

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO.

A RESOLUTION OF THE CITY COMMISSION OPPOSING SENATE BILL 1526 AND HOUSE BILL 1647, WHICH WOULD LIMIT A LOCAL GOVERNMENT'S ABILITY TO PRESERVE CERTAIN HISTORIC STRUCTURES THAT ARE LOCATED SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE ESTABLISHED BY SECTION 161.0553 FLORIDA STATUTES..

WHEREAS, during the 2022 legislative session, the Florida Legislature enacted Chapter Law 2022-136, which in part amended section 553.79, Florida Statutes, to 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, section 553.79, Florida Statutes has, and will likely 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, House Bill (HB) 1526 or Senate Bill (SB) 1647, now moving through the state legislative process, would significantly expand the preemptions that effect local demolition procedures and further infringe on a City's home rule powers; and

WHEREAS, more specifically, the general preemption would result in a city being prohibited from protecting local historic structures from demolition when those structures are not classified as single family residential, are located seaward of the coastal construction control line, and do not comply with certain requirements for new construction issued by the National Flood Insurance Program; and

WHEREAS, the preemption in the bills would also apply to unsafe structures as determined by the local building official and structures that are ordered to be demolished by the controlling jurisdiction; and

WHEREAS, the bills also limit a city's ability to review demolition permits, regulate replacement structures, and more; and

WHEREAS, the bills contain very limited exemptions, apply retroactively, and voids contradictory local laws; and

WHEREAS, although an initial assessment reveals that the City Of Coral Gables does not contain buildings located seaward of the coastal construction control line, the City opposes SB 1526 or HB 1647 on the grounds that these bills constitute an encroachment on municipal home rule powers and the preemptions they contain could be expanded in the future to effect areas within Coral Gables; 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;

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 opposes HB 1526 or SB 1647 for the aforementioned reasons.

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

PASSED AND ADOPTED THIS _____ DAY OF FEBRUARY, A.D., 2024.