



472106

LEGISLATIVE ACTION

Senate

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House

Senator Avila moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 553.8991, Florida Statutes, is created
to read:

553.8991 Resiliency and Safe Structures Act.—

(1) SHORT TITLE.—This section may be cited as the
“Resiliency and Safe Structures Act.”

(2) DEFINITIONS.—As used in this section, the term:

(a) “Coastal construction control line” means the boundary



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established pursuant to s. 161.053.

(b) "Law" means any statute, ordinance, rule, regulation, policy, resolution, code enforcement order, agreement, or other governmental act.

(c) "Local government" means a municipality, county, special district, or any other political subdivision of the state.

(d) "Nonconforming structure" means a structure that does not conform to the base flood elevation requirements for new construction issued by the National Flood Insurance Program.

(e) "Replacement structure" means a new structure built on a property where a structure was demolished or will be demolished in accordance with this section.

(3) QUALIFYING STRUCTURES AND BUILDINGS.—

(a) This section applies to all of the following structures:

1. Nonconforming structures on properties that are, or have a portion that is, seaward of the coastal construction control line and that are also within zones V, VE, AO, or AE, as identified in the Flood Insurance Rate Map issued by the Federal Emergency Management Agency.

2. Any structure determined to be unsafe by a local building official.

3. Any structure ordered to be demolished by a local government that has proper jurisdiction.

(b) This section does not apply to any of the following structures:

1. A structure individually listed on the National Register of Historic Places.



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41 2. A single-family home.

42 3. A structure located within an area of critical state
43 concern designated pursuant to s. 380.05.

44 4. A structure located within a municipality that has a
45 total population of less than 10,000 as of the United States
46 Decennial Census of 2020, released August and September 2021.

47 5. A structure located in a municipality within which there
48 are at least three buildings that were in existence on February
49 22, 1821, the date of final ratification of the Adams-Onís
50 Treaty, which ceded Florida to the United States.

51 (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local
52 government may not prohibit, restrict, or prevent the demolition
53 of any structure identified in subsection (3) for any reason
54 other than public safety. A local government may review an
55 application for a demolition permit sought pursuant to this
56 section only administratively for compliance with the Florida
57 Building Code, the Florida Fire Prevention Code, and the Life
58 Safety Code, or local amendments thereto, and any regulation
59 applicable to a similarly situated parcel. The local government
60 may not subject an application to additional local land
61 development regulations or public hearings.

62 (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local
63 government shall authorize replacement structures to be
64 developed to the maximum height and overall building size
65 authorized by local development regulations. A local government
66 may not do any of the following:

67 (a) Limit, for any reason, the development potential of
68 replacement structures below the maximum allowed by local
69 development regulations.



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(b) Require replication of a demolished structure.

(c) Require the preservation of any elements of a demolished structure.

(d) Impose additional regulatory or building requirements on replacement structures which would not otherwise be applicable to a similarly situated vacant parcel.

(e) Impose additional public hearings or administrative processes on replacement structures which would not otherwise be applicable to a similarly situated vacant parcel.

(6) DEVELOPMENT APPLICATIONS.—Development applications submitted for replacement structures must be processed in accordance with the process outlined in local land development regulations, including any required public hearings before the local historic board. However, a local government may not impose additional public hearings or administrative processes that would not otherwise be applicable to a similarly situated vacant parcel.

(7) APPLICATION AND CONSTRUCTION.—This section applies prospectively and retroactively to any law adopted contrary to this section or its intent, and must be liberally construed to effectuate its intent. Nothing in this section applies to or affects s. 553.79(25).

(8) PREEMPTION.—A local government may not adopt or enforce a law that in any way limits the demolition of a structure identified in subsection (3) or that limits the development of a replacement structure in violation of subsection (5). A local government may not penalize an owner or a developer of a replacement structure for a demolition pursuant to this section or otherwise enact laws that defeat the intent of this section.



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Any local government law contrary to this section is void.

Section 2. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to local regulation of nonconforming
or unsafe structures; creating s. 553.8991, F.S.;
providing a short title; defining terms; providing
applicability; prohibiting local governments from
prohibiting, restricting, or preventing the demolition
of certain structures unless necessary for public
safety; authorizing local governments to review
demolition permit applications only for a specified
purpose; requiring that replacement structures be
authorized to be developed in accordance with
applicable development regulations; prohibiting local
governments from taking certain actions regarding
replacement structures; providing requirements for the
processing of development applications; providing for
retroactive application; providing applicability and
construction; preempting regulation of the demolition
or replacement of certain structures to the state
under certain circumstances; providing an effective
date.