

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Roach offered the following:

**Amendment (with title amendment)**

Between lines 222 and 223, insert:

Section 6. Effective upon this act becoming a law, 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 established pursuant to s. 161.053.

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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  
29 have a portion that is, seaward of the coastal construction  
30 control 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.

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

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

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  
48 there are at least three buildings that were originally erected  
49 more 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.

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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.

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

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

102 Remove line 47 and insert:  
103 reference; creating s. 553.8991, F.S.; providing a  
104 short title; defining terms; providing applicability;  
105 prohibiting local governments from prohibiting,  
106 restricting, or preventing the demolition of certain  
107 structures unless necessary for public safety;  
108 authorizing local governments to review demolition  
109 permit applications only for a specified purpose;  
110 requiring that replacement structures be authorized to

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111 be developed in accordance with applicable development  
112 regulations; prohibiting local governments from taking  
113 certain actions regarding replacement structures;  
114 providing requirements for the processing of  
115 development applications; providing for retroactive  
116 application; providing applicability and construction;  
117 preempting regulation of the demolition or replacement  
118 of certain structures to the state under certain  
119 circumstances; providing effective dates.

120

121 WHEREAS, it is of paramount importance to replace older,  
122 unsafe, or nonconforming structures that are a threat to life  
123 and safety with new, resilient buildings built to contemporary  
124 building codes and standards, and

125 WHEREAS, nonconforming structures that are within one-half  
126 mile of the coast and that are also within a coastal special  
127 flood hazard area and structures that are ordered to be  
128 demolished or that are deemed unsafe by local building officials  
129 pose an increased risk of collapse, may affect the integrity or  
130 stability of neighboring buildings or structures, and may cause  
131 injury to persons or property, and

132 WHEREAS, local governmental laws, procedures, and policies  
133 that prohibit or limit the demolition of nonconforming or unsafe  
134 structures or limit the construction of new, resilient  
135 structures pose a threat to life and public safety, and

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136           WHEREAS, nonconforming structures that are within one-half  
137 mile of the coast and that are also within a coastal special  
138 flood hazard area, regardless of whether the structures are  
139 deemed unsafe by a local building official or are subject to a  
140 demolition order, must be permitted to be demolished and to have  
141 replacement structures authorized, allowing owners or developers  
142 to enjoy all land use and development rights that would apply to  
143 the property without regard to any local restrictions that may  
144 restrict future development as a result of the demolition, and  
145           WHEREAS, to make the application and enforcement of the  
146 Resiliency and Safe Structures Act uniform throughout this  
147 state, the Legislature intends to preempt the regulation of the  
148 demolition of certain structures and buildings to the state,  
149 NOW, THEREFORE,

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