

1                   A bill to be entitled  
2           An act relating to local regulation of nonconforming  
3           and 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 and buildings unless necessary  
8           for public safety; prohibiting local governments from  
9           imposing additional local land development regulations  
10          or public hearings on permit applicants; authorizing a  
11          local government to administratively review an  
12          application for a demolition permit only for a  
13          specified purpose; requiring a local government to  
14          authorize replacement structures to be developed in  
15          accordance with certain regulations; prohibiting local  
16          governments from taking certain actions regarding  
17          replacement structures; requiring development  
18          applications to be processed in a specified manner;  
19          providing for severability; preempting regulation of  
20          the demolition or development of certain structures  
21          and buildings to the state under certain  
22          circumstances; prohibiting a local government from  
23          penalizing an owner or a developer for taking certain  
24          actions taken under this act; providing an effective  
25          date.

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

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 established under s. 161.053.

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

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

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

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

51           (3) QUALIFYING STRUCTURES AND BUILDINGS.—  
 52           (a) Subject to paragraph (b), this section applies to any  
 53 structure or building on a property in which all or a portion of  
 54 such property is seaward of the coastal construction control  
 55 line and the structure or building is:  
 56           1. A nonconforming structure;  
 57           2. A structure or building determined to be unsafe by a  
 58 local building official; or  
 59           3. A structure or building ordered to be demolished by a  
 60 local government that has proper jurisdiction.  
 61           (b) This section does not apply to any of the following  
 62 structures or buildings:  
 63           1. A structure or building individually listed in the  
 64 National Register of Historic Places.  
 65           2. A single-family home.  
 66           3. A contributing structure or building within a historic  
 67 district which was listed in the National Register of Historic  
 68 Places before January 1, 2000.  
 69           4. A structure or building located on a barrier island in  
 70 a municipality with a population of less than 10,000 according  
 71 to the most recent decennial census and which has at least six  
 72 city blocks that are not located in zones V, VE, AO, or AE, as  
 73 identified in the Flood Insurance Rate Map issued by the Federal  
 74 Emergency Management Agency.  
 75           (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local

76 government may not prohibit, restrict, or prevent the demolition  
 77 of any structure or building identified in paragraph (3) (a) for  
 78 any reason other than public safety. A local government may only  
 79 administratively review an application for a demolition permit  
 80 sought under this section for compliance with the Florida  
 81 Building Code, the Florida Fire Prevention Code, and the Life  
 82 Safety Code, or local amendments thereto, and any regulation  
 83 applicable to a similarly situated parcel. The local government  
 84 may not impose additional local land development regulations or  
 85 public hearings on an applicant for a permit under this section.

86 (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local  
 87 government shall authorize replacement structures for qualifying  
 88 buildings identified in paragraph (3) (a) to be developed to the  
 89 maximum height and overall building size authorized by local  
 90 development regulations for a similarly situated parcel within  
 91 the same zoning district. A local government may not do any of  
 92 the following:

93 (a) Limit, for any reason, the development potential of  
 94 replacement structures below the maximum development potential  
 95 allowed by local development regulations for a similarly  
 96 situated parcel within the same zoning district.

97 (b) Require replication of a demolished structure.

98 (c) Require the preservation of any elements of a  
 99 demolished structure.

100 (d) Impose additional regulatory or building requirements

101 on replacement structures which would not otherwise be  
 102 applicable to a similarly situated vacant parcel located in the  
 103 same zoning district.

104 (e) Impose additional public hearings or administrative  
 105 processes that would not otherwise be applicable to a similarly  
 106 situated vacant parcel within the same zoning district.

107 (6) DEVELOPMENT APPLICATIONS.—Development applications  
 108 submitted for replacement structures for qualifying buildings  
 109 identified in paragraph (3) (a) must be processed in accordance  
 110 with the process outlined in local land development regulations  
 111 including any required public hearings in front of the local  
 112 historic board. However, a local government may not impose  
 113 additional public hearings or administrative processes that  
 114 would not otherwise be applicable to a similarly situated vacant  
 115 parcel within the same zoning district.

116 (7) SEVERABILITY.—If any provision of this section or its  
 117 application is held invalid, the invalidity does not affect  
 118 other provisions or applications of this section which can be  
 119 given effect without the invalid provision or application, and  
 120 to this end the provisions of this section are severable.

121 (8) PREEMPTION.—A local government may not adopt or  
 122 enforce a law that in any way limits the demolition of a  
 123 structure identified in paragraph (3) (a) or that limits the  
 124 development of a replacement structure in violation of  
 125 subsection (5). A local government may not penalize an owner or

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126 | a developer of a replacement structure for a demolition pursuant  
127 | to this section or otherwise enact laws that defeat the intent  
128 | of this section. Any local government law contrary to this  
129 | section is void.

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