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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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04/28/2023 11:52 AM

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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



745334

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.



745334

- 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 10,000 or less according to the most recent
46 decennial census.
- 47 5. A structure located in a municipality within which there
48 are at least three buildings that were originally erected more
49 than 200 years ago.
- 50 (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local
51 government may not prohibit, restrict, or prevent the demolition
52 of any structure identified in subsection (3) for any reason
53 other than public safety. A local government may review an
54 application for a demolition permit sought pursuant to this
55 section only administratively for compliance with the Florida
56 Building Code, the Florida Fire Prevention Code, and the Life
57 Safety Code, or local amendments thereto, and any regulation
58 applicable to a similarly situated parcel. The local government
59 may not subject an application to additional local land
60 development regulations or public hearings.
- 61 (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local
62 government shall authorize replacement structures to be
63 developed to the maximum height and overall building size
64 authorized by local development regulations. A local government
65 may not do any of the following:
- 66 (a) Limit, for any reason, the development potential of
67 replacement structures below the maximum allowed by local
68 development regulations.
- 69 (b) Require replication of a demolished structure.



70 (c) Require the preservation of any elements of a
71 demolished structure.

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

75 (e) Impose additional public hearings or administrative
76 processes on replacement structures which would not otherwise be
77 applicable to a similarly situated vacant parcel.

78 (6) DEVELOPMENT APPLICATIONS.—Development applications
79 submitted for replacement structures must be processed in
80 accordance with the process outlined in local land development
81 regulations, including any required public hearings before the
82 local historic board. However, a local government may not impose
83 additional public hearings or administrative processes that
84 would not otherwise be applicable to a similarly situated vacant
85 parcel.

86 (7) APPLICATION AND CONSTRUCTION.—This section applies
87 prospectively and retroactively to any law adopted contrary to
88 this section or its intent, and must be liberally construed to
89 effectuate its intent. Nothing in this section applies to or
90 affects s. 553.79(25).

91 (8) PREEMPTION.—A local government may not adopt or enforce
92 a law that in any way limits the demolition of a structure
93 identified in subsection (3) or that limits the development of a
94 replacement structure in violation of subsection (5). A local
95 government may not penalize an owner or a developer of a
96 replacement structure for a demolition pursuant to this section
97 or otherwise enact laws that defeat the intent of this section.
98 Any local government law contrary to this section is void.



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

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

102 And the title is amended as follows:

103 Delete everything before the enacting clause
104 and insert:

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