County aggrieved by any decision, order, determination or interpretation of any administrative official of the County as provided in Section 11.11.00.

* * * * *

12.06.01. Jurisdiction, Authority, and Duties.

In addition to the jurisdiction, authority, and duties which may be conferred on the Planning and Development Services Director by other provisions, the Director shall also have the following powers and duties under this Code:

- A. The Director shall issue, wastewater and sewage compliance, and airport height permits, ~~and Class A Mobile Home Permits~~, in accordance with the procedures in Section 11.05.00.
- B. The Director shall grant or deny applications for Certificates of Capacity Exemption, and Certificates of Capacity Variances in accordance with the procedures in Section 5.00.00.
- C. The Director shall grant or deny applications for a Vested Rights Special Use Permit in accordance with the procedures in Section 11.09.00 of this Code.
- D. The Director, whenever a use is not specifically listed in Section 3.01.03 or in the administrative use regulations, shall make a determination as to whether the proposed use is a use permitted by this Code, in accordance with Section 3.01.01.

- E. The Director shall serve as staff planner to the Planning and Zoning Commission and the Board of County Commissioners, including the provision of aid and technical assistance in:
 - 1. The initiation, processing, and review of applications for amendment to the Official Zoning Atlas as provided in Section 11.06.00;
 - 2. The initiation, processing, and review of applications for amendment to the text of the Code as provided in Section 11.06.00;
 - 3. The processing and review of applications for Planned Developments as provided in Section 11.02.00;
 - 4. The processing and review of applications for conditional use permits as provided in Section 11.07.00 of this Code;
 - 5. The processing and review of site plans as provided in Section 11.02.00;
 - 6. ~~The processing and review of applications requesting a Class A Mobile Home be defined as a detached single family dwelling, as provided in Section 11.05.02.~~

* * * * *

SECTION 3. CONFLICTING PROVISIONS. Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, and adopted prior to January 1, 1969, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 4. SEVERABILITY AND APPLICABILITY. If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

SECTION 5. FILING WITH THE DEPARTMENT OF STATE. The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Department of State.

SECTION 6. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners of St. Lucie County within ten days after enactment by the Board, and this ordinance shall take effect upon filing with the Department of State.

SECTION 7. CODIFICATION. Provisions of this ordinance shall be incorporated in the St. Lucie County Land Development Code, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION 8. ADOPTION. After motion and second, the vote on this ordinance was as follows:

Chair Sean Mitchell	XXX
Vice Chair Frannie Hutchinson	XXX
Commissioner Linda Bartz	XXX
Commissioner Chris Dzadoovsky	XXX
Commissioner Cathy Townsend	XXX

PASSED AND DULY ADOPTED this ____ day of _____, 2022.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

Deputy Clerk

BY: _____
Chair

**APPROVED AS TO FORM AND
CORRECTNESS:**

BY: _____
County Attorney



TO: St. Lucie County Planning & Zoning Commissioners
FROM: Mayté Santamaria, PDS Director
DATE: July 27, 2022
SUBJECT: Text Amendment to the Land Development Code (LDC)
Class A Mobile Homes
(TLDC-2206-000017)

The St. Lucie County Planning & Development Services Department is proposing text amendments to Land Development Code (LDC) Section 2.00.00 – Definitions; Section 11.05.02, Class A Mobile Home Permits; Section 3.01.03, Zoning Districts; Section 7.10.16, Recreational Vehicle Parks, Section 11.00.03, Notice, Section 11.00.04, Hearing Procedures, Section 11.01.04, Post-Development Order Changes, Section 12.00.00, Board of County Commissioners, and Section 12.06.01, Jurisdiction, Authority, and Duties.

BACKGROUND:

The St. Lucie County Planning & Development Services Department is proposing text amendments to the LDC to eliminate the Class A Mobile Home Permit process and eliminate the different review procedures included in the LDC for single family detached dwelling units and mobile homes.

The amendments are proposed to ensure consistency with Florida Statute provisions that local requirements and regulations for manufactured homes be reasonable, uniformly applied, and enforced without distinctions as to whether such housing is manufactured, located in a mobile home park or a mobile home subdivision, or built in a conventional manner.

The amendments are also proposed to reflect the change in Florida Statute provisions which prohibits the application of land development regulations relating to building design elements on single-family or two-family dwelling, including the external building color, the type or style of exterior cladding material, the style or material of roof structures or porches, the exterior nonstructural architectural ornamentation, the location or architectural styling of windows or doors, the location or orientation of the garage, the number and type of rooms, and the interior layout of rooms.

**TEXT AMENDMENT STANDARDS OF REVIEW
AS SET FORTH IN SECTION 11.06.03,
ST. LUCIE COUNTY LAND DEVELOPMENT CODE**

Pursuant to St. Lucie County Land Development Code (LDC) Section 11.06.03, the Development Review Committee (DRC) has reviewed the proposed Text Amendment to LDC Sections, as noted above, and found it to meet the technical requirements and standards of review. In reviewing this application for a text amendment to the LDC, the Planning and Zoning Commission shall consider and make the following determinations:

A. Whether the proposed amendment is in conflict with any applicable portions of the St. Lucie County Land Development Code;

The amendments are internally consistent with the Land Development Code. The amendment will provide the same requirements for conventionally built homes and manufactured/mobile homes, as is required by Sections 320.8285(6), and 553.38, Florida Statute.

B. Whether the proposed amendment is in conflict with all elements of the St. Lucie County Comprehensive Plan;

The proposed amendments are consistent with the St. Lucie County Comprehensive Plan. The following specific goals, objectives, and policies from the Comprehensive Plan support the proposed Land Development Code Text Amendment:

Goal 1.1: Ensure the highest quality living environment possible, through a mixture of land uses reflecting the needs and desires of the local residents and how they want their community to develop. The goal shall be implemented by strictly enforced building, zoning and development codes based on objectives and policies that will enhance St. Lucie County's natural and man-made resources while minimizing any damage or threat of degradation to the health, safety and welfare of the county's citizens, native wildlife and environment, through incompatible land uses.

Objective 1.1.9: Residential Areas. Property owners' investments, their quality of life and the single-family neighborhood, as a defined residential area, shall be protected from the encroachment of commercial and/or other inappropriate land uses through consistent and predictable application of the Land Development Code.

Objective 3.1.1: The County shall ensure the creation and/or preservation of affordable housing for all current and anticipated future residents of the jurisdiction, and households with special housing needs including rural and farmworker housing, workforce housing as well as adequate sites and distribution of housing for very-low-income, low-income and moderate-income households.

Policy 3.1.1.1 - To provide sufficient land to meet the future housing needs, the Future Land Use Map shall provide future land use designations that allow a variety of housing types, affordability and densities.

Goal 3.2: To provide an adequate mix of safe and sanitary housing that meets the needs of existing and future St. Lucie County residents.

Objective 3.2.6: The County shall continue to provide regulations that permit mobile homes in the county.

Policy 3.2.6.1 - The RMH-5 zoning or a similar classification shall be retained in the Land Development Code.

Policy 3.2.6.2 - The Land Development Code shall provide provisions allowing a Class A mobile home to be located in any residential zoning district.

C. Whether and the extent to which the proposed amendment is inconsistent with the existing and proposed land uses;

The proposed text amendment is consistent with existing or proposed residential land uses.

Sections 320.8285(6), and 553.38, F.S., require local requirements be reasonable and uniformly applied and enforced without any distinction as to whether a building is a conventionally constructed or manufactured.

These same statutory provisions that require the County’s regulations applicable to mobile homes to be the same as those applied to single-family conventionally built units also appears to prevent the County from prohibiting mobile homes in certain zoning districts where single-family conventionally built units are allowed. In *Marion County v. Department of Community Affairs*, Marion County enacted an ordinance that prohibited manufactured housing in R-1 zoned subdivisions in the unincorporated areas of the county. 817 So. 2d 1062, 1063 (Fl. 5th DCA 2002). The Fifth District Court of Appeals, pointing to the direct conflict with Section 553.38, F.S., upheld the lower court’s judgment finding that the ordinance was "invalid insofar as it attempts to restrict manufactured housing within a residentially zoned area which otherwise permits on site construction." Id. at 1063 and 1064-65; see also Op. Att’y Gen. Fla. 87-37 (1987) (“Local government cannot exclude manufactured housing constructed to the standards required by the Department of Community Affairs under Part IV of Ch. 553, F.S., from a zoning classification that permits conventionally constructed housing.”).

D. Whether there have been changed conditions that require an amendment;

Current LDC Section 11.05.02, Class A Mobile Home Permits, establishes design element criteria (for example, the exterior finish of the roof and walls, and the skirting of the mobile home), to utilize in defining a mobile home as a detached single-family dwelling unit.

In 2021, the Florida Legislature adopted Chapter 2021-201, Laws of Florida, amending Section 163.3202, F.S., to prohibit the application of land development regulations relating to building design elements on single-family or two-family dwelling, including the external building color, the type or style of exterior cladding material, the style or material of roof structures or porches, the exterior nonstructural architectural ornamentation, the location or architectural styling of windows or doors, the location or orientation of the garage, the number and type of rooms, and the interior layout of rooms. Section 163.3202(5)(a), F.S., prohibits regulations relating to building design elements on single-family or two-family dwelling, unless:

1. The dwelling is listed in the National Register of Historic Places, as defined in s. 267.021(5); is located in a National Register Historic District; or is designated as a historic property or located in a historic district, under the terms of a local preservation ordinance;
2. The regulations are adopted in order to implement the National Flood Insurance Program;
3. The regulations are adopted pursuant to and in compliance with chapter 553;
4. The dwelling is located in a community redevelopment area, as defined in s. 163.340(10);
5. The regulations are required to ensure protection of coastal wildlife in compliance with s. 161.052, s. 161.053, s. 161.0531, s. 161.085, s. 161.163, or chapter 373;
6. The dwelling is located in a planned unit development or master planned community created pursuant to a local ordinance, resolution, or other final action approved by the local governing body; or
7. The dwelling is located within the jurisdiction of a local government that has a design review board or architectural review board.

This new statute section became effective on July 1, 2021, and limits the County’s ability to regulate the roof pitch, roofing materials and exterior finish of a single-family dwelling unit, except for in limited circumstances. As such, if a local government can no longer regulate building design elements of a single-family dwelling unit, then arguably the local government can no longer regulate those same building design elements of a mobile home (particularly in defining a mobile home as a single family detached dwelling) because to do so would amount to a statutorily prohibited (see Sections 320.8285(6), and 553.38, F.S.) disparate treatment of mobile homes based solely on home type.

E. Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether or to the extent to which the proposed amendment would exceed the capacity of such public facilities, including but not limited to transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste, mass transit, and emergency medical facilities;

The proposed text amendment will not result in additional demands on public facilities. Site specific facility impacts are addressed at the time of development application.

F. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment;

The proposed text amendment would not result in adverse impacts on the natural environment. The proposed text amendment is not expected to increase development pressures on natural areas and does not modify or exempt improvements from any of the County’s natural resource protection standards.

G. Whether and the extent to which the proposed amendment would adversely affect the property values in the area;

The proposed amendment is not anticipated to have an adverse impact on property values in the area.

The Florida Attorney General has issued several opinions stating that land use and zoning requirements must not discriminate against manufactured housing and local governments cannot exclude manufactured housing from a zoning classification that allow conventionally constructed housing. Further stating that local requirements and regulations relating to the erection and use of residential buildings or structures must be uniformly applied and enforced so as not to discriminate against or exclude factory-built housing from the local community, and must be without distinction as to whether residential housing is factory-built or built in a conventional manner.

H. Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern specifically identifying any negative effects of such patterns;

The proposed changes will maintain an orderly and logical development pattern for residential structures.

Section 320.827, F.S., states, “... Any mobile home bearing the insignia of approval pursuant to this section shall be deemed to comply with the requirements of all local government ordinances or rules which govern construction...”

Sections 320.8285(6), and 553.38, F.S., require local requirements be reasonable and uniformly applied and enforced without any distinction as to whether a building is a conventionally constructed or manufactured.

I. Whether the proposed amendment would be in conflict with the public interest, and is in harmony with the purpose and intent of this code;

The proposed amendment is not in conflict with the public interest and is in harmony with the purpose and intent of this code.

J. Any other matters that may be deemed appropriate by the Planning and Zoning Commission or the Board of County Commissioners, in review and consideration of the proposed amendment.

The Planning and Zoning Commission and the Board of County Commissioners may raise other matters regarding the proposed Land Development Code Text Amendment.

STAFF RECOMMENDATION:

Staff finds this petition to meet the standards of review as set forth in Section 11.06.03 of the St. Lucie County Land Development Code, and is not in conflict with the goals, objectives, and policies of the St. Lucie County Comprehensive Plan.

Staff recommends approval.


EXHIBITS:

1. Florida Attorney General Advisory Legal Opinion 87-37, Manufactured housing and zoning classifications.
2. Memo by Dan McIntyre, County Attorney, pertaining to Class A Mobile Home Permits.



INTER-OFFICE MEMORANDUM
COUNTY ATTORNEY'S OFFICE
ST. LUCIE COUNTY, FLORIDA

TO: Board of County Commissioners

FROM: Daniel S. McIntyre, County Attorney 

C.A. No.: 22-0755

DATE: June 14, 2022

SUBJECT: Class A Mobile Home Permits

This memorandum serves as a summary and follow up to the discussion on local government regulation of mobile homes that took place at the Board of County Commissioners meeting on Tuesday, June 7, 2022.

Section 320.8285(6), Florida Statutes, generally provides that “local land use and zoning requirements, fire zones, building setback and side and rear yard requirements, site development and property line requirements, subdivision control, and onsite installation inspection requirements, as well as review and regulation of architectural and aesthetic requirements” for mobile homes “are hereby specifically and entirely reserved to local jurisdictions.” However, this local authority is limited by the same subsection (6) in that:

- (1) “[A]ny architectural or aesthetic requirement imposed on the mobile home structure itself may pertain only to roofing and siding materials;” and
- (2) “Such local requirements and regulations for manufactured homes must be reasonable, uniformly applied, and enforced without distinctions as to whether such housing is manufactured, located in a mobile home park or a mobile home subdivision, or built in a conventional manner.”

FL. STAT. § 320.8285(6)(emphasis added); see also FL. STAT. § 553.38 (setting forth similar powers and limitations for local governments).

With the first restriction in mind relating to limitations on mobile home aesthetic requirements, the County’s Land Development Code (“LDC”) sets forth a permitting process for mobile homes that limits the standards of review for issuing a Class A Mobile Home Permit to the statutorily allowable aesthetic considerations such as roof pitch, roofing materials and exterior finish. See LDC §11.05.02(E).

To address the second limitation on local regulation set forth by the Florida Legislature relating to uniform requirements regardless of home type (i.e., the county's aesthetic standards must be the same for mobile, manufactured, and conventional homes), an applicant meets these standards so long as the aesthetic features are similar to those of a detached single-family dwelling unit in the same zoning district in which the mobile home is to be located. Currently, neither the County LDC or the Florida Building Code mandate a certain roof pitch, roofing material, or exterior finish for single-family dwelling units in any zoning district, nor are there any other architectural restrictions for single-family dwelling units in the LDC.

In 2021, section 163.3202 of the Florida Statutes was amended so that local governments may no longer regulate "building design elements" of single-family or two-family dwellings.¹ "Building design elements" are defined to include:

1. External building color;
2. Type or style of exterior cladding material;
3. Style or material of roof structures or porches;
4. Exterior nonstructural architectural ornamentation;
5. Location or architectural styling of windows or doors;
6. Location or orientation of the garage;
7. Number and type of rooms; and
8. Interior layout of rooms.

FL. STAT. § 163.3202(5)(b)(1)(emphasis added). Thus, effective July 1, 2021, it appears that the County may not regulate the roof pitch, roofing materials and exterior finish of a single-family dwelling unit, except for in limited circumstances.

Although the limitations on local government regulation of building design elements set forth in section 163.3202 relate to single-family and two-family dwelling units, these limitations arguably extend to mobile homes because, as explained above, sections 320.8285(6)(b) and 553.38 require that a County's regulations applicable to mobile homes be the same as those applied to single-family dwelling units. In other words, any building design elements imposed on a mobile home must be the same as those imposed on a single-family dwelling unit. Thus, if a local government can no longer regulate building design elements of a single-family dwelling unit (including roof

¹ The statute sets forth some exceptions to this limitation:

- "1. The dwelling is listed in the National Register of Historic Places, as defined in s. 267.021(5); is located in a National Register Historic District; or is designated as a historic property or located in a historic district, under the terms of a local preservation ordinance;
2. The regulations are adopted in order to implement the National Flood Insurance Program;
3. The regulations are adopted pursuant to and in compliance with chapter 553;
4. The dwelling is located in a community redevelopment area, as defined in s. 163.340(10);
5. The regulations are required to ensure protection of coastal wildlife in compliance with s. 161.052, s. 161.053, s. 161.0531, s. 161.085, s. 161.163, or chapter 373;
6. The dwelling is located in a planned unit development or master planned community created pursuant to a local ordinance, resolution, or other final action approved by the local governing body; or
7. The dwelling is located within the jurisdiction of a local government that has a design review board or architectural review board."

FL. STAT. § 163.202(5)(a). Currently, neither the County LDC or the Florida Building Code mandate a certain roof pitch, roofing material, or exterior finish for single-family dwelling units in any zoning district, nor are there any other architectural restrictions for single-family dwelling units in the LDC.

pitch, roofing materials and exterior finish), then arguably the local government can no longer regulate those same building design elements of a mobile home because to do so would amount to a statutorily prohibited disparate treatment of mobile homes based solely on home type.²

This same statutory provision that requires the County's regulations applicable to mobile homes to be the same as those applied to single-family dwelling units also appears to prevent the County from prohibiting mobile homes in certain zoning districts where single-family dwelling units are allowed. In *Marion County v. Dep't of Cmty. Affairs*, Marion County enacted an ordinance that prohibited manufactured housing in R-1 zoned subdivisions in the unincorporated areas of the county. 817 So. 2d 1062, 1063 (Fl. 5th DCA 2002). The Fifth District Court of Appeals, pointing to the direct conflict with section 553.38, upheld the lower court's judgment finding that the ordinance was "invalid insofar as it attempts to restrict manufactured housing within a residentially zoned area which otherwise permits on site construction." *Id.* at 1063 and 1064-65; see also Op. Att'y Gen. Fla. 87-37 (1987) ("Local government cannot exclude manufactured housing constructed to the standards required by the Department of Community Affairs under Part IV of Ch. 553, F.S., from a zoning classification that permits conventionally constructed housing.").

Based on the recent change in law following the amendment of section 163.3202, F.S., the Planning and Development Services Division with the assistance of this office is drafting proposed amendments to the Class A Mobile Home Permitting process set forth in the LDC for the Board's consideration. This office has also contacted the Division of Florida Condominiums, Timeshares, and Mobile Homes to determine whether they have issued any opinions or guidance on this issue.

Note, the prohibition against local government regulation of single-family or two-family dwellings building design elements, does not affect the validity or enforceability of private covenants or other contractual agreements relating to building design elements between property owners.

DSM/klh

cc: Howard Tipton, County Administrator
Mayte Santamaria, Planning and Development Services Director

² A search conducted by this office revealed no case law or Florida Attorney General Opinions interpreting the new law and its application to mobile homes.

Florida Attorney General Advisory Legal Opinion

Number: AGO 87-37

Date: April 21, 1987

Subject: Manufactured housing and zoning classifications

Mr. Warren O. Tiller
County Attorney
Volusia County
Post Office Box 429
DeLand, Florida 32720

RE: COUNTIES—HOUSING--Authority to zone to
exclude factory-built housing, unauthorized;
imposition of additional construction standards
for aesthetic purposes uniformly applied,
authorized

Dear Mr. Tiller:

This is in response to your request for an
opinion on substantially the following questions:

1. May a local government exclude factory-built
housing which is constructed to the standards of
Part IV of Ch. 553, F.S., from a zoning
classification that permits conventionally
constructed housing?

2. If the answer to Question One is in the

negative, may a local government impose additional construction standards for aesthetic purposes applicable to both conventional and manufactured housing?

QUESTION ONE

Part IV of Ch. 553, F.S., is known as the "Florida Manufactured Building Act of 1979." Section 553.35, F.S. Subsection (11) of s. 553.36, F.S., defines a "[m]anufactured building" to mean

"a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. This part does not apply to mobile homes. Manufactured building may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site."

The Department of Community Affairs is vested with the authority and duty and responsibility to administer the provisions of Part IV of Ch. 553. Section 553.37, F.S. In carrying out the administration of the manufactured building act,

the department is vested with the authority and responsibility to promulgate rules which will assure "that each manufactured building is structurally sound and properly installed on site and that plumbing, heating, electrical, and other systems thereof are reasonably safe" Section 553.38(1).

An examination of Part IV of Ch. 553 reveals that the Act constitutes a state preemption of standards and requirements for manufacture of factory-built housing in the State of Florida. The Department of Community Affairs is vested with the authority to promulgate rules, enter into contracts, and do such things as may be necessary and incidental to the administration of the manufactured building act, and to issue an insignia of approval for all manufactured building in compliance with the department's requirements promulgated under Part IV of Ch. 553. Section 553.37(1) and (2), F.S. Subsection (3) of s. 553.37 provides that "[a]ll manufactured buildings issued and bearing insignia of approval pursuant to subsection (2) shall be deemed to comply with the requirements of all ordinances or rules enacted by any local government which governs construction." *And see* AGO 73-107, in which this office opined that a local governmental entity which enacts an electrical code which differs from the electrical code adopted by the Department of Community Affairs for factory-built housing pursuant to s. 553.38(1) may not require additional approval of factory-built housing units bearing the department's insignia of approval which are subsequently sold or installed within the

entity's jurisdiction.

Directly responsive to your inquiry, s.
553.38(2), F.S., in pertinent part, provides:

"The department shall enforce every provision of this part and the rules adopted pursuant hereto, except that local land use and zoning requirements, fire zones, building setback requirements, side and rear yard requirements, site development requirements, property line requirements, subdivision control, and onsite installation requirements, as well as the review and regulation of architectural and aesthetic requirements, are specifically and entirely reserved to local authorities. *Such local requirements and rules which may be enacted by local authorities must be reasonable and uniformly applied and enforced without any distinction as to whether a building is a conventionally constructed or manufactured building.*" (e.s.)

This provision expressly forbids a zoning ordinance which discriminates against manufactured buildings. In *Campbell v. Monroe County*, 426 So.2d 1158 (3 D.C.A. Fla., 1983), the district court of appeal reviewed a county zoning ordinance which effectively excluded factory-built housing from the particular zoning classification. The zoned area in question required masonry construction for all new housing which is not used in the construction of the manufactured houses. The court, while acknowledging the fact that the law reserves to local governments the authority to enforce zoning

requirements that regulate aesthetic appearances, stated at 1161 that an ordinance cannot conflict with state law, "and if any doubt exists, doubt is to be resolved against the ordinance in favor of the statute." Citing *Retail Credit Company v. Dade County, Florida*, 393 F.Supp. 577 (S.D. Fla. 1975) (ordinance must not conflict with controlling provisions of general law); *Rinzler v. Carson*, 262 So.2d 661 (Fla. 1972); *City of Miami Beach v. Rocio Corporation*, 404 So.2d 1066 (3 D.C.A. Fla., 1981), the court concluded that the ordinance in question served only to exclude products or techniques used in factory-built housing with no showing that such requirements bore a relationship to aesthetic uniformity or safety, and that therefore the ordinance was void because it in effect discriminated against factory-built housing in violation of state statutes.

Based upon the statutory language contained in s. 553.38(2), F.S., and the holding in *Campbell v. Monroe County*, *supra*, I am therefore of the opinion that a local government may not exclude manufactured housing, built to the standards required by the Department of Community Affairs under Part IV of Ch. 553, F.S., from a zoning classification that permits conventionally constructed housing.

QUESTION TWO

Section 553.38(2), F.S., as set forth above, expressly provides "that local land use and zoning requirements, . . . as well as the review and regulation of architectural and aesthetic

requirements, are specifically and entirely reserved to local authorities." (e.s.) This provision clearly permits local governments to regulate aesthetic matters. However, the case of *Campbell v. Monroe County*, *supra*, discussed in Question One, is also applicable to your second question. The ordinance in the *Campbell* case required that in certain residential zones, exterior masonry walls be constructed on new housing for aesthetic purposes. However, the court found that, based in part on the testimony of the county's building official, enforcement of the ordinance served only to exclude products or techniques used in factory-built housing. The court at 1161 stated:

"There is no showing of any local condition which justifies a requirement that bricks or stones be used to construct the exterior walls of residential housing, to the exclusion of walls constructed of steel studs and ribbed lath covered with three-fourths inch of stucco--an approved technique which is used by appellants."

The appellants elicited testimony from the county building official that the different construction techniques were not visually distinguishable. The court held that the ordinance was

"void as applied herein because by requiring that homes in a district zoned RU-1M be constructed of masonry to the roof line, with no showing of a relationship of that requirement to aesthetic uniformity or safety, the ordinance in effect discriminates against factory-built housing in violation of state statutes." (emphasis in

original)

426 So.2d at 1161. Thus, local regulations having no relationship to aesthetic uniformity or safety which in effect discriminate against factory-built housing are in conflict with and violate s. 553.38(2), F.S. Regulation of architectural and aesthetic requirements cannot be used as a subterfuge to effectively zone-out manufactured buildings.

In conclusion, I am of the following opinion:

1. Local government cannot exclude manufactured housing constructed to the standards required by the Department of Community Affairs under Part IV of Ch. 553, F.S., from a zoning classification that permits conventionally constructed housing.

2. Local aesthetic regulations may be uniformly applied and enforced without any distinction as to whether a building is conventionally constructed or manufactured, but such regulations must be reasonable and bear a relationship to aesthetic uniformity or safety.

Sincerely,

Robert A. Butterworth
Attorney General

Prepared by:

Craig Willis
Assistant Attorney General

Therefore, I conclude that a cemetery corporation licensed before July 1, 1965, having less than thirty acres in dedication, need not apply to the Department of Banking and Finance for prior written permission to refinance a preexisting mortgage.

072-66—March 8, 1972

FACTORY-BUILT HOUSING

LOCAL GOVERNMENT UNIT MAY NOT DISCRIMINATE AGAINST FACTORY-BUILT HOUSING WHICH MEETS CURRENT BUILDING CODES

To: M. Athalie Range, Secretary, Department of Community Affairs, Tallahassee

Prepared by: Paul W. Lambert, Assistant Attorney General

QUESTION:

May a local governmental authority (city, county or special district) refuse to issue building permits for erection or installation of factory-built housing, the plans of which indicate compliance with the local government's current building codes, purely on the fact that such housing is factory-built?

SUMMARY:

The legislature, by enacting Ch. 71-172, Laws of Florida, has preempted local authorities from regulating the manufacture or construction of factory-built housing units, preserving only to local units of government the authority to control the on-site installation or placement of the factory-built housing units on a parcel of land.

Local governments have the authority to promulgate land use and zoning requirements, site development, subdivision control, on-site installation requirements and aesthetic requirements. However, such requirements which relate to transportation, erection and use shall be uniformly applied and enforced without distinction as to whether such factory-built housing is manufactured or built in a conventional manner, and must not discriminate against factory-built housing.

Factory-built housing is defined in §2(4) of Ch. 71-172, Laws of Florida [§553.36(4) F. S.], to read:

“Factory-built housing” means a residential building comprised of one or more dwelling units, or habitable rooms or component parts thereof, which is either wholly manufactured or is in substantial part manufactured in manufacturing facilities. However, this part does not apply to mobile homes.

In effect, a factory-built house does not differ substantially from a conventionally built house, except that all or part of it may be manufactured in manufacturing facilities at a site other than the installation site. See §2(2), (4), Ch. 71-172 [§553.36(2), (4), F. S.], *supra*. Chapter 71-172, *supra*, does not apply to mobile homes as defined in Ch. 320, F. S. See §2(4), (5), Ch. 71-172, Laws of Florida [§553.36(4), (5), F. S.].

Chapter 71-172, Laws of Florida (part IV, Ch. 553, F. S.), which took effect July 1, 1971, was enacted for the purpose of providing for the development and implementation of factory-built housing in order to reduce housing construction costs and to make housing and home ownership more feasible for

all residents of Florida. The legislature recognized that housing construction costs may be reduced by mass production techniques which present unique problems with respect to local control and inspection and the establishment of uniform health and safety standards.

The Department of Community Affairs was authorized by said law to promulgate such rules and regulations as may be necessary and incidental to accomplish the purpose of the Florida Factory-Built Housing Act of 1971.

Section 3(2) of Ch. 71-172, Laws of Florida [§553.37(2), F. S.], provides that after the effective date of the regulations promulgated by the Department of Community Affairs, "no factory-built housing shall be sold or installed in this state unless it is approved and bears the insignia of approval of" the Department of Community Affairs.

However, the responsibilities of the department to control factory-built housing manufactured prior to the effective date of the department's regulations adopted pursuant to said law do not apply to factory-built housing which has been inspected and approved at the place of and during the time of manufacture, in accordance with applicable local building requirements, said housing being installed only in those areas of the state which recognize such local building requirements to be acceptable standards.

By enacting Ch. 71-172, Laws of Florida, the legislature has preempted local authorities from regulating the manufacture or construction, per se, of factory-built housing units, preserving only to local units of government the authority to control the on-site installation or placement of the factory-built housing units on a parcel of land.

Section 4(3) of Ch. 71-172, Laws of Florida [§553.38(3), F. S.], reads in part:

... except that local land use and zoning requirements, fire zones, building set-back, side and rear yard requirements, site development and property line requirements, subdivision control, and on site installation requirements, as well as the review and regulation of architectural and aesthetic requirements are hereby specifically and entirely reserved to local jurisdictions. Such local requirements and regulations and others which may be enacted which relate to transportation, erection, and use, must be reasonable and uniformly applied and enforced without distinctions as to whether such housing is factory-built or built in a conventional manner.

Local governments have the authority to promulgate land use and zoning requirements, site development, subdivision control, on-site installation requirements and aesthetic requirements; however, such requirements which relate to transportation, erection and use shall be uniformly applied and enforced without distinction as to whether such factory-built housing is manufactured or built in a conventional manner. Local governments are able to inspect conventionally built houses while they are being constructed, but cannot inspect factory-built houses (unless the department delegates its inspection authority to local governments pursuant to §3(8), Ch. 71-172 [§553.37(8), F. S.], *supra*) since such factory-built houses are in substantial part assembled or completed at the time of installation, and inspection would require disassembling the structures. Local governments must depend, therefore, upon the inspection procedures set forth and assured in Ch. 71-172, *supra*, as administered by the Department of Community Affairs.

Local requirements and regulations relating to erection and use of residential buildings or structures must be uniformly applied and enforced so as not to discriminate against or exclude factory-built housing from the local community, and must be without distinction as to whether residential housing is factory-built or built in a conventional manner.

The authority of the department to provide for and supervise the inspection

of factory-built residential structures (see §3(2), (8), Ch. 71-172 [§553.37(2), (8), F. S.], *supra*) does not vest with the state until the effective date of the department's regulations, which is April 30, 1972. (See Department of Community Affairs Rule 9B-1, Florida Administrative Code.) Prior to that date, local governments must satisfy themselves, by their own inspections or by other means, that factory-built housing units which are intended for installation in areas under their jurisdiction do, in fact, meet applicable local construction requirements.

072-67—March 8, 1972

ALCOHOLIC BEVERAGES

AUTHORITY OF COUNTY TO REGULATE SALE

To: *Lew Brantley, Senator, 8th District, Jacksonville*

Prepared by: *S. Strom Maxwell, Assistant Attorney General and James M. Wallace, Law Intern*

QUESTIONS:

1. Does §561.44(1), F. S., authorize an incorporated municipality to regulate the sale of beer or wine, for consumption off premises only, within 2500 feet of an established church or school?
2. Does §561.44(2), F. S., authorize a county to regulate the sale of beer or wine, for consumption off premises only, within 2500 feet of an established church or school?

SUMMARY:

Section 561.44(1), F. S. 1969, as amended by Ch. 71-361, authorizes incorporated municipalities to regulate by zoning ordinances the sale of all intoxicating beverages, whether consumed off or on the premises. Section 561.44(2), F. S., and Ch. 71-361, authorize those counties having established zoning or planning boards to regulate the sale of all intoxicating beverages. Where a county does not have such an established board, no vendor may operate or locate his place of business within 2500 feet of an established church or school as that measured distance is prescribed for each by the statute.

Prior to recent amendment by Ch. 71-361, Laws of Florida, §561.44(1), F. S. 1969, authorized incorporated cities and towns to "establish zoning ordinances restricting the location wherein a vendor licensed under §561.34" could operate his place of business, except in the case of those vendors "licensed under §561.34(1)(c), (d)." These previously excepted subsections referred to two classes of vendors; those selling "malt beverages for consumption off the premises only," and, in counties which prohibit the sale of intoxicating beverages, vendors selling "3.2 beer" for consumption off premises only.

In its amended form, §561.44(1), F. S. 1971, provides for no such exceptions, thus authorizing incorporated municipalities to adopt zoning ordinances for all licensed beverage vendors. These provisions would lead one to conclude that only the business location of the vendor is being regulated. However, the case law construing these provisions clearly shows that the purpose envisioned is the control of the sale of the alcoholic beverages. *Ellis v. City of Winter Haven, Fla. 1952, 60 So.2d 620; Harlen, Jr., Inc. v. Mount Sinai Baptist Church, Fla., 1958, 100 So.2d 437.*

The two prior exceptions of §561.44(1), F. S. 1969, apparently placed a limitation upon the zoning power to be exercised by municipal governments.

CHAPTER 2021-201

Committee Substitute for Committee Substitute for House Bill No. 401

An act relating to the Florida Building Code; amending s. 163.3202, F.S.; prohibiting certain regulations relating to building design elements from being applied to certain dwellings; providing exceptions; defining terms; providing construction; amending s. 553.73, F.S.; authorizing a substantially affected person to file a petition with the Florida Building Commission to review certain local government regulations, laws, ordinances, policies, amendments, or land use or zoning provisions; defining the term “local government”; providing requirements for the petition and commission; requiring the commission to issue a nonbinding advisory opinion within a specified timeframe; prohibiting the use of preliminary maps issued by the Federal Emergency Management Agency under certain circumstances; authorizing the commission to issue errata to the code; providing a definition for the term “errata to the code”; making technical changes; amending s. 553.79, F.S.; prohibiting a local government from requiring certain contracts for the issuance of a building permit; amending s. 553.791, F.S.; revising and defining terms; providing requirements for qualified private providers; requiring local jurisdictions to reduce permit fees under certain circumstances; deleting legislative intent; specifying that contractors using private providers to provide building code inspections services must notify local building officials in writing; revising notice requirements; deleting a provision requiring fee owners or fee owners’ contractors to post certain information at a project site before commencing construction; authorizing certain affidavits to be signed with electronic signatures and be submitted to local building officials electronically; authorizing certain inspections to be performed in-person or virtually; authorizing certain reports to be signed with electronic signatures; authorizing certain notices to be electronically posted; authorizing private providers to perform certain replacements and repairs without first notifying local building officials under certain circumstances; authorizing certain forms to be signed with electronic signatures; authorizing certain inspection records to be electronically posted and electronically submitted to local building officials; authorizing certificates of compliance to be electronically transmitted to local building officials; authorizing certain local entities to use a private provider for code inspection services under certain circumstances; conforming provisions to changes made by the act; amending s. 553.80, F.S.; revising how certain excess funds may be used by a local government; amending s. 553.842, F.S.; requiring evaluation entities that meet certain criteria to comply with certain standards; authorizing the commission to suspend or revoke certain approvals under certain circumstances; amending ss. 125.01 and 125.56, F.S.; conforming cross-references to changes made by the act; making technical changes; providing effective dates.

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

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:

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

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

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

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

5. The regulations are required to ensure protection of coastal wildlife in compliance with s. 161.052, s. 161.053, s. 161.0531, s. 161.085, s. 161.163, or chapter 373;

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

7. The dwelling is located within the jurisdiction of a local government that has a design review board or architectural review board.

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

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

2. “Planned unit development” or “master planned community” means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the

character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

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

Section 2. Subsections (4), (5), and (8) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(4)(a) All entities authorized to enforce the Florida Building Code under ~~pursuant to~~ s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in ~~of this subsection paragraph~~. Local amendments must ~~shall~~ be more stringent than the minimum standards described in this section herein and must ~~shall~~ be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this subsection paragraph for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

(b) Local governments may, subject to the limitations in ~~of this section and not more than once every 6 months~~, adopt amendments to the technical provisions of the Florida Building Code that ~~which~~ apply solely within the jurisdiction of such government and that ~~which~~ provide for more stringent requirements than those specified in the Florida Building Code, ~~not more than once every 6 months~~. A local government may adopt technical amendments that address local needs if:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

~~(c)4.~~ The enforcing agency shall make readily available, in a usable format, all amendments adopted under ~~pursuant to~~ this section.

~~(d)5.~~ Any amendment to the Florida Building Code shall be transmitted within 30 days after adoption by the ~~adopting~~ local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments are ~~shall not become~~ effective until 30 days after the amendment has been received and published by the commission.

~~(e)6.~~ ~~An~~ Any amendment to the Florida Building Code adopted by a local government under ~~pursuant to~~ this subsection is ~~paragraph~~ ~~shall be~~ effective only until the adoption by the ~~commission~~ of the new edition of the Florida Building Code by the commission every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (9)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment under ~~pursuant to~~ the provisions of this subsection ~~paragraph~~.

~~(f)7.~~ Each county and municipality desiring to make local technical amendments to the Florida Building Code shall ~~by interlocal agreement~~ establish by interlocal agreement a countywide compliance review board to review any amendment to the Florida Building Code ~~that is,~~ adopted by a local government within the county under ~~pursuant to~~ this subsection and ~~paragraph,~~ that is challenged by a ~~any~~ substantially affected party for purposes of determining the amendment's compliance with this subsection ~~paragraph~~. If challenged, the local technical amendments are ~~shall not become~~ effective until the time for filing an appeal under ~~paragraph (g)~~ pursuant to ~~subparagraph 8.~~ has expired or, if there is an appeal, until the commission issues its final order determining if the adopted amendment is in compliance with this subsection.

~~(g)8.~~ If the compliance review board determines such amendment is not in compliance with this subsection ~~paragraph,~~ the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines that such amendment is ~~to be~~ in compliance with this subsection ~~paragraph,~~ any substantially affected party may appeal such determination to the commission. Any such appeal must ~~shall~~ be filed with the commission within 14 days after ~~of~~ the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings by electronic means through the

division’s website for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days after being assigned to the appeal, and shall enter a recommended order within 30 days after of the conclusion of such hearing. The commission shall enter a final order within 30 days after an order is rendered thereafter. ~~The provisions of Chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this subsection paragraph in proceedings before the compliance review board and the commission, as applicable. Actions of the commission are subject to judicial review under pursuant to s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.~~

~~(h)9.~~ An amendment adopted under this ~~subsection paragraph~~ must shall include a fiscal impact statement ~~that which~~ documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement and, the impact to property and building owners and, ~~as well as to industry,~~ relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

~~(i)10.~~ In addition to ~~paragraphs (f) and (g) subparagraphs 7- and 9-~~, the commission may review any amendments adopted under pursuant to this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

~~(j)(e)~~ Any amendment adopted by a local enforcing agency under pursuant to this subsection may shall not apply to state or school district owned buildings, manufactured buildings or factory-built school buildings approved by the commission, or prototype buildings approved under pursuant to s. 553.77(3). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

~~(k)(d)~~ A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government under pursuant to this subsection is not ~~rendered~~ void when the code is updated if the technical amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621. However, any such technical amendment carried forward into the next edition of the code under pursuant to this paragraph is subject to review or modification as provided in this part.

(l) If a local government adopts a regulation, law, ordinance, policy, amendment, or land use or zoning provision without using the process established in this subsection, and a substantially affected person considers such regulation, law, ordinance, policy, amendment, or land use or zoning provision to be a technical amendment to the Florida Building Code, then the substantially affected person may submit a petition to the commission

for a nonbinding advisory opinion. If a substantially affected person submits a request in accordance with this paragraph, the commission shall issue a nonbinding advisory opinion stating whether or not the commission interprets the regulation, law, ordinance, policy, amendment, or land use or zoning provision as a technical amendment to the Florida Building Code. As used in this paragraph, the term “local government” means a county, municipality, special district, or political subdivision of the state.

1. Requests to review a local government regulation, law, ordinance, policy, amendment, or land use or zoning provision may be initiated by any substantially affected person. A substantially affected person includes an owner or builder subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision, or an association of owners or builders having members who are subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

2. In order to initiate a review, a substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition and directions for filing, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name of the local government that enacted the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

b. The name and address of the local government’s general counsel or administrator.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner’s representative, if any; and an explanation of how the petitioner’s substantial interests are being affected by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

d. A statement explaining why the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code, and which provisions of the Florida Building Code, if any, are being amended by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

3. The petitioner shall serve the petition on the local government’s general counsel or administrator by certified mail, return receipt requested, and send a copy of the petition to the commission, in accordance with the commission’s published directions. The local government shall respond to the petition in accordance with the form by certified mail, return receipt requested, and send a copy of its response to the commission, within 14 days after receipt of the petition, including Saturdays, Sundays, and legal holidays.

4. Upon receipt of a petition that meets the requirements of this paragraph, the commission shall publish the petition, including any response submitted by the local government, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. Before issuing an advisory opinion, the commission shall consider the petition, the response, and any comments posted on the Building Code Information System. The commission may also provide the petition, the response, and any comments posted on the Building Code Information System to a technical advisory committee, and may consider any recommendation provided by the technical advisory committee. The commission shall issue an advisory opinion stating whether the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code within 30 days after the filing of the petition, including Saturdays, Sundays, and legal holidays. The commission shall publish its advisory opinion on the Building Code Information System and in the Florida Administrative Register. The commission's advisory opinion is nonbinding and is not a declaratory statement under s. 120.565.

(5) Notwithstanding subsection (4), counties and municipalities may adopt by ordinance an administrative or technical amendment to the Florida Building Code relating to flood resistance in order to implement the National Flood Insurance Program or incentives. Specifically, an administrative amendment may assign the duty to enforce all or portions of flood-related code provisions to the appropriate agencies of the local government and adopt procedures for variances and exceptions from flood-related code provisions other than provisions for structures seaward of the coastal construction control line consistent with the requirements in 44 C.F.R. s. 60.6. A technical amendment is authorized to the extent it is more stringent than the code. A technical amendment is not subject to the requirements of subsection (4) and may not be rendered void when the code is updated if the amendment is adopted for the purpose of participating in the Community Rating System promulgated pursuant to 42 U.S.C. s. 4022, the amendment had already been adopted by local ordinance prior to July 1, 2010, or the amendment requires a design flood elevation above the base flood elevation. Any amendment adopted under ~~pursuant to~~ this subsection shall be transmitted to the commission within 30 days after being adopted. A municipality, county, or special district may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

(8) Notwithstanding subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code under ~~pursuant to~~ the rule adoption procedures in chapter 120. Updates to the Florida Building Code, including provisions contained in referenced standards and criteria which relate to wind resistance or the prevention of water intrusion, may not be amended under ~~pursuant to~~ this subsection to

diminish those standards; however, the commission may amend the Florida Building Code to enhance such standards. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments.

(a) The commission may approve amendments that are needed to address:

- 1.(a) Conflicts within the updated code;
- 2.(b) Conflicts between the updated code and the Florida Fire Prevention Code adopted under ~~pursuant to~~ chapter 633;
- 3.(c) Unintended results from the integration of previously adopted amendments with the model code;
- 4.(d) Equivalency of standards;
- 5.(e) Changes to or inconsistencies with federal or state law; or
- 6.(f) Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(b) The commission may issue errata to the code pursuant to the rule adoption procedures in chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the code must be approved by a 75 percent supermajority vote of the commission. For purposes of this paragraph, "errata to the code" means a list of errors on current and previous editions of the Florida Building Code.

Section 3. Paragraph (d) is added to subsection (1) of section 553.79, Florida Statutes, to read:

553.79 Permits; applications; issuance; inspections.—

(1)

(d) A local government may not require a contract between a builder and an owner for the issuance of a building permit or as a requirement for the submission of a building permit application.

Section 4. Present subsections (10) through (19) of section 553.791, Florida Statutes, are redesignated as subsections (11) through (20), respectively, a new subsection (10) and subsection (21) are added to that section, and subsection (1), paragraph (b) of subsection (2), subsections (3),

(4), and (6), paragraphs (b) and (d) of subsection (7), subsections (8) and (9), and present subsections (10), (11), (12), (14), and (15) are amended, to read:

553.791 Alternative plans review and inspection.—

(1) As used in this section, the term:

(a) “Applicable codes” means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) “Audit” means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and submitted with ~~affixed to~~ the permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded. The local building official may not replicate the plan review or inspection being performed by the private provider, unless expressly authorized by this section.

(c) “Building” means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local enforcement agency is required.

(d) “Building code inspection services” means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(e) “Deliver” or “delivery” means any method of delivery used in conventional business or commercial practice, including delivery by electronic transmissions.

(f) “Duly authorized representative” means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard certificate under part XII of chapter 468.

(g) “Electronically posted” means providing notices of decisions, results, or records, including inspection records, through the use of a website or other form of electronic communication used to transmit or display information.

(h) “Electronic signature” means any letters, characters, or symbols manifested by electronic or similar means which are executed or adopted by a party with an intent to authenticate a writing or record.

(i) “Electronic transmission” or “submitted electronically” means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is retrievable in paper form by the receipt through an automated process. All notices provided for in this section may be transmitted electronically and shall have the same legal effect as if physically posted or mailed.

~~(j)~~(f) “Immediate threat to public safety and welfare” means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

~~(k)~~(g) “Local building official” means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

~~(l)~~(h) “Permit application” means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider.
2. The affidavit from the private provider required under subsection (6).
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(m)(i) “Plans” means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner’s contractor to a private provider or duly authorized representative for review.

(n)(j) “Private provider” means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term “private provider” also includes a person who holds a standard certificate under part XII of chapter 468.

~~(o)(k)~~ “Request for certificate of occupancy or certificate of completion” means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.
2. A certificate of compliance from the private provider required under subsection (12) ~~(11)~~.
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(p) “Single-trade inspection” means any inspection focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(q)(4) “Site work” means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

~~(r)(m)~~ “Stop-work order” means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.

(2)

(b) If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. It is the intent of the Legislature that owners and contractors pay reduced fees related to building permitting requirements when hiring a private provider for plans review and building inspections. A local jurisdiction must calculate the cost savings to the local enforcement agency, based on a fee owner or contractor hiring a private provider to perform plans reviews and building inspections in lieu of the local building official, and reduce the permit fees accordingly. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee.

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481, including single-trade inspections. A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.

(4) A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official in writing at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building official or building code enforcement agency ~~that~~ for a private provider has been contracted to perform the performing required inspections of construction under this section, including single-trade inspections, on a form to be adopted by the commission. This notice shall include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and e-mail address ~~facsimile number~~ of each private provider who is performing or will perform such services, his or her professional license or certification number, qualification statements or resumes, and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to

the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner’s contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner’s contractor shall, within 1 business day after any change or within 2 business days before the next scheduled inspection, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change. ~~In addition, the fee owner or the fee owner’s contractor shall post at the project site, before the commencement of construction and updated within 1 business day after any change, on a form to be adopted by the commission, the name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform building code inspection services, the type of service being performed, and similar information for the primary contact of the private provider on the project.~~

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits ~~on a form reasonably acceptable to the commission~~ certifying, under oath, that the following is true and correct to the best of the private provider’s knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

(7)

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day period, the 20-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection ~~(14)~~ (13) or to submit revisions to correct the deficiencies.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection ~~(14)~~ (13) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days from the date of resubmittal to issue the

requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection may be performed in-person or virtually. The private provider ~~may have~~ shall be permitted to send a duly authorized representative to the building site to perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

(9) A private provider performing required inspections under this section shall provide notice to the local building official of the date and approximate time of any such inspection no later than the prior business day by 2 p.m. local time or by any later time permitted by the local building official in that jurisdiction. The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours, weekends, or holidays. The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections. A deficiency notice must be posted ~~at the job site~~ by the private provider, the duly authorized representative of the private provider, or the building department whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item must be reinspected by the private provider or representative before being concealed. Reinspection or reaudit fees shall not be charged by the local jurisdiction as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

(10) If equipment replacements and repairs must be performed in an emergency situation, subject to the emergency permitting provisions of the Florida Building Code, a private provider may perform emergency inspection services without first notifying the local building official pursuant to subsection (9). A private provider must conduct the inspection within 3 business days after being contacted to conduct an emergency inspection and must submit the inspection report to the local building official within 1 day after the inspection is completed.

(11)(10) Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form acceptable to the local building official. The form must bear the written

~~or electronic signature of~~ be signed by the provider or the provider's duly authorized representative. These inspection records shall reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, upon completion of the required inspection before leaving the project site, shall post each completed inspection record, indicating pass or fail, ~~at the site~~ and provide the record to the local building official within 2 business days. Such inspection record may be electronically posted by the private provider or the private provider may post such inspection record physically at the project site. The private provider may electronically transmit the record to the local building official. The local building official may waive the requirement to provide a record of each inspection within 2 business days if the record is electronically posted or posted at the project site and all such inspection records are submitted with the certificate of compliance. Unless the records have been electronically posted, records of all required and completed inspections shall be maintained at the building site at all times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.

~~(12)~~(11) Upon completion of all required inspections, the private provider shall prepare a certificate of compliance, on a form acceptable to the local building official, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. The statement required of the private provider shall be substantially in the following form and shall be signed and sealed by a private provider as established in subsection (1) or may be electronically transmitted to the local building official:

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

~~(13)~~(12) No more than 2 business days after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections. If the local building official does not provide notice of the deficiencies within the prescribed 2-day period, the request for a certificate of occupancy or certificate of completion shall be deemed granted and the certificate of occupancy or certificate of completion shall be issued by the local building official on the next business day. To resolve any identified deficiencies, the applicant may elect to dispute the

deficiencies pursuant to subsection ~~(14)~~ ~~(13)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

~~(15)~~~~(14)~~ For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the e-mail address ~~facsimile number~~ listed for that person or entity in the permit application or revised permit application, or, if no e-mail address ~~facsimile number~~ is stated, when actually received by that person or entity.

~~(16)(a)~~~~(15)(a)~~ A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

(b) A local enforcement agency, local building official, or local government may establish, for private providers and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph ~~(1)(n)~~ ~~(1)(j)~~ and the insurance requirements of subsection ~~(17)~~ ~~(16)~~.

(c) This section does not limit the authority of the local building official to issue a stop-work order for a building project or any portion of the project, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare.

(21) Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a private provider to provide building code inspection services for a public works project, an improvement, a building, or any other structure that is owned by the county, municipality, school district, or independent special district.

Section 5. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term "operating budget"

does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government which established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

1. As used in this subsection, the phrase “enforcing the Florida Building Code” includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, or to pay for the construction of a building or structure that houses a local government’s building code enforcement agency or the training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years.

3. The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

- a. Planning and zoning or other general government activities.
- b. Inspections of public buildings for a reduced fee or no fee.
- c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.
- d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1.

4. A local government shall use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.

5. The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

- a. Providing proof of licensure pursuant to chapter 489;
- b. Recording or filing a license issued pursuant to this chapter;
- c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or
- d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

Section 6. Paragraph (a) of subsection (8) and subsection (14) of section 553.842, Florida Statutes, are amended to read:

553.842 Product evaluation and approval.—

(8) The commission may adopt rules to approve the following types of entities that produce information on which product approvals are based. All of the following entities, including engineers and architects, must comply with a nationally recognized standard demonstrating independence or no conflict of interest:

(a) Evaluation entities approved under pursuant to this paragraph or that meet the criteria for approval adopted by the commission by rule. The commission shall specifically approve the National Evaluation Service, the International Association of Plumbing and Mechanical Officials Evaluation Service, the International Code Council Evaluation Services, Underwriters Laboratories, LLC, Intertek Testing Services NA, Inc., and the Miami-Dade County Building Code Compliance Office Product Control Division. Architects and engineers licensed in this state are also approved to conduct product evaluations as provided in subsection (5).

(14) The commission shall by rule establish criteria for revocation of product approvals as well as suspension ~~revocation~~ of approvals of product evaluation entities, including those approved in accordance with paragraph (8)(a), and suspension or revocation of approvals of testing laboratories, quality assurance entities, certification agencies, and validation entities. Suspension and revocation is governed by s. 120.60 and the uniform rules of procedure.

Section 7. Paragraph (bb) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(bb) Enforce the Florida Building Code, as provided in s. 553.80, and adopt and enforce local technical amendments to the Florida Building Code as provided in s. 553.73(4), pursuant to s. 553.73(4)(b) and (e).

Section 8. Subsection (1) of section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(1) The board of county commissioners of each of the several counties of the state may enforce the Florida Building Code and the Florida Fire Prevention Code, as provided in ss. 553.80, 633.206, and 633.208; and, at its discretion, adopt local technical amendments to the Florida Building Code as provided in s. 553.73(4), pursuant to s. 553.73(4)(b) and (e) and local technical amendments to the Florida Fire Prevention Code as provided in, pursuant to s. 633.202, to provide for the safe construction, erection, alteration, repair, securing, and demolition of any building within its territory outside the corporate limits of any municipality. Upon a determination to consider amending the Florida Building Code or the Florida Fire Prevention Code by a majority of the members of the board of county commissioners of such county, the board shall call a public hearing and comply with the public notice requirements of s. 125.66(2). The board shall hear all interested parties at the public hearing and may then amend the building code or the fire code consistent with the terms and purposes of this act. Upon adoption, an amendment to the code shall be in full force and effect throughout the unincorporated area of such county until otherwise notified by the Florida Building Commission under pursuant to s. 553.73 or the State Fire Marshal under pursuant to s. 633.202. This subsection does not ~~Nothing herein contained shall be construed to~~ prevent the board of county commissioners from repealing such amendment to the building code or the fire code at any regular meeting of such board.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.

11.05.02. Class A Mobile Home Permits.

- A. *Application for Permit.* Any person desiring to have a Class A Mobile Home defined as a detached single-family dwelling unit shall submit an application to the Planning and Development Services Director, in a form established by the Director, accompanied by a non-refundable application fee, pursuant to Section 11.12.00.
- B. *Application Contents.* The application shall include the following information:
1. The applicant's name and address.
 2. Legal description, street address, lot number and subdivision name, if any, of the property upon which the Class A Mobile Home is to be located.
 3. Statement of ownership of the mobile home.
 4. Size of subject property in square feet and acres.
 5. Statement describing the type and dimensions of the Class A Mobile Home proposed to be located on the property.
 6. Elevations and photographs of all sides of the Class A Mobile Home proposed to be located on the property.
 7. A statement describing the exterior dimensions and roof slope of the Class A Mobile proposed to be located on the property.
 8. A description of the exterior finish of the Class A Mobile Home, including exterior walls and roof.
 9. A description of the skirting materials to be used.
 10. A description of the dimensions of the Class A Mobile Home.
 11. Proof that the Class A Mobile Home has met the Mobile Homes Construction and Safety Standards of the U.S. Department of Housing and Urban Development, and the standards of F.S. § 320.823.
 12. A boundary survey showing the proposed use and including the following:
 - a. Location of the property by lot number, block number and street address, if any.
 - b. The limits of any jurisdictional wetlands; locations of all native trees meeting the minimum sizes outlined in Chapter 6; the results of any required listed species surveys; and an identification of what areas will be impacted by the proposed development activity and what areas are proposed for protection/preservation, with plans for mitigation per Chapter 6, if applicable.
 - c. The dimensions of the lot or parcel of land on which the Class A Mobile Home is to be located.
 - d. The location of the proposed Class A Mobile Home on the property, including all setback information.
 13. A schematic design of the Class A Mobile Home showing the roof, skirtings, and other improvements.
 14. A recorded deed of the subject property on which the Class A Mobile Home is to be located.
- C. *Procedure for Review of Class A Mobile Home Permit Applications on Properties Zoned AG-5 and AG-2.5.*
1. Within twenty (20) days after an application has been submitted, the Planning and Development Services Director shall determine whether the application is complete. If the Director determines the application is not complete, a written statement shall be sent to the applicant by mail specifying the application's deficiencies. The Director shall take no further action on the application unless the deficiencies are remedied.

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2. Within thirty (30) days after the Planning and Development Services Director determines the application is complete, the application shall be reviewed, and the Director shall determine whether the proposal complies with the definition of a detached single-family dwelling unit.
 3. Following the determination of compliance, the Planning and Development Services Director shall notify all property owners within 500 feet of the subject property of the Director's decision to issue the permit. If there are no written objections provided by the property owners within the notification area within fourteen (14) calendar days of receiving such notice, the Director shall administratively issue the permit.

If any written objection is obtained from a property owner within the notification area, the application shall be scheduled on the next available regular Board of County Commissioners meeting, in accordance with the procedures in Sections 11.00.03 and 11.00.04. The Board of County Commissioners shall review any objections and make a determination whether the application meets the definition of a detached single-family dwelling unit in the form specified in Section 11.05.02(E). Notification of the Board of County Commissioners' decision shall be mailed to the petitioner and filed with the Planning and Development Services Director in accordance with Section 11.00.04.

D. *Procedure for Review of Class A Mobile Home Permit Applications on Properties Zoned AG-1, AR-1, R/C, RE-1, RE-2, RS-2, RS-3, RS-4, RMH-5, RM-5, RM-7, RM-9, RM-11 and RM-15.*

1. Within twenty (20) days after an application has been submitted, the Planning and Development Services Director shall determine whether the application is complete. If the Director determines the application is not complete, a written statement shall be sent to the applicant by mail specifying the application's deficiencies. The Director shall take no further action on the application unless the deficiencies are remedied.
2. Within thirty (30) days after the Planning and Development Services Director determines the application is complete, the application shall be reviewed, and the Director shall determine whether the proposal complies with the definition of a detached single-family dwelling unit.
3. Following the determination of compliance the Planning and Development Services Director shall place the application for the determination of the Class A Mobile Home as a detached single-family dwelling unit on the agenda of the next available regular Board of County Commissioners meeting, in accordance with the procedures in Section 11.00.03.
4. The public hearing held on the application shall be in accordance with Section 11.00.04. In determining whether the Class A Mobile Home meets the definition of a detached single-family dwelling unit, the Board of County Commissioners shall consider the standards in the subsection. Within a reasonable time of the conclusion of the public hearing, the Board of County Commissioners shall make a determination as to whether the application meets the definition of a detached single-family dwelling unit in the form specified in Section 11.05.02(E).
5. Notification of the Board of County Commissioners' decision shall be mailed to the petitioner and filed with the Planning and Development Services Director in accordance with Section 11.00.04.

E. *Standards for Review.* In determining whether a Class A Mobile Home meets the definitions of detached single-family dwelling unit, the exterior dimensions, the exterior finish of the roof and walls, and the skirting of the mobile home shall be considered. Before a Class A Mobile Home will be defined as a detached single-family dwelling unit, the following must be determined:

1. **Minimum Width of Main Body.** The minimum horizontal dimension of the main body of the mobile home as assembled on the site is not less than twenty (20) feet, as measured across the narrowest portion, except that in the Agricultural Residential (AR-1), Agricultural-1 (AG-1), Agricultural-2.5 (AG-2.5) and Agricultural-5 (AG-5), Zoning Districts, no minimum horizontal dimension shall apply.

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2. Minimum Roof Pitch. The minimum roof pitch is similar in slope to that of detached single family dwelling units in the same zoning district in which it is to be located.
 3. Roofing Materials. The roofing material used is similar in texture, color and appearance to that of detached single-family dwelling units in the same zoning district in which it is to be located.
 4. Exterior Finish; Light Reflection. The materials used for the exterior finish and skirting are similar in texture, color, and materials to detached single-family dwelling units in the same zoning district in which it is to be located, and are applied in such a manner as to make the Class A Mobile Home similar in appearance with surrounding detached single-family dwelling units. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel.

(Ord. No. 12-008, Pt. A, 3-20-2012)

SUGGESTED MOTIONS:

MOTION TO APPROVE

AFTER CONSIDERING THE TESTIMONY PRESENTED DURING THE PUBLIC HEARING, INCLUDING STAFF COMMENTS, AND THE STANDARDS OF REVIEW AS SET FORTH IN SECTION 11.06.03, ST. LUCIE COUNTY LAND DEVELOPMENT CODE, I HEREBY MOVE THAT THE PLANNING AND ZONING COMMISSION RECOMMEND THAT THE ST. LUCIE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVE** THE PROPOSED TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE TO ELIMINATE THE CLASS A MOBILE HOME PERMIT PROCESS AND ELIMINATE THE DIFFERENT REVIEW PROCEDURES INCLUDED IN THE LAND DEVELOPMENT CODE FOR SINGLE FAMILY DETACHED DWELLING UNITS AND MOBILE HOMES, BECAUSE...

[CITE REASONS WHY - PLEASE BE SPECIFIC]

MOTION TO DENY

AFTER CONSIDERING THE TESTIMONY PRESENTED DURING THE PUBLIC HEARING, INCLUDING STAFF COMMENTS, AND THE STANDARDS OF REVIEW AS SET FORTH IN SECTION 11.06.03, ST. LUCIE COUNTY LAND DEVELOPMENT CODE, I HEREBY MOVE THAT THE PLANNING AND ZONING COMMISSION RECOMMEND THAT THE ST. LUCIE COUNTY BOARD OF COUNTY COMMISSIONERS **DENY** THE PROPOSED TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE TO ELIMINATE THE CLASS A MOBILE HOME PERMIT PROCESS AND ELIMINATE THE DIFFERENT REVIEW PROCEDURES INCLUDED IN THE LAND DEVELOPMENT CODE FOR SINGLE FAMILY DETACHED DWELLING UNITS AND MOBILE HOMES, BECAUSE...

[CITE REASONS WHY - PLEASE BE SPECIFIC]

**ST. LUCIE COUNTY PLANNING
AND ZONING COMMISSION
ACTING AS THE LOCAL
PLANNING AGENCY
PUBLIC HEARING AGENDA
Thursday, August 18, 2022**

**NOTICE OF PROPOSED TEXT AMENDMENTS
TO THE LAND DEVELOPMENT CODE**

The St. Lucie County Planning and Zoning Commission is scheduled to review and make recommendations regarding the following County initiated proposal for adoption by the Board of County Commissioners of St. Lucie County, Florida, by Ordinance:

ORDINANCE NO.

FILE NO: TLDC-2206-000017

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 2.00.00, DEFINITIONS, DELETING THE TERM CLASS A MOBILE HOME AND AMENDING THE TERMS FOR DETACHED SINGLE-FAMILY DWELLING, MANUFACTURED HOME, MOBILE HOME, AND FINAL DEVELOPMENT ORDER; DELETING SECTION 11.05.02, CLASS A MOBILE HOME PERMITS; AMENDING SECTIONS TO ELIMINATE THE REFERENCES TO CLASS A MOBILE HOMES, INCLUDING THE RVP, RECREATIONAL VEHICLE PARK AND HIRD, HUTCHINSON ISLAND RESIDENTIAL DISTRICTS IN SECTION 3.01.03, ZONING DISTRICTS, SECTION 7.10.16, RECREATIONAL VEHICLE PARKS, SECTION 11.00.03, NOTICE, SECTION 11.00.04, HEARING PROCEDURES, SECTION 11.01.04, POST-DEVELOPMENT ORDER CHANGES, SECTION 12.00.00, BOARD OF COUNTY COMMISSIONERS, AND SECTION 12.06.01, JURISDICTION, AUTHORITY, AND DUTIES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; AND PROVIDING FOR ADOPTION.

APPLICANT: ST. LUCIE COUNTY BOARD OF COUNTY COMMISSIONERS

PURPOSE: A County initiated Text Amendment to the Land Development Code proposing to eliminate the Class A Mobile Home Permit process and eliminate the different review procedures included in the Land Development Code for single family detached dwelling units and mobile homes. The amendments are proposed to ensure consistency with Florida Statute provisions that local requirements and regulations for manufactured homes be reasonable, uniformly applied, and enforced without distinctions as to whether such housing is manufactured, located in a mobile home park or a mobile home subdivision, or built in a conventional manner.

The amendments are also proposed to reflect the change in Florida Statute provisions which prohibits the application of land development regulations relating to building design elements on single-family or two-family dwelling, including the external building color, the type or style of exterior cladding material, the style or material of roof structures or porches, the exterior nonstructural architectural ornamentation, the location or architectural styling of windows or doors, the location or orientation of the garage, the number and type of rooms, and the interior layout of rooms.

The Planning and Zoning Commission **PUBLIC HEARING** on this item will be held in the Commission Chambers, Roger Poltras Annex, 3rd Floor, St. Lucie County on **Thursday, August 18, 2022, beginning at 6:00 pm** or as soon thereafter as possible.

All interested persons will be given an opportunity to be heard. Written comments received in advance of the public hearing will also be considered. Written comments to the Planning and Zoning Commission should be received by the Planning and Development Services Department - Planning Division at least three (3) days prior to the scheduled hearing. Comments will be distributed to the Commission in advance of the meeting and included in the record provided the comments comply with the County's rules. The petition file is available for review at the Planning and Development Services Department - Planning offices located at 2300 Virginia Avenue, Fort Pierce, Florida during regular business hours. Please call (772) 462-2822 or TDD (772) 462-1428 if you have any questions or require additional information about this petition.

The St. Lucie County Planning and Zoning Commission has the power to review and recommend to the St. Lucie County Board of County Commissioners, for approval or disapproval, any applications within their area of responsibility.

The proceedings of the Planning and Zoning Commission are electronically recorded. **PURSUANT TO Section 286.0105, Florida Statutes**, if a person decides to appeal any decision made by the Planning and Zoning Commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Upon the request of any party to the proceeding, individuals testifying during a hearing will be sworn in. Any party to the proceeding will be granted an opportunity to cross-examine any individual testifying during a hearing upon request. If it becomes necessary, a public hearing may be continued to a date certain.

Anyone with a disability requiring accommodation to attend this meeting should contact the St. Lucie County Community Risk Manager at least forty-eight (48) hours prior to the meeting at (772) 462-1546 or T.D.D. (772) 462-1428. Any questions about this agenda may be referred to St. Lucie County Planning Division at (772) 462-2822.

PLANNING AND ZONING COMMISSION/

LOCAL PLANNING AGENCY

ST. LUCIE COUNTY, FLORIDA

/S/ JAMES TAYLOR, CHAIRMAN

PUBLISH DATE: Thursday, August 4, 2022

Reisman

Continued from Page 1A

the Incubate Neighborhood Center, 532 N. 13th St., Fort Pierce.

I had no idea, until I started reading. It was about someone whose play sparked one of the most forgettable games I'd ever seen.

But Miller's life is anything but forgettable. "My mom had 10 kids and none of us had a father around," he told TCPalm columnist Anthony Westbury in 2016. "I flunked first grade. I became a juvenile delinquent and was expelled in second grade. Through seventh grade, I was headed for prison or the graveyard. I never thought I'd live to be 16."

His mother, Elizabeth, now 82, supported her children by picking fruit and vegetables, tending bar at night and getting welfare payments, he said. She had no time to teach him the alphabet or read nursery book rhymes. So he entered first grade with a stutter and no chance to succeed.

Playing hooky in 1965 at Garden City Elementary — hanging out with older boys and starting a life of "deviant" behavior — beat the embarrassment of feeling like a "loser" in school, Miller said.

"My goal switched from attempting to learn to obtaining a well-balanced meal for the day," he wrote, noting he later ran away from home and stayed in abandoned cars and vacant buildings. "The most important thing in my little mind was to survive by any means necessary."

Survival meant anything from stealing to shining shoes. At age 9, he'd walk from U.S. 1 to the Angle Road Bar, where shoe-shining tips were better after parties had some drinks. During summers in migrant camps up north, he was exposed to sex, alcohol and drugs. He stole and buried two guns to protect his aunt from an angry boyfriend, he wrote.

Boys land in reformatory

Back home, he often was hauled before Judge Jack Lee Rogers, who scared Miller by threatening to send him not to the reformatory in Okeechobee, but the one in Marianna — the infamous Dozier School for Boys.

Miller knew boys never returned home from Dozier. Investigations years later proved they didn't; one found the remains of 55 bodies called "throwaways."

Other boys he grew up with ended up in prison, Miller said. Two — John Earl Bush, convicted with two friends of the 1982 murder of a Stuart convenience store clerk, and Thomas Knight, convicted in 1974 and 1980 murders — were executed for their crimes.

Miller didn't start straightening up until seventh grade. There, in an integrated school, a white principal, Nolan G. Skinner, was ready to expel Miller, for good. Teacher Rita Marie Watson-Johnson, however, stepped in and started breaking Miller down.

"At first, the challenge of saving Alvin has its ups and downs because of his cantankerous behavior and determination to resist change," Watson-Johnson wrote in the foreword to "The Horse." "Yet my determination and drive to tackle impossible challenges was the fuel I needed."

Watson-Johnson and her husband, Jimmy, had an infant when they all but took Miller in, for tutoring in academics and life.

"She gradually got to me," Miller told me the other day about Watson-Johnson's efforts to reform him.

"It's like you're training a dog," he said of the woman he credits with saving his life. "That dog is very rambunctious and very dangerous, rude and unruly, then all of a sudden you start showing some love to that animal and you start weaning that animal in."

Structure leads to opportunities

Over time, Watson-Johnson gave Miller structure, having him earn and save money doing yardwork for her friends. He ended up with a GPA of more than 3.0 while excelling in sports at Fort Pierce Central High School.

The 5-8, 180-pound senior running back was nicknamed "The Horse" because of how he galloped through an opposing team. Miller said a coach, Marvin



Alvin Miller, "The Horse," carries the ball for Eastern Kentucky University. With Miller as a halfback, the team went on to the NCAA Division I-AA finals in 1979 and 1980, winning it all in 1979, defeating Lehigh University 30-7 in Orlando's Tangerine Bowl. PROVIDED BY EASTERN KENTUCKY UNIVERSITY

tried to find him a football scholarship, but couldn't. Instead, Miller walked on at Eastern Kentucky, where legendary coach Roy Kidd was building a national powerhouse in the new NCAA Division I-AA, now the Football Championship Subdivision.

Savings paid for a one-way plane ticket to Kentucky, where he struggled academically his first year. Miller, about to lose academic grants, said he saw his opportunity to flee the ghetto — and survive — going down the drain.

Sophomore year, Miller figured he could boost his GPA by taking the Army's Reserve Officer Training Corps class. The class, and rooming with straight-laced teammate Bruce Cox, changed Miller's life.

"I became a hermit," Miller said. "I studied my butt off. ... Between football, ROTC and studying, I didn't have time for girlfriends."

ROTC led to the Army, where, as a second lieutenant, he briefed then-one-star Gen. Colin Powell in 1981. He later earned master's and doctorate degrees in divinity and returned to Fort Pierce to coach and teach for about eight years.

He rejoined the Army as a chaplain after 9/11. In 2011, Miller did the invocation before President Barack Obama and Vice President Joe Biden addressed soldiers at Fort Campbell, Kentucky, after the death of Osama bin Laden.

After military retirement in 2013, Miller settled in Nashville, and began to serve a congregation in Clarksville.

Restoring the Village

Miller, though, will never forget his roots and the

love and support from educators and other adults that allowed him to thrive.

He said he speaks with Watson-Johnson, 82, daily and routinely returns home to visit and help community leader Larry Lee and his Restoring the Village initiative.

"I want to see us continue to motivate kids and offer kids opportunities to get out of the hood and do something good for humanity," Miller said. "Until children have the opportunities that God blessed me with, they will continue to fall by the wayside."

'Old man' revealed

As for Miller's river, he said it was Eastern Kentucky, where the future university hall of famer eventually earned a football scholarship and was named most valuable player in the Colonels' 1979 defeat of Lehigh in the J-AA championship at the Tangerine Bowl in Orlando, and 1980 semifinals win over Lehigh in Bethlehem, Pennsylvania.

My river was Lehigh, where, when Miller ran through my schoolmates, I sat in the press box covering the games for my school newspaper and radio station.

The other day, Miller didn't surprise when he revealed the identity of the "old man" he'd met.

"Jesus."

This column reflects the opinion of Laurence Reisman. Contact him via email at larry.reisman@tcpalm.com, phone at 772-978-2223, Facebook.com/larryreisman or Twitter @LaurenceReisman

ST. LUCIE COUNTY PLANNING AND ZONING COMMISSION ACTING AS THE LOCAL PLANNING AGENCY PUBLIC HEARING AGENDA Thursday, August 18, 2022

NOTICE OF PROPOSED DEVELOPMENT
OF THE LAND DEVELOPMENT CODE

The St. Lucie County Planning and Zoning Commission is scheduled to review and make recommendations regarding the following County initiated proposal for adoption by the Board of County Commissioners of St. Lucie County, Florida, by Ordinance:

ORDINANCE NO. FILE NO. 1716-2022-00001
AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING LAND DEVELOPMENT CODE SECTION 206.02, DEFINITIONS, DELETING THE TERM CLASS A MOBILE HOME AND AMENDING THE TERMS FOR LATCHED SINGLE-FAMILY DWELLING, MANUFACTURED HOME, MOBILE HOME, AND FINAL DEVELOPMENT ORDER, DELETING SECTION 11.08.00, CLASS A MOBILE HOME PERMITS, AMENDING SECTIONS TO ELIMINATE THE REFERENCED TO CLASS A MOBILE HOME INCLUDING THE RUP RECREATIONAL VEHICLE PARK AND HIAD, HUTCHENSON ISLAND RESIDENTIAL DISTRICTS IN SECTION 101.08, ZONING DISTRICTS, SECTION 7.01, IS RECREATIONAL VEHICLE PARKS, SECTION 11.08.00, NOTICE, SECTION 11.01.04, HEARING PROCEDURES, SECTION 11.01.04, POST-DEVELOPMENT ORDER, CHANGING SECTION 12.05.01, JURISDICTION, AUTHORITY, AND DUTIES, PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR APPLICABILITY, SOVEREIGNTY, AND PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR CODIFICATION, AND PROVIDING FOR ADOPTION.

PURPOSE: The purpose of this Amendment to the Land Development Code is to amend the Class A Mobile Home Permit process and eliminate the different review procedures included in the Land Development Code for single family detached dwelling units and mobile homes. The amendments are proposed to ensure consistency with Florida Statute 626.60 and 626.605 and to ensure consistency with the existing rules, regulations, and ordinances. The amendments are proposed to ensure consistency with Florida Statute 626.60 and 626.605 and to ensure consistency with the existing rules, regulations, and ordinances. The amendments are proposed to ensure consistency with Florida Statute 626.60 and 626.605 and to ensure consistency with the existing rules, regulations, and ordinances.

The Planning and Zoning Commission **PUBLIC HEARING** on this item will be held on Thursday, August 18, 2022, beginning at 8:00 p.m. at a soon thereafter an Executive Session.

Written comments will be given a opportunity to be heard. Written comments received in advance of the public hearing will also be considered. Written comments to the Planning and Zoning Commission should be received by the Planning and Zoning Commission no later than 5:00 p.m. on Tuesday, August 16, 2022. Comments received after 5:00 p.m. on Tuesday, August 16, 2022, will be considered at the next public hearing. Comments received after 5:00 p.m. on Tuesday, August 16, 2022, will be considered at the next public hearing. Comments received after 5:00 p.m. on Tuesday, August 16, 2022, will be considered at the next public hearing.

The process of the Planning and Zoning Commission is electronically recorded. **PUBLIC COMMENT TO SECTION 206.02, Florida Statute.** A person wishing to make a public comment at a meeting of hearing, he or she will need to register at the proceedings. For each public comment, the person will need to provide a written record of the proceedings. It is the responsibility of the person to ensure that a written record of the proceedings is made. When record includes the testimony and evidence upon which the applicant is based. Upon the request of any party to the proceedings, individuals testifying during a hearing will be sworn in. Any party to the proceeding will be granted an opportunity to cross-examine any individual testifying during a hearing upon request. If it is determined necessary a public hearing may be continued to a date certain.

Anyone with a disability requiring accommodation to attend the meeting should contact the St. Lucie County Community Access Manager at least four (4) business days prior to the meeting at (772) 462-1545 or TDD (772) 462-1428. Any questions about this agenda may be referred to St. Lucie County Planning Director at (772) 462-9262.

ST. LUCIE COUNTY PLANNING AND ZONING COMMISSION PUBLIC HEARING AGENDA Thursday, August 18, 2022

NOTICE OF PROPOSED AMENDMENT TO THE OFFICIAL ZONING ATLAS
The St. Lucie County Planning and Zoning Commission is scheduled to review and make recommendations regarding the following item petitioned by the applicant for adoption by the Board of County Commissioners of St. Lucie County, Florida, by resolution:

RESOLUTION:
A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, GRANTING A CHANGE IN ZONING FROM THE A-1 (AGRICULTURAL - 1) ZONING DISTRICT TO THE IL (INDUSTRIAL, LIGHT) ZONING DISTRICT FOR A PARCEL LOCATED IN ST. LUCIE COUNTY, FLORIDA.

PURPOSE: Rezone the 4.11-acre parcel to a zoning district suitable for light industrial uses.
APPLICANT: South Florida Land Clearing Inc.
LOCATION: 343 Towles Road, Fort Pierce, FL 34945
PROJECT FILE NO.: 17-2022-00018
PARCEL I.D.: 221241-1002-000-4



The Planning and Zoning Commission **PUBLIC HEARING** on this item will be held on Thursday, August 18, 2022, beginning at 8:00 p.m. at a soon thereafter an Executive Session.

All interested persons will be given an opportunity to be heard. Written comments received in advance of the public hearing will also be considered. Written comments to the Planning and Zoning Commission should be received by the Planning and Zoning Commission no later than 5:00 p.m. on Tuesday, August 16, 2022. Comments received after 5:00 p.m. on Tuesday, August 16, 2022, will be considered at the next public hearing. Comments received after 5:00 p.m. on Tuesday, August 16, 2022, will be considered at the next public hearing.

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PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY
ST. LUCIE COUNTY, FLORIDA
JAVIER JAVIER, CHAIRMAN
PUBLISH DATE: Thursday, August 4, 2022

Met's Injury List Keeps Growing

Met's injury list keeps growing with the addition of pitcher Jacob deGrom to the list of players who have been injured during the season.

PSL driver license office to close

The Palm Beach State's Driver License Office in Palm Beach is set to close on August 31, 2022. Residents are encouraged to visit the office before it closes.

Area native, Army chaplain leads prayer

Area native, Army chaplain leads prayer at the St. Lucie County Public Hearing on Thursday, August 18, 2022.

Digital Domain to offer stock

Digital Domain is offering stock to its investors. The company is looking for investors who are interested in the digital domain market.

St. Lucie News Tribune wrote about the Rev. Alvin Miller's invocation at Fort Campbell before speeches by President Barack Obama and Joe Biden in 2011.

The St. Lucie News Tribune wrote about the Rev. Alvin Miller's invocation at Fort Campbell before speeches by President Barack Obama and Joe Biden in 2011. The article highlighted Miller's role as a chaplain and his impact on the community.

Treasure Coast Newspapers

PART OF THE USA TODAY NETWORK

St. Lucie News-Tribune
1939 SE Federal Highway, Stuart, FL 34994
AFFIDAVIT OF PUBLICATION

ST LUCIE CO PLANNING & DEV LEGALS
2300 VIRGINIA AVE
FORT PIERCE, FL 34982
ATTN

STATE OF WISCONSIN
COUNTY OF BROWN

Before the undersigned authority personally appeared, said legal clerk, who on oath says that he is a legal clerk Manager of the St. Lucie News-Tribune, a daily newspaper published at Fort Pierce in St. Lucie County, Florida: that the attached copy of advertisement was published in the St. Lucie News-Tribune in the following issues below. Affiant further says that the said St Lucie News-Tribune is a newspaper published in Fort Pierce, in said St. Lucie County, Florida, and that said newspaper has heretofore been continuously published in said St. Lucie County, Florida, daily and distributed in St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement ; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The St. Lucie News-Tribune has been entered as Periodical Matter at the Post Offices in Fort Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

8/4/2022



Subscribed and sworn to before on the 4th of August, 2022



Notary, State of WI, County of Brown

My commission expires:

1-7-25

Publication Cost: \$315.00
Ad No: GCI0923474
Customer No: 361844
PO#: PUBLIC NOTICE
THIS IS NOT AN INVOICE

KATHLEEN ALLEN
Notary Public
State of Wisconsin