



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

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

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

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

48 |

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

50 |

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

53 553.8991 Resiliency and Safe Structures Act.-

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

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

57 (a) "Nonconforming structure" means a structure located in  
58 a coastal high-hazard area according to a Flood Insurance Rate  
59 Map issued by the Federal Emergency Management Agency (FEMA)  
60 which does not conform to the requirements for new construction  
61 issued by the National Flood Insurance Program.

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

65 (3) QUALIFYING STRUCTURES AND BUILDINGS.-This section  
66 applies to all of the following structures, unless the structure  
67 is individually listed in the National Register of Historic  
68 Places or is a single-family home:

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

71 (b) Any structure determined to be unsafe by a local  
72 building official.

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

75 (4) RESTRICTIONS ON DEMOLITION PROHIBITED.-A local

76 government may not prohibit, restrict, or prevent the demolition  
77 of any structure identified in subsection (3) for any reason,  
78 other than public safety.

79 (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A  
80 replacement structure must be permitted to be developed in  
81 accordance with all applicable zoning codes and ordinances,  
82 provided that the zoning codes and ordinances do not in any way  
83 penalize or restrict development rights due or related to the  
84 demolition of any structure in accordance with this section,  
85 including a requirement for replication of the demolished  
86 structure, a limitation on the size or height of the replacement  
87 structure, or the maintenance of any of the elements of the  
88 demolished structure. Owners or developers of replacement  
89 structures are permitted to develop in accordance with all land  
90 use, zoning, and other land development rights, whether  
91 established by law, ordinance, rule, regulation, policy,  
92 development order, or any other act, without regard to any local  
93 government restrictions or penalties resulting from the  
94 demolition of any structure identified in subsection (3) that  
95 may restrict development of a replacement structure as a result  
96 of a local government order, a designation, a code enforcement  
97 proceeding, or an ordinance.

98 (6) APPLICATION.—This section applies prospectively and  
99 retroactively to any law adopted contrary to this section and  
100 its intent.

CS/HB 1317

2023

101        (7) PREEMPTION.—A municipality, county, special district,  
102 or political subdivision may not adopt or apply a law, an  
103 ordinance, a rule, a regulation, a policy, a resolution, or any  
104 other act that in any way limits the demolition of any  
105 structures and buildings identified in subsection (3) or limits  
106 the development of any replacement structure in a way that would  
107 divest property owners or developers of land use, zoning, or  
108 other land development rights for the demolition of any  
109 structure in accordance with this section. All laws, ordinances,  
110 rules, regulations, policies, resolutions, and other acts of a  
111 municipality, county, special district, or political subdivision  
112 to the contrary are void.

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