

THE FLORIDA SENATE
2024 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 1526 — Local Regulation of Nonconforming and Unsafe Structures

by Environment and Natural Resources Committee and Senator Avila

The bill creates the Resiliency and Safe Structures Act, providing that a local government may not prohibit, restrict, or prevent the demolition of certain qualifying structures and buildings for any reason other than public safety. This applies to any structure or building on a property at least partially seaward of the coastal construction control line which has been determined to be unsafe or ordered demolished by a local building official, or does not conform to the base flood elevation requirements for new construction issued by the National Flood Insurance Program for the applicable zone. The bill does not, however, apply to:

- Structures or buildings individually listed in the National Register of Historic Places;
- Single-family homes;
- Contributing structures or buildings within a historic district which was listed in the National Register of Historic Places before January 1, 2000; or
- Structures or buildings located on a barrier island in a municipality with a population of less than 10,000 according to the most recent decennial census and which has at least six city blocks that are not located in zones V, VE, AO, or AE, as identified in the Flood Insurance Rate Map issued by the Federal Emergency Management Agency.

A local government may only administratively review an application for a demolition permit for compliance with safety codes and regulations applicable to a similarly situated parcel. The local government may not impose additional local land development regulations or public hearings on an applicant for a demolition permit under this bill.

The bill provides that a local government must authorize replacement structures for qualifying buildings to be developed to the maximum height and overall building size allowed for a similarly situated parcel within the same zoning district. The bill prohibits a local government from imposing certain restrictions and limitations on a replacement structure to be built on the property where a qualifying structure was demolished.

The bill also includes a preemption provision that prohibits a local government from adopting or enforcing a law that in any way limits the demolition of a qualifying structure or that limits the development of a replacement structure. A local government may not penalize an owner or a developer of a replacement structure or otherwise enact laws that defeat the intent of the bill. Any local government law contrary to this bill is void.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming a law.

Vote: Senate 36-2; House 86-29