



395166

LEGISLATIVE ACTION

Senate

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House

The Committee on Community Affairs (Avila) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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:



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11 (a) "Nonconforming structure" means a structure located in
12 a coastal high-hazard area according to a Flood Insurance Rate
13 Map issued by the Federal Emergency Management Agency (FEMA)
14 which does not conform to the requirements for new construction
15 issued by the National Flood Insurance Program.

16 (b) "Replacement structure" means a new structure built on
17 a property where a structure was demolished or will be
18 demolished in accordance with this section.

19 (3) QUALIFYING STRUCTURES AND BUILDINGS.—This section
20 applies to all of the following structures, unless the structure
21 is individually listed in the National Register of Historic
22 Places or is a single-family home:

23 (a) Nonconforming structures in coastal high-hazard areas
24 which fail to meet FEMA standards for new construction.

25 (b) Any structure determined to be unsafe by a local
26 building official.

27 (c) Any structure ordered to be demolished by a local
28 government that has proper jurisdiction.

29 (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local
30 government may not prohibit, restrict, or prevent the demolition
31 of any structure identified in subsection (3) for any reason,
32 other than public safety.

33 (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A replacement
34 structure must be permitted to be developed in accordance with
35 all applicable zoning codes and ordinances, provided that the
36 zoning codes and ordinances do not in any way penalize or
37 restrict development rights due to, or related to, the
38 demolition of any structure in accordance with this section,
39 including a requirement for replication of the demolished



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40 structure, a limitation on the size or height of the replacement
41 structure, or the maintenance of any of the elements of the
42 demolished structure. Owners or developers of replacement
43 structures may develop in accordance with all land use, zoning,
44 and other land development rights, whether established by law,
45 ordinance, rule, regulation, policy, development order, or any
46 other act, without regard to any local government restrictions
47 or penalties resulting from the demolition of any structure
48 identified in subsection (3) which may restrict development of a
49 replacement structure as a result of a local government order, a
50 designation, a code enforcement proceeding, or an ordinance.

51 (6) APPLICATION.—This section applies prospectively and
52 retroactively to any law adopted contrary to this section and
53 its intent.

54 (7) PREEMPTION.—A municipality, county, special district,
55 or political subdivision may not adopt or apply a law, an
56 ordinance, a rule, a regulation, a policy, a resolution, or any
57 other act that in any way limits the demolition of any
58 structures and buildings identified in subsection (3) or that
59 limits the development of any replacement structure in a way
60 that would divest property owners or developers of land use,
61 zoning, or other land development rights for the demolition of
62 any structure in accordance with this section. All laws,
63 ordinances, rules, regulations, policies, resolutions, and other
64 acts of a municipality, county, special district, or political
65 subdivision to the contrary are void.

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

67
68 ===== T I T L E A M E N D M E N T =====



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69 And the title is amended as follows:

70 Delete everything before the enacting clause
71 and insert:

72 A bill to be entitled

73 An act relating to local regulation of nonconforming
74 or unsafe structures; creating s. 553.8991, F.S.;
75 providing a short title; defining terms; providing
76 applicability; prohibiting local governments from
77 prohibiting, restricting, or preventing the demolition
78 of certain structures unless necessary for public
79 safety; requiring that replacement structures be
80 permitted to be developed in accordance with
81 applicable zoning codes and ordinances; providing an
82 exception; authorizing owners and developers of
83 replacement structures to develop in accordance with
84 all land use, zoning, and other land development
85 rights; providing for retroactive application;
86 preempting regulation of the demolition or replacement
87 of certain structures to the state under certain
88 circumstances; providing an effective date.

89
90 WHEREAS, it is of paramount importance to replace older,
91 unsafe, or nonconforming structures that are a threat to life
92 and safety with new, resilient buildings built to contemporary
93 building codes and standards, and

94 WHEREAS, nonconforming structures within coastal high-
95 hazard areas and structures ordered to be demolished or deemed
96 unsafe by local building officials pose an increased risk of
97 collapse, may affect the integrity or stability of neighboring



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98 buildings or structures, and may cause injury to persons or
99 property, and

100 WHEREAS, local governmental laws, procedures, and policies
101 that prohibit or limit the demolition of nonconforming or unsafe
102 structures or limit the construction of new resilient structures
103 pose a threat to life and public safety, and

104 WHEREAS, on properties where there is a nonconforming
105 structure within a coastal high-hazard area, whether the
106 structure is deemed unsafe by a local building official or is
107 subject to a demolition order, such structure must be demolished
108 and any replacement structure authorized, which will allow
109 owners or developers to enjoy all land use and development
110 rights that would apply to the property without regard to any
111 local restrictions that may restrict future development at the
112 subject property as a result of the local building official's
113 order or demolition, and

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