

SB 1526

8th Edition (2023) Florida Building Code – Building

CHAPTER 33 SAFEGUARDS DURING CONSTRUCTION

SECTION 3303 DEMOLITION

Add new section 3303.8 to read as follows:

3303.8 Resiliency and Safe Structures.

3303.8.1 Definitions. As used in this section, the term:

Coastal construction control line. Means the boundary established under s. 161.053.

Law. Means any statute, ordinance, rule, regulation, policy, resolution, code enforcement order, agreement, or other governmental act.

Local government. Means a municipality, county, special district, or any other political subdivision of the state.

Nonconforming structure. Means a structure or building that does not conform to the base flood elevation requirements for new construction issued by the National Flood Insurance Program for the applicable flood zone.

Replacement structure. Means a new structure or building built on a property where a structure or building was demolished or will be demolished in accordance with this section.

3303.8.2 Qualifying structures and buildings.

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

1. A nonconforming structure;
2. A structure or building determined to be unsafe by a local building official; or
3. A structure or building ordered to be demolished by a local government that has proper jurisdiction.

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

1. A structure or building individually listed in the National Register of Historic Places.
2. A single-family home.

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

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

3303.8.3 Restrictions on demolition prohibited. A local government may not prohibit, restrict, or prevent the demolition of any structure or building identified in paragraph (3)(a) for any reason other than public safety. A local government may only administratively review an application for a demolition permit sought under this section for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, or local amendments thereto, and any regulation applicable to a similarly situated parcel. The local government may not impose additional local land development regulations or public hearings on an applicant for a permit under this section.

3303.8.4 Restrictions on redevelopment prohibited. A local government shall authorize replacement structures for qualifying buildings identified in paragraph (3)(a) to be developed to the maximum height and overall building size authorized by local development regulations for a similarly situated parcel within the same zoning district. A local government may not do any of the following:

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

(b) Require replication of a demolished structure.

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

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

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

3303.8.5 Development applications. Development applications submitted for replacement structures for qualifying buildings identified in paragraph (3)(a) must be processed in accordance with the process outlined in local land development regulations including any required public hearings in front of the local historic board. However, a local government may not impose additional public hearings or administrative processes that would not otherwise be applicable to a similarly situated vacant parcel within the same zoning district.

3303.8.6 Application and construction. This section applies retroactively to any law adopted contrary to this section or its intent and must be liberally construed to effectuate its intent. This section does not apply to or affect s. 553.79(26), Florida Statutes.

3303.8.7 Preemption. A local government may not adopt or enforce a law that in any way limits the demolition of a structure identified in paragraph (3)(a) or that limits the development of a replacement structure in violation of subsection (5). A local government may not penalize an owner or a developer of a replacement structure for a demolition pursuant to this section or otherwise enact laws that defeat the intent of this section. Any local government law contrary to this section is void.

(Code language for consistency with SB 1526 – bill effective date – upon becoming a law)