

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2023-321**

A RESOLUTION OF THE CITY COMMISSION REAFFIRMING ITS OPPOSITION TO RECENT AMENDMENTS TO FLORIDA STATUTES §553.79 THAT PREEMPT THE CITY'S DEMOLITION PERMIT PROCESS AS APPLIED TO HISTORIC PROPERTIES AND URGING THE FLORIDA LEGISLATURE TO RESCIND SAID AMENDMENTS.

**WHEREAS**, during the 2022 legislative session, the Florida Legislature adopted House Bill 423 ("HB 423"), thereby making numerous changes to the Florida Building Code, including effectuating amendments to section 553.79, Florida Statutes; and

**WHEREAS**, these amendments prohibit local governments from prohibiting or restricting a private property owner from demolishing a single-family residential structure located in a coastal high-hazard area, moderate flood zone, or special flood hazard area, if the lowest finished floor elevation of the structure is at or below base flood elevation, or a higher base flood elevation as may be required by local ordinance, whichever is higher; and

**WHEREAS**, while section 553.79, Florida Statutes allows the City to administratively review demolition permits for subject properties to ensure compliance with the Florida Building Code, Florida Fire Prevention Code, Life Safety Code, and regulations that are applicable to similarly situated parcels, the City may not apply additional local land development regulations to such properties; and

**WHEREAS**, section 553.79, Florida Statutes only exempts nationally designated historic landmarks, residential structures designated on or before January 1, 2022, and residential structures designated after January 1, 2022, with the owner's consent are exempt from its demolition preemption; and

**WHEREAS**, the City Commission finds that section 553.79, Florida Statutes has and may continue to result in the demolition of historic homes within the City that do not fall into one of the limited exemption categories; and

**WHEREAS**, the City of Coral Gables currently has over 1,200 historic landmark properties and may have a significant number of undesignated properties that are potentially eligible for historic designation; and

**WHEREAS**, the demolition of historic properties is an irreversible action which contributes to the loss of the city's identity and sense of place; and

**WHEREAS**, the City has an interest in protecting historic structures from being demolished and for that reason requires the Historic Resources and Cultural Arts Department to approve demolition permits before issuance; and

**WHEREAS**, the City Commission condemns state action that encroaches on the City's home rule powers and overrides its ability regulate the protection of historic structures through its zoning authority, and for that reason urged the legislature to rescind the amendments to section 553.79, Florida Statutes with the adoption of Resolution 2022-23; and

**WHEREAS**, the City Commission wishes to reaffirm its opposition and urge the legislature rescind amendments to section 553.79, Florida Statutes during the 2024 legislative session;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** The foregoing "**WHEREAS**" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

**SECTION 2.** That the City Commission hereby reaffirms its opposition to recent amendments to section 553.79, Florida Statutes and urges the Florida Legislature to rescind such amendments.

**SECTION 3.** That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FOURTH DAY OF OCTOBER, A.D., 2023.

(Moed: Fernandez / Seconded: Anderson)

(Yeas: Menendez, Anderson, Castro, Fernandez, Lago)

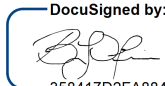
(Unanimous: 5-0 Vote)

(Agenda Item: F-8)

APPROVED:

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VINCE LAGO  
MAYOR

ATTEST:

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BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

DocuSigned by:  
  
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CRISTINA M. SUÁREZ  
CITY ATTORNEY