



472106

LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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04/27/2023 05:58 PM

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Senator Avila moved 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:

(a) “Coastal construction control line” means the boundary



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12 established pursuant to s. 161.053.

13 (b) "Law" means any statute, ordinance, rule, regulation,
14 policy, resolution, code enforcement order, agreement, or other
15 governmental act.

16 (c) "Local government" means a municipality, county,
17 special district, or any other political subdivision of the
18 state.

19 (d) "Nonconforming structure" means a structure that does
20 not conform to the base flood elevation requirements for new
21 construction issued by the National Flood Insurance Program.

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

25 (3) QUALIFYING STRUCTURES AND BUILDINGS.—

26 (a) This section applies to all of the following
27 structures:

28 1. Nonconforming structures on properties that are, or have
29 a portion that is, seaward of the coastal construction control
30 line and that are also within zones V, VE, AO, or AE, as
31 identified in the Flood Insurance Rate Map issued by the Federal
32 Emergency Management Agency.

33 2. Any structure determined to be unsafe by a local
34 building official.

35 3. Any structure ordered to be demolished by a local
36 government that has proper jurisdiction.

37 (b) This section does not apply to any of the following
38 structures:

39 1. A structure individually listed on the National Register
40 of Historic Places.



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- 41 2. A single-family home.
- 42 3. A structure located within an area of critical state
43 concern designated pursuant to s. 380.05.
- 44 4. A structure located within a municipality that has a
45 total population of less than 10,000 as of the United States
46 Decennial Census of 2020, released August and September 2021.
- 47 5. A structure located in a municipality within which there
48 are at least three buildings that were in existence on February
49 22, 1821, the date of final ratification of the Adams-Onis
50 Treaty, which ceded Florida to the United States.
- 51 (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local
52 government may not prohibit, restrict, or prevent the demolition
53 of any structure identified in subsection (3) for any reason
54 other than public safety. A local government may review an
55 application for a demolition permit sought pursuant to this
56 section only administratively for compliance with the Florida
57 Building Code, the Florida Fire Prevention Code, and the Life
58 Safety Code, or local amendments thereto, and any regulation
59 applicable to a similarly situated parcel. The local government
60 may not subject an application to additional local land
61 development regulations or public hearings.
- 62 (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local
63 government shall authorize replacement structures to be
64 developed to the maximum height and overall building size
65 authorized by local development regulations. A local government
66 may not do any of the following:
- 67 (a) Limit, for any reason, the development potential of
68 replacement structures below the maximum allowed by local
69 development regulations.



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70 (b) Require replication of a demolished structure.
71 (c) Require the preservation of any elements of a
72 demolished structure.
73 (d) Impose additional regulatory or building requirements
74 on replacement structures which would not otherwise be
75 applicable to a similarly situated vacant parcel.
76 (e) Impose additional public hearings or administrative
77 processes on replacement structures which would not otherwise be
78 applicable to a similarly situated vacant parcel.
79 (6) DEVELOPMENT APPLICATIONS.—Development applications
80 submitted for replacement structures must be processed in
81 accordance with the process outlined in local land development
82 regulations, including any required public hearings before the
83 local historic board. However, a local government may not impose
84 additional public hearings or administrative processes that
85 would not otherwise be applicable to a similarly situated vacant
86 parcel.
87 (7) APPLICATION AND CONSTRUCTION.—This section applies
88 prospectively and retroactively to any law adopted contrary to
89 this section or its intent, and must be liberally construed to
90 effectuate its intent. Nothing in this section applies to or
91 affects s. 553.79(25).
92 (8) PREEMPTION.—A local government may not adopt or enforce
93 a law that in any way limits the demolition of a structure
94 identified in subsection (3) or that limits the development of a
95 replacement structure in violation of subsection (5). A local
96 government may not penalize an owner or a developer of a
97 replacement structure for a demolition pursuant to this section
98 or otherwise enact laws that defeat the intent of this section.



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99 Any local government law contrary to this section is void.

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

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102 ===== T I T L E A M E N D M E N T =====

103 And the title is amended as follows:

104 Delete everything before the enacting clause

105 and insert:

106 A bill to be entitled

107 An act relating to local regulation of nonconforming
108 or unsafe structures; creating s. 553.8991, F.S.;
109 providing a short title; defining terms; providing
110 applicability; prohibiting local governments from
111 prohibiting, restricting, or preventing the demolition
112 of certain structures unless necessary for public
113 safety; authorizing local governments to review
114 demolition permit applications only for a specified
115 purpose; requiring that replacement structures be
116 authorized to be developed in accordance with
117 applicable development regulations; prohibiting local
118 governments from taking certain actions regarding
119 replacement structures; providing requirements for the
120 processing of development applications; providing for
121 retroactive application; providing applicability and
122 construction; preempting regulation of the demolition
123 or replacement of certain structures to the state
124 under certain circumstances; providing an effective
125 date.