

26 | hazard areas and structures ordered to be demolished or deemed
 27 | unsafe by local building officials pose an increased risk of
 28 | collapse, may affect the integrity or stability of neighboring
 29 | buildings or structures, and may cause injury to persons or
 30 | property, and

31 | WHEREAS, local governmental laws, procedures, and policies
 32 | that prohibit or limit the demolition of nonconforming or unsafe
 33 | structures or limit the construction of new resilient structures
 34 | pose a threat to life and public safety, and

35 | WHEREAS, on properties where there is a nonconforming
 36 | structure within a coastal high-hazard area, a structure that
 37 | has been deemed unsafe by a local building official, or a
 38 | structure that is subject to a demolition order, such structure
 39 | must be authorized to be demolished and any replacement
 40 | structure authorized which allows owners or developers to enjoy
 41 | all land use and development rights that would apply to the
 42 | property without regard to any local restrictions that may
 43 | restrict future development at the subject property as a result
 44 | of the local building official's order or demolition, and

45 | WHEREAS, to make the application and enforcement of this
 46 | act uniform throughout this state, the Legislature intends to
 47 | preempt the regulation of the demolition of certain structures
 48 | and buildings to the state, NOW, THEREFORE,

49 |
 50 | Be It Enacted by the Legislature of the State of Florida:

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 52 Section 1. Subsection (25) of section 553.79, Florida
 53 Statutes, is amended to read:

54 553.79 Permits; applications; issuance; inspections.—

55 (25) (a) A local law, ordinance, or regulation may not
 56 prohibit or otherwise restrict ~~the ability of~~ a private property
 57 owner from obtaining ~~to obtain~~ a building permit to demolish his
 58 or her single-family residential structure located in a coastal
 59 high-hazard area, moderate flood zone, or special flood hazard
 60 area according to a Flood Insurance Rate Map issued by the
 61 Federal Emergency Management Agency for the purpose of
 62 participating in the National Flood Insurance Program if the
 63 lowest finished floor elevation of such structure is at or below
 64 base flood elevation as established by the Florida Building Code
 65 or a higher base flood elevation as may be required by local
 66 ordinance, whichever is higher, provided that such permit
 67 otherwise complies with all applicable Florida Building Code,
 68 Florida Fire Prevention Code, and Life Safety Code requirements,
 69 or local amendments thereto.

70 (b) An application for a demolition permit sought under
 71 this subsection may only be reviewed administratively for
 72 compliance with the Florida Building Code, the Florida Fire
 73 Prevention Code, and the Life Safety Code, or local amendments
 74 thereto, and any regulations applicable to a similarly situated
 75 parcel. Applications may not be subject to any additional local

76 land development regulations or public hearings. A local
 77 government may not penalize a private property owner for a
 78 demolition ~~that is~~ in compliance with the demolition permit.

79 (c) If a single-family residential structure is demolished
 80 pursuant to a demolition permit, a local government may not
 81 impose additional regulatory or building requirements on the new
 82 single-family residential structure constructed on the site of
 83 the demolished structure which would not otherwise be applicable
 84 to a similarly situated vacant parcel.

85 (d) 1. Except as provided in subparagraph 2., this
 86 subsection does not apply to any of the following:

87 ~~a.1.~~ A structure designated on the National Register of
 88 Historic Places.

89 ~~b.2.~~ A privately owned single-family residential structure
 90 designated historic by a local, state, or federal governmental
 91 agency on or before January 1, 2022.

92 ~~c.3.~~ A privately owned single-family residential structure
 93 designated historic after January 1, 2022, by a local, state, or
 94 federal governmental agency with the consent of its owner.

95 2. This subsection applies to the structures identified in
 96 subparagraph 1. if the structure is a nonconforming structure
 97 located in a coastal high-hazard area which fails to meet
 98 Federal Emergency Management Agency standards for new
 99 construction or if the structure is determined to be unsafe by
 100 the local building official or is ordered to be demolished by a

101 local government with proper jurisdiction. However, a local law,
 102 ordinance, or regulation may prohibit or otherwise restrict the
 103 demolition of such a structure if the enforcement agency or
 104 local building official determines that demolition of the
 105 structure is a threat to public safety.

106 Section 2. Section 553.8991, Florida Statutes, is created
 107 to read:

108 553.8991 Resiliency and Safe Structures Act.-

109 (1) SHORT TITLE.-This section may be cited as the
 110 "Resiliency and Safe Structures Act."

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

112 (a) "Nonconforming structure" means a structure located in
 113 a coastal high-hazard area according to a Flood Insurance Rate
 114 Map issued by the Federal Emergency Management Agency (FEMA)
 115 which does not conform to the requirements for new construction
 116 issued by the National Flood Insurance Program. The term
 117 includes any structure listed on the National Register of
 118 Historic Places or the State Inventory of Historic Places if it
 119 is located in a coastal high-hazard area.

120 (b) "Replacement structure" means a new development that
 121 occurs on a property where a nonconforming structure in a
 122 coastal high-hazard area was located or where a structure has
 123 been ordered to be demolished, has been demolished, or has been
 124 deemed unsafe by the local building official.

125 (3) QUALIFYING STRUCTURES AND BUILDINGS.-This section

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126 applies to all of the following structures:

127 (a) Nonconforming structures in coastal high-hazard areas
128 which fail to meet FEMA standards for new construction.

129 (b) Any structure determined to be unsafe by a local
130 building official.

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

133 (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local
134 government may not prohibit, restrict, or prevent the demolition
135 of any structure identified in subsection (3) for any reason,
136 other than public safety.

137 (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local
138 government may not impose or enforce any limitation or condition
139 on the approval of a replacement structure that replaces a
140 structure identified in subsection (3), including a requirement
141 for replication of the demolished structure, a limitation on the
142 size or height of the replacement structure, or the maintenance
143 of any of the demolished structure's elements. Owners or
144 developers of replacement structures are entitled to enjoy all
145 land use, zoning, and other land development rights, whether
146 established by law, ordinance, rule, regulation, policy,
147 development order, or any other act, without regard to a local
148 government restriction that may restrict development of a
149 replacement structure at the subject property as a result of a
150 local government order, a designation, a code enforcement

151 proceeding, or an ordinance.

152 (6) APPLICATION.—This section applies prospectively and
 153 retroactively to any law adopted contrary to this section and
 154 its intent.

155 (7) PREEMPTION.—A municipality, county, special district,
 156 or political subdivision may not adopt or apply a law, an
 157 ordinance, a rule, a regulation, a policy, a resolution, or any
 158 other act that in any way limits the demolition of structures
 159 and buildings identified in subsection (3) or limits the
 160 development of a replacement structure in a way that would
 161 divest property owners or developers of land use, zoning, or
 162 other land development rights for demolishing a structure in
 163 accordance with this section. All laws, ordinances, rules,
 164 regulations, policies, resolutions, and other acts of a
 165 municipality, county, special district, or political subdivision
 166 to the contrary are void.

167 Section 3. This act shall take effect upon becoming a law.