

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

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

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:

(a) "Coastline" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters as defined in the Submerged Lands Act, 43 U.S.C. s. 1301.

(b) "Law" means any statute, ordinance, rule, regulation, policy, resolution, code enforcement order, agreement, or other governmental act.

(c) "Local government" means a municipality, county, special district, or any other political subdivision of the state.

(d) "Nonconforming structure" means a structure that does not conform to the base flood elevation requirements for new construction issued by the National Flood Insurance Program.

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

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

55       (a) Nonconforming structures located within one-half mile  
56 of the coastline which are also located in zones V, VE, AO, or  
57 AE, as identified in the Flood Insurance Rate Map issued by the  
58 Federal Emergency Management Agency.

59       (b) Any structure determined to be unsafe by a local  
60 building official.

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

63       (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local  
64 government may not prohibit, restrict, or prevent the demolition  
65 of any structure identified in subsection (3) for any reason  
66 other than public safety. A local government may only  
67 administratively review an application for a demolition permit  
68 sought under this section for compliance with the Florida  
69 Building Code, the Florida Fire Prevention Code, and the Life  
70 Safety Code, or local amendments thereto, and any regulation  
71 applicable to a similarly situated parcel. The local government  
72 may not impose additional local land development regulations or  
73 public hearings on an applicant for a permit under this section.

74       (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local  
75 government shall authorize replacement structures to be

76 developed to the maximum height and overall building size  
 77 authorized by local development regulations. A local government  
 78 may not do any of the following:

79 (a) Limit, for any reason, the development potential of  
 80 replacement structures below the maximum development potential  
 81 allowed by local development regulations.

82 (b) Require replication of a demolished structure.

83 (c) Require the preservation of any elements of a  
 84 demolished structure.

85 (d) Impose additional regulatory or building requirements  
 86 on replacement structures which would not otherwise be  
 87 applicable to a similarly situated vacant parcel.

88 (e) Impose additional public hearings or administrative  
 89 processes that would not otherwise be applicable to a similarly  
 90 situated vacant parcel.

91 (6) DEVELOPMENT APPLICATIONS.—Development applications  
 92 submitted for replacement structures must be processed in  
 93 accordance with the process outlined in local land development  
 94 regulations including any required public hearings in front of  
 95 the local historic board. However, a local government may not  
 96 impose additional public hearings or administrative processes  
 97 that would not otherwise be applicable to a similarly situated  
 98 vacant parcel.

99 (7) APPLICATION AND CONSTRUCTION.—This section applies  
 100 prospectively and retroactively to any law adopted contrary to

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101 this section or its intent and must be liberally construed to  
102 effectuate its intent. This section does not apply to or affect  
103 s. 553.79(25).

104 (8) PREEMPTION.—A local government may not adopt or  
105 enforce a law that in any way limits the demolition of a  
106 structure identified in subsection (3) or that limits the  
107 development of a replacement structure in violation of  
108 subsection (5). A local government may not penalize an owner or  
109 a developer of a replacement structure for a demolition pursuant  
110 to this section or otherwise enact laws that defeat the intent  
111 of this section. Any local government law contrary to this  
112 section is void.

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