



568282

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

The Committee on Environment and Natural Resources (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:



568282

11 (a) "Coastal construction control line" means the boundary  
12 established under s. 161.053.

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

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

19 (d) "Nonconforming structure" means a structure or building  
20 that does not conform to the base flood elevation requirements  
21 for new construction issued by the National Flood Insurance  
22 Program for the applicable flood zone.

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

27 (3) QUALIFYING STRUCTURES AND BUILDINGS.—

28 (a) Subject to paragraph (b), this section applies to any  
29 structure or building on a property in which all or a portion of  
30 such property is seaward of the coastal construction control  
31 line and the structure or building is:

32 1. A nonconforming structure;

33 2. A structure or building determined to be unsafe by a  
34 local building official; or

35 3. A structure or building ordered to be demolished by a  
36 local government that has proper jurisdiction.

37 (b) This section does not apply to any of the following  
38 structures or buildings:

39 1. A structure or building individually listed in the



568282

40 National Register of Historic Places.

41 2. A single-family home.

42 3. A contributing structure or building within a historic  
43 district which was listed in the National Register of Historic  
44 Places before January 1, 2000.

45 4. A structure or building located on a barrier island in a  
46 municipality with a population of less than 10,000 according to  
47 the most recent decennial census and which has at least six city  
48 blocks that are not located in zones V, VE, AO, or AE, as  
49 identified in the Flood Insurance Rate Map issued by the Federal  
50 Emergency Management Agency.

51 (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local  
52 government may not prohibit, restrict, or prevent the demolition  
53 of any structure or building identified in paragraph (3) (a) for  
54 any reason other than public safety. A local government may only  
55 administratively review an application for a demolition permit  
56 sought under this section for compliance with the Florida  
57 Building Code, the Florida Fire Prevention Code, and the Life  
58 Safety Code, or local amendments thereto, and any regulation  
59 applicable to a similarly situated parcel. The local government  
60 may not impose additional local land development regulations or  
61 public hearings on an applicant for a permit under this section.

62 (5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local  
63 government shall authorize replacement structures for qualifying  
64 buildings identified in paragraph (3) (a) to be developed to the  
65 maximum height and overall building size authorized by local  
66 development regulations for a similarly situated parcel within  
67 the same zoning district. A local government may not do any of  
68 the following:



568282

69           (a) Limit, for any reason, the development potential of  
70 replacement structures below the maximum development potential  
71 allowed by local development regulations for a similarly  
72 situated parcel within the same zoning district.

73           (b) Require replication of a demolished structure.

74           (c) Require the preservation of any elements of a  
75 demolished structure.

76           (d) Impose additional regulatory or building requirements  
77 on replacement structures which would not otherwise be  
78 applicable to a similarly situated vacant parcel located in the  
79 same zoning district.

80           (e) Impose additional public hearings or administrative  
81 processes that would not otherwise be applicable to a similarly  
82 situated vacant parcel within the same zoning district.

83           (6) DEVELOPMENT APPLICATIONS.—Development applications  
84 submitted for replacement structures for qualifying buildings  
85 identified in paragraph (3) (a) must be processed in accordance  
86 with the process outlined in local land development regulations  
87 including any required public hearings in front of the local  
88 historic board. However, a local government may not impose  
89 additional public hearings or administrative processes that  
90 would not otherwise be applicable to a similarly situated vacant  
91 parcel within the same zoning district.

92           (7) APPLICATION AND CONSTRUCTION.—This section applies  
93 retroactively to any law adopted contrary to this section or its  
94 intent and must be liberally construed to effectuate its intent.  
95 This section does not apply to or affect s. 553.79(26).

96           (8) PREEMPTION.—A local government may not adopt or enforce  
97 a law that in any way limits the demolition of a structure



568282

98 identified in paragraph (3) (a) or that limits the development of  
99 a replacement structure in violation of subsection (5). A local  
100 government may not penalize an owner or a developer of a  
101 replacement structure for a demolition pursuant to this section  
102 or otherwise enact laws that defeat the intent of this section.  
103 Any local government law contrary to this section is void.

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

105

106 ===== T I T L E A M E N D M E N T =====

107 And the title is amended as follows:

108 Delete everything before the enacting clause

109 and insert:

110

A bill to be entitled

111 An act relating to local regulation of nonconforming  
112 and unsafe structures; creating s. 553.8991, F.S.;  
113 providing a short title; defining terms; providing  
114 applicability; prohibiting local governments from  
115 prohibiting, restricting, or preventing the demolition  
116 of certain structures and buildings unless necessary  
117 for public safety; authorizing a local government to  
118 administratively review an application for a  
119 demolition permit only for a specified purpose;  
120 prohibiting local governments from imposing additional  
121 local land development regulations or public hearings  
122 on permit applicants; requiring a local government to  
123 authorize replacement structures to be developed in  
124 accordance with certain regulations; prohibiting local  
125 governments from taking certain actions regarding  
126 replacement structures; requiring development



568282

127 applications to be processed in a specified manner;  
128 providing for retroactive application; providing  
129 construction; preempting regulation of the demolition  
130 or development of certain structures and buildings to  
131 the state under certain circumstances; prohibiting a  
132 local government from penalizing an owner or a  
133 developer for taking certain actions taken under this  
134 act; providing an effective date.