



170426

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2023	.	
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The Committee on Environment and Natural Resources (Avila) recommended 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:



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

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

17 (c) "Nonconforming structure" means a structure that does
18 not conform to the requirements for new construction issued by
19 the National Flood Insurance Program.

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

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

27 (a) Nonconforming structures located within one-half mile
28 of the coastline and within zones V, VE, AO, or AE, as
29 identified in the Flood Insurance Rate Map issued by the Federal
30 Emergency Management Agency.

31 (b) Any structure determined to be unsafe by a local
32 building official.

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

35 (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local
36 government may not prohibit, restrict, or prevent the demolition
37 of any structure identified in subsection (3) for any reason
38 other than public safety. A local government may review an
39 application for a demolition permit sought pursuant to this



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40 section only administratively for compliance with the Florida
41 Building Code, the Florida Fire Prevention Code, and the Life
42 Safety Code, or local amendments thereto, and any regulation
43 applicable to a similarly situated parcel. The local government
44 may not subject an application to additional local land
45 development regulations or public hearings.

46 (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local
47 government shall authorize replacement structures to be
48 developed to the maximum height and overall building size
49 authorized by local development regulations. A local government
50 may not do any of the following:

51 (a) Limit, for any reason, the development potential of
52 replacement structures below the maximum allowed by local
53 development regulations.

54 (b) Require replication of a demolished structure.

55 (c) Limit the size or height of a replacement structure.

56 (d) Require maintenance of any element of a demolished
57 structure.

58 (e) If a structure is demolished pursuant to this section,
59 impose additional regulatory or building requirements on a
60 replacement structure which would not otherwise be applicable to
61 a similarly situated vacant parcel.

62 (6) APPLICATION AND CONSTRUCTION.—This section applies
63 prospectively and retroactively to any law adopted contrary to
64 this section or its intent, except that this section does not
65 apply to s. 553.79(25). This section must be liberally construed
66 to effectuate its intent.

67 (7) PREEMPTION.—A local government may not adopt or enforce
68 a law that in any way limits the demolition of a structure



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69 identified in subsection (3) or that limits the development of a
70 replacement structure in violation of subsection (5). A local
71 government may not penalize an owner or a developer of a
72 replacement structure for a demolition pursuant to this section
73 or otherwise enact laws that defeat the intent of this section.
74 Any local government law contrary to this section is void.

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

76
77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete everything before the enacting clause
80 and insert:

81 A bill to be entitled
82 An act relating to local regulation of nonconforming
83 or unsafe structures; creating s. 553.8991, F.S.;
84 providing a short title; defining terms; providing
85 applicability; prohibiting local governments from
86 prohibiting, restricting, or preventing the demolition
87 of certain structures unless necessary for public
88 safety; authorizing local governments to review
89 demolition permit applications only for a specified
90 purpose; requiring that replacement structures be
91 permitted to be developed in accordance with
92 applicable development regulations; prohibiting local
93 governments from taking certain actions regarding
94 replacement structures; providing for retroactive
95 application; providing applicability and construction;
96 preempting regulation of the demolition or replacement
97 of certain structures to the state under certain



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98 circumstances; providing an effective date.

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100 WHEREAS, it is of paramount importance to replace older,
101 unsafe, or nonconforming structures that are a threat to life
102 and safety with new, resilient buildings built to contemporary
103 building codes and standards, and

104 WHEREAS, nonconforming structures within coastal high-
105 hazard areas and structures that are ordered to be demolished or
106 that are deemed unsafe by local building officials pose an
107 increased risk of collapse, may affect the integrity or
108 stability of neighboring buildings or structures, and may cause
109 injury to persons or property, and

110 WHEREAS, local governmental laws, procedures, and policies
111 that prohibit or limit the demolition of nonconforming or unsafe
112 structures or limit the construction of new, resilient
113 structures pose a threat to life and public safety, and

114 WHEREAS, on properties where there is a nonconforming
115 structure within a coastal high-hazard area, regardless of
116 whether the structure is deemed unsafe by a local building
117 official or is subject to a demolition order, such structure
118 must be demolished and any replacement structure authorized,
119 which will allow owners or developers to enjoy all land use and
120 development rights that would apply to the property without
121 regard to any local restrictions that may restrict future
122 development at the subject property as a result of the local
123 building official's order of demolition, and

124 WHEREAS, to make the application and enforcement of this
125 act uniform throughout this state, the Legislature intends to
126 preempt the regulation of the demolition of certain structures



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127 | and buildings to the state, NOW, THEREFORE,