

By Senator Powell

24-00818-23

2023570\_\_

1                   A bill to be entitled  
2       An act relating to building permits; amending s.  
3       553.79, F.S.; exempting certain local governments from  
4       provisions relating to prohibiting or restricting  
5       private property owners from obtaining certain  
6       building permits; providing an effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:  
9

10       Section 1. Paragraph (d) of subsection (25) of section  
11       553.79, Florida Statutes, is amended, and paragraphs (a), (b),  
12       and (c) of that subsection are republished, to read:

13       553.79 Permits; applications; issuance; inspections.—

14       (25) (a) A local law, ordinance, or regulation may not  
15       prohibit or otherwise restrict the ability of a private property  
16       owner to obtain a building permit to demolish his or her single-  
17       family residential structure located in a coastal high-hazard  
18       area, moderate flood zone, or special flood hazard area  
19       according to a Flood Insurance Rate Map issued by the Federal  
20       Emergency Management Agency for the purpose of participating in  
21       the National Flood Insurance Program if the lowest finished  
22       floor elevation of such structure is at or below base flood  
23       elevation as established by the Florida Building Code or a  
24       higher base flood elevation as may be required by local  
25       ordinance, whichever is higher, provided that such permit  
26       otherwise complies with all applicable Florida Building Code,  
27       Florida Fire Prevention Code, and Life Safety Code requirements,  
28       or local amendments thereto.

29       (b) An application for a demolition permit sought under

24-00818-23

2023570\_\_

30 this subsection may only be reviewed administratively for  
31 compliance with the Florida Building Code, the Florida Fire  
32 Prevention Code, and the Life Safety Code, or local amendments  
33 thereto, and any regulations applicable to a similarly situated  
34 parcel. Applications may not be subject to any additional local  
35 land development regulations or public hearings. A local  
36 government may not penalize a private property owner for a  
37 demolition that is in compliance with the demolition permit.

38 (c) If a single-family residential structure is demolished  
39 pursuant to a demolition permit, a local government may not  
40 impose additional regulatory or building requirements on the new  
41 single-family residential structure constructed on the site of  
42 the demolished structure which would not otherwise be applicable  
43 to a similarly situated vacant parcel.

44 (d) This subsection does not apply to any of the following:

45 1. A structure designated on the National Register of  
46 Historic Places.

47 2. A privately owned single-family residential structure  
48 designated historic by a local, state, or federal governmental  
49 agency on or before January 1, 2022.

50 3. A privately owned single-family residential structure  
51 designated historic after January 1, 2022, by a local, state, or  
52 federal governmental agency with the consent of its owner.

53 4. Local governments that are certified by and in good  
54 standing with the Certified Local Government Program under the  
55 Division of Historical Resources of the Department of State.

56 Section 2. This act shall take effect July 1, 2023.