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1 A bill to be entitled
2 An act relating to local regulation of nonconforming
3 or unsafe structures; creating s. 553.8991, F.S.;
4 providing a short title; defining terms; providing
5 applicability; prohibiting local governments from
6 prohibiting, restricting, or preventing the demolition
7 of certain structures unless necessary for public
8 safety; authorizing local governments to review
9 demolition permit applications only for a specified
10 purpose; requiring that replacement structures be
11 authorized to be developed in accordance with
12 applicable development regulations; prohibiting local
13 governments from taking certain actions regarding
14 replacement structures; providing requirements for the
15 processing of development applications; providing for
16 retroactive application; providing applicability and
17 construction; preempting regulation of the demolition
18 or replacement of certain structures to the state
19 under certain circumstances; providing an effective
20 date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 553.8991, Florida Statutes, is created
25 to read:

26 553.8991 Resiliency and Safe Structures Act.—

27 (1) SHORT TITLE.—This section may be cited as the
28 "Resiliency and Safe Structures Act."

29 (2) DEFINITIONS.—As used in this section, the term:

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30 (a) "Coastal construction control line" means the boundary
31 established pursuant to s. 161.053.

32 (b) "Law" means any statute, ordinance, rule, regulation,
33 policy, resolution, code enforcement order, agreement, or other
34 governmental act.

35 (c) "Local government" means a municipality, county,
36 special district, or any other political subdivision of the
37 state.

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

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

44 (3) QUALIFYING STRUCTURES AND BUILDINGS.—

45 (a) This section applies to all of the following
46 structures:

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

52 2. Any structure determined to be unsafe by a local
53 building official.

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

56 (b) This section does not apply to any of the following
57 structures:

58 1. A structure individually listed on the National Register

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59 of Historic Places.

60 2. A single-family home.

61 3. A structure located within an area of critical state
62 concern designated pursuant to s. 380.05.

63 4. A structure located within a municipality that has a
64 total population of 10,000 or less according to the most recent
65 decennial census.

66 5. A structure located in a municipality within which there
67 are at least three buildings that were originally erected more
68 than 200 years ago.

69 (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local
70 government may not prohibit, restrict, or prevent the demolition
71 of any structure identified in subsection (3) for any reason
72 other than public safety. A local government may review an
73 application for a demolition permit sought pursuant to this
74 section only administratively for compliance with the Florida
75 Building Code, the Florida Fire Prevention Code, and the Life
76 Safety Code, or local amendments thereto, and any regulation
77 applicable to a similarly situated parcel. The local government
78 may not subject an application to additional local land
79 development regulations or public hearings.

80 (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local
81 government shall authorize replacement structures to be
82 developed to the maximum height and overall building size
83 authorized by local development regulations. A local government
84 may not do any of the following:

85 (a) Limit, for any reason, the development potential of
86 replacement structures below the maximum allowed by local
87 development regulations.

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88 (b) Require replication of a demolished structure.

89 (c) Require the preservation of any elements of a
90 demolished structure.

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

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

97 (6) DEVELOPMENT APPLICATIONS.—Development applications
98 submitted for replacement structures must be processed in
99 accordance with the process outlined in local land development
100 regulations, including any required public hearings before the
101 local historic board. However, a local government may not impose
102 additional public hearings or administrative processes that
103 would not otherwise be applicable to a similarly situated vacant
104 parcel.

105 (7) APPLICATION AND CONSTRUCTION.—This section applies
106 prospectively and retroactively to any law adopted contrary to
107 this section or its intent, and must be liberally construed to
108 effectuate its intent. Nothing in this section applies to or
109 affects s. 553.79(25).

110 (8) PREEMPTION.—A local government may not adopt or enforce
111 a law that in any way limits the demolition of a structure
112 identified in subsection (3) or that limits the development of a
113 replacement structure in violation of subsection (5). A local
114 government may not penalize an owner or a developer of a
115 replacement structure for a demolition pursuant to this section
116 or otherwise enact laws that defeat the intent of this section.

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

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