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; requiring replacement structures to be
9	permitted to be developed in accordance with
10	applicable zoning codes and ordinances; providing an
11	exception; providing that owners and developers of
12	replacement structures are permitted to develop in
13	accordance with all land use, zoning, and other land
14	development rights; providing for retroactive
15	application; preempting regulation of the demolition
16	or replacement of certain structures to the state
17	under certain circumstances; providing an effective
18	date.
19	
20	WHEREAS, it is of paramount importance to replace older,
21	unsafe, or nonconforming structures that are a threat to life
22	and safety with new, resilient buildings built to contemporary

23 building codes and standards, and

24 WHEREAS, nonconforming structures within coastal high-25 hazard areas and structures ordered to be demolished or deemed

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26 unsafe by local building officials pose an increased risk of 27 collapse, may affect the integrity or stability of neighboring 28 buildings or structures, and may cause injury to persons or 29 property, and

30 WHEREAS, local governmental laws, procedures, and policies 31 that prohibit or limit the demolition of nonconforming or unsafe 32 structures or limit the construction of new resilient structures 33 pose a threat to life and public safety, and

34 WHEREAS, on properties where there is a nonconforming 35 structure within a coastal high-hazard area, a structure that 36 has been deemed unsafe by a local building official, or a structure that is subject to a demolition order, such structure 37 38 must be authorized to be demolished and any replacement 39 structure authorized which allows owners or developers to enjoy all land use and development rights that would apply to the 40 41 property without regard to any local restrictions that may restrict future development at the subject property as a result 42 43 of the local building official's order or demolition, and

WHEREAS, to make the application and enforcement of this act uniform throughout this state, the Legislature intends to preempt the regulation of the demolition of certain structures and buildings to the state, NOW, THEREFORE,

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49 Be It Enacted by the Legislature of the State of Florida: 50

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51	Section 1. Section 553.8991, Florida Statutes, is created
52	to read:
53	553.8991 Resiliency and Safe Structures Act
54	(1) SHORT TITLE This section may be cited as the
55	"Resiliency and Safe Structures Act."
56	(2) DEFINITIONSAs used in this section, the term:
57	(a) "Nonconforming structure" means a structure located in
58	a coastal high-hazard area according to a Flood Insurance Rate
59	Map issued by the Federal Emergency Management Agency (FEMA)
60	which does not conform to the requirements for new construction
61	issued by the National Flood Insurance Program.
62	(b) "Replacement structure" means a new structure built on
63	a property where a structure was demolished or will be
64	demolished in accordance with this section.
65	(3) QUALIFYING STRUCTURES AND BUILDINGSThis section
66	applies to all of the following structures, unless the structure
67	is individually listed in the National Register of Historic
68	Places or is a single-family home:
69	(a) Nonconforming structures in coastal high-hazard areas
70	which fail to meet FEMA standards for new construction.
71	(b) Any structure determined to be unsafe by a local
72	building official.
73	(c) Any structure ordered to be demolished by a local
74	government that has proper jurisdiction.
75	(4) RESTRICTIONS ON DEMOLITION PROHIBITEDA local
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76	government may not prohibit, restrict, or prevent the demolition
77	of any structure identified in subsection (3) for any reason,
78	other than public safety.
79	(5) RESTRICTIONS ON REDEVELOPMENT PROHIBITEDA
80	replacement structure must be permitted to be developed in
81	accordance with all applicable zoning codes and ordinances,
82	provided that the zoning codes and ordinances do not in any way
83	penalize or restrict development rights due or related to the
84	demolition of any structure in accordance with this section,
85	including a requirement for replication of the demolished
86	structure, a limitation on the size or height of the replacement
87	structure, or the maintenance of any of the elements of the
88	demolished structure. Owners or developers of replacement
89	structures are permitted to develop in accordance with all land
90	use, zoning, and other land development rights, whether
91	established by law, ordinance, rule, regulation, policy,
92	development order, or any other act, without regard to any local
93	government restrictions or penalties resulting from the
94	demolition of any structure identified in subsection (3) that
95	may restrict development of a replacement structure as a result
96	of a local government order, a designation, a code enforcement
97	proceeding, or an ordinance.
98	(6) APPLICATIONThis section applies prospectively and
99	retroactively to any law adopted contrary to this section and
100	<u>its intent.</u>
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101	(7) PREEMPTIONA municipality, county, special district,
102	or political subdivision may not adopt or apply a law, an
103	ordinance, a rule, a regulation, a policy, a resolution, or any
104	other act that in any way limits the demolition of any
105	structures and buildings identified in subsection (3) or limits
106	the development of any replacement structure in a way that would
107	divest property owners or developers of land use, zoning, or
108	other land development rights for the demolition of any
109	structure in accordance with this section. All laws, ordinances,
110	rules, regulations, policies, resolutions, and other acts of a
111	municipality, county, special district, or political subdivision
112	to the contrary are void.
113	Section 2. This act shall take effect upon becoming a law.

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