

By the Committee on Environment and Natural Resources; and
Senator Avila

592-02669-24

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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; authorizing a local government to
9 administratively review an application for a
10 demolition permit only for a specified purpose;
11 prohibiting local governments from imposing additional
12 local land development regulations or public hearings
13 on permit applicants; 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 retroactive application; providing
20 construction; preempting regulation of the demolition
21 or development of certain structures and buildings to
22 the state under certain circumstances; prohibiting a
23 local government from penalizing an owner or a
24 developer for taking certain actions taken under the
25 act; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 553.8991, Florida Statutes, is created

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30 to read:

31 553.8991 Resiliency and Safe Structures Act.—

32 (1) SHORT TITLE.—This section may be cited as the
33 “Resiliency and Safe Structures Act.”

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

35 (a) “Coastal construction control line” means the boundary
36 established under s. 161.053.

37 (b) “Law” means any statute, ordinance, rule, regulation,
38 policy, resolution, code enforcement order, agreement, or other
39 governmental act.

40 (c) “Local government” means a municipality, county,
41 special district, or any other political subdivision of the
42 state.

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

47 (e) “Replacement structure” means a new structure or
48 building built on a property where a structure or building was
49 demolished or will be demolished in accordance with this
50 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

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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 a
70 municipality with a population of less than 10,000 according to
71 the most recent decennial census and which has at least six city
72 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

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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) APPLICATION AND CONSTRUCTION.—This section applies

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117 retroactively to any law adopted contrary to this section or its
118 intent and must be liberally construed to effectuate its intent.
119 This section does not apply to or affect s. 553.79(26).

120 (8) PREEMPTION.—A local government may not adopt or enforce
121 a law that in any way limits the demolition of a structure
122 identified in paragraph (3)(a) or that limits the development of
123 a replacement structure in violation of subsection (5). A local
124 government may not penalize an owner or a developer of a
125 replacement structure for a demolition pursuant to this section
126 or otherwise enact laws that defeat the intent of this section.
127 Any local government law contrary to this section is void.

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