

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative Roach offered the following:

Amendment (with title amendment)

Remove 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) "Coastline" means the line of ordinary low water along
that portion of the coast which is in direct contact with the
open sea and the line marking the seaward limit of inland waters
as defined in the Submerged Lands Act, 43 U.S.C. ss. 1301 et
seq.

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

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

23 (d) "Nonconforming structure" means a structure that does
24 not conform to the Base Flood Elevation requirements for new
25 construction issued by the National Flood Insurance Program.

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

29 (3) QUALIFYING STRUCTURES AND BUILDINGS.—This section
30 applies to all of the following structures, unless the structure
31 is individually listed in the National Register of Historic
32 Places or is a single-family home:

33 (a) Nonconforming structures located within one-half mile
34 of the coastline that are also within zones V, VE, AO, or AE, as
35 identified in the Flood Insurance Rate Map issued by the Federal
36 Emergency Management Agency.

37 (b) Any structure determined to be unsafe by a local
38 building official.

39 (c) Any structure ordered to be demolished by a local
40 government that has proper jurisdiction.

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41 (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local
42 government may not prohibit, restrict, or prevent the demolition
43 of any structure identified in subsection (3) for any reason
44 other than public safety. A local government may review an
45 application for a demolition permit sought pursuant to this
46 section only administratively for compliance with the Florida
47 Building Code, the Florida Fire Prevention Code, and the Life
48 Safety Code, or local amendments thereto, and any regulation
49 applicable to a similarly situated parcel. The local government
50 may not subject an application to additional local land
51 development regulations or public hearings.

52 (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.— A local
53 government shall authorize replacement structures to be
54 developed to the maximum height and overall building size
55 authorized by local development regulations. A local government
56 may not do any of the following:

57 (a) Limit, for any reason, the development potential of
58 replacement structures below the maximum allowed by local
59 development regulations.

60 (b) Require replication of a demolished structure.

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

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

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66 (e) Impose additional public hearings or administrative
67 processes that would not otherwise be applicable to a similarly
68 situated vacant parcel.

69 (6) DEVELOPMENT APPLICATIONS.- Development applications
70 submitted for replacement structures shall be processed in
71 accordance with the process outlined in local land development
72 regulations including any required public hearings in front of
73 the local historic board. However, a local government shall not
74 impose additional public hearings or administrative processes
75 that would not otherwise be applicable to a similarly situated
76 vacant parcel.

77 (7) APPLICATION AND CONSTRUCTION.- This section applies
78 prospectively and retroactively to any law adopted contrary to
79 this section or its intent, and must be liberally construed to
80 effectuate its intent. Nothing in this section shall apply to or
81 affect s. 553.79(25).

82 (8) PREEMPTION.-A local government may not adopt or
83 enforce a law that in any way limits the demolition of a
84 structure identified in subsection (3) or that limits the
85 development of a replacement structure in violation of
86 subsection (5). A local government may not penalize an owner or
87 a developer of a replacement structure for a demolition pursuant
88 to this section or otherwise enact laws that defeat the intent
89 of this section. Any local government law contrary to this
90 section is void.

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

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94 **T I T L E A M E N D M E N T**

95 Remove everything before the enacting clause and insert:

96 An act relating to local regulation of nonconforming or unsafe
97 structures; creating s. 553.8991, F.S.; providing a short title;
98 defining terms; providing applicability; prohibiting local
99 governments from prohibiting, restricting, or preventing the
100 demolition of certain structures unless necessary for public
101 safety; authorizing local governments to review demolition
102 permit applications only for a specified purpose; requiring that
103 replacement structures be permitted to be developed in
104 accordance with applicable development regulations; prohibiting
105 local governments from taking certain actions regarding
106 replacement structures; providing for retroactive application;
107 providing applicability and construction; preempting regulation
108 of the demolition or replacement of certain structures to the
109 state under certain circumstances; providing an effective date.

110 WHEREAS, it is of paramount importance to replace older,
111 unsafe, or nonconforming structures that are a threat to life
112 and safety with new, resilient buildings built to contemporary
113 building codes and standards, and

114 WHEREAS, nonconforming structures within coastal special
115 flood hazard areas and structures that are ordered to be

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116 demolished or that are deemed unsafe by local building officials
117 pose an increased risk of collapse, may affect the integrity or
118 stability of neighboring buildings or structures, and may cause
119 injury to persons or property, and

120 WHEREAS, local governmental laws, procedures, and policies
121 that prohibit or limit the demolition of nonconforming or
122 unsafe structures or limit the construction of new, resilient
123 structures pose a threat to life and public safety, and

124 WHEREAS, nonconforming structures within a half mile of the
125 coast and within a coastal special flood hazard area, regardless
126 of whether the structure is deemed unsafe by a local building
127 official or is subject to a demolition order, shall be permitted
128 to be demolished and a replacement structure authorized, which
129 will allow owners or developers to enjoy all land use and
130 development rights that would apply to the property without
131 regard to local restrictions that may restrict future
132 development as a result of demolition, and

133 WHEREAS, to make the application and enforcement of this act
134 uniform throughout this state, the Legislature intends to preempt
135 the regulation of the demolition of certain structures and
136 buildings to the state, NOW, THEREFORE,