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|---------------|---|---|-----|---------------|-------------------------|----------------|
| Tab 1 | SB 218 by Gaetz (CO-INTRODUCERS) Trumbull ; Identical to H 00217 Land Use Regulations | | | | | |
| Tab 2 | CS/SB 380 by JU, Trumbull ; Similar to CS/H 01009 Legal Notices | | | | | |
| 159872 | A | S | RCS | CA, Trumbull | Delete L.50 - 137: | 01/27 06:17 PM |
| Tab 3 | SB 936 by McClain ; Similar to H 00537 Temporary Door Locking Devices | | | | | |
| Tab 4 | SB 948 by McClain (CO-INTRODUCERS) Rodriguez, DiCeglie, Smith, Rouson ; Identical to H 01143 Local Government Land Development Regulations and Orders | | | | | |
| 486426 | D | S | RCS | CA, McClain | Delete everything after | 01/27 06:17 PM |
| Tab 5 | SB 962 by Bradley ; Identical to CS/H 00837 Affordable Housing | | | | | |
| Tab 6 | SB 984 by DiCeglie (CO-INTRODUCERS) Smith ; Identical to H 00813 Firefighter Cancer Benefits and Prevention | | | | | |
| Tab 7 | SB 1020 by Truenow ; Similar to H 00929 Regulation of Chickees | | | | | |
| Tab 8 | SB 1180 by Arrington ; Similar to CS/H 01051 Community Development District Recall Elections | | | | | |
| 657364 | D | S | WD | CA, Arrington | Delete everything after | 01/27 06:17 PM |
| 353762 | D | S | RCS | CA, Arrington | Delete everything after | 01/27 06:17 PM |
| Tab 9 | SB 1434 by Calatayud ; Similar to H 00979 Infill Redevelopment | | | | | |
| Tab 10 | SB 1444 by Martin ; Identical to H 01227 Preemption to the State | | | | | |
| Tab 11 | SB 1612 by DiCeglie ; Similar to CS/H 00967 Electronic Payments to Local Governments | | | | | |

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator McClain, Chair
Senator Massullo, Vice Chair

MEETING DATE: Tuesday, January 27, 2026

TIME: 3:30—5:30 p.m.

PLACE: *Mallory Horne Committee Room, 37 Senate Building*

MEMBERS: Senator McClain, Chair; Senator Massullo, Vice Chair; Senators Jones, Leek, Passidomo, Pizzo, Sharief, and Trumbull

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|---|-----------------------------------|
| 1 | SB 218 Gaetz (Identical H 217) | <p>Land Use Regulations; Defining the term “impacted local government”, etc.</p> <p>CA 01/27/2026 Favorable JU RC</p> | <p>Favorable Yea 8 Nays 0</p> |
| 2 | CS/SB 380 Judiciary / Trumbull (Compare H 1009) | <p>Legal Notices; Revising the definition of the term “governmental agency”; requiring governmental agencies and special governmental agencies to publish certain legal notices continuously for a specified timeframe when the notices are for a specified purpose and provided under a certain circumstance; authorizing certain special governmental agencies to use a publicly accessible website to publish certain advertisements and legal notices under specified conditions; requiring that a public bid advertisement made by a special governmental agency on a publicly accessible website include a method to accept electronic bids, etc.</p> <p>JU 12/02/2025 Fav/CS CA 01/27/2026 Fav/CS RC</p> | <p>Fav/CS Yea 8 Nays 0</p> |
| 3 | SB 936 McClain (Similar H 537, H 553) | <p>Temporary Door Locking Devices; Defining the term “temporary door locking device”; authorizing temporary door locking devices to be installed at any height; requiring the Florida Building Commission to incorporate certain standards for temporary door locking devices into the Florida Building Code; requiring the use of temporary door locking devices be integrated into building safety plans, safety drills, and training programs for a specified purpose, etc.</p> <p>CA 01/27/2026 Favorable RI RC</p> | <p>Favorable Yea 8 Nays 0</p> |

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 27, 2026, 3:30—5:30 p.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|---|---------------------------|
| 4 | SB 948 McClain (Identical H 1143) | Local Government Land Development Regulations and Orders; Revising, for counties and municipalities, respectively, the application procedures for development permits and orders; creating the "Florida Starter Homes Act"; prohibiting local governments from adopting land development regulations governing lots on residential real property unless such adoption meets specified requirements; prohibiting local governments from adopting certain land development regulations if a lot on residential real property is connected to a public water system or a public sewer system, etc. | Fav/CS Yea 7 Nays 1 |
| | | CA 01/27/2026 Fav/CS JU RC | |
| 5 | SB 962 Bradley (Identical CS/H 837, Compare S 1548) | Affordable Housing; Revising the definitions of certain land use categories for which certain residential development may be authorized to exclude farms and farm operations and uses associated therewith, etc. | Favorable Yea 8 Nays 0 |
| | | CA 01/27/2026 Favorable AG RC | |
| 6 | SB 984 DiCeglie (Identical H 813) | Firefighter Cancer Benefits and Prevention; Revising conditions under which a specified one-time payment must be made by a former employer upon a firefighter's cancer diagnosis; requiring a former employer to provide death benefits for a specified timeframe under certain circumstances; deleting the requirement for the Division of State Fire Marshal to adopt rules for establishing employer cancer prevention best practices, etc. | Favorable Yea 8 Nays 0 |
| | | CA 01/27/2026 Favorable GO AP | |
| 7 | SB 1020 Truenow (Similar H 929) | Regulation of Chickees; Defining the term "chickee"; prohibiting counties and municipalities, respectively, from enacting ordinances, regulations, or policies that prevent construction of chickees under certain circumstances or that are more restrictive than federal floodplain management regulations; providing that later incorporation of certain features into an existing chickee requires a permit; providing criminal penalties for persons who are not members of specific tribes and who construct chickees in an attempt to circumvent the Florida Building Code, etc. | Favorable Yea 8 Nays 0 |
| | | CA 01/27/2026 Favorable RI RC | |

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 27, 2026, 3:30—5:30 p.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|---|---------------------------|
| 8 | SB 1180 Arrington (Similar CS/H 1051) | Community Development District Recall Elections; Providing that certain members of the governing body of a community development district may be removed by the electors of the community development district; requiring separate petitions for each member sought to be recalled; requiring the designation of a recall committee and chair of such committee; requiring that each petition contain specified information; requiring that a petition be filed with the Department of Commerce in a specified manner by the chair of the committee, etc. | Fav/CS Yea 8 Nays 0 |
| 9 | SB 1434 Calatayud (Similar H 979) | Infill Redevelopment; Creating the "Infill Redevelopment Act"; requiring a local government to permit the development of certain qualifying parcels up to a certain density and intensity; prohibiting a local government from imposing certain restrictions or requirements on the development of certain qualifying parcels; requiring developers of qualifying parcels to maintain a specified buffer between new developments and single-family homes and townhouses under certain circumstances; prohibiting a local government from adopting or enforcing certain local laws, ordinances, or regulations, etc. | Favorable Yea 8 Nays 0 |
| 10 | SB 1444 Martin (Identical H 1227, Compare CS/H 803, H 1049, S 968, S 1234) | Preemption to the State; Providing for preemption of all matters relating to the regulation of religious services and gatherings; prohibiting counties, municipalities, and special districts, respectively, from substantially burdening the free exercise of religion by adopting or enforcing certain ordinances, regulations, resolutions, rules, or other policies; prohibiting a local enforcement agency from denying the issuance of a certificate of occupancy to an owner of residential or commercial structure based on noncompliance with Florida-friendly landscaping ordinances in certain circumstances; waiving sovereign immunity in accordance with specified laws, etc. | Favorable Yea 6 Nays 2 |

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 27, 2026, 3:30—5:30 p.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|---|---------------------------|
| 11 | SB 1612 DiCeglie (Similar CS/H 967) | Electronic Payments to Local Governments; Revising legislative intent; requiring each unit of local government to accept electronic payment online for payments received by and financial obligations owed to the unit of local government, etc. CA 01/27/2026 Favorable GO RC | Favorable Yea 8 Nays 0 |

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 218

INTRODUCER: Senators Gaetz and Trumbull

SUBJECT: Land Use Regulations

DATE: January 26, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-----------|----------------|-----------|------------------|
| 1. Shuler | Fleming | CA | Favorable |
| 2. _____ | _____ | JU | _____ |
| 3. _____ | _____ | RC | _____ |

I. Summary:

SB 218 amends the undesignated section of law created by Section 28 of chapter 2025-190, Laws of Florida, (CS/CS/SB 180 (2025)) to reduce the areas of the state to which the land use regulation restrictions of that section apply.

Since each of Florida's 67 counties were listed in at least one of the disaster declarations for Hurricane Debby, Hurricane Helene, or Hurricane Milton, all counties and municipalities in this state have been subject to the 3-year prohibition on proposing or adopting certain moratoriums or more restrictive or burdensome comprehensive plan amendments, land development regulations, or procedures.

The bill defines the term "impacted local government" to refer to areas that were designated as eligible for individual and public assistance in the federal disaster declarations for Hurricane Debby, Hurricane Helene, or Hurricane Milton, and applies the restrictions to these impacted local governments. As a result, 13 counties and the municipalities within them would not be subject to the restrictions.

The changes apply retroactively to August 1, 2024. The bill takes effect on July 1, 2026.

II. Present Situation:

Presidential Disaster and Emergency Declarations

When there is a disaster in the United States, the Governor of an affected state must initiate the declaration process with a request for an emergency and major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.¹ All emergency and disaster

¹ 42 U.S.C. §§ 5121-5207.

declarations are made at the discretion of the President of the United States.² There are two types of disaster declarations: emergency declarations and major disaster declarations.³ Both declarations allow for federal assistance to states and local governments, however they differ in scope, types, and amount of assistance available.⁴

The President can declare an emergency for any occasion where federal assistance is deemed necessary, and emergency declarations provide emergency services from the federal government in such cases. The total amount of assistance from an emergency declaration cannot exceed \$5 million unless reported to Congress.⁵

Following a request from the Governor, the President can declare a major disaster for any natural event, including hurricanes if the President deems that the disaster is of such a severity that it is beyond the combined capabilities of state and local governments to respond.⁶ A major disaster declaration makes a wide range of federal assistance resources available for individuals and states for emergency and permanent work.⁷

Federal Disaster Public and Individual Assistance Programs

Pursuant to a disaster declaration, the Federal Emergency Management Agency (FEMA) may implement its Public Assistance (PA) and Individual Assistance (IA) programs. PA includes assistance for urgent response activities undertaken immediately before or after an incident occurs, as well as long-term recovery assistance completed years later.⁸ A state, tribe, or territory with an applicable disaster declaration serves as the PA primary grant Recipient, while state, local, tribal, and territorial governments, and nonprofit entities, may then apply for funding as "Applicants."⁹ PA includes short-term "Emergency Work" such as debris removal or distribution of food and aid.¹⁰ If a major disaster declaration was made, long-term "Permanent Work" is available and includes reimbursement to repair, restore, reconstruct, or replace disaster-damaged public and eligible private nonprofit facilities.¹¹ When evaluating the request for PA when an emergency declaration has been made, FEMA considers if the severity and magnitude of the incident exceeds the capacity of state and local governments to respond, and thus requires federal supplemental assistance to save lives and protect property, public health and safety, or to lessen or avert the threat of a disaster.¹² When a major disaster declaration has been made, FEMA considers different factors including: the estimated cost of the assistance, concentration of localized impacts, amount of insurance coverage in force, local hazard mitigation investment, if multiple disasters occurred recently, and whether other programs of federal assistance may be appropriate.¹³

² FEMA, *How a Disaster Gets Declared*, <https://www.fema.gov/disaster/how-declared> (last visited Jan. 26, 2026).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Congressional Research Service, *A Brief Overview of FEMA's Public Assistance Program*, June 11, 2025, available at <https://www.congress.gov/crs-product/IF11529> (last visited Jan 26, 2026).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

FEMA may implement the IA program to assist disaster survivors when the President authorizes such assistance pursuant to a declaration of emergency or major disaster declaration.¹⁴ IA may include crisis counseling assistance and training, disaster case management, disaster legal services, disaster unemployment assistance, individual and household needs and under-insured expenses.¹⁵ A governor of an affected state or territory or the chief executive of an affected tribal government must request that the President declare an emergency or major disaster authorizing IA.¹⁶ FEMA evaluates specific factors based on information in the request to determine whether there is a need for IA.¹⁷ FEMA then makes a recommendation to the President, who has sole discretion to authorize a declaration that provides IA, and may additionally limit the types of IA that are authorized.¹⁸ When evaluating governor's requests, FEMA looks to the fiscal capacity for the state to manage disaster response and recovery, availability of resources, uninsured property losses, the demographics of the affected population, impact to community infrastructure, casualties, and disaster-related unemployment.¹⁹ For tribal chief executive requests, FEMA evaluates the tribal nation capacity and resources to respond, uninsured property losses and existing conditions, the demographics of the affected population, impact to community infrastructure and cultural facilities, casualties, injuries, and missing individuals, disaster-related unemployment, displaced households and housing resources, unique conditions affecting tribal nations, 36-month disaster history or recent multiple disasters, and other relevant information.²⁰ In addition, when a Tribal Nation requests PA and there is damage to tribally owned and individually owned housing, FEMA's guidance says it will recommend approving IA when the Tribal Nation wants to receive IA; PA is approved; and the disaster damages or destroys assistance-eligible housing.²¹

2024 Hurricane Season

Hurricane Debby

Forming into a tropical depression on August 3, 2024, Debby intensified into a Category 1 hurricane less than 12 hours before landfall.²² Hurricane Debby made landfall near Steinhatchee in Taylor County around 7 am on August 5, 2024.²³ Debby brought storm surge of 3 to 5 feet across portions of the Nature Coast and the southeast Big Bend, causing damage to areas where many were still recovering from Hurricane Idalia from the year before.²⁴ Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.²⁵ Rainfall amounts of 8 to 12 inches resulted in widespread flooding in southeast Madison and eastern Lafayette counties, while in Suwannee and Gilchrist counties,

¹⁴ Congressional Research Service, *A Brief Overview of FEMA's Individual Assistance Program*, Mar. 3, 2025, available at <https://www.congress.gov/crs-product/IF11298> (last visited Jan 26, 2026).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

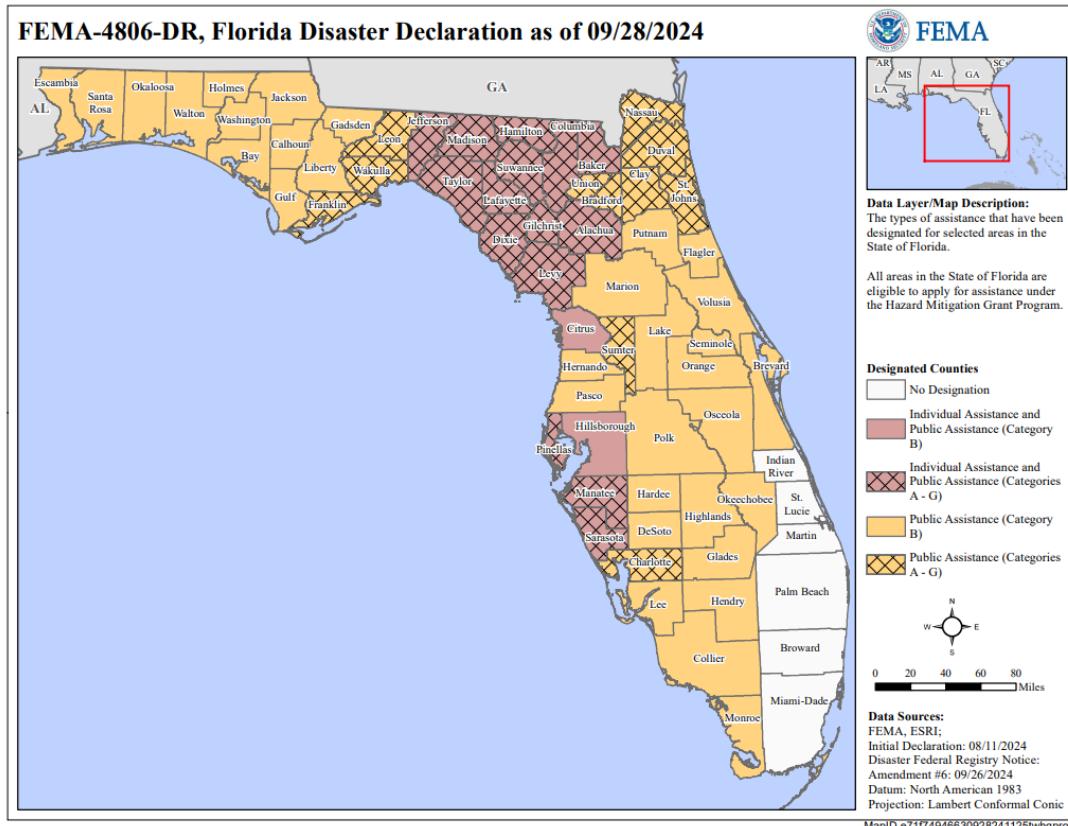
²² National Weather Service, *Hurricane Debby Strikes the Florida Big Bend August 5, 2024*, <https://www.weather.gov/tae/HurricaneDebby2024> (last visited Jan. 26, 2026).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

rainfall amounts approaching 15 inches were observed.²⁶ Flooding lasted for several weeks in Madison county after landfall due to the influx of rainfall putting pressure on the groundwater system, which subsequently triggered new flooding as water came up from the ground.²⁷ Flooding along the Suwannee River continued 3 weeks after landfall.²⁸



Disaster Declaration Map for Hurricane Debby

Hurricane Helene

Due to high oceanic heat and the abatement of wind shear, conditions were favorable for Helene to rapidly intensify from a category 1 hurricane into a category 4 hurricane from September 25 to September 26, 2024.²⁹ Helene hit a maximum of 140 mph for sustained winds just before making landfall near Perry, Florida, just east of the mouth of the Aucilla River around 11:10 pm on September 26, 2024.³⁰ While the storm moved quickly across the state, this did not lessen the impacts.³¹ The wind field of Helene was among the top 10 percent of all recorded storms resulting in widespread wind impacts and hurricane-force gusts extending further inland than most systems.³² Much of the area affected by the storm experienced 4-8 inches of rainfall, but the heaviest amounts were observed near the Apalachicola State Forest where radar estimates

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

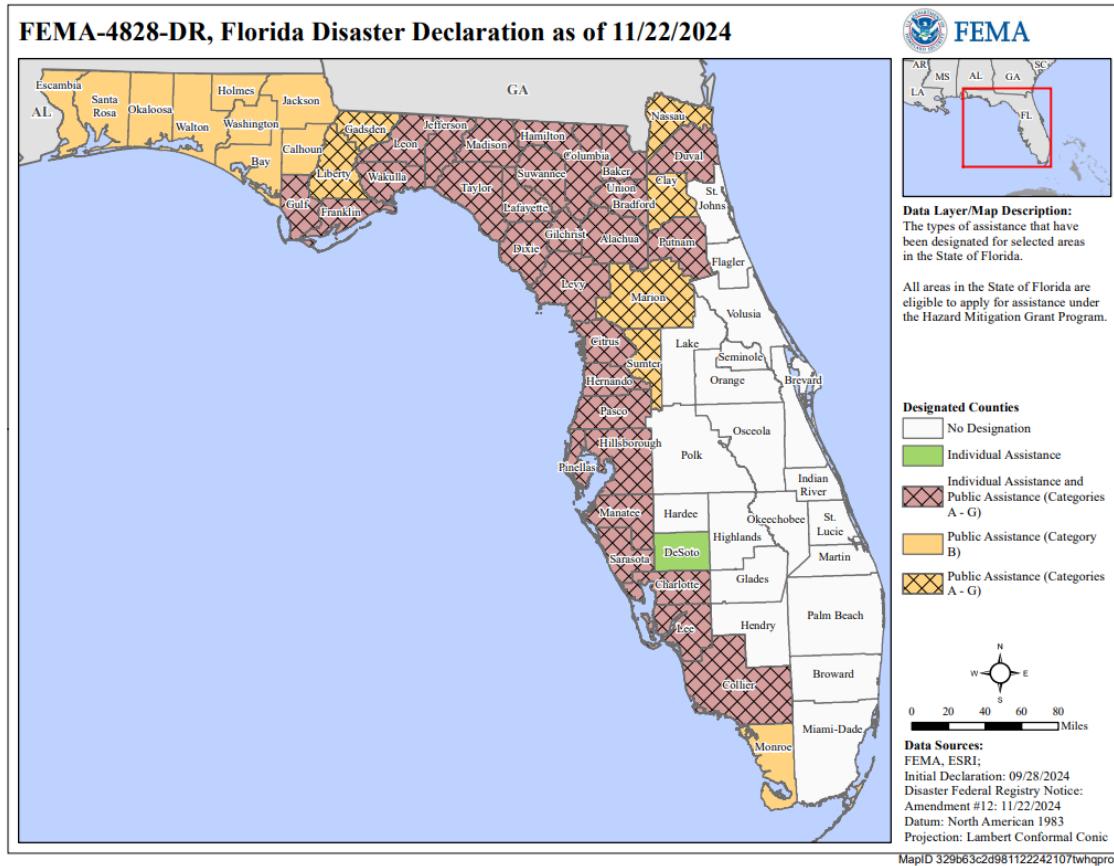
²⁹ National Weather Service, *Hurricane Helene Makes Landfall in the Florida Big Bend September 26-27, 2024*, <https://www.weather.gov/tae/helene2024> (last visited Jan. 26, 2026).

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

indicated 10 to 18 inches of rain.³³ A large upper-level trough to the west of Helene helped funnel abundant tropical moisture northward well before landfall, creating conditions that led to significant impacts from heavy rainfall and flooding.³⁴ Many counties across the Panhandle reported flooding and washed-out roads.³⁵ The combination of Helene's large size and extremely fast forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.³⁶ In Cedar Key, the storm surge level of 9.3 feet exceeded the level of 6.89 feet observed during Hurricane Idalia the previous year.³⁷ Preliminary data for Taylor and Dixie counties estimated more than 15 feet of surge, while areas near Tampa saw levels over 6 feet.³⁸



Disaster Declaration Map for Hurricane Helene

Hurricane Milton

Just shy of 2 weeks after Hurricane Helene's landfall in Florida, Hurricane Milton made landfall around 8:30 pm on October 9, 2024, in Siesta Key, Florida in Sarasota County.³⁹ At landfall,

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

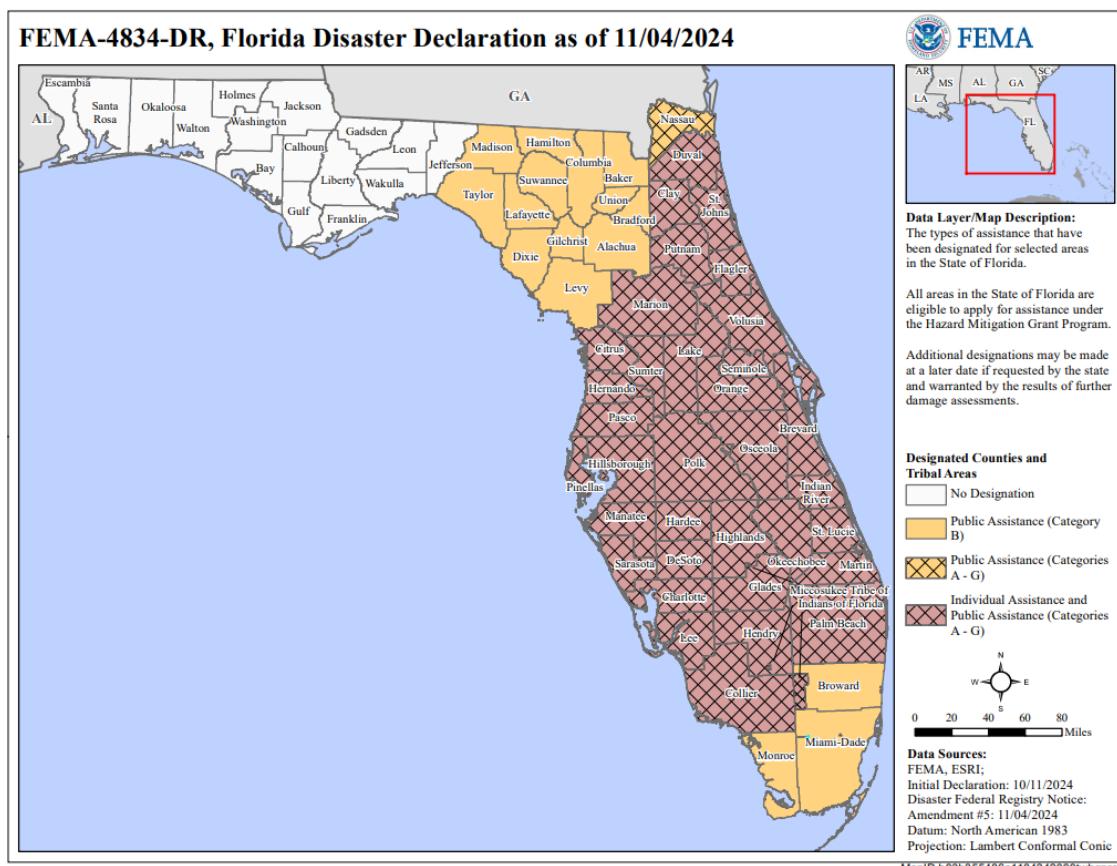
³⁶ *Id.*

³⁷ Emily Powell, Florida Climate Center, *Hurricane Helene Post-Storm Summary Report*, (Oct. 7, 2024), <https://climatecenter.fsu.edu/images/docs/Hurricane-Helene-Summary-Report.pdf> (last visited Jan. 26, 2026).

³⁸ *Id.*

³⁹ National Weather Service, *Hurricane Milton Impacts to East Central Florida*, https://www.weather.gov/mlb/HurricaneMilton_Impacts (last visited Jan. 26, 2026).

Milton was a category 3 hurricane with maximum sustained winds of 120 mph.⁴⁰ Hurricane Milton spawned a record tornado outbreak, resulting in a total of 47 confirmed tornados on October 9, 2024, covering 400 miles and causing 7 deaths and 14 injuries.⁴¹ Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20 inches, measured in the Clearwater Beach and St. Petersburg areas.⁴² In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.⁴³ The hydrograph at Astor for the St. Johns River showed a new record high level on October 10, 2024, of 4.81 feet, while the Hillsborough River crested at a new record of 38.16 feet at Morris Bridge on October 12, 2024.⁴⁴ Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.⁴⁵ NOAA gages in Ft. Myers and Naples Bay North measured storm surge above 5 feet.⁴⁶ Enormous amounts of sand were displaced along Florida's west-central coast following Hurricanes Helene and Milton, which eroded beaches and undid previous beach renourishment projects.⁴⁷



Disaster Declaration Map for Hurricane Milton

⁴⁰ Emily Powell, Florida Climate Center, *Post-Storm Summary Report on Hurricane Milton*, (Oct. 31, 2024), <https://climatecenter.fsu.edu/images/docs/Hurricane-Milton-Report.pdf> (last visited Jan. 26, 2026).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

Community Planning

The Community Planning Act provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.⁴⁸ Each county and municipality must maintain a comprehensive plan to guide future development.⁴⁹

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.⁵⁰ A comprehensive plan provides the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area.⁵¹

A local government's comprehensive plan lays out the locations for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.⁵²

A comprehensive plan is implemented through the adoption of land development regulations⁵³ that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.⁵⁴ Such regulations must, among other prescriptions, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.⁵⁵ Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.⁵⁶

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.⁵⁷

Development Permits and Orders

The Community Planning Act defines "development" as "the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels."⁵⁸ When a party wishes to

⁴⁸ Section 163.3167(1), F.S.

⁴⁹ Section 163.3167(2), F.S.

⁵⁰ Section 163.3194(3), F.S.

⁵¹ Section 163.3177(1), F.S.

⁵² Section 163.3177(6), F.S.

⁵³ "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213 (relating to administrative review of land development regulations). S. 163.3164(26), F.S.

⁵⁴ Section 163.3202, F.S.

⁵⁵ *Id.*

⁵⁶ Section 163.3213, F.S.

⁵⁷ Sections 163.3174(4)(a) and 163.3184, F.S.

⁵⁸ Section 163.3164(14), F.S.

engage in development activity, they must seek a development permit from the appropriate local government having jurisdiction. A development permit is defined to include “any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.”⁵⁹ Once a local government has officially granted or denied a development permit, the official action constitutes a development order.⁶⁰ A development order vests certain rights related to the land.⁶¹

Land Use Regulations for Local Governments Affected by Natural Disasters

During the 2025 Regular Session, the Legislature passed CS/CS/SB 180. The bill was signed by the Governor and became chapter 2025-190, Laws of Florida. The act included two sections that impacted local government land use regulation authority after storms: Section 18 creating s. 252.422, F.S., and Section 28 creating an undesignated section of law.

Section 252.422, F.S., provided new restrictions on county or municipal land use regulations after a hurricane. For one year after a hurricane makes landfall, the section prohibits a county listed in a federal disaster declaration, or a municipality located within such a county, and located entirely or partially within 100 miles of a hurricane’s track from proposing or adopting:

- A moratorium on construction, reconstruction, or redevelopment of any property.
- A more restrictive or burdensome amendment to its comprehensive plan or land development regulations.
- A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order.

The section allowed for enforcement pursuant to the following exceptions:

- The associated application is initiated by a private party other than the impacted local government and the property is owned by the initiating private party.
- The proposed comprehensive plan amendment was submitted to reviewing agencies before landfall.
- The proposed comprehensive plan amendment or land development regulation is approved pursuant to requirements for areas of critical state concern.

The section also includes a procedure for any person to file suit for declaratory and injunctive relief to enforce the section.

The Office of Program Policy Analysis and Government Accountability was directed in the section to study local governments action after hurricanes related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders and submit the study to the Legislature by December 1, 2025.

Section 28 created a temporary 3-year prohibition against any county or municipality within the counties listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton from proposing or adopting:

⁵⁹ Section 163.3164(16), F.S.

⁶⁰ See s. 163.3164(15), F.S.

⁶¹ See s. 163.3167(3), F.S.

- A moratorium on construction, reconstruction, or redevelopment of property damaged by the hurricanes.
- More restrictive or burdensome amendments to its comprehensive plan or land development regulations.
- More restrictive or burdensome procedures to its comprehensive plan or land development regulations concerning the review, approval or issuance of a site plan, development permit, or development order.

Any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure is declared null and void ab initio. The restrictions of this section apply retroactively to August 1, 2024, and until October 1, 2027, with the section scheduled to expire on June 30, 2028.

Notwithstanding the prohibitions, exceptions for enforcement of approved or adopted comprehensive plan amendments, land development regulations, development permits, or development orders are allowed if the application is initiated by a private party other than the county or municipality and the initiating private party owned the property that was the subject of the application.

The section also creates a cause of action for residents or business owners in a county or municipality to seek declaratory and injunctive relief against the county or municipality for violations.

III. Effect of Proposed Changes:

SB 218 amends the undesignated section of law created by Section 28 of chapter 2025-190, Laws of Florida, to reduce the areas of the state to which the land use regulation restrictions of that section apply.

Currently, each county and municipality within the counties listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton are subject to the retroactive, 3-year prohibition on proposing or adopting moratoriums or more restrictive or burdensome comprehensive plan amendments, land development regulations, or procedures. Since each of Florida's 67 counties were listed in at least one of the disaster declarations for Hurricane Debby, Hurricane Helene, or Hurricane Milton, all counties and municipalities in this state have been subject to the restrictions.

The bill defines the term "impacted local government" to mean a county or municipality within a county that was designated or within which a tribal area was designated as eligible for both individual and public assistance in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton, and applies the restrictions to these impacted local governments. Thus, under the bill, the following counties and the municipalities within them will be subject to the restrictions:

Alachua County
Baker County
Bradford County

Brevard County
Broward County
Charlotte County

Citrus County
Clay County
Collier County

| | | |
|---------------------|---------------------|-------------------|
| Columbia County | Indian River County | Palm Beach County |
| DeSoto County | Jefferson County | Pasco County |
| Dixie County | Lafayette County | Pinellas County |
| Duval County | Lake County | Polk County |
| Flagler County | Lee County | Putnam County |
| Franklin County | Leon County | Sarasota County |
| Gilchrist County | Levy County | Seminole County |
| Glades County | Madison County | St. Johns County |
| Gulf County | Manatee County | St. Lucie County |
| Hamilton County | Marion County | Sumter County |
| Hardee County | Martin County | Suwannee County |
| Hendry County | Miami-Dade County | Taylor County |
| Hernando County | Okeechobee County | Union County |
| Highlands County | Orange County | Volusia County |
| Hillsborough County | Osceola County | Wakulla County |

The following counties and the municipalities within them will not be subject to the restrictions:

| | | |
|-----------------|-----------------|-------------------|
| Bay County | Holmes County | Santa Rosa County |
| Calhoun County | Jackson County | Walton County |
| Escambia County | Liberty County | Washington County |
| Gadsden County | Monroe County | |
| Gulf County | Okaloosa County | |

The bill provides that the changes to Section 28 of chapter 2025-190 apply retroactively to August 1, 2024, which aligns with the retroactive date as originally passed in CS/CS/SB 180 (2025).

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues, therefore the provisions of Article VII, s. 18 of the Florida Constitution do not apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends chapter 2025-190 of the Laws of Florida.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Gaetz

1-00206A-26

2026218

A bill to be entitled

An act relating to land use regulations; amending chapter 2025-190, Laws of Florida; defining the term "impacted local government"; making conforming changes; providing for retroactive application; providing an effective date.

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

Section 1. Section 28 of chapter 2025-190, Laws of Florida, is amended to read:

Section 28. (1) As used in this section, the term "impacted local government" means a county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834) which was designated or within which a tribal area was designated as eligible for both individual assistance and public assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., and each municipality within one of those counties.

(2) An impacted local government Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by Hurricane Debby, Hurricane Helene, or Hurricane Milton such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose

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or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to August 1, 2024.

(3) ~~(2)~~ Notwithstanding subsection (2) ~~(1)~~, any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government a county or municipality before or after the effective date of this act may be enforced if:

(a) The associated application is initiated by a private party other than the impacted local government county or municipality.

(b) The property that is the subject of the application is owned by the initiating private party.

(4) ~~(3)~~ (a) A resident of or the owner of a business in an impacted local government a county or municipality may bring a civil action for declaratory and injunctive relief against the impacted local government county or municipality for a violation of this section. Pending adjudication of the action and upon filing of a complaint showing a violation of this section, the resident or business owner is entitled to a preliminary injunction against the impacted local government county or municipality preventing implementation of the moratorium or the comprehensive plan amendment, land development regulation, or

Page 2 of 3

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59 procedure. If such civil action is successful, the resident or
60 business owner is entitled to reasonable attorney fees and
61 costs.

62 (b) Attorney fees and costs and damages may not be awarded
63 pursuant to this subsection if:

64 1. The resident or business owner provides the governing
65 body of the impacted local government ~~county or municipality~~
66 written notice that a proposed or enacted moratorium,
67 comprehensive plan amendment, land development regulation, or
68 procedure is in violation of this section; and

69 2. The governing body of the impacted local government
70 ~~county or municipality~~ withdraws the proposed moratorium,
71 comprehensive plan amendment, land development regulation, or
72 procedure within 14 days; or, in the case of an adopted
73 moratorium, comprehensive plan amendment, land development
74 regulation, or procedure, the governing body of an impacted
75 local government ~~a county or municipality~~ notices an intent to
76 repeal within 14 days after receipt of the notice and repeals
77 the moratorium, comprehensive plan amendment, land development
78 regulation, or procedure within 14 days thereafter.

79 (5)(4) This section expires June 30, 2028.

80 Section 2. The amendments made by this act to s. 28 of
81 chapter 2025-190, Laws of Florida, apply retroactively to August
82 1, 2024.

83 Section 3. This act shall take effect July 1, 2026.



The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: November 3, 2025

I respectfully request that **Senate Bill #218**, relating to Land Use Regulations, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.



Senator Don Gaetz
Florida Senate, District 1

1-27-26

Meeting Date

Comm Affairs

Committee

Name

Art Woodruff

Phone

407 687 3423

Address

3545 S Mellonville Ave

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art.woodruff@
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City

Sanford

State

FL

Zip

32773

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/CS/SB 380

INTRODUCER: Community Affairs Committee, Judiciary Committee and Senator Trumbull

SUBJECT: Legal Notices

DATE: January 28, 2025

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-----------|----------------|-----------|---------------|
| 1. Davis | Cibula | JU | Fav/CS |
| 2. Shuler | Fleming | CA | Fav/CS |
| 3. _____ | _____ | RC | _____ |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 380 gives a municipality, the clerk of the circuit court, the tax collector, and a water management district more control over where it may publish advertisements and legal notices. Currently, a county, municipality, school board, or other unit of local government or political subdivision may publish advertisements and legal notices only in a local newspaper or on the official website of their county or other private website designated by the county. Under the bill, municipalities, clerks of the circuit court, tax collectors, and water management districts have the option to publish advertisements and legal notices on their own official websites, a private website they designate, their county's website, a private website designated by the county, or in a local newspaper. Counties, school boards, and an entity referred to as an "other unit of local government or political subdivision" will still be required to publish legal notices and advertisements on a county or county designated website.

The bill retains the requirements of existing law that the advertisements and legal notices posted on a website be in a searchable format, indicate the date of publication, and be more cost effective than publishing them in a newspaper.

The bill also establishes timeframes for publishing items on a website. If a legal notice or advertisement is published on a publicly accessible website, and unless otherwise specified by law, it must be published continuously for 2 weeks if providing notice of the status of a government activity or be continuously published from the date of initial publication through the date of the event or activity.

The bill clarifies application of pre-publication hearing requirements for governmental agencies in counties with small populations.

The bill takes effect July 1, 2026.

II. Present Situation:

Public Notice of Meetings

Article I, s. 24 of the State Constitution requires that all county, municipal, school district, or special district meetings be open and noticed to the public if official acts will be taken or if public business will be discussed or transacted. The State Constitution further authorizes the Legislature to enact laws that govern the enforcement of, and exemptions to, these provisions. The requirements for publishing legal notices and official advertisements are located in ch. 50, F.S.

Publication of Legal Notices and Advertisements

Prior to 2023, legal notices and advertisements were required by statute to be published in local newspapers or on the websites of newspapers. However, the Legislature enacted legislation that took effect on January 1, 2023, which permitted certain governmental agencies the option to publish those items on its county's official website or another website designated by the county.¹

These advertisements, for example, include the notices that a tax collector must publish in a local newspaper on November 1 or soon thereafter, stating that the tax roll is open for collection.² Once personal property taxes become delinquent, a tax collector must publish a list of the delinquent tax payers and the amount due.³ A tax collector must also advertise the sale of tax certificates on real property which has delinquent taxes due. The advertisements for the sale of tax certificates must be placed in a newspaper once a week for 3 weeks.⁴

Definitions and Key Provisions of Existing Law

The term "governmental agency," for purposes of ch. 50, F.S., "means a county, municipality, school board, or other unit of local government or political subdivision in the state."⁵ If a governmental agency is authorized by ch. 50, F.S., to publish an advertisement or legal notice on a website instead of a newspaper, the website must be a "publicly accessible website." These websites are limited to a county's official website or other private website that the county has designated for publishing legal notices and advertisements. It must be Internet accessible. The advertisements and legal notices posted there must be in searchable form and indicate the date when the advertisement or public notice was first published on the website.⁶ However, the cost

¹ See ch. 2022-103, Laws of Fla.

² Section 197.322(2), F.S.

³ Section 197.402(2), F.S.

⁴ Section 197.402(3), F.S.

⁵ Section 50.0311(1), F.S.

⁶ Section 50.0311(2), F.S.

of publishing advertisements and legal notices that may be posted on a website must be less than the cost of publishing those items in a newspaper.⁷

If a governmental agency has at least 75 percent of its population located in a county with fewer than 160,000 residents, it may use a publicly accessible website to publish any required advertisements and legal notices. To do so, however, the governing body of the governmental agency must have first placed a notice in an appropriate newspaper and then held a public hearing and determined that the residents have sufficient access to the Internet such that publishing the items will not unreasonably restrict public access.⁸

Clerks of the Circuit Court

The State Constitution mandates that there be an elected clerk of the circuit court in each of Florida's 67 counties to serve as clerk of court, ex officio clerk of the board of county commissioners, auditor, official records recorder, and custodian of all county funds.⁹ The duties of the clerks of the circuit court as prescribed by law include:

- Collecting and distributing certain fines, fees, service charges, and court costs;
- Case maintenance;
- Records management;
- Court preparation and attendance;
- Processing case assignment, reopening, reassignment, and appeals;
- Processing of bond forfeiture payments;
- Data collection and reporting;
- Determination of indigent status; and
- Paying reasonable administrative costs to enable the clerks to carry out these functions.¹⁰

Tax Collectors

The State Constitution mandates that there be an elected tax collector in each county.¹¹ The tax collector provides services related to the collection of local taxes, but also may accept certain applications and renewals of licenses or other registrations as authorized by law.¹² Duties of the tax collector may include:

- Collecting local taxes and assessments;
- Registering and processing applications for title for motor vehicles, mobile homes, and vessels;
- Issuing hunting and fishing licenses;
- Issuing driver licenses;
- Processing concealed weapons permit applications and permit renewal applications;
- Issuing birth certificates; and

⁷ Section 50.0311(3), F.S.

⁸ Section 50.0311(4), F.S.

⁹ Art. V, s. 16, Fla. Const.

¹⁰ Section 28.35(3)(a), F.S.

¹¹ Art. VIII, s. 1(d), Fla. Const.

¹² See, e.g., ch. 197, ss. 288.037, 316.88, and 379.352, F.S.

- Processing voter applications.¹³

Water Management Districts

The Legislature has declared that because water constitutes a public resource benefiting the entire state, it should be managed on a state and regional basis.¹⁴ The Department of Environmental Protection exercises general supervisory authority over the state's five water management districts, which are responsible for the administration of the water resources at the regional level.¹⁵ The state's five water management districts are: the Northwest Florida Water Management District, the Suwannee River Water Management District, the St. Johns River Water Management District, the Southwest Florida Water Management District, and the South Florida Water Management District.¹⁶ Responsibilities of the water management districts include:

- Water supply planning and assistance with project implementation;
- Water quality monitoring and assessment
- Flood protection and floodplain management
- Evaluation and protection of natural systems through implementation of Minimum Flows and Levels and water reservations;
- Administration of programs to manage the consumptive use of water, well construction, and environmental resource permitting.

Pursuant to Article VII, s. 9(b) of the State Constitution and s. 373.503, F.S., the water management districts are authorized to levy ad valorem taxes.

III. Effect of Proposed Changes:

Increased Website Publication Options for Municipalities, Clerks of the Circuit Court, and Tax Collectors

The bill gives a municipality, a clerk of the circuit court, a tax collector, and a water management district more authority over where they publish advertisements and legal notices.

Currently, a “governmental agency” is defined as a county, municipality, school board, or other unit of local government or political subdivision. Under current law, each of those entities may publish advertisements and legal notices *only* in a local newspaper or on the official website of their county or other private website designated by the county.

The bill revises the definition of “governmental agency” to specifically mention clerks of circuit court, tax collectors, and water management districts. Under the bill, the definition of the term “publicly accessible website” is revised to specify that for legal notices and advertisements required under s. 50.011 by a municipality, a clerk of the circuit court, a tax collector and a water management district, the term means:

¹³ Fla. Tax Collectors Assoc., *About Us*, <https://floridataxcollectors.com/about/> (last visited Jan. 26, 2026).

¹⁴ Section 373.016(4)(a), F.S.

¹⁵ Fla. Dept. of Env't Prot., *Water Management Districts*, <https://floridadep.gov/owper/water-policy/content/water-management-districts> (last visited Jan. 28, 2026).

¹⁶ *Id.*

- The entity's official website.
- A private website designated by the entity.
- The official website of the entity's county.
- A private website designated by the county in which the entity is located.

As a result, municipalities, clerks of the circuit court, tax collectors, and water management districts are no longer limited to publishing advertisements and legal notices in a newspaper, on their county's website, or on a private website designated by the county. Counties, school boards, and other units of local government or political subdivisions are still required to publish legal notices and advertisements on county or county designated websites.

Currently water management districts are included in the definition of the term "special district" in s. 50.0311, F.S., and are therefore required as a special district that spans the boundaries of more than one county to publish advertisements and notices on the publicly accessible website of each county they span. To conform with the authority granted under the bill for water management districts to choose to publish advertisements and notices on their own official website or private website they designate, the bill excludes water management districts from the definition of "special district".

Requirements for Posting Advertisements and Legal Notices on a Website

The bill keeps the existing law requirements that advertisements and legal notices be posted on a website in a searchable form, indicate the date when the items were first published, and cost less than it would cost to publish the items in a newspaper.

Publication Timeframes

The bill also establishes timeframes for publishing items on a website. If a legal notice or advertisement is published on one of the authorized websites, and unless otherwise specified by law, it must be published continuously for 2 weeks if providing notice of the status of a government activity or be continuously published from the date of initial publication through the date of the event of activity.

Website Publication for Governmental Agencies with Small Populations

The bill clarifies the authorization for a governmental agency to publish legally required advertisements and public notices on a publicly accessible website if it is located in a county having a population of less than 160,000 residents. As in existing law, notice must have been provided that a public hearing would be held to determine that the residents have sufficient access to the Internet and it will not unreasonably restrict public access. The bill clarifies that this requirement applies to counties having a population of less than 160,000; municipalities, school boards, clerks of circuit court, or tax collectors located within counties having a population of less than 160,000, and any other unit of local government or political subdivision having at least 75 percent of its population located within a county having a population of less than 160,000.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues, therefore the provisions of Article VII, s. 18 of the Florida Constitution do not apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Newspapers will lose advertising revenue to the extent that the bill shifts advertisements and legal notices away from newspapers to other official or designated websites. However, the shift of the publication of advertisements and legal notices from one publicly accessible website to another will not affect newspaper revenue.

C. Government Sector Impact:

The bill may shift advertisements and legal notices away from county websites to the official or designated websites of municipalities, clerks of the circuit court, tax collectors, and water management districts. Any county revenue generated from the use of their websites by these three entities will be reduced accordingly.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 50.0311 of the Florida Statutes.

This bill reenacts sections 11.02, 45.031, 50.011, 90.902, 120.81, 121.055, 162.12, 190.005, 200.065, 849.38, 1001.372, and 1011.03 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Community Affairs on January 27, 2026:

The committee substitute makes the following changes:

- Addresses a technical issue with the definition of “governmental agency” by removing the definition of “special governmental agency” from the bill and consolidating the listed entities into the definition of “governmental agency”.
- Clarifies the definition of “publicly accessible website” by listing the individual entities which may use their own official websites or designated private websites, in addition to the current authority for such entities to use a county’s website or private website designated by the county. Entities not listed will continue to be limited to using a county’s website or private website designated by the county for legal notices. Additionally, the definition is clarified to refer to legal notices and advertisements by the listed entities required under s. 50.011, F.S.
- Adds water management districts to the list of entities which may use their own official websites or designated private websites in addition to a county or county-designated website. To conform with this change, the bill excludes water management districts from the definition of “special district” under the bill.
- Inserts the defined term “publicly accessible website” in the provision specifying timeframes for publication, rather than listing the different types of websites.
- Addresses a technical issue by listing individual entities in reference to legal notice requirements regarding counties with a population of less than 160,000.

CS by Judiciary on December 2, 2025:

- The committee substitute narrows the scope of the bill. The underlying bill arguably permits small governmental units to publish required advertisements and legal notices on their own official websites instead of on a county or county designated website. Under the committee substitute, only tax collectors, clerks of court, and municipalities may publish advertisements and legal notices on their websites or a private website they designate. The committee substitute also provides timeframes that control when and for how long items must be published.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 01/27/2026 | . | |
| | . | |
| | . | |
| | . | |

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

1 **Senate Amendment (with title amendment)**

2

3 Delete lines 50 - 137

4 and insert:

5 (1) For purposes of this chapter, the term "governmental
6 agency" means a county, municipality, school board, clerk of the
7 circuit court, tax collector, water management district
8 operating pursuant to chapter 373, or other unit of local
9 government or political subdivision in this state.

10 (2) For purposes of notices and advertisements required



11 under s. 50.011, the term "publicly accessible website" means a
12 county's official website or other private website designated by
13 the county for the publication of legal notices and
14 advertisements which that is accessible through via the
15 Internet. For legal notices and advertisements required under s.
16 50.011 by a municipality, clerk of the circuit court, tax
17 collector, or water management district, the term "publicly
18 accessible website" means such entity's official website, a
19 private website designated by such entity, a county's official
20 website, or a private website designated by the county in which
21 such entity is located.

22 (3) All advertisements and public notices published on a
23 website as provided in this chapter must be in searchable form
24 and indicate the date on which the advertisement or public
25 notice was first published on the website.

26 (4) Any legal notice or advertisement that is published on
27 a publicly accessible website must, unless otherwise specified
28 by law, be published continuously for at least 2 weeks when the
29 purpose is to provide notice of the status of a government
30 activity or be published continuously from the date of initial
31 publication through the date of the proposed event or activity.

32 (5)(3) A governmental agency may use the publicly
33 accessible website of the county in which it lies to publish
34 legally required advertisements and public notices if the cost
35 of publishing advertisements and public notices on such website
36 is less than the cost of publishing advertisements and public
37 notices in a newspaper.

38 (6)(4) A governmental agency with at least 75 percent of
39 its population located within a county having with a population



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40 of less fewer than 160,000; a municipality, school board, clerk
41 of the circuit court, or tax collector that is located within a
42 county having a population of less than 160,000; or any other
43 unit of local government or political subdivision in this state
44 having at least 75 percent of its population located within a
45 county having a population of less than 160,000 may use a
46 publicly accessible website to publish legally required
47 advertisements and public notices only if the governing body of
48 the governmental agency, at a public hearing that has been
49 noticed in a newspaper as provided in this chapter, determines
50 that the residents of the governmental agency have sufficient
51 access to the Internet by broadband service, as defined in s.
52 364.02, or by any other means, such that publishing
53 advertisements and public notices on a publicly accessible
54 website will not unreasonably restrict public access.

55 (7) (5) A special district spanning the geographic
56 boundaries of more than one county that satisfies the criteria
57 for publishing and publishes ~~chooses to publish~~ legally required
58 advertisements and public notices on a publicly accessible
59 website must publish such advertisements and public notices on
60 the publicly accessible website of each county it spans. For
61 purposes of this subsection, the term "special district" has the
62 same meaning as in s. 189.012 but does not include a water
63 management district operating pursuant to chapter 373.

64 (8) (6) A governmental agency that uses a publicly
65 accessible website to publish legally required advertisements
66 and public notices must shall provide notice at least once per
67 year in a newspaper of general circulation or another
68 publication that is mailed or delivered to all residents and



69 property owners throughout the government's jurisdiction,
70 indicating that property owners and residents may receive
71 legally required advertisements and public notices from the
72 governmental agency by first-class mail or e-mail upon
73 registering their name and address or e-mail address with the
74 governmental agency. The governmental agency must shall maintain
75 a registry of names, addresses, and e-mail addresses of property
76 owners and residents who have requested in writing that they
77 receive legally required advertisements and public notices from
78 the governmental agency by first-class mail or e-mail.

79 (9)+(7) A link to advertisements and public notices
80 published on a publicly accessible website must shall be
81 conspicuously placed:

82 (a) On the website's homepage or on a page accessible
83 through a direct link from the homepage.

84 (b) On the homepage of the website of each governmental
85 agency publishing notices on the publicly accessible website or
86 on a page accessible through a direct link from the homepage.

87 (10)+(8) A governmental agency that has a governmental
88 access channel authorized under s. 610.109 may also include on
89 its governmental access channel a summary of all advertisements
90 and public notices that are published on a publicly accessible
91 website.

92 (11)+(9) A public bid advertisement made by a governmental
93 agency on a publicly accessible

94
95 ===== T I T L E A M E N D M E N T =====
96 And the title is amended as follows:

97 Delete lines 4 - 22



98 and insert:

99 "governmental agency"; revising the definition of the
100 term "publicly accessible website"; requiring that
101 certain legal notices be continuously published for a
102 specified timeframe when the notices are for a
103 specified purpose and provided under a certain
104 circumstance; authorizing certain counties or
105 specified municipalities, school boards, clerks of the
106 circuit court, and tax collectors to use a publicly
107 accessible website to publish certain advertisements
108 and legal notices under specified conditions; revising
109 the definition of the term "special district";
110 reenacting

By the Committee on Judiciary; and Senator Trumbull

590-01712-26

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30 notices, self-authentication of certain legal notices,
31 exceptions and special requirements of rules regarding
32 educational units, notice regarding positions to be
33 included in the Senior Management Service Class,
34 notices issued by local government code enforcement
35 boards, establishment of certain community development
36 districts, notices regarding district school board
37 budgets, citations regarding proceedings for
38 forfeiture of property, due public notice for district
39 school board meetings, and notice for public budget
40 hearings of the district school board, respectively,
41 to incorporate the amendment made to s. 50.0311, F.S.,
42 in references thereto; providing an effective date.

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

46 Section 1. Section 50.0311, Florida Statutes, is amended to
47 read:

48 50.0311 Publication of advertisements and public notices on
49 a publicly accessible website and governmental access channels.-

57 (2) For purposes of notices and advertisements required
58 under s. 50.011, the term "publicly accessible website" means a

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59 county's official website or other private website designated by
 60 the county for the publication of legal notices and
 61 advertisements which that is accessible through via the
 62 Internet. For legal notices and advertisements by a special
 63 governmental agency, the term includes the official website of
 64 the special governmental agency's county, a private website
 65 designated by the county, the special governmental agency's
 66 official website, or a private website designated by the special
 67 governmental agency.

68 (3) All advertisements and public notices published on a
 69 website as provided in this chapter must be in searchable form
 70 and indicate the date on which the advertisement or public
 71 notice was first published on the website.

72 (4) Any legal notice or advertisement that may be published
 73 on the official website of a governmental agency or the official
 74 website of a special governmental agency or on a designated
 75 private website must, unless otherwise specified by law, be
 76 published continuously for at least 2 weeks when the purpose is
 77 to provide notice of the status of a government activity or be
 78 published continuously from the date of initial publication
 79 through the date of the proposed event or activity.

80 (5) A governmental agency may use the publicly
 81 accessible website of the county in which it lies to publish
 82 legally required advertisements and public notices if the cost
 83 of publishing advertisements and public notices on such website
 84 is less than the cost of publishing advertisements and public
 85 notices in a newspaper.

86 (6) A governmental agency having with at least 75
 87 percent of its population located within a county having with a

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88 population of less fewer than 160,000 or a special governmental
 89 agency that is located within a county having a population of
 90 less than 160,000 may use a publicly accessible website to
 91 publish legally required advertisements and public notices only
 92 if the governing body of the governmental agency, at a public
 93 hearing that has been noticed in a newspaper as provided in this
 94 chapter, determines that the residents of the governmental
 95 agency have sufficient access to the Internet by broadband
 96 service, as defined in s. 364.02, or by any other means, such
 97 that publishing advertisements and public notices on a publicly
 98 accessible website will not unreasonably restrict public access.

99 (7) A special district spanning the geographic
 100 boundaries of more than one county that satisfies the criteria
 101 for publishing and publishes chooses to publish legally required
 102 advertisements and public notices on a publicly accessible
 103 website must publish such advertisements and public notices on
 104 the publicly accessible website of each county it spans. For
 105 purposes of this subsection, the term "special district" has the
 106 same meaning as in s. 189.012.

107 (8) A governmental agency or special governmental agency
 108 that uses a publicly accessible website to publish legally
 109 required advertisements and public notices must shall provide
 110 notice at least once per year in a newspaper of general
 111 circulation or another publication that is mailed or delivered
 112 to all residents and property owners throughout the government's
 113 jurisdiction, indicating that property owners and residents may
 114 receive legally required advertisements and public notices from
 115 the governmental agency by first-class mail or e-mail upon
 116 registering their name and address or e-mail address with the

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590-01712-26 2026380c1
 117 governmental agency. The governmental agency ~~must~~ shall maintain
 118 a registry of names, addresses, and e-mail addresses of property
 119 owners and residents who have requested in writing that they
 120 receive legally required advertisements and public notices from
 121 the governmental agency by first-class mail or e-mail.

122 (9)(7) A link to advertisements and public notices
 123 published on a publicly accessible website ~~must~~ shall be
 124 conspicuously placed:

125 (a) On the website's homepage or on a page accessible
 126 through a direct link from the homepage.
 127 (b) On the homepage of the website of each governmental
 128 agency ~~or special governmental agency~~ publishing notices on the
 129 publicly accessible website or on a page accessible through a
 130 direct link from the homepage.

131 (10)(8) A governmental agency that has a governmental
 132 access channel authorized under s. 610.109 may also include on
 133 its governmental access channel a summary of all advertisements
 134 and public notices that are published on a publicly accessible
 135 website.

136 (11)(9) A public bid advertisement made by a governmental
 137 agency ~~or special governmental agency~~ on a publicly accessible
 138 website must include a method to accept electronic bids.

139 Section 2. For the purpose of incorporating the amendment
 140 made by this act to section 50.0311, Florida Statutes, in a
 141 reference thereto, section 11.02, Florida Statutes, is reenacted
 142 to read:

143 11.02 Notice of special or local legislation or certain
 144 relief acts.—The notice required to obtain special or local
 145 legislation or any relief act specified in s. 11.065 shall be by

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 146 publishing the identical notice as provided in chapter 50 or
 147 circulated throughout the county or counties where the matter or
 148 thing to be affected by such legislation shall be situated one
 149 time at least 30 days before introduction of the proposed law
 150 into the Legislature or, if the notice is not published on a
 151 publicly accessible website as provided in s. 50.0311 and there
 152 is no newspaper circulated throughout or published in the
 153 county, by posting for at least 30 days at not fewer than three
 154 public places in the county or each of the counties, one of
 155 which places shall be at the courthouse in the county or
 156 counties where the matter or thing to be affected by such
 157 legislation shall be situated. Notice of special or local
 158 legislation shall state the substance of the contemplated law,
 159 as required by s. 10, Art. III of the State Constitution. Notice
 160 of any relief act specified in s. 11.065 shall state the name of
 161 the claimant, the nature of the injury or loss for which the
 162 claim is made, and the amount of the claim against the affected
 163 municipality's revenue-sharing trust fund.

164 Section 3. For the purpose of incorporating the amendment
 165 made by this act to section 50.0311, Florida Statutes, in a
 166 reference thereto, subsection (2) of section 45.031, Florida
 167 Statutes, is reenacted to read:

168 45.031 Judicial sales procedure.—In any sale of real or
 169 personal property under an order or judgment, the procedures
 170 provided in this section and ss. 45.0315-45.035 may be followed
 171 as an alternative to any other sale procedure if so ordered by
 172 the court.

173 (2) PUBLICATION OF SALE.—Notice of sale shall be published
 174 on a publicly accessible website as provided in s. 50.0311 for

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175 at least 2 consecutive weeks before the sale or once a week for
 176 2 consecutive weeks in a newspaper of general circulation, as
 177 provided in chapter 50, published in the county where the sale
 178 is to be held. The second publication by newspaper shall be at
 179 least 5 days before the sale. The notice shall contain:
 180 (a) A description of the property to be sold.
 181 (b) The time and place of sale.
 182 (c) A statement that the sale will be made pursuant to the
 183 order or final judgment.
 184 (d) The caption of the action.
 185 (e) The name of the clerk making the sale.
 186 (f) A statement that any person claiming an interest in the
 187 surplus from the sale, if any, other than the property owner as
 188 of the date of the lis pendens must file a claim before the
 189 clerk reports the surplus as unclaimed.
 190
 191 The court, in its discretion, may enlarge the time of the sale.
 192 Notice of the changed time of sale shall be published as
 193 provided herein.
 194 Section 4. For the purpose of incorporating the amendment
 195 made by this act to section 50.0311, Florida Statutes, in a
 196 reference thereto, subsection (2) of section 50.011, Florida
 197 Statutes, is reenacted to read:
 198 50.011 Publication of legal notices.—Whenever by statute an
 199 official or legal advertisement or a publication or notice in a
 200 newspaper or on a governmental agency website has been or is
 201 directed or permitted in the nature of or in lieu of process, or
 202 for constructive service, or in initiating, assuming, reviewing,
 203 exercising, or enforcing jurisdiction or power, or for any

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204 purpose, including all legal notices and advertisements of
 205 sheriffs and tax collectors, such legislation, whether existing
 206 or repealed, means either of the following:
 207 (2) A publication on a publicly accessible website under s.
 208 50.0311.
 209 Section 5. For the purpose of incorporating the amendment
 210 made by this act to section 50.0311, Florida Statutes, in a
 211 reference thereto, subsection (12) of section 90.902, Florida
 212 Statutes, is reenacted to read:
 213 90.902 Self-authentication.—Extrinsic evidence of
 214 authenticity as a condition precedent to admissibility is not
 215 required for:
 216 (12) A legal notice published in accordance with the
 217 requirements of chapter 50 in the print edition of a qualified
 218 newspaper or on a publicly accessible website as provided in s.
 219 50.0311.
 220 Section 6. For the purpose of incorporating the amendment
 221 made by this act to section 50.0311, Florida Statutes, in a
 222 reference thereto, paragraph (d) of subsection (1) of section
 223 120.81, Florida Statutes, is reenacted to read:
 224 120.81 Exceptions and special requirements; general areas.—
 225 (1) EDUCATIONAL UNITS.—
 226 (d) Notwithstanding any other provision of this chapter,
 227 educational units shall not be required to include the full text
 228 of the rule or rule amendment in notices relating to rules and
 229 need not publish these or other notices in the Florida
 230 Administrative Register, but notice shall be made:
 231 1. By publication in a newspaper qualified under chapter 50
 232 in the affected area or on a publicly accessible website as

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233 provided in s. 50.0311;

234 2. By mail to all persons who have made requests of the
235 educational unit for advance notice of its proceedings and to
236 organizations representing persons affected by the proposed
237 rule; and

238 3. By posting in appropriate places so that those
239 particular classes of persons to whom the intended action is
240 directed may be duly notified.

241 Section 7. For the purpose of incorporating the amendment
242 made by this act to section 50.0311, Florida Statutes, in
243 references thereto, paragraphs (b) and (h) of subsection (1) of
244 section 121.055, Florida Statutes, are reenacted to read:

245 121.055 Senior Management Service Class.—There is hereby
246 established a separate class of membership within the Florida
247 Retirement System to be known as the "Senior Management Service
248 Class," which shall become effective February 1, 1987.

249 (1)

250 (b)1. Except as provided in subparagraph 2., effective
251 January 1, 1990, participation in the Senior Management Service
252 Class is compulsory for the president of each community college,
253 the manager of each participating municipality or county, and
254 all appointed district school superintendents. Effective January
255 1, 1994, additional positions may be designated for inclusion in
256 the Senior Management Service Class if:

257 a. Positions to be included in the class are designated by
258 the local agency employer. Notice of intent to designate
259 positions for inclusion in the class must be published for at
260 least 2 consecutive weeks if published on a publicly accessible
261 website as provided in s. 50.0311 or, if published in print,

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262 once a week for 2 consecutive weeks in a newspaper qualified
263 under chapter 50 that is published in the county or counties
264 affected.

265 b. Up to 10 nonelective full-time positions may be
266 designated for each local agency employer reporting to the
267 department; for local agencies with 100 or more regularly
268 established positions, additional nonelective full-time
269 positions may be designated, not to exceed 1 percent of the
270 regularly established positions within the agency.

271 c. Each position added to the class must be a managerial or
272 policymaking position filled by an employee who is not subject
273 to continuing contract and serves at the pleasure of the local
274 agency employer without civil service protection, and who:

275 (I) Heads an organizational unit; or

276 (II) Has responsibility to effect or recommend personnel,
277 budget, expenditure, or policy decisions in his or her areas of
278 responsibility.

279 2. In lieu of participation in the Senior Management
280 Service Class, members of the Senior Management Service Class,
281 pursuant to subparagraph 1., may withdraw from the Florida
282 Retirement System altogether. The decision to withdraw from the
283 system is irrevocable as long as the employee holds the
284 position. Any service creditable under the Senior Management
285 Service Class shall be retained after the member withdraws from
286 the system; however, additional service credit in the Senior
287 Management Service Class may not be earned after such
288 withdrawal. Such members are not eligible to participate in the
289 Senior Management Service Optional Annuity Program.

290 3. Effective January 1, 2006, through June 30, 2006, an

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291 employee who has withdrawn from the Florida Retirement System
 292 under subparagraph 2. has one opportunity to elect to
 293 participate in the pension plan or the investment plan.
 294 a. If the employee elects to participate in the investment
 295 plan, membership shall be prospective, and the applicable
 296 provisions of s. 121.4501(4) govern the election.
 297 b. If the employee elects to participate in the pension
 298 plan, the employee shall, upon payment to the system trust fund
 299 of the amount calculated under sub-sub-subparagraph (I), receive
 300 service credit for prior service based upon the time during
 301 which the employee had withdrawn from the system.
 302 (I) The cost for such credit shall be an amount
 303 representing the actuarial accrued liability for the affected
 304 period of service. The cost shall be calculated using the
 305 discount rate and other relevant actuarial assumptions that were
 306 used to value the pension plan liabilities in the most recent
 307 actuarial valuation. The calculation must include any service
 308 already maintained under the pension plan in addition to the
 309 period of withdrawal. The actuarial accrued liability
 310 attributable to any service already maintained under the pension
 311 plan shall be applied as a credit to the total cost resulting
 312 from the calculation. The division must ensure that the transfer
 313 sum is prepared using a formula and methodology certified by an
 314 actuary.
 315 (II) The employee must transfer a sum representing the net
 316 cost owed for the actuarial accrued liability in sub-sub-
 317 subparagraph (I) immediately following the time of such
 318 movement, determined assuming that attained service equals the
 319 sum of service in the pension plan and the period of withdrawal.

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320 (h)1. Except as provided in subparagraph 3., effective
 321 January 1, 1994, participation in the Senior Management Service
 322 Class shall be compulsory for the State Courts Administrator and
 323 the Deputy State Courts Administrators, the Clerk of the Supreme
 324 Court, the Marshal of the Supreme Court, the Executive Director
 325 of the Justice Administrative Commission, the capital collateral
 326 regional counsel, the clerks of the district courts of appeals,
 327 the marshals of the district courts of appeals, and the trial
 328 court administrator and the Chief Deputy Court Administrator in
 329 each judicial circuit. Effective January 1, 1994, additional
 330 positions in the offices of the state attorney and public
 331 defender in each judicial circuit may be designated for
 332 inclusion in the Senior Management Service Class of the Florida
 333 Retirement System, provided that:
 334 a. Positions to be included in the class shall be
 335 designated by the state attorney or public defender, as
 336 appropriate. Notice of intent to designate positions for
 337 inclusion in the class shall be published for at least 2
 338 consecutive weeks on a publicly accessible website as provided
 339 in s. 50.0311 or, if published in print, once a week for 2
 340 consecutive weeks in a newspaper qualified under chapter 50 in
 341 the county or counties affected.
 342 b. One nonelective full-time position may be designated for
 343 each state attorney and public defender reporting to the
 344 Department of Management Services; for agencies with 200 or more
 345 regularly established positions under the state attorney or
 346 public defender, additional nonelective full-time positions may
 347 be designated, not to exceed 0.5 percent of the regularly
 348 established positions within the agency.

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349 c. Each position added to the class must be a managerial or
 350 policymaking position filled by an employee who serves at the
 351 pleasure of the state attorney or public defender without civil
 352 service protection, and who:
 353 (I) Heads an organizational unit; or
 354 (II) Has responsibility to effect or recommend personnel,
 355 budget, expenditure, or policy decisions in his or her areas of
 356 responsibility.

357 2. Participation in this class shall be compulsory, except
 358 as provided in subparagraph 3., for any judicial employee who
 359 holds a position designated for coverage in the Senior
 360 Management Service Class, and such participation shall continue
 361 until the employee terminates employment in a covered position.
 362 Effective January 1, 2001, participation in this class is
 363 compulsory for assistant state attorneys, assistant statewide
 364 prosecutors, assistant public defenders, and assistant capital
 365 collateral regional counsel. Effective January 1, 2002,
 366 participation in this class is compulsory for assistant
 367 attorneys general.

368 3. In lieu of participation in the Senior Management
 369 Service Class, such members, excluding assistant state
 370 attorneys, assistant public defenders, assistant statewide
 371 prosecutors, assistant attorneys general, and assistant capital
 372 collateral regional counsel, may participate in the Senior
 373 Management Service Optional Annuity Program as established in
 374 subsection (6).

375 Section 8. For the purpose of incorporating the amendment
 376 made by this act to section 50.0311, Florida Statutes, in a
 377 reference thereto, paragraph (a) of subsection (2) of section

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378 162.12, Florida Statutes, is reenacted to read:
 379 162.12 Notices.-
 380 (2) In addition to providing notice as set forth in
 381 subsection (1), at the option of the code enforcement board or
 382 the local government, notice may be served by publication or
 383 posting, as follows:
 384 (a) Such notice shall be published in print in a
 385 newspaper or on a publicly accessible website as provided in s.
 386 50.0311 for 4 consecutive weeks. If published in print, the
 387 notice shall be published once during each week for 4
 388 consecutive weeks (four publications being sufficient) in a
 389 newspaper in the county where the code enforcement board is
 390 located. The newspaper shall meet such requirements as are
 391 prescribed under chapter 50 for legal and official
 392 advertisements.
 393 2. Proof of publication shall be made as provided in ss.
 394 50.041 and 50.051.
 395 Section 9. For the purpose of incorporating the amendment
 396 made by this act to section 50.0311, Florida Statutes, in a
 397 reference thereto, paragraph (d) of subsection (1) of section
 398 190.005, Florida Statutes, is reenacted to read:
 399 190.005 Establishment of district.-
 400 (1) The exclusive and uniform method for the establishment
 401 of a community development district with a size of 2,500 acres
 402 or more shall be pursuant to a rule, adopted under chapter 120
 403 by the Florida Land and Water Adjudicatory Commission, granting
 404 a petition for the establishment of a community development
 405 district.
 406 (d) A local public hearing on the petition shall be

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407 conducted by a hearing officer in conformance with the
 408 applicable requirements and procedures of the Administrative
 409 Procedure Act. The hearing shall include oral and written
 410 comments on the petition pertinent to the factors specified in
 411 paragraph (e). The hearing shall be held at an accessible
 412 location in the county in which the community development
 413 district is to be located. The petitioner shall cause a notice
 414 of the hearing to be published for 4 successive weeks on a
 415 publicly accessible website as provided in s. 50.0311 or, if
 416 published in print, in a newspaper at least once a week for the
 417 4 successive weeks immediately prior to the hearing as provided
 418 in chapter 50. Such notice shall give the time and place for the
 419 hearing, a description of the area to be included in the
 420 district, which description shall include a map showing clearly
 421 the area to be covered by the district, and any other relevant
 422 information which the establishing governing bodies may require.
 423 If published in the print edition of a newspaper, the
 424 advertisement may not be placed in the portion of the newspaper
 425 where legal notices and classified advertisements appear. The
 426 advertisement must be published in a newspaper in the county and
 427 of general interest and readership in the community pursuant to
 428 chapter 50. Whenever possible, the advertisement shall appear in
 429 a newspaper that is published at least weekly, unless the only
 430 newspaper in the community is published less than weekly. If the
 431 notice is published in the print edition of the newspaper, the
 432 map must also be included in any online advertisement pursuant
 433 to s. 50.0211. All affected units of general-purpose local
 434 government and the general public shall be given an opportunity
 435 to appear at the hearing and present oral or written comments on

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436 the petition.

437 Section 10. For the purpose of incorporating the amendment
 438 made by this act to section 50.0311, Florida Statutes, in
 439 references thereto, paragraph (f) of subsection (2) of section
 440 200.065, Florida Statutes, is reenacted to read:

441 200.065 Method of fixing millage.—

442 (2) No millage shall be levied until a resolution or
 443 ordinance has been approved by the governing board of the taxing
 444 authority which resolution or ordinance must be approved by the
 445 taxing authority according to the following procedure:

446 (f)1. Notwithstanding any provisions of paragraph (c) to
 447 the contrary, each school district shall advertise its intent to
 448 adopt a tentative budget on a publicly accessible website
 449 pursuant to s. 50.0311 or in a newspaper of general circulation
 450 pursuant to subsection (3) within 29 days after certification of
 451 value pursuant to subsection (1). For the purpose of this
 452 paragraph, the term "publicly accessible website" includes a
 453 district school board's official website if the school board
 454 website satisfies the remaining requirements of s. 50.0311. Not
 455 less than 2 days or more than 5 days thereafter, the district
 456 shall hold a public hearing on the tentative budget pursuant to
 457 the applicable provisions of paragraph (c). In the event of
 458 postponement or recess due to a declared state of emergency, the
 459 school district may postpone or recess the hearing for up to 7
 460 days and shall post a prominent notice at the place of the
 461 original hearing showing the date, time, and place where the
 462 hearing will be reconvened. The posted notice shall measure not
 463 less than 8.5 by 11 inches. The school district shall make every
 464 reasonable effort to provide reasonable notification of the

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465 continued hearing to the taxpayers. The information must also be
 466 posted on the school district's website if the district school
 467 board uses a different method of advertisement.

468 2. Notwithstanding any provisions of paragraph (b) to the
 469 contrary, each school district shall advise the property
 470 appraiser of its recomputed proposed millage rate within 35 days
 471 of certification of value pursuant to subsection (1). The
 472 recomputed proposed millage rate of the school district shall be
 473 considered its proposed millage rate for the purposes of
 474 paragraph (b).

475 3. Notwithstanding any provisions of paragraph (d) to the
 476 contrary, each school district shall hold a public hearing to
 477 finalize the budget and adopt a millage rate within 80 days of
 478 certification of value pursuant to subsection (1), but not
 479 earlier than 65 days after certification. The hearing shall be
 480 held in accordance with the applicable provisions of paragraph
 481 (d), except that a newspaper advertisement need not precede the
 482 hearing.

483 Section 11. For the purpose of incorporating the amendment
 484 made by this act to section 50.0311, Florida Statutes, in a
 485 reference thereto, subsection (5) of section 849.38, Florida
 486 Statutes, is reenacted to read:

487 849.38 Proceedings for forfeiture; notice of seizure and
 488 order to show cause.—

489 (5) If the value of the property seized is shown by the
 490 sheriff's return to have an appraised value of \$1,000 or less,
 491 the above citation shall be served by posting at three public
 492 places in the county, one of which shall be the front door of
 493 the courthouse; if the value of the property is shown by the

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494 sheriff's return to have an approximate value of more than
 495 \$1,000, the citation shall be published by print or posted for
 496 at least 2 consecutive weeks on a publicly accessible website as
 497 provided in s. 50.0311. If published in print, the citation
 498 shall appear at least once each week for 2 consecutive weeks in
 499 a newspaper qualified to publish legal notices under chapter 50
 500 that is published in the county, if there is such a newspaper
 501 published in the county. If there is no such newspaper, the
 502 notice of such publication shall be made by certificate of the
 503 clerk if publication is made by posting, and by affidavit as
 504 provided in chapter 50, if made by publication as provided in
 505 chapter 50, which affidavit or certificate shall be filed and
 506 become a part of the record in the cause. Failure of the record
 507 to show proof of such publication shall not affect any judgment
 508 made in the cause unless it shall affirmatively appear that no
 509 such publication was made.

510 Section 12. For the purpose of incorporating the amendment
 511 made by this act to section 50.0311, Florida Statutes, in a
 512 reference thereto, paragraph (c) of subsection (2) of section
 513 1001.372, Florida Statutes, is reenacted to read:

514 1001.372 District school board meetings.—

515 (2) PLACE OF MEETINGS.—

516 (c) For the purpose of this section, due public notice
 517 shall consist of, at least 2 days prior to the meeting:
 518 continuous publication on a publicly accessible website as
 519 provided in s. 50.0311 or the official district school board
 520 website; publication in a newspaper of general circulation in
 521 the county, or in each county where there is no newspaper of
 522 general circulation in the county, an announcement over at least

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523 one radio station whose signal is generally received in the
524 county, a reasonable number of times daily during the 48 hours
525 immediately preceding the date of such meeting; or posting a
526 notice at the courthouse door if no newspaper is published in
527 the county.

528 Section 13. For the purpose of incorporating the amendment
529 made by this act to section 50.0311, Florida Statutes, in a
530 reference thereto, subsection (1) of section 1011.03, Florida
531 Statutes, is reenacted to read:

532 1011.03 Public hearings; budget to be submitted to
533 Department of Education.—

534 (1) Each district school board shall cause a summary of its
535 tentative budget, including the proposed millage levies as
536 provided for by law, to be posted on the district's official
537 website or on a publicly accessible website as provided in s.
538 50.0311.

539 Section 14. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Committee on Health and
Human
Services, *Chair*
Appropriations
Community Affairs
Health Policy
Judiciary
Rules

SENATOR JAY TRUMBULL

2nd District

December 3, 2025

Re: SB 380

Dear Chair McClain,

I respectfully request Senate Bill 380, Legal Notices, be placed on the agenda for the next meeting of the Community Affairs Committee.

I appreciate your time and consideration of this request. If you have any questions or concerns, please do not hesitate to contact my office at (850) 487-5002.

Thank you,

A handwritten signature in black ink, appearing to read "Jay Trumbull".

Senator Jay Trumbull
District 2

REPLY TO:

- 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

1/27/26

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 380

Bill Number or Topic

Community Affairs
Committee

Name William Snowden

Phone (850) 566-2232

Address 12 Arran Rd.

Email editor@thewakullson.com

Street

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022JointRules.pdf](#) (fisenate.gov)

The Florida Senate
APPEARANCE RECORD

1-27-26
 Meeting Date
Community Affairs
 Committee

Name Michael Disher Phone (386)236-2150
 Address 4300 s. Atlantic Ave.
Street
Ponce Inlet FL 32127
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

1/27/2026

Meeting Date

Community Affairs

Committee

Name Lou Paciong

Phone 386-488-2819

Address 4300 S. Atlantic Ave

Street

Email Lpaciong@ponce-mulet.org

City Ponce Inlet

State FL

Zip 32127

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

The Florida Senate

APPEARANCE RECORD

1-27-26

SB 380

Meeting Date

Bill Number or Topic

Comm Affairs

Committee

Name

Art Woodruff

Phone

407 6873423

Address

35015 S Mellonville Av

Email

art.woodruff@sanfordfl.gov

Street

Sanford FL

32773

City

State

Zip

Amendment Barcode (if applicable)

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (f1senate.gov)

1/27/2026

Meeting Date

Community Affairs

Committee

Name Sam Wagoner

Address 300 S Bronough Street

Street

TLH

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida League of Cities

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

1/27/26

Meeting Date

The Florida Senate

APPEARANCE RECORD

SB380

Bill Number or Topic

Committee

Name Ed Freeman

Phone 2032403066

Amendment Barcode (if applicable)

Address 120 Evergreen Lane
Street

Email efreeman@ladylake.org

City Lady Lake State FL Zip 32159

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

01-27-2026

The Florida Senate
APPEARANCE RECORD

Meeting Date

Community Affairs
Committee

Name TREVA ROBERTS

Address 540 Loma Paseo Dr
Street
LADY LAKE, FL State 32159

SB 380

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 614-557-0039

Email TREVA.ROBERTS5@gmail.com

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

1/27/26

Meeting Date

Community Affairs

Committee

Name Tim Everline Phone 330-575-1847

Address 1012 N. Lakeshore Blvd. Email time480@yahoo.com
Street

Howey In The Hills FL 34737
City State Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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1/27/26

Meeting Date

Community Affairs
Committee

Name Cal Rolfson,

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Mount Dora
City Council

Address 8014 St. James Way
Street

City Mount Dora, FL 32757
State Zip

Phone

352-552-4200

Email

rolfsonc@mountdora.org
~~calrolfson@~~

SB 380

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

1/27/26

Meeting Date

COMMUNITY AFFAIRS
Committee

Name CLAUDIA THOMAS, SANFORD CITY COMMISSIONER Phone 321-330-6582

Address 113 KAVS LANDING DR.
Street

SANFORD
City

FL
State

32771
Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

The Florida Senate

APPEARANCE RECORD

1-27-24

Meeting Date

Community Affairs

Committee

Name Holly D. Smith, President FLC Phone 239-707-9800
Address 800 Dunlop Rd Email Holly.Smith@mysanibel.com
Street Sanibel State FL Zip 33957
City

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

1/27/26

Meeting Date

Community Affairs

Committee

Name

Amy Reith

Address

333 3rd Ave N

Street

St Petersburg FL

State

City

33705

Zip

Speaking: For Against Information

OR

Email

Phone

727 342 0730

SD ✓

Bill Number or Topic

Amendment Barcode (if applicable)

Waive Speaking: In Support Against

I am appearing without
compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

I am a registered lobbyist,
representing:

Common Cause

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Meeting Date

Jan 27, 2026
Comm Affairs

Committee

Name

Sam Morley

Phone

850 212 4395

Address

336 E. College Ave

Email

smorley@flpress.
com

Street

City

State

Zip

Speaking: For

Against

Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Press
Assoc.

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (flsenate.gov)

1-26-26

The Florida Senate
APPEARANCE RECORD

Meeting Date
Community Affairs
Committee

Name Carolyn Nolte Phone 407-376-6964
Address 336 East College Ave #304 Email cnoite@fipress.com
Street
Tallahassee FL 32301
City State Zip

SB 380

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Press Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (flsenate.gov)

1/27/26
Meeting Date

Chairman of the Committee on Rules and Procedure
Committee

Name Ron Book Phone 850 224 3417

Address 104 W. Jefferson Email Ron@RLBookPA.com
Street Tallahassee State FL Zip 33021

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: Gannett News Chain

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 936

INTRODUCER: Senator McClain

SUBJECT: Temporary Door Locking Devices

DATE: January 26, 2026 REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|------------------|
| 1. Tolmich | Fleming | CA | Favorable |
| 2. | | RI | |
| 3. | | RC | |

I. Summary:

SB 936 allows a temporary door locking device to be installed at any height above the finished floor of a building.

The bill defines “temporary door locking device” as a device that prevents a door from opening and meets all of the following criteria:

- Is meant only for temporary use during an emergency situation;
- Can be engaged or removed without opening the door;
- Can be engaged and removed from the egress side of the door without the use of a key and can be removed from the ingress side of the door with the use of a key or other credential;
- Does not modify the door closer, panic hardware, or fire exit hardware;
- Is not permanently mounted to the door assembly; however, individual parts of the temporary door locking device, including, but not limited to, bolts, stops, brackets, or pins, which do not prevent normal ingress and egress through the door, may be permanently mounted to the door;
- Does not affect the fire rating of the door and complies with the fire rating standards of the National Fire Protection Association; and
- Can be removed with a single operation when engaged.

The bill requires the Florida Building Commission to incorporate into the Florida Building Code standards for temporary door locking devices that meet the specified requirements. The bill also requires that the use of a temporary door locking device must be integrated into building safety plans, safety drills, and training programs so that the employees or staff of the building in which the device is installed have inservice training on the use of the temporary door locking device.

The bill takes effect July 1, 2026.

II. Present Situation:

Temporary Door Locks in School Classrooms and Instructional Spaces

Temporary door locks are devices that prevent a door from opening that are typically used in emergency situations. Current law provides for temporary door locks in school classrooms and instructional spaces. All school classrooms and instructional spaces with a permanently installed door lock may also use a temporary door lock during an active assailant incident.¹ The temporary door lock must be:

- Able to be engaged or removed without opening the door;
- Easily removed in a single operation from the egress side of the door without the use of a key and from the ingress side of the door with the use of a key or other credential;
- In compliance with the Florida Fire Prevention Code; and
- Integrated into the active assailant response plan.²

Current law also provides that such temporary door locks may be installed at any height.³

Several other states, including Michigan⁴ and Montana,⁵ have adopted laws that allow for the use of temporary door locking devices in classrooms during emergency situations. The purpose of this type of legislation is to make schools and other buildings safer during emergency situations, such as an active shooter event.⁶

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.⁷

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized

¹ Section 1006.07(6)(f)2.a., F.S.

² *Id.*

³ *Id.*

⁴ LegiScan, *Michigan House Bill 5701*, available at: <https://legiscan.com/MI/text/HB5701/id/2556156> (last visited Jan. 26, 2026).

⁵ LegiScan, *Montana House Bill 651* (2025), available at: <https://legiscan.com/MT/text/HB651/2025> (last visited Jan. 26, 2026).

⁶ Daily Montanan, *Senate passes measure allowing temporary door locks in schools to enhance safety*, available at: <https://dailymontanan.com/2025/04/14/senate-passes-measure-allowing-temporary-door-locks-in-schools-to-enhance-safety/> (last visited Jan. 26, 2026).

⁷ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 26, 2026).

implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.⁸ The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.⁹

Chapter 553, part IV, F.S., is known as the “Florida Building Codes Act” (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.¹⁰

The Florida Building Commission (Commission) was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,¹¹ the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.¹²

Florida Fire Prevention Code

The State Fire Marshal, by rule, adopts the Florida Fire Prevention Code (Florida Fire Code), which contains all firesafety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such firesafety laws and rules.¹³ The State Fire Marshal adopts a new edition of the Florida Fire Code every three years.¹⁴ The Florida Fire Code is largely based on the *National Fire Protection Association’s (NFPA) Standard 1, Fire Prevention Code*, along with the current edition of the *Life Safety Code, NFPA 101*.¹⁵ The 8th edition took effect on December 31, 2023.¹⁶

State law requires all municipalities, counties, and special districts with firesafety responsibilities to enforce the Florida Fire Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Florida Building Code.¹⁷ The Florida Fire Code applies to every building and structure throughout the state with few exceptions.¹⁸

⁸ *Id.*

⁹ Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Jan. 26, 2026).

¹⁰ Section 553.72(1), F.S.

¹¹ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 26, 2026).

¹² Section 553.73(7)(a), F.S.

¹³ Fla. Admin. Code R. 69A-60.002.

¹⁴ Section 633.202(1), F.S.

¹⁵ Section 633.202(2), F.S.

¹⁶ Division of State Fire Marshal, *Florida Fire Prevention Code*, available at <https://myfloridacfo.com/division/sfm/bfp/florida-fire-prevention-code> (last visited Jan. 26, 2026).

¹⁷ Sections 633.108 and 633.208, F.S.

¹⁸ Section 633.208, F.S., and Fla. Admin. Code R. 69A-60.002(1).

Municipalities, counties, and special districts with firesafety responsibilities may supplement the Florida Fire Code with more stringent standards adopted in accordance with s. 633.208, F.S.¹⁹

Door Assemblies and Means of Egress

Door assemblies serve several purposes that relate to the comfort and safety of building occupants.²⁰ Door assemblies provide protection from weather, prevent trespassing by unauthorized persons, and slow or stop the spread of fire and smoke.²¹

Egress refers to an unobstructed route from any point in a building to a public way,²² while ingress refers to the entrance into a room or building. In order to provide for the safety of persons in the event of an emergency, every component in the means of egress must be operable by, and under the control of, the occupants attempting egress.²³ If a locked door prevents egress, it can hinder evacuation time and prevent occupants from reaching safety.²⁴ As such, the National Fire Protection Association recommends several concepts that should be considered in all buildings regarding swinging egress door locking and latching:

- Door leaves must be arranged to be opened readily from the egress side whenever the building is occupied.
- Locks and latches cannot require the use of a key, tool, or special knowledge or effort to operate from the egress side.
- All locks, latches, and all other fastening devices on a door leaf must be provided with a releasing device that has an obvious method of operation and that is readily operated under all lighting conditions.
- The operation of the releasing mechanism must release all latching and all locking devices of the door leaf with not more than one motion in a single linear or rotational direction.²⁵

III. Effect of Proposed Changes:

SB 936 creates s. 553.8951, F.S., to allow a temporary door locking device to be installed at any height above the finished floor of a building.

The bill defines “temporary door locking device” as a device that prevents a door from opening and meets all of the following criteria:

- Is meant only for temporary use during an emergency situation;
- Can be engaged or removed without opening the door;
- Can be engaged and removed from the egress side of the door without the use of a key and can be removed from the ingress side of the door with the use of a key or other credential;

¹⁹ Section 633.208(3), F.S., and Fla. Admin. Code R. 69A-60.002(2).

²⁰ National Fire Protection Association, *The basics of swinging type egress door operation*, available at: <https://www.nfpa.org/news-blogs-and-articles/blogs/2021/04/09/basics-of-swinging-type-egress-door-operation> (last visited Jan. 26, 2026).

²¹ *Id.*

²² National Fire Protection Association, *Swinging egress door operation: Permissible egress door locking arrangements*, available at <https://www.nfpa.org/news-blogs-and-articles/blogs/2021/07/09/swinging-egress-door-operation-permissible-egress-door-locking-arrangements> (last visited Jan. 26, 2026).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

- Does not modify the door closer, panic hardware, or fire exit hardware;
- Is not permanently mounted to the door assembly; however, individual parts of the temporary door locking device, including, but not limited to, bolts, stops, brackets, or pins, which do not prevent normal ingress and egress through the door, may be permanently mounted to the door;
- Does not affect the fire rating of the door and complies with the fire rating standards of the National Fire Protection Association; and
- Can be removed with a single operation when engaged.

The bill requires the Florida Building Commission to incorporate standards into the Florida Building Code for temporary door locking devices that meet the specified requirements. A temporary door locking device may be used to secure a fire exit or an entranceway leading to a fire exit if the temporary door locking device is used only during an emergency situation and approved by the local enforcement agency that has jurisdiction over the building in which the device is installed. A temporary door locking device may only be applied for a finite period of time during an emergency situation, including, but not limited to, a shelter-in-place order, an emergency lockdown, or a safety drill for such emergency situation.

The bill also requires that the use of a temporary door locking device must be integrated into building safety plans, safety drills, and training programs so that the employees or staff of the building in which the device is installed have inservice training on the use of the temporary door locking device.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require counties and municipalities to expend funds or further limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 553.8951 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator McClain

9-00918C-26

2026936

1 A bill to be entitled
 2 An act relating to temporary door locking devices;
 3 creating s. 553.8951, F.S.; defining the term
 4 "temporary door locking device"; authorizing temporary
 5 door locking devices to be installed at any height;
 6 requiring the Florida Building Commission to
 7 incorporate certain standards for temporary door
 8 locking devices into the Florida Building Code;
 9 requiring the use of temporary door locking devices be
 10 integrated into building safety plans, safety drills,
 11 and training programs for a specified purpose;
 12 providing an effective date.
 13

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

15
 16 Section 1. Section 553.8951, Florida Statutes, is created
 17 to read:
 18 553.8951 Temporary door locking devices.—
 19 (1) As used in this section, the term "temporary door
 20 locking device" means a device that prevents a door from opening
 21 and meets all of the following criteria:
 22 (a) Is meant only for temporary use during an emergency
 23 situation.
 24 (b) Can be engaged or removed without opening the door.
 25 (c) Can be engaged and removed from the egress side of the
 26 door without the use of a key and can be removed from the
 27 ingress side of the door with the use of a key or other
 28 credential.
 29 (d) Does not modify the door closer, panic hardware, or

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

9-00918C-26

2026936

30 fire exit hardware.
 31 (e) Is not permanently mounted to the door assembly.
 32 However, individual parts of the temporary door locking device,
 33 including, but not limited to, bolts, stops, brackets, or pins,
 34 which do not prevent normal ingress and egress through the door,
 35 may be permanently mounted to the door.
 36 (f) Does not affect the fire rating of the door and
 37 complies with the fire rating standards of the National Fire
 38 Protection Association.
 39 (g) Can be removed with a single operation when engaged.
 40 (2) Notwithstanding any other law or provision, a temporary
 41 door locking device may be installed at any height above the
 42 finished floor.
 43 (3) The Florida Building Commission shall incorporate into
 44 the Florida Building Code pursuant to s. 553.73(1) standards for
 45 temporary door locking devices that meet the requirements of
 46 this section. A temporary door locking device may be used to
 47 secure a fire exit or an entranceway leading to a fire exit if
 48 the temporary door locking device is used only during an
 49 emergency situation and approved by the local enforcement agency
 50 that has jurisdiction over the building in which the device is
 51 installed. A temporary door locking device may be applied only
 52 for a finite period of time during an emergency situation,
 53 including, but not limited to, a shelter-in-place order, an
 54 emergency lockdown, or a safety drill for such emergency
 55 situation.
 56 (4) The use of a temporary door locking device must be
 57 integrated into building safety plans, safety drills, and
 58 training programs so that the employees or staff of the building

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

9-00918C-26

2026936__

59 in which the device is installed has inservice training on the
60 use of the temporary door locking device.

61 Section 2. This act shall take effect July 1, 2026.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 948

INTRODUCER: Community Affairs Committee and Senator McClain

SUBJECT: Local Government Land Development Regulations and Orders

DATE: January 29, 2026 REVISED: 1/29/26 _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-------------------|----------------|-----------|---------------|
| 1. <u>Hackett</u> | <u>Fleming</u> | <u>CA</u> | <u>Fav/CS</u> |
| 2. _____ | _____ | <u>JU</u> | _____ |
| 3. _____ | _____ | <u>RC</u> | _____ |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 948 creates the “Florida Starter Homes Act,” a framework for preempting how local governments approach single-family residential zoning.

Under the bill, a local government may not adopt land development regulations that govern lots on residential real property unless such adoption is the least restrictive means of furthering a compelling governmental interest. If a lot on residential real property is connected to a public water and sewer system, a local government must follow certain restrictions on development regulations, including height and density minimums, parking and lot size maximums, and the ability to develop up to a quadruplex on single-family lots, including those split into up to 8 lots.

The bill introduces a new framework for the application for and approval of development applications, including development permits, orders, and plats. The framework includes strict timelines and penalties, and results in administrative approval on all residential development without input.

The bill offers specific legal guidelines for adjudication of a suit against a local government in violation of the new framework, and entitles a prevailing plaintiff to attorney fees and costs. The bill also waives sovereign immunity for any local government to the extent liability is created by the bill.

The bill provides that, in addition to existing powers, a neighborhood improvement district may plan, finance, or complete structural safety or building compliance improvements.

The bill also provides for the placement of manufactured housing on any lot in a recreational vehicle park, and provides for parity in regulations for off-site constructed residential dwellings (compared to on-site construction) in local government zoning, land use, and development regulations.

The bill takes effect July 1, 2026.

II. Present Situation:

The Community Planning Act

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act,¹ also known as Florida's Growth Management Act, was significantly revised in 2011, becoming the Community Planning Act.² The Community Planning Act governs how local governments create and adopt their local comprehensive plans.

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The Community Planning Act intends that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.³ A housing element is required as part of every comprehensive plan in the state. Among other things, the housing element must address "the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction."⁴

Municipalities established after the effective date of the Community Planning Act must adopt a comprehensive plan within three years after the date of incorporation.⁵ The county comprehensive plan controls until a municipal comprehensive plan is adopted.⁶

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, which are consistent with and implement their adopted comprehensive plan.⁷

¹ See ch. 85-55, s. 1, Laws of Fla.

² See ch. 2011-139, s. 17, Laws of Fla.

³ Section 163.3161(4), F.S.

⁴ Section 163.3177(6)(f)1.g., F.S.

⁵ Section 163.3167(3), F.S.

⁶ *Id.*

⁷ Section 163.3202, F.S.

Comprehensive Plan Amendments

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.⁸

Any affected person may challenge whether a plan or plan amendment complies with the Act by petitioning the Division of Administrative Hearings (DOAH) for a formal hearing.⁹ An administrative law judge must hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.¹⁰ In challenges filed by an affected person, the comprehensive plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable. If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency for a final order in its favor.¹¹

Issuing Development Orders and Permits

Under the Community Planning Act, a development permit is any official action of a local government that has the effect of permitting the development of land including, but not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances.¹² A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.¹³

Within 30 days after receiving an application for approval of a development permit or development order, a municipality or county must review the application for completeness and issue a letter indicating that all required information is submitted or specify any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.¹⁴

Within 120 days after the municipality or county has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order.¹⁵ Both the applicant and the local government may agree to a reasonable request for an extension of time, particularly in the event of an extraordinary circumstance.¹⁶ An approval, approval with conditions, or denial of the application for a

⁸ Sections 163.3174(4)(a) and 163.3184, F.S.

⁹ Section 163.3184(5)(a), F.S.

¹⁰ Section 163.3184(5)(c), F.S.

¹¹ Section 163.3184(5)(e), F.S.

¹² Section 163.3164(16), F.S.

¹³ See ss. 125.022, 163.3164(15), and 166.033, F.S.

¹⁴ Sections 125.022(1) and 166.033(1), F.S.

¹⁵ *Id.*

¹⁶ *Id.*

development permit or development order must include written findings supporting the county's decision.¹⁷ However, these timeframes do not apply in an area of critical state concern.¹⁸

When reviewing an application for a development permit or development order, not including building permit applications, a county or municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.¹⁹

If a county or municipality makes a request for additional information from the applicant and the applicant provides the information within 30 days of receiving the request, the county or the municipality must:

- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 30 days of receiving the information, if the request is the county or municipality's first request.²⁰
- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 10 days of receiving the additional information, if the request is the county or municipality's second request.²¹
- Deem the application complete within ten days of receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county or municipality's time limitations in writing, if the request is the county or municipality's third request.

Before a third request for information, the applicant must be offered a meeting to attempt to resolve outstanding issues.²² If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant can request the county or municipality proceed to process the application for approval or denial.²³ If denied, the county or municipality is required to give written notice to the applicant and must provide reference to the applicable legal authority for the denial of the permit.²⁴

Once an application is deemed complete, a county or municipality must approve, approve with conditions, or deny the application within 120 days or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing.²⁵

Platting

In Florida law, a "plat" is a map or delineated representation of the subdivision of lands. It is a complete and exact representation of the subdivision and other information, in compliance with state law and any local ordinances.²⁶ Generally, platting is required whenever a developer wishes

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Sections 125.022(2) and 166.033(2), F.S.

²⁰ Section 125.022(2)(b) and Section 166.033(2)(b), F.S.

²¹ Section 125.022(2)(c) and Section 166(2)(c), F.S.

²² Sections 125.022(2) and 166.033(2), F.S.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Section 177.031(14), F.S.

to subdivide a large piece of property into smaller parcels and tracts. These smaller areas become the residential lots, streets, and parks of a new residential subdivision.²⁷

State law establishes consistent minimum requirements for the platting of lands but also authorizes local governments to regulate and control platting.²⁸ Prior to local government approval, the plat must be reviewed for conformity with state and local law and sealed by a professional surveyor and mapper employed by the local government.²⁹

Before recording a plat, it must be approved by the appropriate local government administrative authority. The authority must provide written notice in response to a submittal within seven days acknowledging receipt, identifying any missing documents or information required, and providing information regarding the approval process including requirements and timeframes.³⁰

Unless the applicant requests an extension, the authority must approve, approve with conditions, or deny the submittal within the timeframe identified in the initial written notice. A denial must be accompanied by an explanation of why the submittal was denied, specifically citing unmet requirements. The authority or local government may not request or require an extension of time.³¹

Sovereign Immunity

Sovereign immunity is “[a] government’s immunity from being sued in its own courts without its consent.”³² The doctrine had its origin with the judge-made law of England. The basis of the existence of the doctrine of sovereign immunity in the United States was explained as follows: A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends.³³

Article X, s. 13 of the Florida Constitution authorizes the Legislature to enact laws that permit suits against the State and its subdivisions, thereby waiving sovereign immunity. Currently, Florida law allows tort lawsuits against the State and its subdivisions³⁴ for damages that result from the negligence of government employees acting in the scope of their employment, but limits payment of judgments to \$200,000 per person and \$300,000 per incident.³⁵ This liability

²⁷ Harry W. Carls, Florida Condo & HOA Law Blog, *Why is a Plat so Important?* (May 17, 2018), <https://www.floridacondohoalawblog.com/2018/05/17/why-is-a-plat-so-important/>.

²⁸ Section 177.011, F.S.

²⁹ Section 177.081(1), F.S.

³⁰ Section 177.071(2) F.S.

³¹ Section 177.071(3) F.S.

³² BLACK’S LAW DICTIONARY (11th ed. 2019).

³³ *Cauley v. City of Jacksonville*, 403 So. 2d 379, 381 (Fla. 1981) (quoting *Kawanananakoa v. Polyblank*, 205 U.S. 349, 353 (1907)).

³⁴ Section 768.28(2), F.S., defines “state agencies or subdivisions” to include “executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority.”

³⁵ Section 768.28, F.S.

exists only where a private person would be liable for the same conduct.³⁶ Harmed persons who seek to recover amounts in excess of these limits may request that the Legislature enact a claim bill to appropriate the remainder of their court-awarded judgment.³⁷ Article VII, s. 1(c) of the Florida Constitution prohibits funds from being drawn from the State Treasury except in pursuance of an appropriation made by law. However, local governments and municipalities are not subject to this provision, and therefore may appropriate their local funds according to their processes.

Placement of Manufactured Housing

Section. 553.382, F.S., allows any residential manufactured building³⁸ certified under ch. 553, F.S., by the Florida Department of Business and Professional Regulation to be placed on a mobile home lot located in a mobile home park, recreational vehicle park, mobile home condominium, mobile home cooperative, or mobile home subdivision, notwithstanding any contrary local law or ordinance. Once placed on such a lot, the unit is treated as a mobile home for purposes of ch. 723, F.S., meaning all rights, obligations, and duties under the Mobile Home Park Tenancy Law, including prospectus requirements and resident protections, apply. Placement of a residential manufactured building requires the prior written approval of the park owner.

Neighborhood Improvement Districts

A neighborhood improvement district (NID) (also known as a “safe neighborhood improvement district”) is a district located in an area in which more than 75 percent of the land is used for residential purposes or for commercial, office, business, or industrial purposes and where there is a plan to reduce crime through environmental design, environmental security, defensible space techniques, or community policing innovations.³⁹

A NID can be one of four types of districts:

- A Local Government NID,⁴⁰
- A Property Owners’ Association NID,⁴¹
- A Special NID,⁴² or
- A Community Redevelopment NID.⁴³

³⁶ Section 768.28(1), F.S.

³⁷ Section 768.28(5)(a), F.S. *See also*, s. 11.066, F.S., which states that state agencies are not required to pay monetary damages under a court’s judgment except pursuant to an appropriation made by law.

³⁸ “Manufactured building” means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This part does not apply to mobile homes. See s. 553.36(13), F.S.

³⁹ Section 163.503(1), F.S.

⁴⁰ Section 163.506, F.S.

⁴¹ Section 163.508, F.S.

⁴² Section 163.511, F.S.

⁴³ Section 163.512, F.S.

A NID must be created through the adoption of a planning ordinance by the governing body of the applicable municipality or county pursuant to the applicable procedure in ss. 163.506, 163.508, 163.511, or 163.512.⁴⁴ Each NID must register with the Department of Commerce within 30 days of formation and provide the district's name, location, size, type, and any other information required by the Department of Commerce.⁴⁵

Unless preempted by ordinance, a NID can:

- Enter into contracts and agreements and sue and be sued as a body corporate.
- Have and use a corporate seal.
- Acquire, own, convey, or otherwise dispose of, lease as lessor or lessee, construct, maintain, improve, enlarge, raze, relocate, operate, and manage property and facilities of whatever type to which it holds title and grant and acquire licenses, easements, and options with respect thereto.
- Accept grants and donations of any type of property, labor, or other thing of value from any public or private source.
- Have exclusive control of funds legally available to it, subject to limitations imposed by law or by any agreement validly entered into by it.
- Cooperate and contract with other governmental agencies or other public bodies.
- Contract for services of planning consultants, experts on crime prevention through community policing innovations, environmental design, environmental security, or defensible space, or other experts in areas pertaining to the operations of the board of directors or the district.
- Contract with the county or municipal government for planning assistance, and for increased levels of law enforcement protection and security, including additional personnel.
- Promote and advertise the commercial advantages of the district so as to attract new businesses and encourage the expansion of existing businesses.
- Promote and advertise the district to the public and engage in cooperative advertising programs with businesses located in the district.
- Improve street lighting, parks, streets, drainage, utilities, swales, and open areas, and provide safe access to mass transportation facilities in the district.
- Undertake innovative approaches to securing neighborhoods from crime, such as crime prevention through community policing innovations, environmental design, environmental security, and defensible space.
- Privatize, close, vacate, plan, or replan streets, roads, sidewalks, and alleys, subject to the concurrence of the local governing body and, if required, the state Department of Transportation.
- Prepare, adopt, implement, and modify a safe neighborhood improvement plan for the district.
- Identify areas with blighted influences, including, but not limited to, areas where unlawful urban dumping or graffiti are prevalent, and develop programs for eradication thereof.
- Subject to referendum approval, make and collect special assessments pursuant to ss. 197.3632 and 197.3635 to pay for improvements to the district and for reasonable expenses of operating the district, including the payment of expenses included in the district's budget,

⁴⁴ Section 163.504, F.S.

⁴⁵ Section 163.5055(1), F.S.

subject to an affirmative vote by a majority of the registered voters residing in the district. Such assessments shall not exceed \$500 for each individual parcel of land per year. Notwithstanding the provisions of s. 101.6102, the referendum to approve the special assessment shall be by mail ballot.⁴⁶

If approved at a referendum, a Local Government NID or Special NID may be authorized to levy an ad valorem tax of up to 2 mills annually.⁴⁷ A Property Owners' Association NID may collect assessments related to common areas within the district.⁴⁸ A Community Redevelopment NID may use the community redevelopment trust fund created pursuant to s. 163.387, F.S., for specified purposes.⁴⁹

Section 163.504, F.S., was amended in 2024,⁵⁰ to provide that a NID may not be created on or after July 1, 2024, however, any NID in existence before July 1, 2024, may continue to operate as provided in part IV of ch. 163, F.S. As of August 2025, 21 districts represented four of the five types of NIDs: Local Government NID (18 districts); Property Owners' Association NID (1); Special NID (1); Preservation and Enhancement NID (1); and Community Redevelopment NID (0).⁵¹

III. Effect of Proposed Changes:

Florida Starter Homes Act

The bill creates s. 163.3254, F.S., the “Florida Starter Homes Act.” The bill presents a framework for preempting how local governments approach single-family residential zoning and development approval.

Under the bill, a local government may not adopt land development regulations that govern residential lots⁵² unless such adoption is the least restrictive means of furthering a compelling governmental interest. Exceptions include preventing or abating nuisances, enforcing license or existing permits, or enforcing requirements of federal law or judicial determination.

If a lot on residential real property is connected to a public water and sewer system, or will be connected as part of a lot split plan or subdivision plan, a local government may not:

- Require a minimum lot size greater than 1,200 square feet;
- Prevent the lot from being developed as a townhouse, duplex, triplex, or quadruplex;
- Require greater setbacks than 0 feet side, 10 rear, or 20 front;

⁴⁶ Section 163.514, F.S.

⁴⁷ Sections 163.506(1)(c) and 163.511(1)(b), F.S.

⁴⁸ Section 163.508(3)(c), F.S.

⁴⁹ Section 163.512(1)(c), F.S.

⁵⁰ See ch. 2024-136, Laws of Fla.

⁵¹ Office of Program Policy Analysis and Government Accountability, *Neighborhood Improvement District Performance Reviews Capping Report*, p. 4, August 4, 2025, available at <https://oppaga.fl.gov/Documents/ContractedReviews/Capping%20Report%20for%20the%20Neighborhood%20Improvement%20District%20Performance%20Reviews.pdf> (last visited Jan. 29, 2026).

⁵² Defined by the bill to mean a lot zoned for residential use or on which at least one of the following is an existing or lawful use: single-family attached or detached home, duplex, triplex, or quad-plex. The term does not include a lot located within an area of critical state concern.

- Require minimum dimensions of a lot to exceed 20 feet;
- Require more than 30 percent of the lot area to be reserved for open space or permeable surface;
- Require a maximum building height less than three stories or 35 feet above grade;
- Require a maximum floor area ratio of less than 3;
- Require the property owner to occupy the property;
- Require a minimum size greater than the requirements of the Florida Building Code; or
- Require a more restrictive residential density.

Under the bill, local governments must allow a lot to front or abut a shared space instead of a public right-of-way. Local governments may not require a minimum number of parking spaces greater than one per residential dwelling unit for lots 4,000 square feet or less, or any minimum parking for lots within one-half mile of a permanent public transit stop such as bus, commuter rail, or intercity rail system. A local government must also allow the development of a lot split⁵³ by right⁵⁴ without imposing regulations not applied to other developments.

The bill introduces a new framework for the application for and approval of development applications, including development permits, orders, and plats. Upon receipt of an application, a local government must confirm receipt and review for completeness within 10 business days. A deficient applicant has 60 business days to address deficiencies. A local government must administratively approve an application within 20 business days without further action or approval. Denial of an application must include written findings in support. Failure to follow these procedures within certain time frames results in the application being deemed approved regardless of underlying merit or completeness. Failure by the local government to follow timelines results in a 100 percent refund of application fees.

Land development regulations applying to historic properties may not vary based on lot splits, except as it applies to building design elements regulations otherwise permitted by law, or prohibiting the demolition or alteration of a structure individually listed in the National Register of Historic Places or a contributing structure in such a historic district.

A property owner or housing association may maintain a cause of action for damages for regulations adopted in violation of the bill. In such a proceeding the bill offers specific legal guidelines for adjudication, and entitles a prevailing plaintiff to attorney fees and costs.

The bill waives sovereign immunity for any local government to the extent liability is created by the bill.

The bill does not prohibit the governing documents of a condominium association, a homeowners' association, or a cooperative, or any deed restrictions established before July 1,

⁵³ Defined by the bill to mean the division of a parcel into no more than eight lots. Compare with existing law on platting, which defines subdivision as the division of land into three or more lots. Section 177.031(18), F.S.

⁵⁴ Defined by the bill to mean administrative approval as a matter of right by a local government of a development application that objectively complies with applicable zoning regulations and for which the local government may not impose a public hearing or other discretionary regulation.

2026. Moving forward such documents recorded are void and unenforceable to the extent that they conflict with the bill.

The bill also amends ss. 125.022, 166.033, and 553.382, F.S., to provide that procedures for a local government approving a development permit, order, or plat for a residential lot must follow the application procedures established by the bill.

Miscellany

The bill amends s. 163.514, F.S., regarding the powers of safe neighborhood improvement districts, to empower districts to plan, finance, or complete structural safety or building compliance improvements, including improvements required under state or local structural recertification programs,⁵⁵ if such improvements are approved by a majority vote of either the district's residents, or an advisory council composed of residents of the district, if such council has been established.⁵⁶

The bill amends s. 553.382, F.S., to provide that a manufactured home may be placed on any lot in a recreational vehicle park, rather than only on a mobile home lot in a recreational vehicle park.

The bill creates s. 553.385, F.S., to provide that an off-site constructed residential dwelling must be permitted as of right in any zoning district where single-family detached dwellings are allowed. Local governments may not adopt or enforce zoning, land use, or development regulations which treat off-site constructed residential dwellings differently or more restrictively than a single-family site-built dwelling allowed in the same district. A local government may adopt compatibility standards limited to roof pitch, square footage, type and quality of exterior, foundation enclosure, existence and type of attached structures, setbacks, dimensions, and orientation.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁵⁵ Such as repairs required pursuant to a mandatory structural milestone inspection under s. 553.899, F.S.

⁵⁶ Pursuant to s. 163.506(3), F.S.,

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:**Single Subject**

Article III, section 6 of the State Constitution requires every law to “embrace but one subject and matter properly connected therewith.” The purpose of this requirement is to prevent logrolling, which combines multiple unrelated measures in one bill in order to secure passage of a measure that is unlikely to pass on its own merits.⁵⁷ The Florida Supreme Court has held that the single subject clause contains three requirements: first, each law must embrace only one subject; second, the law may include any matter that properly connected with the subject; and third, the subject must be briefly expressed in the title.⁵⁸ The subject matter to consider when determining whether a bill embraces a single subject is the bill title’s subject, and the test is whether the bill is designed to accomplish separate objectives with no natural or logical connection to each other.⁵⁹

The bill is entitled an act “related to local government land development regulations and orders.” Section 4 of the bill, pertaining to the powers of neighborhood improvement districts, may not bear the natural or logical connection to the rest of the bill required to meet the single subject requirement in the State Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Due to the unknown impacts on development as well as individual property rights for current landowners, the private sector impact of the bill is indeterminate.

C. Government Sector Impact:

The bill will have an indeterminate, negative fiscal impact as local governments reconfigure their entire framework of single family residential zoning and development approval. The waiver of sovereign immunity for damages caused by violations of the bill further exposes local governments to potential negative fiscal impact.

⁵⁷ *Santos v. State*, 380 So.2d 1284 (Fla. 1980).

⁵⁸ *Franklin v. State*, 887 So. 1063, 1072 (Fla. 2004).

⁵⁹ See *Ex parte Knight*, 41 So. 786 (Fla. 1906); *Brd. of Public Instruction of Broward Cnty. v. Doran*, 224 So.2d 693 (Fla. 1969).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 125.022, 166.033, 163.514, 177.071, and 553.382 of the Florida Statutes.

This bill creates sections 163.3254 and 553.385 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on January 27, 2026:

The committee substitute:

- Amends various definitions, including the addition of “by right” to describe an administrative approval process without discretion;
- Amends the deletions of application and approval processes in favor of a narrower direction that those applications related to residential lots follow the framework introduced by the bill;
- Revises the Starter Homes Act to include an exception to preemption related to historic properties to allow regulations related to building design elements;
- Revises the application of the Starter Homes Act to apply to condominium or homeowners’ associations and deed restrictions if voluntarily adopted;
- Amends the retroactivity provision to assert that the bill is remedial in nature;
- Introduces a new section permitting neighborhood improvement districts to plan, finance, and complete structural safety or building compliance improvements under certain circumstances;
- Introduces a new section permitting the placement of manufactured residential buildings on any lot in a recreational vehicle park; and
- Introduces a new section requiring a local government to permit an off-site constructed residential dwelling by right in any zoning district where single-family detached dwellings are allowed, permitting the regulation of certain building standards.

B. Amendments:

None.



LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 01/27/2026 | . | |
| | . | |
| | . | |
| | . | |

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

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. Subsection (10) is added to section 125.022,
6 Florida Statutes, to read:

7 125.022 Development permits and orders.—

8 (10) Subsections (2), (3), and (4) do not apply to an
9 application for approval of a development permit or development
10 order for a residential lot as defined in s. 163.3254(3). For



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11 such applications, the county shall follow the application
12 procedures established in s. 163.3254(7).

13 Section 2. Subsection (10) is added to section 166.033,
14 Florida Statutes, to read:

15 166.033 Development permits and orders.—

16 (10) Subsections (2), (3), and (4) do not apply to an
17 application for approval of a development permit or development
18 order for a residential lot as defined in s. 163.3254(3). For
19 such applications, the municipality shall follow the application
20 procedures established in s. 163.3254(7).

21 Section 3. Section 163.3254, Florida Statutes, is created
22 to read:

23 163.3254 Florida Starter Homes Act.—The Florida Starter
24 Homes Act is created to make home ownership, renting, and
25 leasing more affordable for the residents of this state by
26 increasing the supply of housing for the residents of this
27 state.

28 (1) This section may be cited as the "Florida Starter Homes
29 Act."

30 (2) The Legislature finds that:

31 (a) The median price of homes in this state has increased
32 steadily in the decade preceding 2026, rising at a greater rate
33 of increase than the median income in this state.

34 (b) There is a housing shortage in this state which
35 constitutes a threat to the health, safety, and welfare of the
36 residents of this state, and this shortage has caused the costs
37 of home ownership, renting, and leasing to often exceed an
38 amount that is affordable for residents of this state.

39 (c) The housing shortage is caused, to a significant



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40 extent, by regulations governing residential lots which have
41 been imposed by local governments without a compelling
42 governmental interest. Such regulations substantially burden the
43 basic right under the State Constitution to acquire, possess,
44 and protect property.

45 (d) Single-family detached homes, single-family attached
46 homes, townhouses, duplexes, triplexes, and quadruplexes are
47 affordable starter homes for residents of this state to own,
48 rent, or lease.

49 (e) Regulations governing residential lots which have been
50 imposed by local governments do not encourage a high degree of
51 flexibility relating to residential development, and such
52 regulations prevent the development of starter homes on
53 residential lots smaller in size, due, in part, to minimum lot
54 size requirements and restrictions on the types of dwellings
55 allowed to be constructed on residential lots.

56 (f) The important public purpose sought to be achieved by
57 allowing starter homes on residential lots that are smaller in
58 size is to increase the supply of housing, which will make home
59 ownership, renting, and leasing more affordable for the
60 residents of this state.

61 (3) For purposes of this section, the term:

62 (a) "Business day" means all calendar days except
63 Saturdays, Sundays, and holidays under s. 110.117(1).

64 (b) "By right" means administrative approval as a matter of
65 right by a local government of a development application that
66 objectively complies with applicable zoning regulations and for
67 which the local government may not impose a public hearing; any
68 action by a governing body, reviewing body, or quasi-judicial



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69 body; a variance; a conditional use permit, special permit, or
70 special exception; or any other discretionary regulation.

71 (c) "Compelling governmental interest" means a governmental
72 interest of the highest order which cannot be achieved through
73 less restrictive means. A compelling governmental interest must
74 have a real and substantial connection to protecting public
75 safety, health, or reasonable enjoyments and expectations of
76 property, such as requiring the structural integrity, safe
77 plumbing, or safe electricity of buildings, or preventing or
78 abating nuisances.

79 (d) "Development" has the same meaning as in s. 380.04.

80 (e) "Development application" means an application for
81 approval of any of the following:

82 1. A lot split or subdivision.

83 2. A plat or replat.

84 3. A development bonus for additional height, density, or
85 floor area ratio.

86 4. The demolition of an existing structure, if the
87 demolition objectively complies with applicable regulations.

88 5. Any other development order or development permit as
89 those terms are defined in s. 163.3164, except for building
90 permits.

91 (f) "Dwelling unit" means a single unit formed by one or
92 more rooms within a dwelling which is used, or is designed to be
93 used, as a home, residence, or sleeping place for at least one
94 person.

95 (g) "Impose" means request or adopt, enact, establish,
96 maintain, enforce, mandate, compel, force, or otherwise require.

97 (h) "Local government" means any county, municipality, or



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98 special district.

99 (i) "Lot" means a parcel, tract, tier, block, site, unit,
100 or any other division of land.

101 (j) "Lot split" means the division of a parent parcel into
102 no more than eight residential lots.

103 (k) "Nuisance" means persistent activity that injures the
104 physical condition or interferes with the use of adjacent land,
105 is injurious to health or safety, or objectively offends the
106 senses.

107 (l) "Objectively" means in a way that involves no personal
108 or subjective judgment by a public official and that is
109 uniformly verifiable by reference to an external and uniform
110 benchmark or criterion available and knowable by both the local
111 government and the development applicant, development proponent,
112 or property owner, as applicable.

113 (m) "Parent parcel" means the original lot from which
114 subsequent lots are created.

115 (n) "Public transit stop" means a stop or station used for
116 public purposes for transit services, including for a bus rapid
117 transit service, a bus system, a streetcar, a commuter rail
118 service as defined in s. 341.301, an intercity rail
119 transportation system as defined in s. 341.301, or a fixed-
120 guideway transportation system as defined in s. 341.031(2). The
121 term does not include a stop or station for a people-mover
122 system in a public-use airport as defined in s. 332.004 or for
123 an intercity rail transportation system in a rural community as
124 defined in s. 288.0656(2).

125 (o) "Public water system" has the same meaning as in s.
126 403.852(2).



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127 (p) "Regulation" means a comprehensive plan, a development
128 order, or a land development regulation as those terms are
129 defined in s. 163.3164 or any other local government ordinance,
130 resolution, policy, action, procedure, condition, guideline,
131 development agreement, or land development code.

132 (q) "Residential lot" means a lot that is zoned for
133 residential use or on which at least one type of starter home is
134 an existing or lawful use. The term does not include a lot that
135 is located within an area of critical state concern designated
136 pursuant to s. 380.05.

137 (r) "Sewerage system" has the same meaning as in s.
138 403.031. The term does not include an onsite sewage treatment
139 and disposal system as defined in s. 403.031.

140 (s) "Shared space" means a driveway, an alley, or a common
141 open space, such as a courtyard or pocket park.

142 (t) "Starter home" means a dwelling with one, two, three,
143 or four dwelling units. The term includes, but is not limited
144 to, single-family detached homes, single-family attached homes,
145 townhouses as defined in s. 481.203, duplexes, triplexes, and
146 quadruplexes, and the curtilage thereof.

147 (u) "Subdivision" means the division of a parent parcel
148 into nine or more residential lots. The term includes streets,
149 alleys, additions, and resubdivisions.

150 (4) (a) 1. A local government may not impose a regulation
151 that governs residential lots unless such regulation is:

152 a. In furtherance of a compelling governmental interest;
153 and

154 b. The least restrictive means of furthering that
155 compelling governmental interest.



156 2. Subparagraph 1. does not apply to regulations that:
157 a. Prevent or abate a nuisance;
158 b. Enforce the terms of a license, a permit, or an
159 authorization;
160 c. Enforce any requirement imposed by federal law; or
161 d. Are the result of a final, nonappealable judicial
162 determination.

163 3. Any ambiguity in a regulation that governs residential
164 lots must be construed in favor of the basic rights to acquire,
165 possess, and protect property, including, but not limited to,
166 the right to approval by right of a development or development
167 application.

168 (b) If a residential lot is connected to a public water
169 system and a sewerage system, or will be connected to such
170 systems as part of a lot split plan or subdivision plan, a local
171 government may not impose a regulation that does any of the
172 following:

173 1. Requires a minimum lot size that is greater than 1,200
174 square feet for existing lots, lots created by a lot split, or
175 lots created by subdivision.

176 2. Prohibits, limits, or otherwise restricts the
177 development of a starter home.

178 3. Requires a minimum setback that is greater than: 0 feet
179 from the sides; 10 feet from the rear; or 20 feet from the
180 front, or 0 feet from the front if the lot fronts or abuts a
181 shared space.

182 4. Requires a minimum dimension of a lot, including its
183 width or depth, to exceed 20 feet if the lot meets the relevant
184 minimum lot size requirement.



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185 5. Requires more than 30 percent of lot area to be reserved
186 for open space or permeable surface.

187 6. Requires a maximum building height of less than three
188 stories or 35 feet above grade or, if applicable, three stories
189 or 35 feet above the base flood elevation established by the
190 Federal Emergency Management Agency.

191 7. Requires a maximum floor area ratio of less than 3.

192 8. Requires the property owner to occupy the property.

193 9. Requires a minimum size for a starter home which is
194 greater than that required by the Florida Building Code.

195 10. Requires a maximum residential density, typically
196 measured in dwelling units per acre, which is more restrictive
197 than the requirements of this subsection.

198 (5) (a) Regulations imposed by a local government must allow
199 a residential lot to front or abut a shared space instead of a
200 public right-of-way.

201 (b) A local government may not impose a regulation that
202 requires a minimum number of parking spaces greater than one per
203 residential dwelling unit for residential lots that are 4,000
204 square feet or less, or any minimum number of parking spaces for
205 residential lots within a one-half mile radius of a public
206 transit stop that is open for public use on or after January 1,
207 2026.

208 (c) A local government may not impose a regulation that
209 prohibits, limits, or otherwise restricts lot splits or the
210 development of starter homes on a residential lot that contains
211 historic property as defined in s. 267.021, except for:

212 1. Regulations relating to building design elements which
213 may be applied pursuant to s. 163.3202(5)(a)1.; or



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214 2. Regulations that prohibit, limit, or otherwise restrict
215 the demolition or alteration of a structure or building that is
216 individually listed in the National Register of Historic Places,
217 or that is a contributing structure or building within a
218 historic district which was listed in the National Register of
219 Historic Places before January 1, 2000.

220 (6) Local government regulations must include a process
221 through which an applicant may seek review and approval of a lot
222 split.

223 (a) A lot split must be approved by right if the lot split
224 objectively complies with the requirements of this section.

225 (b) Regulations imposed by a local government which
226 establish criteria for the application for, or approval of, a
227 lot split are limited to the following:

228 1. The requirement that an applicant provide the relevant
229 documentation and pay a fee for the cost of review of such
230 documentation. Any other fee imposed on the application for, or
231 approval of, a lot split is prohibited.

232 2. The requirement that lots created by the lot split
233 comply with applicable zoning regulations that govern the parent
234 parcel.

235 3. The requirement that the parent parcel was not created
236 by a lot split or subdivision during the previous 12 months.

237 (7) (a) A local government shall confirm receipt of a
238 development application for a residential lot within 5 business
239 days after receipt of the application using the contact
240 information provided by the applicant. Within 10 business days
241 after receiving the application, the local government shall
242 review the application for completeness and issue a written



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243 notification to the applicant indicating that all required
244 information is submitted or specify in writing with
245 particularity any areas that are deficient. If the application
246 is deficient, the applicant has 60 business days to address the
247 deficiencies by submitting the required additional information.

248 (b) Within 5 business days after receipt of such additional
249 information, the local government shall issue a written
250 notification to the applicant indicating that all required
251 information is submitted or specify in writing with
252 particularity any areas that remain deficient. The local
253 government may request additional information up to three times
254 if necessary to address an initially identified area of
255 deficiency. However, the local government may not raise a new
256 area of deficiency in a subsequent request for additional
257 information unless the deficiency was caused by a material
258 change introduced by the applicant in the additional information
259 provided to the local government. Before making a third request
260 for additional information, the local government must offer the
261 applicant a meeting to discuss and resolve any outstanding areas
262 of deficiency. If the applicant believes that a request for
263 additional information is not authorized by law, the local
264 government, at the applicant's request, must process the
265 application for approval or denial. If a local government deems
266 an application incomplete after making three requests for
267 additional information, the local government must process the
268 application for approval or denial.

269 (c) The local government shall approve the development
270 application by right within 20 business days after deeming the
271 application complete and may not impose any further action. Any



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denial of the application must include written findings supporting the local government's decision.

(d) At any point during the timeframes specified in paragraph (a) or paragraph (b), an applicant may request, and the local government must grant, an extension of time for up to 60 business days. However, a local government may not impose an extension of time or require an applicant to request an extension of time.

(e) If a local government fails to:

1. Issue a written notification of completeness or written specification of areas of deficiency within 10 business days after receiving a development application;

2. Issue a written notification of completeness or written specification of areas of deficiency within 5 days after receiving additional information; or

3. Approve an application by right within 20 days after deeming the application complete,

the application is deemed approved by right, and the local government must issue written notification of approval by the next business day and issue to the applicant a refund equal to 100 percent of the application fee.

(f) The timeframes contained in this subsection do not supersede any other timeframes provided in state law which are less restrictive than this subsection for property owners or development, such as a shorter timeframe for a local government to review documentation or to approve a development application.

(8) (a) A property owner or housing organization aggrieved or adversely affected by a regulation imposed by a local



301 government in violation of this section may maintain a cause of
302 action for damages in the county in which the property is
303 located. As used in this paragraph, the term "housing
304 organization" means a trade or industry group that constructs or
305 manages housing units, a nonprofit organization that provides or
306 advocates for increased access or reduced barriers to housing,
307 or a nonprofit organization that is engaged in public policy
308 research, education, or outreach that includes housing-policy-
309 related issues.

310 (b) 1. In a proceeding under this subsection, an aggrieved
311 or adversely affected party is entitled to the summary procedure
312 provided in s. 51.011, and the court shall advance the cause on
313 the calendar. The court shall review the evidence de novo and
314 enter written findings of fact based on the preponderance of the
315 evidence that a local government has imposed a regulation in
316 violation of this section.

317 2. An aggrieved or adversely affected party shall prevail
318 in an action filed under this subsection unless the local
319 government demonstrates to the court by clear and convincing
320 evidence that the regulation is:

321 a. In furtherance of a compelling governmental interest;
322 and

323 b. The least restrictive means of furthering the compelling
324 governmental interest.

325 (c) The court may do any of the following:

326 1. Enter a declaratory judgment as is provided by chapter
327 86.

328 2. Issue a writ of mandamus.

329 3. Issue an injunction to prevent a violation of this



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330 section.

331 4. Remand the matter to the land development regulation
332 commission for action consistent with the judgment.

333 (d) A prevailing plaintiff is entitled to recover
334 reasonable attorney fees and costs, including reasonable
335 appellate attorney fees and costs.

336 (9) This section waives sovereign immunity for any local
337 government to the extent liability is created in this section.

338 (10) This section does not prohibit, limit, or otherwise
339 restrict a condominium association, a homeowners' association,
340 or a cooperative from adopting or approving governing documents,
341 or a property owner from establishing deed restrictions, if such
342 adoption, approval, or establishment is voluntary and not
343 imposed by a local government. If such adoption, approval, or
344 establishment is imposed by the local government, the governing
345 document or deed restriction, as applicable, is deemed a local
346 government regulation under this section and is void and
347 unenforceable to the extent that it conflicts with this section.

348 (11) This section applies retroactively to any local
349 government regulation that is contrary to this section or its
350 intent. This section is remedial and shall be liberally
351 construed to effectuate its intent. Any local government
352 regulation contrary to this section is void and unenforceable to
353 the extent that it conflicts with this section.

354 Section 4. Present subsection (17) of section 163.514,
355 Florida Statutes, is redesignated as subsection (18), and a new
356 subsection (17) is added to that section, to read:

357 163.514 Powers of neighborhood improvement districts.—
358 Unless prohibited by ordinance, the board of any district shall



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359 be empowered to:

360 (17) Plan, finance, or complete structural safety or
361 building compliance improvements, including improvements
362 required under state or local structural recertification
363 programs, if such improvements are approved by:

364 (a) A majority vote of the district's residents; or
365 (b) An advisory council composed of residents of the
366 district, if such a council has been established by local
367 ordinance pursuant to s. 163.506.

368 Section 5. Subsection (6) is added to section 177.071,
369 Florida Statutes, to read:

370 177.071 Administrative approval of plats or replats by
371 designated county or municipal official.—

372 (6) Subsection (3) does not apply to a plat or a replat
373 under this part for a residential lot as defined in s.
374 163.3254(3). For such plats and replats, the administrative
375 authority shall follow the application procedures established in
376 s. 163.3254(7).

377 Section 6. Section 553.382, Florida Statutes, is amended to
378 read:

379 553.382 Placement of certain housing.—Notwithstanding any
380 other law or ordinance to the contrary, in order to expand the
381 availability of affordable housing in this state, any
382 residential manufactured building that is certified under this
383 chapter by the department may be placed on a mobile home lot in
384 a mobile home park, ~~recreational vehicle park~~, or mobile home
385 condominium, cooperative, or subdivision or on any lot in a
386 recreational vehicle park. Any such housing unit placed on a
387 mobile home lot is a mobile home for purposes of chapter 723



388 and, therefore, all rights, obligations, and duties under
389 chapter 723 apply, including the specifics of the prospectus.
390 However, a housing unit subject to this section may not be
391 placed on a mobile home lot without the prior written approval
392 of the park owner. Each housing unit subject to this section
393 which is placed on a mobile home lot shall be taxed as a mobile
394 home under s. 320.08(11) and is subject to payments to the
395 Florida Mobile Home Relocation Fund under s. 723.06116.

396 Section 7. Section 553.385, Florida Statutes, is created to
397 read:

398 553.385 Zoning of off-site constructed residential
399 dwellings; parity.—

400 (1) As used in this section, the term:

401 (a) "Local government" means a county or municipality.
402 (b) "Off-site constructed residential dwelling" means a
403 manufactured building as defined in s. 553.36 which is intended
404 for single-family residential use, or a manufactured home as
405 defined in s. 320.01(2) (b), which is constructed in whole or in
406 part off-site and is treated as real property.

407 (2) (a) An off-site constructed residential dwelling must be
408 permitted as of right in any zoning district where single-family
409 detached dwellings are allowed.

410 (b) A local government may not adopt or enforce any zoning,
411 land use, or development regulation that treats an off-site
412 constructed residential dwelling differently or more
413 restrictively than a single-family site-built dwelling allowed
414 in the same district.

415 (c) This section does not prohibit a local government from
416 applying generally applicable architectural, aesthetic, design,



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417 setback, height, or bulk standards to off-site constructed
418 residential dwellings, provided such standards apply equally to
419 site-built single-family dwellings permitted in the same
420 district. A local government may adopt compatibility standards
421 that are limited to the following architectural features:

- 422 1. Roof pitch.
- 423 2. Square footage of livable space.
- 424 3. Type and quality of exterior finishing materials.
- 425 4. Foundation enclosure.
- 426 5. Existence and type of attached structures.
- 427 6. Building setbacks, lot dimensions, and the orientation
428 of the home on the lot.

429 (d) A local government may not treat off-site constructed
430 residential dwellings differently than factory-built buildings
431 subject to s. 553.38 based on the method or location of
432 construction.

433 (3) A local government may not adopt or enforce any zoning,
434 land use, or development ordinance or regulation that conflicts
435 with this section or s. 553.38 or that imposes different or more
436 restrictive treatment on an off-site constructed residential
437 dwelling based on its method of construction or the presence of
438 components built off site. Local government ordinances and
439 regulations may not have the effect of excluding off-site
440 constructed residential dwellings and must be reasonable and
441 uniformly enforced without any distinction as to the type of
442 housing. Any such ordinance or regulation is void and
443 unenforceable as applied to off-site constructed residential
444 dwellings.

445 Section 8. This act shall take effect July 1, 2026.



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446
447 ===== T I T L E A M E N D M E N T =====
448 And the title is amended as follows:
449 Delete everything before the enacting clause
450 and insert:
451 A bill to be entitled
452 An act relating to local government land development
453 regulations and orders; amending ss. 125.022 and
454 166.033, F.S.; providing applicability; requiring
455 counties and municipalities, respectively, to follow
456 certain application procedures for applications for
457 certain development permits and development orders;
458 creating s. 163.3254, F.S.; creating the "Florida
459 Starter Homes Act" for a specified purpose; providing
460 a short title; providing legislative findings;
461 defining terms; prohibiting local governments from
462 imposing regulations governing residential lots unless
463 such regulations meet specified requirements;
464 providing applicability; providing construction;
465 prohibiting local governments from imposing certain
466 regulations if a residential lot is connected to a
467 public water system and a sewerage system; requiring
468 that regulations imposed by a local government allow
469 residential lots to front or abut a shared space
470 instead of a public right-of-way; prohibiting a local
471 government from imposing regulations that require more
472 than a certain minimum number of parking spaces for
473 specified residential lots; prohibiting a local
474 government from imposing certain regulations on



475 residential lots that contain historic property;
476 providing exceptions; requiring that local government
477 regulations include a certain process; requiring the
478 approval of a lot split under certain circumstances;
479 limiting the criteria that may be required by local
480 governments for applications for and approvals of lot
481 splits; establishing an application process for
482 development applications for residential lots;
483 requiring a local government to process such
484 applications in a certain manner within certain
485 timeframes; requiring the approval of such development
486 applications by right under certain circumstances;
487 authorizing an applicant to request, and requiring the
488 local government to grant, certain extensions;
489 prohibiting a local government from imposing, or from
490 requiring an applicant to request, such an extension;
491 providing that certain applications are deemed
492 approved by right under certain circumstances;
493 requiring a local government to issue to an applicant
494 a refund of the application fee under certain
495 circumstances; providing construction; authorizing
496 certain property owners and housing organizations to
497 maintain a cause of action under certain
498 circumstances; defining the term "housing
499 organization"; specifying the procedure for such
500 actions; authorizing the award of specified relief;
501 providing that a prevailing plaintiff is entitled to
502 attorney fees and costs; providing a waiver of
503 sovereign immunity; providing construction; providing



504 retroactive application; providing for liberal
505 construction; providing that certain local government
506 regulations are void and unenforceable to a specified
507 extent; amending s. 163.514, F.S.; authorizing the
508 board of a neighborhood improvement district to plan,
509 finance, or complete structural safety or building
510 compliance improvements if approved by a majority vote
511 of the district's residents or by a certain advisory
512 council; amending s. 177.071, F.S.; providing
513 applicability; requiring an administrative authority
514 to follow certain application procedures for
515 applications for certain plats and replats; amending
516 s. 553.382, F.S.; authorizing the placement of a
517 residential manufactured building on any lot in a
518 recreational vehicle park; conforming provisions to
519 changes made by the act; creating s. 553.385, F.S.;
520 defining the terms "local government" and "off-site
521 constructed residential dwelling"; requiring the
522 permitting as of right of an off-site constructed
523 residential dwelling in certain zoning districts;
524 prohibiting a local government from adopting or
525 enforcing certain regulations; providing construction;
526 authorizing a local government to adopt compatibility
527 standards that are limited to certain architectural
528 features; prohibiting a local government from treating
529 off-site constructed residential dwellings differently
530 than factory-built buildings based on certain
531 circumstances; prohibiting a local government from
532 adopting or enforcing certain zoning, land use, or



533 development ordinances and regulations; prohibiting
534 local government ordinances and regulations from
535 having certain effects; providing that certain local
536 government ordinances and regulations are void and
537 unenforceable to a specified extent; providing an
538 effective date.

By Senator McClain

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30 regulations; providing an exception; establishing a
31 cause of action; authorizing the award of specified
32 remedies; providing for waiver of sovereign immunity;
33 providing construction; amending s. 177.071, F.S.;
34 revising the application procedures for administrative
35 approval of plats or replats; providing an effective
36 date.

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

Section 1. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits and orders.—

(1) As used in this section, the terms "development permit" and "development order" have the same meanings as in s. 163.3164, but do not include building permits.

(2)-(1) A county shall specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A county shall make the minimum information available for inspection and copying at the location where the county receives application for development permits and orders, provide the information to the applicant at a preapplication meeting, or post the information on the county's website.

(3) A county shall follow the application procedures established in s. 163.3254(6) upon receiving an application for approval of a development permit or development order.

(2) Within 5 business days after receiving an application

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for approval of a development permit or development order, a county shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a written notification to the applicant indicating that all required information is submitted or specify in writing with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the county has deemed the application complete. For applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the county has deemed the application complete. Both parties may agree in writing or in a public meeting or hearing to an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 300.0552. The timeframes contained in this subsection restart if an applicant makes a substantive

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change to the application. As used in this subsection, the term "substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

(3) (a) When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a county makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a county makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a county makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the

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117 ~~request, the county must deem the application complete within 10~~
 118 ~~days after receiving the additional information or proceed to~~
 119 ~~process the application for approval or denial unless the~~
 120 ~~applicant waived the county's limitation in writing as described~~
 121 ~~in paragraph (a).~~

122 ~~(e) Except as provided in subsection (7), if the applicant~~
 123 ~~believes the request for additional information is not~~
 124 ~~authorized by ordinance, rule, statute, or other legal~~
 125 ~~authority, the county, at the applicant's request, shall proceed~~
 126 ~~to process the application for approval or denial.~~

127 ~~(4) A county must issue a refund to an applicant equal to:~~
 128 ~~(a) Ten percent of the application fee if the county fails~~
 129 ~~to issue written notification of completeness or written~~
 130 ~~specification of areas of deficiency within 30 days after~~
 131 ~~receiving the application.~~

132 ~~(b) Ten percent of the application fee if the county fails~~
 133 ~~to issue a written notification of completeness or written~~
 134 ~~specification of areas of deficiency within 30 days after~~
 135 ~~receiving the additional information pursuant to paragraph~~
 136 ~~(3)(b).~~

137 ~~(c) Twenty percent of the application fee if the county~~
 138 ~~fails to issue a written notification of completeness or written~~
 139 ~~specification of areas of deficiency within 10 days after~~
 140 ~~receiving the additional information pursuant to paragraph~~
 141 ~~(3)(c).~~

142 ~~(d) Fifty percent of the application fee if the county~~
 143 ~~fails to approve, approves with conditions, or denies the~~
 144 ~~application within 30 days after conclusion of the 120-day or~~
 145 ~~180-day timeframe specified in subsection (2).~~

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146 ~~(e) One hundred percent of the application fee if the~~
 147 ~~county fails to approve, approves with conditions, or denies an~~
 148 ~~application 31 days or more after conclusion of the 120-day or~~
 149 ~~180-day timeframe specified in subsection (2).~~

150 ~~A county is not required to issue a refund if the applicant and~~
 151 ~~the county agree to an extension of time, the delay is caused by~~
 152 ~~the applicant, or the delay is attributable to a force majeure~~
 153 ~~or other extraordinary circumstance.~~

154 ~~(4)(5) When a county denies an application for a~~
 155 ~~development permit or development order, the county shall give~~
 156 ~~written notice to the applicant. The notice must include a~~
 157 ~~citation to the applicable portions of an ordinance, rule,~~
 158 ~~statute, or other legal authority for the denial of the permit~~
 159 ~~or order.~~

160 ~~(6) As used in this section, the terms "development permit"~~
 161 ~~and "development order" have the same meaning as in s. 163.3164,~~
 162 ~~but do not include building permits.~~

163 ~~(5)(7) For any development permit application filed with~~
 164 ~~the county after July 1, 2012, a county may not require as a~~
 165 ~~condition of processing or issuing a development permit or~~
 166 ~~development order that an applicant obtain a permit or approval~~
 167 ~~from any state or federal agency unless the agency has issued a~~
 168 ~~final agency action that denies the federal or state permit~~
 169 ~~before the county action on the local development permit.~~

170 ~~(6)(8) Issuance of a development permit or development~~
 171 ~~order by a county does not in any way create any rights on the~~
 172 ~~part of the applicant to obtain a permit from a state or federal~~
 173 ~~agency and does not create any liability on the part of the~~
 174 ~~county for issuance of the permit if the applicant fails to~~

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175 obtain requisite approvals or fulfill the obligations imposed by
 176 a state or federal agency or undertakes actions that result in a
 177 violation of state or federal law. A county shall attach such a
 178 disclaimer to the issuance of a development permit and shall
 179 include a permit condition that all other applicable state or
 180 federal permits be obtained before commencement of the
 181 development.

182 (7)(9) This section does not prohibit a county from
 183 providing information to an applicant regarding what other state
 184 or federal permits may apply.

185 Section 2. Section 166.033, Florida Statutes, is amended to
 186 read:

187 166.033 Development permits and orders.—

188 (1) As used in this section, the terms "development permit"
 189 and "development order" have the same meanings as in s.
 190 163.3164, but do not include building permits.

191 (2)(1) A municipality shall specify in writing the minimum
 192 information that must be submitted for an application for a
 193 zoning approval, rezoning approval, subdivision approval,
 194 certification, special exception, or variance. A municipality
 195 shall make the minimum information available for inspection and
 196 copying at the location where the municipality receives
 197 applications for development permits and orders, provide the
 198 information to the applicant at a preapplication meeting, or
 199 post the information on the municipality's website.

200 (3) A municipality shall follow the application procedures
 201 established in s. 163.3254(6) upon receiving an application for
 202 approval of a development permit or development order.

203 (2) Within 5 business days after receiving an application

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204 ~~for approval of a development permit or development order, a~~
 205 ~~municipality shall confirm receipt of the application using~~
 206 ~~contact information provided by the applicant. Within 30 days~~
 207 ~~after receiving an application for approval of a development~~
 208 ~~permit or development order, a municipality must review the~~
 209 ~~application for completeness and issue a written notification to~~
 210 ~~the applicant indicating that all required information is~~
 211 ~~submitted or specify in writing with particularity any areas~~
 212 ~~that are deficient. If the application is deficient, the~~
 213 ~~applicant has 30 days to address the deficiencies by submitting~~
 214 ~~the required additional information. For applications that do~~
 215 ~~not require final action through a quasi-judicial hearing or a~~
 216 ~~public hearing, the municipality must approve, approve with~~
 217 ~~conditions, or deny the application for a development permit or~~
 218 ~~development order within 120 days after the municipality has~~
 219 ~~deemed the application complete. For applications that require~~
 220 ~~final action through a quasi-judicial hearing or a public~~
 221 ~~hearing, the municipality must approve, approve with conditions,~~
 222 ~~or deny the application for a development permit or development~~
 223 ~~order within 180 days after the municipality has deemed the~~
 224 ~~application complete. Both parties may agree in writing or in a~~
 225 ~~public meeting or hearing to an extension of time, particularly~~
 226 ~~in the event of a force majeure or other extraordinary~~
 227 ~~circumstance. An approval, approval with conditions, or denial~~
 228 ~~of the application for a development permit or development order~~
 229 ~~must include written findings supporting the municipality's~~
 230 ~~decision. The timeframes contained in this subsection do not~~
 231 ~~apply in an area of critical state concern, as designated in s.~~
 232 ~~380.0552 or chapter 28-36, Florida Administrative Code. The~~

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233 timeframes contained in this subsection restart if an applicant
 234 makes a substantive change to the application. As used in this
 235 subsection, the term "substantive change" means an applicant-
 236 initiated change of 15 percent or more in the proposed density,
 237 intensity, or square footage of a parcel.

238 (3) (a) When reviewing an application for a development
 239 permit or development order that is certified by a professional
 240 listed in s. 403.0877, a municipality may not request additional
 241 information from the applicant more than three times, unless the
 242 applicant waives the limitation in writing.

243 (b) If a municipality makes a request for additional
 244 information and the applicant submits the required additional
 245 information within 30 days after receiving the request, the
 246 municipality must review the application for completeness and
 247 issue a letter indicating that all required information has been
 248 submitted or specify with particularity any areas that are
 249 deficient within 30 days after receiving the additional
 250 information.

251 (c) If a municipality makes a second request for additional
 252 information and the applicant submits the required additional
 253 information within 30 days after receiving the request, the
 254 municipality must review the application for completeness and
 255 issue a letter indicating that all required information has been
 256 submitted or specify with particularity any areas that are
 257 deficient within 10 days after receiving the additional
 258 information.

259 (d) Before a third request for additional information, the
 260 applicant must be offered a meeting to attempt to resolve
 261 outstanding issues. If a municipality makes a third request for

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262 additional information and the applicant submits the required
 263 additional information within 30 days after receiving the
 264 request, the municipality must deem the application complete
 265 within 10 days after receiving the additional information or
 266 proceed to process the application for approval or denial unless
 267 the applicant waived the municipality's limitation in writing as
 268 described in paragraph (a).

269 (e) Except as provided in subsection (7), if the applicant
 270 believes the request for additional information is not
 271 authorized by ordinance, rule, statute, or other legal
 272 authority, the municipality, at the applicant's request, shall
 273 proceed to process the application for approval or denial.

274 (4) A municipality must issue a refund to an applicant
 275 equal to:

276 (a) Ten percent of the application fee if the municipality
 277 fails to issue written notification of completeness or written
 278 specification of areas of deficiency within 30 days after
 279 receiving the application.

280 (b) Ten percent of the application fee if the municipality
 281 fails to issue written notification of completeness or written
 282 specification of areas of deficiency within 30 days after
 283 receiving the additional information pursuant to paragraph
 284 (3) (b).

285 (c) Twenty percent of the application fee if the
 286 municipality fails to issue written notification of completeness
 287 or written specification of areas of deficiency within 10 days
 288 after receiving the additional information pursuant to paragraph
 289 (3) (c).

290 (d) Fifty percent of the application fee if the

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291 ~~municipality fails to approve, approves with conditions, or~~
 292 ~~denies the application within 30 days after conclusion of the~~
 293 ~~120-day or 180-day timeframe specified in subsection (2).~~

294 ~~(e) One hundred percent of the application fee if the~~
 295 ~~municipality fails to approve, approves with conditions, or~~
 296 ~~denies an application 31 days or more after conclusion of the~~
 297 ~~120-day or 180-day timeframe specified in subsection (2).~~

298
 299 ~~A municipality is not required to issue a refund if the~~
 300 ~~applicant and the municipality agree to an extension of time,~~
 301 ~~the delay is caused by the applicant, or the delay is~~
 302 ~~attributable to a force majeure or other extraordinary~~
 303 ~~circumstance.~~

304 ~~(4)(5) When a municipality denies an application for a~~
 305 ~~development permit or development order, the municipality shall~~
 306 ~~give written notice to the applicant. The notice must include a~~
 307 ~~citation to the applicable portions of an ordinance, rule,~~
 308 ~~statute, or other legal authority for the denial of the permit~~
 309 ~~or order.~~

310 ~~(6) As used in this section, the terms "development permit"~~
 311 ~~and "development order" have the same meaning as in s. 163.3164,~~
 312 ~~but do not include building permits.~~

313 ~~(5)(7) For any development permit application filed with~~
 314 ~~the municipality after July 1, 2012, a municipality may not~~
 315 ~~require as a condition of processing or issuing a development~~
 316 ~~permit or development order that an applicant obtain a permit or~~
 317 ~~approval from any state or federal agency unless the agency has~~
 318 ~~issued a final agency action that denies the federal or state~~
 319 ~~permit before the municipal action on the local development~~

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320 ~~permit.~~

321 ~~(6)(8) Issuance of a development permit or development~~
 322 ~~order by a municipality does not create any right on the part of~~
 323 ~~an applicant to obtain a permit from a state or federal agency~~
 324 ~~and does not create any liability on the part of the~~
 325 ~~municipality for issuance of the permit if the applicant fails~~
 326 ~~to obtain requisite approvals or fulfill the obligations imposed~~
 327 ~~by a state or federal agency or undertakes actions that result~~
 328 ~~in a violation of state or federal law. A municipality shall~~
 329 ~~attach such a disclaimer to the issuance of development permits~~
 330 ~~and shall include a permit condition that all other applicable~~
 331 ~~state or federal permits be obtained before commencement of the~~
 332 ~~development.~~

333 ~~(7)(9) This section does not prohibit a municipality from~~
 334 ~~providing information to an applicant regarding what other state~~
 335 ~~or federal permits may apply.~~

336 ~~Section 3. Section 163.3254, Florida Statutes, is created~~
 337 ~~to read:~~

338 163.3254 Florida Starter Homes Act.—The Florida Starter
 339 Homes Act is created to address the rising price of homes in
 340 this state and increase the supply of housing for the residents
 341 of this state.

342 (1) This section may be cited as the "Florida Starter Homes
 343 Act."

344 (2) The Legislature finds that:

345 (a) The median price of homes in this state has increased
 346 steadily over the last decade, rising at a greater rate of
 347 increase than the median income in this state.

348 (b) The cost of home ownership and renting or leasing often

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349 exceeds an amount that is affordable for residents of this
 350 state.

351 (c) There is currently a housing shortage that constitutes
 352 a threat to the health, safety, and welfare of the residents of
 353 this state, and this shortage is caused in part by land
 354 development regulations adopted by local governments without a
 355 compelling governmental interest relating to lots on residential
 356 real property, which substantially burden the basic right under
 357 the State Constitution to acquire, possess, and protect
 358 property.

359 (d) Land development regulations adopted relating to lots
 360 on residential real property do not encourage a high degree of
 361 flexibility relating to residential development, and such
 362 regulations prevent the development of single-family homes on
 363 lots smaller in size, due, in part, to minimum lot size
 364 requirements and restrictions on the types of dwellings allowed
 365 to be constructed on such property.

366 (e) The public purpose sought to be achieved by allowing
 367 other types of dwelling units on lots smaller in size on
 368 residential real property is to increase the supply of housing,
 369 making homeownership and renting more affordable for the
 370 residents of this state.

371 (3) For purposes of this section, the term:

372 (a) "Compelling governmental interest" means a governmental
 373 interest of the highest order which cannot be achieved through
 374 less restrictive means. A compelling governmental interest must
 375 have a real and substantial connection to protecting public
 376 safety, health, or reasonable enjoyments and expectations of
 377 property, such as requiring the structural integrity, safe

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378 plumbing, or safe electricity of buildings, or preventing
 379 nuisances.

380 (b) "Land development regulations" has the same meaning as
 381 in s. 163.3164.

382 (c) "Local government" means any county, municipality, or
 383 special district.

384 (d) "Lot split" means the division of a parent parcel into
 385 no more than eight lots.

386 (e) "Parent parcel" means the original parcel from which
 387 subsequent lots are created.

388 (f) "Residential dwelling unit" means a structure or part
 389 of a structure used as a home, residence, or sleeping place by
 390 at least one person. The term includes a single-family home, a
 391 townhouse as defined in s. 481.203, and a duplex, triplex, or
 392 quadruplex, and their curtilage.

393 (g) "Shared space" means a driveway, an alley, or a common
 394 open space, such as a courtyard or pocket park.

395 (h) "Subdivision" means the division of a parent parcel
 396 into nine or more lots. The term includes streets, alleys,
 397 additions, and resubdivisions.

398 (4) (a) 1. A local government may not adopt land development
 399 regulations that govern lots on residential real property,
 400 unless such adoption:

401 a. Is in furtherance of a compelling governmental interest.
 402 b. Is the least restrictive means of furthering that
 403 compelling governmental interest.

404 2. Subparagraph 1. does not apply to land development
 405 regulations that:

406 a. Prevent or abate a nuisance.

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407 b. Enforce the terms of a license, a permit, or an
 408 authorization.
 409 c. Enforce any requirement imposed by federal law.
 410 d. Is the result of a final, nonappealable judicial
 411 determination.
 412 3. Any ambiguity in the adoption of land development
 413 regulations by a local government must be construed in favor of
 414 the basic right to acquire and possess land.
 415 (b) If a lot on residential real property is connected to a
 416 public water system or a public sewer system, or will be
 417 connected to such a system as part of a subdivision plan, a
 418 local government may not adopt land development regulations
 419 that:
 420 1. Require a minimum lot size that is greater than 1,200
 421 square feet for an existing lot and for lots created by a lot
 422 split or subdivision.
 423 2. Contain a provision defining a residential dwelling unit
 424 that is contrary to the definition in subsection (3).
 425 3. Prohibit, limit, or otherwise restrict the development
 426 of residential dwelling units.
 427 4. Require a minimum setback that is greater than: 0 feet
 428 from the sides; 10 feet from the rear; or 20 feet from the
 429 front, or 0 feet from the front if the lot fronts or abuts a
 430 shared space.
 431 5. Require a minimum dimension of a lot, including its
 432 width or depth, to exceed 20 feet if the lot meets the relevant
 433 minimum lot size requirement.
 434 6. Require more than 30 percent of lot area to be reserved
 435 for open space or permeable surface.

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436 7. Require a maximum building height of less than three
 437 stories or 35 feet above grade or, if applicable, three stories
 438 or 35 feet above the base flood elevation established by the
 439 Federal Emergency Management Agency.
 440 8. Require a maximum floor area ratio of less than 3.
 441 9. Require the property owner to occupy the property.
 442 10. Require a minimum size for a residential dwelling unit
 443 that is greater than the minimum size imposed by the Florida
 444 Building Code.
 445 11. Require a maximum residential density, typically
 446 measured in dwelling units per acre, which is more restrictive
 447 than the requirements of this subsection.
 448 (5)(a)1. Land development regulations adopted by a local
 449 government must allow a lot to front or abut a shared space
 450 instead of a public right-of-way. However, such regulations may
 451 not be adopted to require a minimum number of parking spaces
 452 greater than one per residential dwelling unit for lots that are
 453 4,000 square feet or less, or any minimum number of parking
 454 spaces for lots within a one-half mile radius of a permanent
 455 public transit stop that is open for public use on or after July
 456 1, 2026.
 457 2. As used in subparagraph 1., the term "public transit
 458 stop" means a stop or station used for public purposes for
 459 transit services, including bus rapid transit services or
 460 commuter rail services, an intercity rail transportation system,
 461 or a rail system, as defined in s. 341.301. The term does not
 462 include people-mover systems in a public-use airport as defined
 463 by s. 332.004.
 464 (b) Land development regulations adopted by a local

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465 government which establish criteria for the application for, or
 466 approval of, the proposed development of a lot split are limited
 467 to the following:

468 1. The requirement that an applicant provide the relevant
 469 documentation and pay a fee for the cost of review of such
 470 documentation. Any other fee imposed on the application for, or
 471 approval of, a lot split is prohibited.

472 2. Required compliance with the local government's land
 473 development regulations that govern lots not created by a lot
 474 split.

475 3. The requirement that the parent parcel was not created
 476 by a lot split or subdivision during the previous 12 months.

477 (6) (a) Upon receipt of a development application, a local
 478 government shall confirm receipt of the application by the next
 479 business day using the contact information provided by the
 480 applicant. Within 7 business days after receiving an
 481 application, a local government shall review the application for
 482 completeness and issue a written notification to the applicant
 483 indicating that all required information is submitted or specify
 484 in writing with particularity any areas that are deficient. If
 485 the application is deficient, the applicant has 60 business days
 486 to address the deficiencies by submitting the required
 487 additional information. Within 7 business days after receipt of
 488 such information, a local government shall issue a written
 489 notification to the applicant indicating that all required
 490 information is submitted or specify in writing with
 491 particularity any areas that are deficient. A local government
 492 shall administratively approve an application within 20 business
 493 days after the local government has deemed the application

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 494 complete and no further action or approval by the local
 495 government is required. Any denial of the application must
 496 include written findings supporting the local government's
 497 decision. At any point during the timeframes specified in this
 498 subsection, an applicant may request, and a local government
 499 must grant, an extension of time for up to 60 business days.
 500 However, a local government may not request an extension of time
 501 or require an applicant to request an extension of time.

502 (b) If a local government fails to:

503 1. Issue a written notification of completeness or written
 504 specification of areas of deficiency within the first 7-
 505 business-day time period provided in paragraph (a);

506 2. Issue a written notification of completeness or written
 507 specification of areas of deficiency within the second 7-
 508 business-day time period provided in paragraph (a); or

509 3. Approve an application within the 20-business-day time
 510 period contained in paragraph (a),

511 the application is deemed approved, and the local government
 512 must issue written notification of approval by the next business
 513 day.

514 (c) A local government must issue a refund to an applicant
 515 equal to 100 percent of the application fee if the local
 516 government fails to issue written notification of completeness
 517 or written specification of areas of deficiency within 7
 518 business days after receiving the additional information
 519 pursuant to paragraph (a).

520 (7) (a) Land development regulations adopted by a local
 521 government which govern lot splits on historic property as

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523 defined in s. 267.021 may not vary from land development
 524 regulations adopted governing historic property without such lot
 525 splits.

526 (b) Paragraph (a) does not apply to land development
 527 regulations adopted to prohibit the demolition or alteration of
 528 a structure or building that is individually listed in the
 529 National Register of Historic Places, or that is a contributing
 530 structure or building within a historic district which was
 531 listed in the National Register of Historic Places before
 532 January 1, 2000.

533 (8) (a) A real property owner or housing association subject
 534 to land development regulations adopted by a local government in
 535 violation of this section may maintain a cause of action for
 536 damages in the county in which the property is located.

537 (b) 1. In a proceeding under this subsection, an aggrieved
 538 or adversely affected party is entitled to the summary procedure
 539 provided in s. 51.011, and the court shall advance the cause on
 540 the calendar. The court shall review the evidence *de novo* and
 541 enter written findings of fact based on the preponderance of the
 542 evidence that a local government has adopted a land development
 543 regulation in violation of this section.

544 2. An aggrieved or adversely affected party shall prevail
 545 in an action filed under this subsection unless the local
 546 government demonstrates to the court by clear and convincing
 547 evidence that the land development regulation is:

548 a. In furtherance of a compelling governmental interest.
 549 b. The least restrictive means of furthering the compelling
 550 governmental interest.

551 (c) The court may:

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552 1. Enter a declaratory judgment as is provided by chapter
 553 86.
 554 2. Issue a writ of mandamus.
 555 3. Issue an injunction to prevent a violation of this
 556 section.

557 4. Remand the matter to the land development regulation
 558 commission for action consistent with the judgment.

559
 560 The prevailing plaintiff is entitled to recover reasonable
 561 attorney fees and costs, including reasonable appellate attorney
 562 fees and costs.

563 (9) This section waives sovereign immunity for any local
 564 government to the extent liability is created in this section.

565 (10) This section does not prohibit:
 566 (a) The governing documents of a condominium association, a
 567 homeowners' association, or a cooperative adopted or approved
 568 before July 1, 2026.

569 (b) Any deed restrictions established before July 1, 2026.

570
 571 However, if recorded in the official records on or after July 1,
 572 2026, any such documents or restrictions are void and
 573 unenforceable to the extent that they conflict with this
 574 section.

575 Section 4. Subsection (3) of section 177.071, Florida
 576 Statutes, is amended to read:

577 177.071 Administrative approval of plats or replats by
 578 designated county or municipal official.-

579 (3) The governing body of a county or municipality shall
 580 follow the application procedures established in s. 163.3254(6)

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581 upon receiving a plat or replat under this part Unless the
582 applicant requests an extension of time, the administrative
583 authority shall approve, approve with conditions, or deny the
584 plat or replat submittal within the timeframe identified in the
585 written notice provided to the applicant under subsection (2).
586 If the administrative authority does not approve the plat or
587 replat, it must notify the applicant in writing of the reasons
588 for declining to approve the submittal. The written notice must
589 identify all areas of noncompliance and include specific
590 citations to each requirement the plat or replat submittal fails
591 to meet. The administrative authority, or an official, an
592 employee, an agent, or a designee of the governing body, may not
593 request or require the applicant to file a written extension of
594 time.

595 Section 5. This act shall take effect July 1, 2026.

1/27/26
The Florida Senate
APPEARANCE RECORD

Meeting Date
Community Affairs
Committee

Name Gary Ball

Address PO Box 133
Street

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Phone 863-514-7904

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Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Gary Ball

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

01/27/26

Meeting Date

Community Affairs

Committee

Name

Amina Spahic

Address

Street

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida For All

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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SB 948

Bill Number or Topic

Amendment Barcode (if applicable)

1/27/26

Meeting Date

Community Affairs

Committee

Name Adam Basford

Address 516 N Adams St
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Speaking: For Against Information

OR

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PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Associated Industries of Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

1-27-26

Meeting Date

Community Affairs
Committee

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PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (flsenate.gov)

1/27/26

Meeting Date

Community Affairs

Committee

Name DOUG Wheeler

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OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

The James Madison Institute

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (fisenate.gov)

The Florida Senate
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11/27/2026

Meeting Date

Community Affairs

Committee

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City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

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Community Affairs
Committee

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Sanford

State

FL

Zip

City

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](http://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

01/27/2026

Meeting Date

COMMUNITY AFFAIRS

Committee

Name Ivonne Fernandez - AARP

Phone _____

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Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

AARP

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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The Florida Senate
APPEARANCE RECORD

Meeting Date

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948

Bill Number or Topic

Committee

Name Amy Maguire

Phone 727-686 0913

Amendment Barcode (if applicable)

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Email maguire@flpolicyproject.

Street

.com

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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Meeting Date

The Florida Senate

APPEARANCE RECORD

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SB 948

Bill Number or Topic

Committee

Name Pam Wessling

Phone 850-728-4800

Amendment Barcode (if applicable)

Address 9204 Old Cheminie Rd
Street

Email twess33@gmail.com

Tallahassee FL 32309
City State Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

| PLEASE CHECK ONE OF THE FOLLOWING: | | |
|---|--|---|
| <input checked="" type="checkbox"/> I am appearing without compensation or sponsorship. | <input type="checkbox"/> I am a registered lobbyist, representing: | <input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: |

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (flsenate.gov)

1-27-26

Meeting Date

Community Affairs

Committee

Name

DENNIS DAWSON-Council member

Phone

305-606-6091

Address

803 W 11th Ave

Street

Email

Mount Dore

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32757

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](http://flsenate.gov) (flsenate.gov)

The Florida Senate

01/12/21/26

Meeting Date

APPEARANCE RECORD

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SB 948

Bill Number or Topic

Committee

Name Lily Howland Phone 850 375 4253
Address 115 Seabreeze Ct. Email lily.c.howland@gmail.com
Street
City Inlet Beach State Florida Zip 32461

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (flsenate.gov)

The Florida Senate

APPEARANCE RECORD

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1-27-21e

Meeting Date

Community Affairs
Committee

Name Sarah Currie

Phone 407-453-2194

Address 3873 West Stillwood Lane
Street

Email curriesarah76@gmail.com

Lake Mary
City

FL
State

32746
Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

1-27-24

Meeting Date

Community Affairs
Committee

Name Derick Tabertshofer

Phone 863-220-0138

Address 107 E College Ave.
Street

Email DTabertshofer@AFPHQ.org

City Tallahassee State FL Zip 32301

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Americans For Prosperity

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

1/27/26

Meeting Date

Community Affairs

Committee

Name Cal Rolfson Mount Dora
city council

APPEARANCE RECORD

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SB 948

Bill Number or Topic

Amendment Barcode (if applicable)

Address 8014 St. James Way
Street

Email rolfson@mountdora.gov

City Mount Dora, FL State 32757 Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

1/27/26

Meeting Date

Community Affairs

Committee

Name Colton Madill

Phone 850-766-7983

Address 136 S. Bronough St.
Street

Email Colton@flchamber.com

City Tallahassee, FL

State

Zip 32301

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Chamber of Commerce

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

The Florida Senate

1/27/26

Meeting Date

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SB 948

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

Name CLAUDIA THOMAS, SANFORD CITY COMMISSIONER Phone 321-330-6582

Address 113 KAYS LANDING DR Email CLAUDIA.THOMAS@SANFORDFLGOV
Street

SANFORD
City

FL
State

32771
Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (fisenate.gov)

The Florida Senate

APPEARANCE RECORD

1-27-26

Meeting Date

Community Affairs

Committee

SB 948

Bill Number or Topic

Name Holly Smith, Pres. FNC

Phone 239-707-9800

Address 800 Dunlop

Street

Email Holly.Smith@mysanibel.com

City Sanibel

State

FL Zip 33957

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (flsenate.gov)

1/27/26

Meeting Date

Community Affairs
Committee

Name Tim Everline

Address 1012 N. Lakeshore Blvd.

Street

Howey In The Hills FL 34737

State

Zip

The Florida Senate
APPEARANCE RECORD

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SB 948

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 330-575-1847

Email time4801@pbhao.com

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022JointRules.pdf](#) (flsenate.gov)

01-27-2024

The Florida Senate
APPEARANCE RECORD

Meeting Date
Community Affairs
Committee

Name TREVA Robert

Address 540 Loma Paseo Dr
Street
LADY LAKE FL 32159

Phone 614-557-0039

Email TREVAROBERTS5@gmail.com

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

The Florida Senate

APPEARANCE RECORD

1/27/26

Meeting Date

Community Affairs
Committee

Name Ed Freeman

Address 120 Evergreen Lane
Street

Lady Lake FL 32159
City State Zip

SB 948

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 203-240-3066

Email efreeman@ladylake.org

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

1/27/2026

Meeting Date

Community Affairs

Committee

Name **French Brown**

Address **106 East College Ave, Suite 1200**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Gulf Atlantic Cottages

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

6-2021

11/27/2024

Meeting Date

Committee

Name Lori KILLINGER

Phone 850 222 5707

Address 106 E College Ave Sh 1500 Email lkillingerehw-law.com

Street

City Tallahassee

State FL

Zip 32301

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Manufactured Housing Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

The Florida Senate
APPEARANCE RECORD

1/27/26
Meeting Date

Community Affairs
Committee

Name Ed Book Phone 352-222-7968

Address 4933 NW 11 Place Email bookea@cityofgainesville.org
Street
City Gainesville State FL Zip 32605

Speaking: For Against Information **OR** Waive Speaking: In Support Against

| | | |
|---|--|---|
| PLEASE CHECK ONE OF THE FOLLOWING: | | |
| <input checked="" type="checkbox"/> I am appearing without compensation or sponsorship. | <input type="checkbox"/> I am a registered lobbyist, representing: | <input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: |

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (flsenate.gov).

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The Florida Senate

APPEARANCE RECORD

1/27/26

Meeting Date

Sen Community Affairs
Committee

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SB 948

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kody Glazer w/ Florida Housing Phone 954 804 1320

Coalition

Address 1311 N Paul Russell Road Email glazer@fhousing.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Housing Coalition

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (fisenate.gov)

The Florida Senate
APPEARANCE RECORD

27 JAN 2025

Meeting Date

Community Affairs

Committee

Name Len Racippi Phone 908 403 3140

Address 5288 SW 85TH ST
Street

Ocala FL 34476
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

5-001-1001

January 27, 2026

Meeting Date

Community Affairs

Committee

Name Edward Pinto

Address 531 South Washington Drive

Street

Sarasota

FL

34236

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

American Enterprise Institute

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

This form is part of the public record for this meeting.

1-27-26

Meeting Date

Community Affairs
Committee

Name Rebecca O'Hara

Phone 850-222-9684

Address PO Box 1757

Street

Email rohara@flcities.com

Tallahassee FL 32302-1757

City State Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Fla League of Cities

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

1/27/26

Meeting Date

Community Affairs

Committee

Name Adrian Mayer-Santos Phone 352-514-3191

Address 816 NE 8th Ave
Street
City Gainesville / State FL Zip 32601

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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1/27/2026

Meeting Date

Community Affairs
Committee

Name Samuel Staley

Phone 9374099613

Address 415 West 6th Ave
Street

Email ssstaley@fsu.edu

City Tallahassee, FL

State

Zip 32303

Speaking: For Against Information

OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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1/27/2026

Meeting Date

Community Affairs
Committee

Name Bryan Eastman

Address 621 NW 12th Ave
Street

Gainesville FL 32601

Email EastmanB@gamestech121.gov

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

948

Bill Number or Topic

Amendment Barcode (if applicable)

Phone (850) 933-1524

Speaking: For Against Information

OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

1/27/26
Meeting Date
Community Affairs

Committee
Name Paul Owens

Address 308 N. Monroe St.
Street
Tallahassee, FL 32301
City State Zip

The Florida Senate
APPEARANCE RECORD

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SB 948

Bill Number or Topic

Amendment Barcode (if applicable)

850-222-6277

Email powens@1000f.org

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

1000 Friends of Florida

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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1/27/26

Meeting Date

Community Affairs
Committee

Name Courtney Mooney Phone _____

Address 100 S Monroe
Street

City _____ State _____ Zip _____

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Association
of Counties

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

The Florida Senate

1/27/26

Meeting Date

Community Affairs

Committee

Name Trish Pfeiffer

Phone 863/640-1024

Address 985 Square Lake Dr.
Street Bartow

Email tpfeiffer@cityofbartow.net

State FL

Zip 33830

APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB 948

Bill Number or Topic

Amendment Barcode (if applicable)

863/640-1024

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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11/27/26

Meeting Date

CA

Committee

Name Edward Briggs

Phone _____

Address _____ Email _____
Street _____

City _____ State _____ Zip _____

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Highland Homes

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (fisenate.gov)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 962

INTRODUCER: Senator Bradley

SUBJECT: Affordable Housing

DATE: January 26, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|------------------|
| 1. Hackett | Fleming | CA | Favorable |
| 2. _____ | _____ | AG | _____ |
| 3. _____ | _____ | RC | _____ |

I. Summary:

SB 962 provides that for the purposes of the Live Local Act, passed during the 2023 Regular Session, farms or farm operations, including the packaging and sale of those products raised on the premises, are excluded from the definitions of commercial, industrial, or mixed use zoning which would require the local government to approve certain affordable housing developments.

The bill takes effect July 1, 2026.

II. Present Situation:

Zoning and Land Use Preemption for Affordable Developments

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.¹ All development, both public and private, and all development orders² approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.³ The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and

¹ Section 163.3167(2), F.S.

² "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.

³ Section 163.3194(3), F.S.

intensities over large areas, and the specific use and intensities for specific parcels⁴ within that range are decided by a more detailed, implementing zoning map.⁵

The Live Local Act⁶ preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas. Specifically, the act requires counties and municipalities to allow a multifamily or mixed-use residential⁷ rental development in any area zoned for commercial, industrial, or mixed-use if the development meets certain affordability requirements.⁸ To qualify, the proposed development must reserve 40 percent of the units for residents with incomes up to 120% of the area median income, for a period of at least 30 years.

Commercial, Industrial, and Mixed Use⁹

For the purposes of the Live Local Act, “commercial use” means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. It includes, but is not limited to:

- Retail sales; wholesale sales; rentals of equipment, goods, or products;
- Offices; restaurants;
- Food service vendors; sports arenas; theaters; and tourist attractions; and
- Other for-profit business activities

A parcel that is zoned to permit these uses by right (without a variance or waiver) is considered commercial use for this statute, regardless of its local land development category or title.

Excluded from commercial use are:

- Home-based businesses and cottage food operations on residential property
- Certain public lodging establishments;
- Accessory, ancillary, incidental, or temporary uses; and
- Recreational uses (e.g., golf courses, tennis courts, swimming pools, clubhouses) when located within an area designated for residential use.

For the purposes of the Live Local Act, “industrial use” means activities associated with the manufacture, assembly, processing, or storage of products or the performance of related services. It includes, but is not limited to:

- Automobile manufacturing or repair; boat manufacturing or repair;
- Junk yards; meat packing facilities; citrus or produce processing and packing;
- Electrical generating plants; water treatment plants; sewage treatment plants; and

⁴ When local governments make changes to their zoning regulations or comprehensive plans some structures may no longer be in compliance with the newly approved zoning and may be deemed a “nonconforming use.” A nonconforming use or structure is one in which the use or structure was legally permitted prior to a change in the law, and the change in law would no longer permit the re-establishment of such structure or use.

⁵ Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).

⁶ The “Live Local Act”, Ch. 2023-17, Laws of Fla., made various changes to affordable housing related programs and policies at the state and local levels, including zoning and land use preemptions favoring affordable housing, funding for state affordable housing programs, and tax provisions intended to incentivize affordable housing development.

⁷ For mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes.

⁸ See ss. 125.01055(7) and 166.04151(7), F.S.

⁹ See s. 125.01055(7)(n), F.S.

- Solid waste disposal sites.

A parcel zoned to permit these uses by right is considered industrial use for the statute. The term does not include accessory, ancillary, incidental, or temporary uses, or the same set of recreational uses as above.

For the purposes of the Live Local Act, “mixed use” refers to any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories.¹⁰ The commercial and industrial exclusions for accessory, ancillary, incidental, temporary, and recreational uses apply to mixed use as well.

III. Effect of Proposed Changes:

The bill amends ss. 125.01055 and 166.04151, F.S., to provide that for the purposes of the Live Local Act farms or farm operations, or uses associated therewith, to include the packaging and sale of those products raised on the premises, are excluded from the definitions of commercial, industrial, or mixed use.

The bill refers to s. 823.14(3), F.S., which provides that:

- “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products; and
- “Farm operation” means all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products or in connection with complementary agritourism activities.

The referenced statute includes examples such as roadside stands, agritourism, and the use of certain farm-related machinery.

With this change, counties and municipalities are not required to authorize multifamily and mixed-use residential uses for an area if the area is also a farm or farm operation, or utilized for uses associated therewith.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁰ Section 125.01055(n)3., F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 125.01055 and 166.04151 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Bradley

6-01401A-26

2026962

A bill to be entitled

An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; revising the definitions of certain land use categories for which certain residential development may be authorized to exclude farms and farm operations and uses associated therewith; providing an effective date.

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

Section 1. Paragraph (n) of subsection (7) of section 125.01055, Florida Statutes, is amended to read:

125.01055 Affordable housing.—

(7)

(n) As used in this subsection, the term:

1. "Commercial use" means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property; public lodging

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

6-01401A-26

2026962

establishments as described in s. 509.242(1)(c); farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises; or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include farms or farm operations as defined in s. 823.14(3) or uses associated therewith, including the packaging and sale of products raised on the premises, or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use,

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6-01401A-26

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59 irrespective of how they are operated.

60 3. "Mixed use" means any use that combines multiple types
 61 of approved land uses from at least two of the residential use,
 62 commercial use, and industrial use categories. The term does not
 63 include farms or farm operations as defined in s. 823.14(3) or
 64 uses associated therewith, including the packaging and sale of
 65 products raised on the premises, or uses that are accessory,
 66 ancillary, incidental to the allowable uses, or allowed only on
 67 a temporary basis. Recreational uses, such as golf courses,
 68 tennis courts, swimming pools, and clubhouses, within an area
 69 designated for residential use are not mixed use, irrespective
 70 of how they are operated.

71 4. "Planned unit development" has the same meaning as
 72 provided in s. 163.3202(5)(b).

73 Section 2. Paragraph (n) of subsection (7) of section
 74 166.04151, Florida Statutes, is amended to read:

75 166.04151 Affordable housing.—

76 (7)

77 (n) As used in this subsection, the term:

78 1. "Commercial use" means activities associated with the
 79 sale, rental, or distribution of products or the performance of
 80 services related thereto. The term includes, but is not limited
 81 to, such uses or activities as retail sales; wholesale sales;
 82 rentals of equipment, goods, or products; offices; restaurants;
 83 public lodging establishments as described in s. 509.242(1)(a);
 84 food service vendors; sports arenas; theaters; tourist
 85 attractions; and other for-profit business activities. A parcel
 86 zoned to permit such uses by right without the requirement to
 87 obtain a variance or waiver is considered commercial use for the

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6-01401A-26

2026962

88 purposes of this section, irrespective of the local land
 89 development regulation's listed category or title. The term does
 90 not include home-based businesses or cottage food operations
 91 undertaken on residential property; ~~or~~ public lodging
 92 establishments as described in s. 509.242(1)(c); farms or farm
 93 operations as defined in s. 823.14(3) or uses associated
 94 therewith, including the packaging and sale of products raised
 95 on the premises; or uses that are accessory, ancillary,
 96 incidental to the allowable uses, or allowed only on a temporary
 97 basis. Recreational uses, such as golf courses, tennis courts,
 98 swimming pools, and clubhouses, within an area designated for
 99 residential use are not commercial use, irrespective of how they
 100 are operated.

101 2. "Industrial use" means activities associated with the
 102 manufacture, assembly, processing, or storage of products or the
 103 performance of services related thereto. The term includes, but
 104 is not limited to, such uses or activities as automobile
 105 manufacturing or repair, boat manufacturing or repair, junk
 106 yards, meat packing facilities, citrus processing and packing
 107 facilities, produce processing and packing facilities,
 108 electrical generating plants, water treatment plants, sewage
 109 treatment plants, and solid waste disposal sites. A parcel zoned
 110 to permit such uses by right without the requirement to obtain a
 111 variance or waiver is considered industrial use for the purposes
 112 of this section, irrespective of the local land development
 113 regulation's listed category or title. The term does not include
 114 farms or farm operations as defined in s. 823.14(3) or uses
 115 associated therewith, including the packaging and sale of
 116 products raised on the premises, or uses that are accessory,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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117 ancillary, incidental to the allowable uses, or allowed only on
118 a temporary basis. Recreational uses, such as golf courses,
119 tennis courts, swimming pools, and clubhouses, within an area
120 designated for residential use are not industrial use,
121 irrespective of how they are operated.

122 3. "Mixed use" means any use that combines multiple types
123 of approved land uses from at least two of the residential use,
124 commercial use, and industrial use categories. The term does not
125 include farms or farm operations as defined in s. 823.14(3) or
126 uses associated therewith, including the packaging and sale of
127 products raised on the premises, or uses that are accessory,
128 ancillary, incidental to the allowable uses, or allowed only on
129 a temporary basis. Recreational uses, such as golf courses,
130 tennis courts, swimming pools, and clubhouses, within an area
131 designated for residential use are not mixed use, irrespective
132 of how they are operated.

133 4. "Planned unit development" has the same meaning as
134 provided in s. 163.3202(5)(b).

135 Section 3. This act shall take effect July 1, 2026.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Regulated Industries, *Chair*
Appropriations Committee on Higher Education, *Vice Chair*
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Fiscal Policy
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JOINT COMMITTEES:

Joint Committee on Public Counsel Oversight, *Alternating Chair*

SENATOR JENNIFER BRADLEY

6th District

January 9, 2025

Senator Stan McClain, Chair
Senate Committee on Community Affairs
312 Senate Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair McClain:

I respectfully request that Senate Bill 962 be placed on the committee's agenda at your earliest convenience. This bill revises land use categories for which affordable housing developments must be authorized to exclude farm and farm operations.

Thank you for your consideration and please reach out if you have any questions or concerns about the bill.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

cc: Elizabeth Fleming, Staff Director
Lizbeth Martinez Gonzales, Administrative Assistant

REPLY TO:

- 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- 406 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

11/27/20
Meeting Date
Community Affairs
Committee

Name Astrian Hayser-Santos Phone 352-514-3191
Address 816 NE 8th Ave Email AHAYSER-SANTOS@gmail.com
Street
City Gainesville / State FL Zip 32601

Speaking: For Against Information OR Waive Speaking: In Support Against

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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 984

INTRODUCER: Senator DiCeglie

SUBJECT: Firefighter Cancer Benefits and Prevention

DATE: January 27, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-----------|----------------|-----------|------------------|
| 1. Shuler | Fleming | CA | Favorable |
| 2. | | GO | |
| 3. | | AP | |

I. Summary:

SB 984 amends requirements related to cancer diagnosis and death benefits for firefighters. The bill will allow firefighters to receive the \$25,000 payout upon diagnosis of cancer for up to 10 years after terminating employment, regardless of whether they elect to continue coverage in an employer-sponsored health plan or group health insurance trust fund. Additionally, the payout will no longer expressly be limited to a firefighter's "initial" diagnosis.

The bill also requires that the \$75,000 firefighter cancer death benefit be made available for 1 year after terminating employment, provided the firefighter otherwise met the criteria and was not subsequently employed as a firefighter.

The bill removes duplicative provision related to rulemaking for employer cancer prevention best practices.

The bill takes effect on July 1, 2026.

II. Present Situation:

Firefighter Cancer Benefits

Current law provides specified benefits to firefighters who are diagnosed with certain cancers.¹ To qualify, a firefighter must be employed full time as a firefighter (or Florida-certified fire

¹ The qualifying cancers include bladder, brain, breast, cervical, colon, esophageal, invasive skin, kidney, large intestinal, lung, malignant melanoma, mesothelioma, multiple myeloma, non-Hodgkin's lymphoma, oral cavity and pharynx, ovarian, prostate, rectal, stomach, testicular, and thyroid cancers. S. 112.1816(1)(a), F.S.

investigator)² and must have been employed by the same employer for at least five continuous years. A firefighter is not eligible if he or she:

- Used tobacco products in the preceding 5 years; or
- Has been employed in any other position within the preceding 5 years that is proven to create a higher risk for cancer.³

Cancer Diagnosis Benefits

Upon a qualifying cancer diagnosis, an eligible firefighter is entitled to the following benefits, as an alternative to pursuing workers' compensation benefits:

- Coverage for cancer treatment under an employer-sponsored health plan or group health insurance trust fund, including timely reimbursement for any out-of-pocket deductible, copayment, or coinsurance costs incurred as a result of cancer treatment.
- A one-time cash payout of \$25,000 upon the firefighter's initial diagnosis of cancer.
- Leave time and employee retention benefits equivalent to those provided for other injuries or illnesses incurred in the line of duty.⁴

If a firefighter elects to continue coverage in the employer-sponsored health plan or group health insurance trust fund after terminating employment, the health coverage and cash payout benefits must be made available by the former employer for 10 years following the firefighter's termination of employment, provided the firefighter met the eligibility criteria at the time of separation and was not reemployed as a firefighter.⁵

Cancer Death Benefits

Current law provides death benefits to firefighters who die as a result of cancer or circumstances arising out of the treatment of cancer. If the firefighter participated in an employer-sponsored retirement plan, the plan must consider the firefighter to have died in the line of duty.⁶ If the firefighter did not participate in an employer-sponsored retirement plan, the employer must provide a death benefit to the firefighter's beneficiary equal to at least 42 percent of the firefighter's annual salary for at least 10 years.⁷ In addition, the beneficiary is entitled to a one-time payment of \$75,000.⁸

Cancer Prevention Best Practices

Two provisions of current law, ss. 112.1816(6), and 633.520(2)(a), F.S., direct the Division of State Fire Marshal within the Department of Financial Services to adopt rules to establish employer cancer prevention best practices as it relates to personal protective equipment,

² "Firefighter" is defined for the section to mean an individual employed as a full-time firefighter or full-time, Florida-certified fire investigator within the fire department or public safety department of an employer whose primary responsibilities are the prevention and extinguishing of fires; the protection of life and property; and the enforcement of municipal, county, and state fire prevention codes and laws pertaining to the prevention and control of fires; or the investigation of fires and explosives. S. 112.1816(1)(c).

³ Section 112.1816(2), F.S.

⁴ Section 112.1816(2)(a)-(c), F.S.

⁵ Section 112.1816(2), F.S.

⁶ Section 112.1816(4)(a), F.S.

⁷ Section 112.1816(4)(b), F.S.

⁸ Sections 112.1816(4)(c) and 112.191(2)(a), F.S.

decontamination, fire suppression apparatus, and fire stations. The adopted rule, Florida Administrative Code Rule 69A-62.025, provides an Employer Self-Assessment Tool listing cancer prevention best practices that are based on National Fire Protection Association and Federal Emergency Management Agency standards.

III. Effect of Proposed Changes:

SB 984 revises the cancer diagnosis benefits to remove the requirement that, in order to receive the \$25,000 payout for up to 10 years after terminating employment, a former firefighter must have elected to continue in an employer-sponsored health plan or group health insurance trust fund. This will allow a former firefighter who otherwise meets the eligibility criteria to receive the \$25,000 payout during that 10-year period regardless of whether they elect to continue coverage under the employer health plan or group health trust fund.

The bill also removes the term “initial” from the provision authorizing a one-time \$25,000 cash payout upon a firefighter’s *“initial diagnosis of cancer.”* As a result, the payout will no longer be expressly limited to a firefighter’s first cancer diagnosis.

The bill revises the firefighter cancer death benefit to require that the \$75,000 death benefit be made available by the former employer for 1 year after the firefighter terminates employment, provided the firefighter otherwise met the criteria and was not subsequently employed as a firefighter.

The bill removes the provision from s. 112.1816, F.S., requiring the Division of State Fire Marshal to adopt rules for employer cancer prevention best practices that is duplicative of the provision in s. 633.520, F.S.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. If, under the bill, county and municipal governments that employ firefighters are required to fund additional expenses related to cancer diagnosis and death benefits under the bill, the mandates provision of Art. VII, s. 18 could apply. However, the mandates requirements do not apply to laws having an insignificant impact,^{9,10} which is \$2.4 million or less for Fiscal Year 2026-2027.¹¹ The fiscal impact of this bill has not yet been determined.

⁹ FLA. CONST. art. VII, s. 18(d).

¹⁰ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 26, 2026).

¹¹ Based on the Demographic Estimating Conference’s estimated population adopted on June 30, 2025,

<https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf> (last visited Jan. 26, 2026).

Additionally, an exception to the mandates provision could apply because the bill applies to all similarly situated persons, i.e., every county and municipal government that employs such individuals, in addition to the state, which also employs such individuals. For this exception to apply, the bill must include a finding of important state interest.

If the bill does qualify as a mandate not meeting an exemption or exception, in order to be binding upon cities and counties, the bill must include a finding of important state interest and be approved by a two-thirds vote of the membership of each house.¹²

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of the bill is indeterminate at this time. However, state and local governments that employ firefighters may experience increased costs if additional firefighters receive benefits due to the changes to eligibility for the \$25,000 cancer diagnosis payout and the specification of a timeframe during which the death benefit must be made available.

The bill may reduce state and local government costs associated with retiree participation in employer-sponsored health plans or group health insurance trust funds by allowing

¹² FLA. CONST. art. VII, s. 18(a).

former firefighters to qualify for the cancer diagnosis lump-sum benefit without remaining enrolled in coverage.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 112.1816 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator DiCeglie

18-00836A-26

2026984

A bill to be entitled

An act relating to firefighter cancer benefits and prevention; amending s. 112.1816, F.S.; revising conditions under which a specified one-time payment must be made by a former employer upon a firefighter's cancer diagnosis; requiring a former employer to provide death benefits for a specified timeframe under certain circumstances; deleting the requirement for the Division of State Fire Marshal to adopt rules for establishing employer cancer prevention best practices; providing an effective date.

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

Section 1. Subsection (2), paragraph (c) of subsection (4), and subsection (6) of section 112.1816, Florida Statutes, are amended to read:

112.1816 Firefighters; cancer diagnosis.—

(2) Upon a diagnosis of cancer, a firefighter is entitled to the following benefits, as an alternative to pursuing workers' compensation benefits under chapter 440, if the firefighter has been employed by his or her employer for at least 5 continuous years, has not used tobacco products for at least the preceding 5 years, and has not been employed in any other position in the preceding 5 years which is proven to create a higher risk for any cancer:

(a) Cancer treatment covered within an employer-sponsored health plan or through a group health insurance trust fund. The employer must timely reimburse the firefighter for any out-of-

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 pocket deductible, copayment, or coinsurance costs incurred due
 31 to the treatment of cancer. If the firefighter elects to
 32 continue coverage in the employer-sponsored health plan or group
 33 health insurance trust fund after he or she terminates
 34 employment, such benefits must be made available by his or her
 35 former employer for 10 years after the date on which the
 36 firefighter terminated employment so long as the firefighter
 37 otherwise met the criteria specified in this subsection when he
 38 or she terminated employment and was not employed as a
 39 firefighter after that date.

40 (b) A one-time cash payout of \$25,000, upon the
 41 firefighter's initial diagnosis of cancer. Such benefit must be
 42 made available by his or her former employer for 10 years after
 43 the date on which the firefighter terminates employment so long
 44 as the firefighter otherwise met the criteria specified in this
 45 subsection when he or she terminated employment and was not
 46 employed as a firefighter after that date.

47 (c) Leave time and employee retention benefits equivalent
 48 to those provided for other injuries or illnesses incurred in
 49 the line of duty.

50
 51 ~~If the firefighter elects to continue coverage in the employer-~~
 52 ~~sponsored health plan or group health insurance trust fund after~~
 53 ~~he or she terminates employment, the benefits specified in~~
 54 ~~paragraphs (a) and (b) must be made available by the former~~
 55 ~~employer of a firefighter for 10 years following the date on~~
 56 ~~which the firefighter terminates employment so long as the~~
 57 ~~firefighter otherwise met the criteria specified in this~~
 58 ~~subsection when he or she terminated employment and was not~~

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2026984

59 ~~subsequently employed as a firefighter following that date.~~

60 (4)
61 (c) Firefighters who die as a result of cancer or
62 circumstances that arise out of the treatment of cancer are
63 considered to have died in the manner as described in s.
64 112.191(2)(a), and all of the benefits arising out of such death
65 are available to the deceased firefighter's beneficiary. Such
66 death benefits must be made available by the former employer of
67 the firefighter for 1 year after the date on which the
68 firefighter terminated employment so long as the firefighter
69 otherwise met the criteria specified in this subsection when he
70 or she terminated employment and was not employed as a
71 firefighter after that date.

72 ~~(6) The Division of State Fire Marshal within the~~
73 ~~Department of Financial Services shall adopt rules to establish~~
74 ~~employer cancer prevention best practices as it relates to~~
75 ~~personal protective equipment, decontamination, fire suppression~~
76 ~~apparatus, and fire stations.~~

77 Section 2. This act shall take effect July 1, 2026.

1/27/2024

Meeting Date

Community Affairs

Committee

Name

Joseph Hightower - Florida Fire Chief's Association

Phone

352-931-0913

Address

1300 N. Donnelly ST

Street

Email

hightowerj@mountdora.gov

Mount Dora

FL

32757

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1020

INTRODUCER: Senator Truenow

SUBJECT: Regulation of Chickees

DATE: January 26, 2026 REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|------------------|
| 1. Tolmich | Fleming | CA | Favorable |
| 2. | | RI | |
| 3. | | RC | |

I. Summary:

SB 1020 pertains to the regulation of the construction of “chickees.” A “chickee” is an open-sided wooden structure with a thatched roof traditionally constructed by members of the Miccosukee Tribe of Indians or the Seminole Tribe of Florida. Under current law, chickees are generally exempt from the Florida Building Code if they do not include electrical, plumbing, or other nonwood features.

The bill prohibits counties and municipalities from enacting an ordinance, regulation, or policy that prevents a member of the Miccosukee Tribe of Indians or Seminole Tribe of Florida from constructing a chickee if it is located:

- In a side yard and at least 10 feet away from the property line.
- Near another structure if it is at least 10 feet away from any other structure.

The bill also prohibits counties and municipalities from enacting an ordinance, regulation, or policy concerning chickees that is more restrictive than federal floodplain management regulations.

The bill revises the current definition of “chickee” in the Florida Building Code to provide that it may include a wooden deck and may incorporate nonwood fasteners.

The bill further provides that a person who is not a member of the tribe and who constructs a chickee in an attempt to circumvent the Florida Building Code commits a first-degree misdemeanor.

The bill also exempts a chickee from the Florida Fire Prevention Code if it is at least 20 feet from any other structure subject to the Florida Building Code or that otherwise includes fireproofing measures approved by a certified fire protection system contractor.

The bill takes effect July 1, 2026.

II. Present Situation:

Indian Tribes in Florida

Two tribes, the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida, currently reside and have tribal lands in the state. Most state law governing the relationship between the state and the federally-recognized tribes with tribal lands in the state is contained in ch. 285, F.S.

Chickees

“Chickee” is a Seminole word meaning “house.”¹ Chickees are palmetto thatch over cypress log frame.²

Section 553.73(10)(i), F.S., provides that chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida are exempt from the Florida Building Code. The Florida Building Code defines “chickee” as an open-sided wooden hut that has a thatched roof of palm, palmetto, or other traditional materials that does not incorporate any electrical, plumbing, or other nonwood features.³



(Image retrieved from *Division of Library and Information Services, Florida Department of State*.)

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida’s minimum standards were met. Local governments could choose from four separate model codes. The state’s role was limited to

¹ Seminole Tribe of Florida, *Chickee*, available at: <https://www.semtribe.com/culture/chickee> (last visited Jan. 26, 2026).

² *Id.*

³ Section 553.73(10)(i), F.S.

adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.⁴

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.⁵ The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.⁶

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁷

Enforcement of the Florida Building Code: Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.⁸ Authorized state and local government agencies enforce the Florida Building Code and issue building permits.⁹

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity. It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local enforcing agency upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.¹⁰ A local building department or enforcement agency must post each type of building permit application on its website.¹¹ Each application must be inscribed with the date of application and the Florida Building Code in effect as of that date.¹²

Florida Fire Prevention Code

The State Fire Marshal, by rule, adopts the Florida Fire Prevention Code (Florida Fire Code), which contains all firesafety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and

⁴ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 26, 2026).

⁵ *Id.*

⁶ Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Jan. 26, 2026).

⁷ Section 553.72(1), F.S.

⁸ Section 553.72(2), F.S.

⁹ See ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1) F.S.

¹⁰ See ss. 125.56(4)(a) and 553.79(1), F.S. Other entities may, by resolution or regulation, be directed to issue permits.

¹¹ Section 553.79(1)(b), F.S.

¹² Section 105.3, 2023 Florida Building Code.

facilities, and the enforcement of such firesafety laws and rules.¹³ The State Fire Marshal adopts a new edition of the Florida Fire Code every three years.¹⁴ The Florida Fire Code is largely based on the *National Fire Protection Association's (NFPA) Standard 1, Fire Prevention Code*, along with the current edition of the *Life Safety Code, NFPA 101*.¹⁵ The 8th edition took effect on December 31, 2023.¹⁶

State law requires all municipalities, counties, and special districts with firesafety responsibilities to enforce the Florida Fire Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Florida Building Code.¹⁷ The Florida Fire Code applies to every building and structure throughout the state with few exceptions.¹⁸

Municipalities, counties, and special districts with firesafety responsibilities may supplement the Florida Fire Code with more stringent standards adopted in accordance with s. 633.208, F.S.¹⁹

III. Effect of Proposed Changes:

SB 1020 prohibits counties and municipalities from enacting an ordinance, regulation, or policy that prevents a member of the Miccosukee Tribe of Indians or Seminole Tribe of Florida from constructing a chickee if it is located:

- In a side yard and at least 10 feet away from the property line.
- Near another structure if it is at least 10 feet away from any other structure.

The bill also prohibits counties and municipalities from enacting an ordinance, regulation, or policy concerning chickees that is more restrictive than federal floodplain management regulations.²⁰

The bill revises the current definition of “chickee” in the Florida Building Code to provide that it may include a wooden deck and may incorporate nonwood fasteners. Nonwood fasteners may include, but are not limited to, nails, screws, bolts, nuts, washers, staples, and hurricane straps. The bill provides that the later incorporation of any electrical, plumbing, or other nonwood feature into an existing chickee requires a permit, but may not affect the exempt status of or require a permit for the chickee.

The bill further provides that a person who is not a member of the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida and who constructs a chickee in an attempt to circumvent the Florida Building Code commits a first-degree misdemeanor.²¹

¹³ Fla. Admin. Code R. 69A-60.002.

¹⁴ Section 633.202(1), F.S.

¹⁵ Section 633.202(2), F.S.

¹⁶ Division of State Fire Marshal, *Florida Fire Prevention Code*, available at <https://myfloridacfo.com/division/sfm/bfp/florida-fire-prevention-code> (last visited Jan. 26, 2026).

¹⁷ Sections 633.108 and 633.208, F.S.

¹⁸ Section 633.208, F.S., and Fla. Admin. Code R. 69A-60.002(1).

¹⁹ Section 633.208(3), F.S., and Fla. Admin. Code R. 69A-60.002(2).

²⁰ See 44 CFR Part 60 for federal floodplain management regulations, available at: <https://www.ecfr.gov/current/title-44/chapter-I/subchapter-B/part-60> (last visited Jan. 26, 2026).

²¹ A first-degree misdemeanor is punishable by a term of imprisonment not exceeding 1 year and a fine of up to \$1,000. Sections 775.082 and 775.083, F.S.

The bill also exempts a chickee from the Florida Fire Prevention Code if it is at least 20 feet from any other structure subject to the Florida Building Code or that otherwise includes fireproofing measures approved by a certified fire protection system contractor.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 553.73, 633.202

This bill creates the following sections of the Florida Statutes: 125.573, 166.0487

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Truenow

13-01571-26

20261020

1 A bill to be entitled
 2 An act relating to regulation of chickees; creating
 3 ss. 125.573 and 166.0487, F.S.; defining the term
 4 "chickee"; prohibiting counties and municipalities,
 5 respectively, from enacting ordinances, regulations,
 6 or policies that prevent construction of chickees
 7 under certain circumstances or that are more
 8 restrictive than federal floodplain management
 9 regulations; amending s. 553.73, F.S.; revising the
10 definition of the term "chickee"; providing that later
11 incorporation of certain features into an existing
12 chickee requires a permit; providing criminal
13 penalties for persons who are not members of specific
14 tribes and who construct chickees in an attempt to
15 circumvent the Florida Building Code; amending s.
16 633.202, F.S.; defining the term "chickee"; exempting
17 certain chickees from the Florida Fire Prevention
18 Code; providing an effective date.

19
 Be It Enacted by the Legislature of the State of Florida:

20
 Section 1. Section 125.573, Florida Statutes, is created to
 21 read:

22 125.573 Ordinances, regulations, and policies concerning
 23 chickees.-

24 (1) As used in this section, the term "chickee" has the
 25 same meaning as in s. 553.73(10)(i).

26 (2) A county may not enact an ordinance, a regulation, or a
 27 policy:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 (a) That prevents or has the effect of preventing a chickee
 31 from being constructed in a side yard, provided the chickee is
 32 at least 10 feet from any property line, or near another
 33 structure, provided the chickee is at least 10 feet from the
 34 other structure; or
 35 (b) That concerns chickees and is more restrictive than
 36 federal floodplain management regulations.
 37 Section 2. Section 166.0487, Florida Statutes, is created
 38 to read:
 39 166.0487 Ordinances, regulations, and policies concerning
 40 chickees.-
 41 (1) As used in this section, the term "chickee" has the
 42 same meaning as in s. 553.73(10)(i).
 43 (2) A municipality may not enact an ordinance, a
 44 regulation, or a policy:
 45 (a) That prevents or has the effect of preventing a chickee
 46 from being constructed in a side yard, provided the chickee is
 47 at least 10 feet from any property line, or near another
 48 structure, provided the chickee is at least 10 feet from the
 49 other structure; or
 50 (b) That concerns chickees and is more restrictive than
 51 federal floodplain management regulations.
 52 Section 3. Paragraph (i) of subsection (10) of section
 53 553.73, Florida Statutes, is amended to read:
 54 553.73 Florida Building Code.-
 55 (10) The following buildings, structures, and facilities
 56 are exempt from the Florida Building Code as provided by law,
 57 and any further exemptions shall be as determined by the
 58 Legislature and provided by law:

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59 (i) Chickees constructed by the Miccosukee Tribe of Indians
 60 of Florida or the Seminole Tribe of Florida.

61 1. As used in this paragraph, the term "chickee" means an
 62 open-sided wooden hut that has a thatched roof of palm or
 63 palmetto or other traditional materials, and that does not
 64 incorporate any electrical, plumbing, or other nonwood features.
 65 A chickee may include a wooden deck and may incorporate nonwood
 66 fasteners, including, but not limited to, nails, screws, bolts,
 67 nuts, washers, staples, and hurricane straps.

68 2. The later incorporation of any electrical, plumbing, or
 69 other nonwood feature into an existing chickee requires a permit
 70 but may not be construed to affect the exempt status of or
 71 require a permit for the chickee.

72 3. A person who is not a member of the Miccosukee Tribe of
 73 Indians of Florida or the Seminole Tribe of Florida and who
 74 constructs a chickee in an attempt to circumvent the Florida
 75 Building Code commits a misdemeanor of the first degree,
 76 punishable as provided in s. 775.082 or s. 775.083.

77 With the exception of paragraphs (a), (b), (c), and (f), in
 78 order to preserve the health, safety, and welfare of the public,
 79 the Florida Building Commission may, by rule adopted pursuant to
 80 chapter 120, provide for exceptions to the broad categories of
 81 buildings exempted in this section, including exceptions for
 82 application of specific sections of the code or standards
 83 adopted therein. The Department of Agriculture and Consumer
 84 Services shall have exclusive authority to adopt by rule,
 85 pursuant to chapter 120, exceptions to nonresidential farm
 86 buildings exempted in paragraph (c) when reasonably necessary to

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88 preserve public health, safety, and welfare. The exceptions must
 89 be based upon specific criteria, such as under-roof floor area,
 90 aggregate electrical service capacity, HVAC system capacity, or
 91 other building requirements. Further, the commission may
 92 recommend to the Legislature additional categories of buildings,
 93 structures, or facilities which should be exempted from the
 94 Florida Building Code, to be provided by law. The Florida
 95 Building Code does not apply to temporary housing provided by
 96 the Department of Corrections to any prisoner in the state
 97 correctional system.

98 Section 4. Subsection (22) is added to section 633.202,
 99 Florida Statutes, to read:

100 633.202 Florida Fire Prevention Code.—
 101 (22) (a) As used in this subsection, the term "chickee" has
 102 the same meaning as in s. 553.73(10)(i).

103 (b) Notwithstanding any other provision of law, a chickee
 104 that is at least 20 feet from any other structure subject to the
 105 Florida Building Code or that otherwise includes fireproofing
 106 measures approved by a certified fire protection system
 107 contractor is exempt from the Florida Fire Prevention Code.

108 Section 5. This act shall take effect July 1, 2026.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/SB 1180

INTRODUCER: Community Affairs Committee and Senator Arrington

SUBJECT: Community Development Districts

DATE: January 29, 2026 REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|--------|
| 1. Tolmich | Fleming | CA | Fav/CS |
| 2. | | EE | |
| 3. | | FP | |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1180 revises regulations affecting community development districts (CDDs) by establishing a recall process for governing board members, clarifying local authority over synthetic turf, and redefining “compact, urban, mixed-use districts.”

The bill creates a recall election process for CDD governing board members that largely mirrors existing procedures for municipalities and charter counties. It sets requirements for initiating a recall petition, specifies ballot language, addresses filling vacancies created by a recall, and establishes penalties for offenses related to the petition process.

Additionally, the bill clarifies that the prohibition on local government regulation of synthetic turf does not limit a CDD’s ability to enforce deed restrictions. It also expands the types of developments that can qualify as a “compact, urban, mixed-use district”, promoting higher-density, mixed-use projects, including affordable housing, in targeted urban areas.

The bill takes effect July 1, 2026.

II. Present Situation:

Regulation of Synthetic Turf

Synthetic turf is a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.¹ In 2025, the Legislature adopted ch. 2025-140, Laws of Florida, which directed the Department of Environmental Protection (DEP) to adopt minimum standards for the installation of synthetic turf on single-family residential properties one acre or less in size.² Currently, a rule providing such standards has been proposed and is awaiting adoption.³ Upon the adoption of such rule, a local government may not:

- Adopt or enforce any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf that complies with DEP standards which apply to single-family residential property.
- Adopt or enforce any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent with adopted DEP standards which apply to single-family residential property.⁴

Opportunity Zones

Opportunity Zones (OZ) are an economic development tool that allow people to invest in distressed areas in the U.S.⁵ Opportunity Zones were created under the Tax Cuts and Jobs Act of 2017⁶ (OZ-1.0) to spur economic growth and job creation in low-income communities while providing tax benefits to investors.⁷ The One Big Beautiful Bill (2025) made the program a permanent part of the tax code and further refined the program (OZ-2.0)⁸ Beginning in 2017, Governors nominated up to 25% of census tracts with median family incomes of less than 80% of their general area or a poverty rate of 20% or higher⁹. In Florida, a total of 427 Qualified Opportunity Zones were designated, with at least one located in every county in the state.¹⁰ OZ-1.0 zones expire on December 31, 2028.¹¹ Starting July 1, 2026, new zones will be nominated by Governors and qualified by the U.S. Treasury by December 31, 2026, to take effect on January 1, 2027.¹²

¹ Section 125.572(1), F.S.

² Section 125.572(2), F.S. *See* Fla. Admin. Register, *Notice of Proposed Rule ch. 62-308.100* (Synthetic Turf) (January 2026), available at: <https://floridadep.gov/wra/wra/documents/proposed-rule-synthetic-turf-standards> (last visited January 27, 2026).

³ *See id.*

⁴ Section 125.572(3), F.S.

⁵ IRS, *Opportunity Zones*, available at: <https://www.irs.gov/credits-deductions/businesses/opportunity-zones> (last visited January 27, 2026).

⁶ *See* Public Law No. 115-97, available at: <https://www.congress.gov/bill/115th-congress/house-bill/1/text> (last visited January 27, 2026).

⁷ *Supra* note 3.

⁸ FloridaCommerce, *Opportunity Zones Program*, available at: <https://floridajobs.org/business-growth-and-partnerships/for-businesses-and-entrepreneurs/business-resource/opportunity-zones-program> (last visited January 27, 2026).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

Recall Elections

Recall elections allow citizens to remove and replace a public official before the official's term of office ends.¹³ Typically, the recall process involves gathering a certain number of signatures on a petition within a specified amount of time.¹⁴ Recall elections have historically been used most frequently at the local level.¹⁵ Recall elections differ from impeachment in that impeachment typically requires a state legislature's lower chamber to bring specific charges and requires the upper chamber to act as the jury in an impeachment trial.¹⁶

The recall election process varies by state, however, the process generally follows the following steps:

- File an application to circulate a recall petition.
- Circulate a recall petition and gather a certain number of signatures within a specified period of time.
- Submit petitions to election officials for verification of signatures.
- If enough valid signatures are presented, hold a recall election.¹⁷

Recall of Municipal and Charter County Officer Governing Body Members

Current law provides for the recall of the members of the governing body of a municipality or charter county.¹⁸ A member of such governing body may be subject to recall if a petition alleging the grounds for recall is signed by a sufficient number of voters in the county or municipality in which the member was elected.¹⁹

If a sufficient number of voters sign the petition, the allegations, as well as the member's response to those allegations, are presented to the public in a document entitled "Recall Petition and Defense."²⁰ If a sufficient number of voters sign the "Recall Petition and Defense," a recall election is held.²¹

Special Districts

A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.²² Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.²³ A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter. Special districts provide specific municipal services in addition to, or in

¹³ National Conference of State Legislatures, *Recall of State Officials*, available at: <https://www.ncsl.org/elections-and-campaigns/recall-of-state-officials> (last visited Jan. 26, 2026).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 100.361, F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² See *Halifax Hospital Medical Center v. State of Fla.*, et al., 278 So. 3d 545, 547 (Fla. 2019).

²³ See ss. 189.02(1), 189.031(3), and. 190.005(1), F.S. See generally s. 189.012(6), F.S.

place of, those provided by a municipality or county.²⁴ Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.²⁵

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.²⁶

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of single municipality.²⁷

The Special District Accountability Program within the Department of Commerce is responsible for maintaining and electronically publishing the official list of all special districts.²⁸ This list includes all active special districts, as well as a separate list of those declared inactive.²⁹ According to the official list, as of January 20, 2026, the state had 2,087 special districts.³⁰ Special districts are governed generally by the Uniform Special District Accountability Act (USDAAA).³¹ The USDAAA centralizes provisions governing special districts and applies to the formation,³² governance,³³ administration,³⁴ supervision,³⁵ merger,³⁶ and dissolution³⁷ of special

²⁴ Intergovernmental Affairs Subcommittee, *The Local Government Formation Manual*, 56, available at <https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3304&Session=2025&DocumentType=General+Publications&FileName=Local+Government+Formation+Manual+%5b2024-2026%5d.pdf> (last visited Jan. 26, 2026).

²⁵ The method of financing a district must be stated in its charter. Sections 189.02(4)(g) and 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. *See, e.g.*, ch. 2023-335, s. 6 of s. 1, Laws of Fla. (East River Ranch Stewardship District). *See also, e.g.*, ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), 388.221 (mosquito control), ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

²⁶ Section 189.012(2), F.S.

²⁷ Section 189.012(3), F.S.

²⁸ Section 189.061, F.S.

²⁹ Sections 189.061, 189.062(6), F.S.

³⁰ Florida Department of Commerce, *Official List of Special Districts*, available at: <https://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/official-list-of-special-districts> (last visited Jan. 26, 2026).

³¹ Section 189.01, F.S. *See additionally* ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).

³² *See* sections 189.02 (creation of dependent special districts) and 189.031, F.S. (creation of independent special districts).

³³ *See* section 189.0311, F.S. (charter requirements for independent special districts).

³⁴ *See* section 189.019, F.S. (requiring codification of charters incorporating all special acts for the district).

³⁵ *See* section 189.0651, F.S. (oversight for special districts created by special act of the Legislature).

³⁶ Sections 189.071 and 189.074, F.S.

³⁷ Sections 189.071 and 189.072, F.S.

districts, unless otherwise expressly provided in law.³⁸ The USDA requires notice and publication of tentative budgets and final budgets.³⁹ Certain budget amendments are allowed up to 60 days following the end of the fiscal year.⁴⁰

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.⁴¹

Community Development Districts

Community development districts (CDDs) are a type of independent special district intended to provide urban community services in a cost-effective manner by managing and financing the delivery of basic services and capital infrastructure to developing communities without overburdening other governments and their taxpayers.⁴² Districts consisting of 2,500 acres or more must be created by rule adopted by the Florida Cabinet acting as the Florida Land and Water Adjudicatory Commission,⁴³ whereas CDDs with less than 2,500 acres are created pursuant to county or municipal ordinance.⁴⁴ As of January 20, 2026, there are 1,076 active CDDs in Florida.⁴⁵

CDDs are authorized to provide infrastructure relating to water management and control; water supply, sewer and wastewater management, reclamation and reuse; bridges or culverts; and roads and street lights.⁴⁶ With the consent of the applicable local purpose government, a CDD may also be authorized to provide infrastructure for parks and other outdoor recreational, cultural, and educational facilities; fire prevention and control; school buildings and related structures; security; mosquito control; and waste collection and disposal.⁴⁷ The board may enter into contracts, borrow money, issue bonds, levy ad valorem taxes (subject to voter approval at a referendum),⁴⁸ levy special assessments and non-ad valorem taxes, adopt administrative rules pursuant to ch. 120, F.S., and exercise the power of eminent domain.⁴⁹

Each CDD is governed by a five-member board elected by the landowners of the district on a one-acre, one-vote basis.⁵⁰ Board members serve four-year terms, except some initial board members serve a two-year term for the purpose of creating staggered terms.⁵¹ After the sixth year (for districts of up to 5,000 acres) or the tenth year (for districts exceeding 5,000 acres or for a compact, urban, mixed-use district) following the CDD’s creation, each member of the board is

³⁸ See section 190.004, F.S. (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

³⁹ Section 189.016(4), F.S.

⁴⁰ Section 189.016(6), F.S.

⁴¹ See ch. 2006-354, Laws of Fla. (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

⁴² Section 190.002(1)(a), F.S.

⁴³ Section 190.005(1), F.S.

⁴⁴ Section 190.005(2), F.S.

⁴⁵ *Supra* note 18.

⁴⁶ Section 190.012(1), F.S.

⁴⁷ Section 190.012(2), F.S.

⁴⁸ See section 190.021(1), F.S., and art. VII, s. 9, FLA CONST.

⁴⁹ Section 190.011, F.S.

⁵⁰ Section 190.006(2), F.S.

⁵¹ Section 190.006(1), F.S.

subject to election by the electors of the district at the conclusion of their term. However, this transition does not occur if the district has fewer than 250 (for districts of up to 5,000 acres) or 500 (for districts exceeding 5,000 acres or for a compact, urban, mixed-use district) qualified electors.⁵²

Compact, Urban, Mixed-Use Districts

A “compact, urban, mixed-use district” is a district located within a municipality and within a community redevelopment area, that consists of a maximum of 75 acres and has development entitlements of at least 400,000 square feet of retail development and 500 residential units.⁵³ Such districts are a specialized type of CDD that operate under the same laws as CDDs, except for certain provisions relating to the transition to the governing board members being elected by qualified electors of the district, rather than by the landowners. The goal of these districts is to provide a compact downtown, high intensity development, mixed uses, and arts and cultural facilities of varying intensities.⁵⁴ This pattern of development encourages walkable communities with access to transit and public services and spaces and creates environments where residents can live, work, and play.⁵⁵

III. Effect of Proposed Changes:

Synthetic Turf Regulation

Section 1 amends s. 125.572, F.S., to provide that the prohibition on local governments from regulating synthetic turf on single-family residential property that complies with the Department of Environmental Protection’s standards does not apply to the adoption or enforcement of any resolution, order, rule, or policy by a community development district (CDD) to enforce deed restrictions.

Compact, Urban, Mixed-Use CDDs

Section 2 amends s. 190.003, F.S., to update the definition of “compact, urban, mixed-use district” to mean a district consisting of a maximum of 75 acres which is located within a municipality, and within a qualified opportunity zone designated by the U.S. Department of the Treasury or a community redevelopment area⁵⁶ which district has development entitlements of:

- At least 400,000 square feet of retail development and 500 residential units; or

⁵² Section 190.006(3)(a)2.b., F.S.

⁵³ Section 190.003(7), F.S.

⁵⁴ See City of Marco Island, Ordinance 07-01, available at: <https://old.cityofmarcoisland.com/media/14561> (last visited January 29, 2026).

⁵⁵ University of Delaware, *Mixed-use development*, available at: <https://www.completecommunitiesde.org/mixed-use-development/> (last visited January 29, 2026).

⁵⁶ A “community redevelopment area” means a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment. Section 163.340(10), F.S.

- At least 250,000 square feet of commercial development and 500 residential units that are affordable⁵⁷ for very-low income, low-income, or moderate-income persons.⁵⁸

CDD Recall Election Process

Section 3 creates s. 190.0071, F.S., to provide a recall election process to remove members of the governing bodies of CDDs. The bill applies to all CDDs and repeals all special law provisions that are contrary to the provisions of the bill.

The bill provides that any member elected to the governing body of a CDD may be removed from office by the electors of the CDD. If a member is elected at large in a district-wide election, then all electors of the CDD may sign the recall petition and vote in the recall election. If the member is from a single-member district, only the electors residing in that district may participate in the recall election.

The bill provides that the grounds for removal of a member of the governing body of a CDD is limited to:

- Malfeasance;
- Misfeasance;
- Neglect of duty;
- Drunkenness;
- Incompetence;
- Permanent inability to perform official duties; or
- Conviction of a felony involving moral turpitude.

The bill establishes requirements for the petition to initiate a recall election. The petition must contain the name of the person sought to be recalled and a statement of grounds for recall, which may not exceed 200 words. A separate recall petition must be prepared for each member sought to be recalled. The content of a petition may be provided by the proponent in alternative formats upon request. The petition must be signed by at least 10 percent of the total number of registered qualified electors of the CDD or a single-member district which the member represents. All signatures must be obtained within a period of 30 days. Only qualified electors of the CDD or single-member district the member represents are eligible to sign the petition and the signatures must contain specified information to verify the identity of the signatory.

The bill designates the circulators of the petition and those signing the recall petition as the recall committee. A specific person must be designated in the petition as the chair of the committee who acts on behalf of the committee.

All signed petition forms must be filed at the same time and within 35 days after the date on which the first signature is obtained on the petition. The chair of the committee must file the signed petition forms with the applicable clerk. After filing with the clerk, the petition and all

⁵⁷ See s. 420.602(3), F.S.

⁵⁸ See ss. 420.004, 420.602, and 420.9071, F.S., for the definitions of very-low income, low-income, and moderate-income persons.

subsequent papers or forms required to be filed with the clerk must be made available in alternative formats by the clerk upon request.

The petition may not be amended after it is filed with the clerk. The clerk must then submit the petition to the supervisor of elections within 60 days after the petition forms are filed. The supervisor of elections (SOE) is responsible for verifying the signatures and determining whether the required number of valid signatures have been obtained. The committee seeking verification of the signatures must pay the SOE the actual cost of signature verification in advance. If the CDD lies in more than one county, the clerk must submit each petition form to the respective SOE with jurisdiction over the elector that signed the individual petition.

If the SOE determines that the petition does not contain the required number of verified and valid signatures, the clerk, upon receipt of such written determination, must certify such determination to the governing body of the CDD and file the petition without taking any further action. No additional names may be added to the petition, and the petition may not be used in any other proceeding.

If the SOE determines that the petition has the required number of signatures, the clerk must immediately serve the member sought to be recalled a certified copy of the petition. If the CDD lies in more than one county, the SOE of each county must confer as to whether the required numbers of verified and valid signatures have been submitted and the SOE of the county in which the clerk is located must make a determination whether the petition has the required number of verified and valid signatures.

The member may file a defensive statement with the clerk not to exceed 200 words within five days after receipt of the petition. Within five days after the date of receipt of the defensive statement or after the last date a defensive statement could have been filed, the clerk must prepare a document entitled "Recall Petition and Defense," which contains the recall petition and copies of the originally signed petitions defensive statement, if any. The clerk must prepare a number of copies of the Recall Petition and Defense equal to 30 percent of the registered electors eligible to vote in the recall election. Immediately after preparing and making sufficient copies of the Recall Petition and Defense, the clerk must deliver the copies to the chair of the committee.

Upon receipt of the Recall Petition and Defense from the clerk, the committee may circulate the petition to obtain the signatures of 15 percent of the electors. All signatures must be obtained and all signed petition forms must be filed with the clerk within 60 days after the delivery of the Recall Petition and Defense to the chair of the committee. Within 30 days after receipt of the signed Recall Petition and Defense, the SOE must determine the number of valid signatures and certify whether 15 percent of the qualified electors of the CDD have signed the petition. The persons or committee seeking verification must pay the actual cost of signature verification to the SOE. If the CDD lies in more than one county, the SOE of each county must confer as to whether the number of valid signatures required have been submitted and the SOE of the county in which the clerk is located must make a determination whether the petition has the required number of verified and valid signatures.

If the SOE determines that the required number of signatures has not been obtained, the clerk must certify such determination to the governing body and retain the petitions, which may not be

used again, and the proceedings must be terminated. If the required signatures are obtained, the clerk must immediately serve notice of such determination to the member sought to be recalled and deliver a certificate to the CDD's governing body stating the percentage of signatures obtained. If the CDD lies in more than one county, the SOEs of each county must confer as to whether the total number of required signatures has been obtained.

If the member resigns within five days of being notified, the governing body of the CDD must fill the vacancy according to applicable law. Such resignation of a member is irrevocable. If the member does not resign, the chief judge of the judicial circuit in which the CDD is located must set a day for holding a recall election for the removal of the member. The election must occur between 30 and 60 days after the five-day period the member has to resign and at the same time as any other general or special election held within that time. If no general or special election is already scheduled during that period, the judge must call a special recall election.

The bill provides the ballot language to be used in the recall election and provides procedures for filling the vacancies created by the recall election. If an election is held for the recall of members elected at-large, candidates to succeed such members for the unexpired terms must be voted on at the same election and must be elected in the same manner as provided by the applicable law for the election of candidates at general elections. Candidates may not be elected to succeed any particular member. If only one member is removed, the candidate who receives the highest number of votes shall be elected to fill the vacancy. If more than one member is removed, candidates equal in number to the number of members removed shall be elected to fill the vacancies. The candidates who receive the greatest number of votes shall be elected for the longest terms.

If an election is held for the recall of members elected only from districts, the candidates succeeding such members for the unexpired terms must be voted on at a special election called by the chief judge of the judicial circuit in which the districts are located between 30 and 60 days after the recall election. The qualifying period must be established by the chief judge of the judicial circuit after consultation with the clerk. Candidates must reside in the district represented by the recalled member and qualify for office in the manner required by law. Each candidate receiving the highest number of votes for each office in the recall election shall be elected to fill the unexpired term of the recalled member. This procedure also applies if an election is held for the recall of members of the governing body composed of both members elected at large and elected by representing a district. If only one member is voted to be removed from office by such recall election, the vacancy created by the recall must be filled by the governing body according to the applicable law for filing vacancies.

If all of the members of a CDD are subject to a recall petition and resign before the recall election, the recall election must be canceled and a special election must be called to fill the unexpired terms of the resigning members.

A member of a CDD must have served one-fourth of their term of office before a petition to recall the member may be filed. A person who is removed by a recall or resigns after a petition has been filed against him or her, is not eligible to be appointed to the CDD's governing body for two years after the date of the recall or resignation.

The clerk must preserve all papers comprising or connected with a petition for recall for a period of two years after they are filed.

The bill also provides penalties for offenses related to the petition process. A person commits a second-degree misdemeanor punishable by law⁵⁹ for the following offenses:

- Impersonating another.
- Forging any name or purposely writing their name or residence falsely in the signing of any petition for recall.
- Signing any paper with knowledge that he or she is not a qualified elector of the CDD.
- Employing or paying another to accept employment or payment for circulating or witnessing a recall petition.

Section 4 amends s. 190.006, F.S., to specify that any board member elected to a CDD board of supervisors is subject to these recall procedures.

Section 5 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require counties and municipalities to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁵⁹ Sections 775.082 or 775.083, F.S. A second-degree misdemeanor is punishable by a term of imprisonment not exceeding 60 days and a fine of up to \$500.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on local governments to the extent recall petitions are filed and special elections are necessary to fill any vacancies on CDD governing boards.

VI. Technical Deficiencies:**VII. Related Issues:**

None.

VIII. Statutes Affected:

This bill substantially amends sections 125.572, 190.003, and 190.006 of the Florida Statutes. This bill creates section 190.0071 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on January 27, 2026:

Regarding CDD recall petitions, the committee substitute requires a recall petition to be filed with the applicable clerk instead of the Department of Commerce, and clarifies the role of the clerk and supervisor of elections when a CDD lies in multiple counties.

The committee substitute also:

- Adds a new provision specifically authorizing CDDs to adopt or enforce regulations for synthetic turf on single-family properties in order to enforce deed restrictions, which is otherwise prohibited by current law.
- Adds a new provision amending the definition of “compact, urban, mixed-use district,” in ch. 190, F.S.
- Changes the title of the bill from “an act relating to community development district recall elections” to “an act relating to community development districts.”

B. Amendments:

None.



LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: WD | . | |
| 01/27/2026 | . | |
| | . | |
| | . | |
| | . | |

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

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. Subsection (3) of section 125.572, Florida
6 Statutes, is amended to read:

7 125.572 Regulation of synthetic turf.—

8 (3)(a) Upon the Department of Environmental Protection
9 adopting rules pursuant to subsection (4), a local government
10 may not:



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11 1.(a) Adopt or enforce any ordinance, resolution, order,
12 rule, or policy that prohibits, or is enforced to prohibit, a
13 property owner from installing synthetic turf that complies with
14 Department of Environmental Protection standards adopted
15 pursuant to this section which apply to single-family
16 residential property.

17 2.(b) Adopt or enforce any ordinance, resolution, order,
18 rule, or policy that regulates synthetic turf which is
19 inconsistent with the Department of Environmental Protection
20 standards adopted pursuant to this section which apply to
21 single-family residential property.

22 (b) This subsection does not apply to the adoption or
23 enforcement of any resolution, order, rule, or policy by a
24 special district to enforce deed restrictions.

25 Section 2. Subsection (7) of section 190.003, Florida
26 Statutes, is amended to read:

27 190.003 Definitions.—As used in this chapter, the term:

28 (7) “Compact, urban, mixed-use district” means a district
29 consisting of a maximum of 75 acres which is located within a
30 municipality, and within either a qualified opportunity zone
31 designated by the United States Department of the Treasury
32 pursuant to 26 U.S.C. s. 1400Z-1 or a community redevelopment
33 area created pursuant to s. 163.356, which district that
34 consists of a maximum of 75 acres, and has development
35 entitlements of:

36 (a) At least 400,000 square feet of retail development and
37 500 residential units; or

38 (b) At least 250,000 square feet of commercial development
39 and 500 residential rental units that are affordable for very-



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40 low-income, low-income, or moderate-income persons, as defined
41 in s. 420.0004, s. 420.602, or s. 420.9071.

42 Section 3. Section 190.0071, Florida Statutes, is created
43 to read:

44 190.0071 Community development district recall.—

45 (1) DEFINITIONS.—As used in this section, the term:

46 (a) "Clerk," as the context requires, means:

47 1. If the community development district was established by
48 ordinance of a local general-purpose government pursuant to s.
49 190.005(2), the clerk of such local general-purpose government.

50 2. If the community development district was established by
51 rule of the Florida Land and Water Adjudicatory Commission
52 pursuant to s. 190.005(1), the clerk of the circuit court of the
53 county that contains a majority of the qualified electors of the
54 district.

55 (b) "District" means the area or region of a community
56 development district from which a member of the governing board
57 is elected by such area's or region's electors.

58 (2) APPLICATION.—Any member of the governing body of a
59 community development district who is elected to the governing
60 body by the qualified electors of the community development
61 district may be removed from office by the electors of the
62 community development district. If the member represents a
63 district and is elected only by electors residing in that
64 district, only electors residing in that district are eligible
65 to sign the petition to recall that member and are entitled to
66 vote in the recall election. If the member represents a district
67 and is elected at large by the electors of the community
68 development district, all electors of the community development



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69 district are eligible to sign the petition to recall that member
70 and are entitled to vote in the recall election. Members may be
71 removed from office pursuant to the procedures provided in this
72 section.

73 (3) RECALL PETITION.—

74 (a) Petition content.—A petition must contain the name of
75 the person sought to be recalled and a statement of grounds for
76 recall. The statement of grounds may not exceed 200 words, and
77 the stated grounds are limited solely to those specified in
78 paragraph (d). If more than one member of the governing body is
79 sought to be recalled, regardless of whether such member is
80 elected by the electors of a district or by the electors of the
81 community development district at large, a separate recall
82 petition must be prepared for each member sought to be recalled.
83 Upon request, the content of a petition may be, but is not
84 required to be, provided by the proponent in alternative
85 formats.

86 (b) Requisite signatures.—The petition must be signed by at
87 least 10 percent of the total number of registered electors of
88 the community development district or of a district thereof. All
89 signatures must be obtained as provided in paragraph (e) within
90 a period of 30 days, and all signed and dated petition forms
91 must be filed at the same time, no later than 35 days after the
92 date on which the first signature is obtained on the petition.

93 (c) Recall committee.—Electors of the community development
94 district making charges contained in the statement of grounds
95 for recall, as well as those signing the recall petition, must
96 be designated as the recall committee. A specific person must be
97 designated in the petition as chair of the committee, and this



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98 person shall act on behalf of the committee. The recall
99 committee and the officer being recalled are subject to chapter
100 106.

101 (d) *Grounds for recall.*—The grounds for removal of elected
102 members of the governing body of a community development
103 district are, for the purposes of this act, limited to the
104 following and must be contained in the petition:

105 1. Malfeasance;
106 2. Misfeasance;
107 3. Neglect of duty;
108 4. Drunkenness;
109 5. Incompetence;
110 6. Permanent inability to perform official duties; or
111 7. Conviction of a felony involving moral turpitude.

112 (e) *Signature process.*—Only electors of the district or the
113 community development district are eligible to sign the
114 petition. Each elector signing a petition shall sign and date
115 his or her name in ink or indelible pencil. Each petition must
116 contain appropriate lines for each elector's original signature;
117 printed name; street address; city; county; voter registration
118 number or date of birth; Florida driver license number, Florida
119 identification card number issued pursuant to s. 322.051, or the
120 last four digits of the elector's social security number; and
121 the date signed.

122 (f) *Filing of signed petitions.*—All signed petition forms
123 must be filed at the same time, no later than 35 days after the
124 date on which the first signature is obtained on the petition.
125 The person designated as chair of the committee shall file the
126 signed petition forms with the clerk. The petition may not be



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127 amended after it is filed with the clerk.

128 (g) Verification of signatures.—

129 1. No more than 60 days after the date on which all
130 petition forms are filed, the clerk shall submit the petition
131 forms to the supervisor of elections, who shall promptly verify
132 the signatures in accordance with s. 99.097 and determine
133 whether the requisite number of valid signatures has been
134 obtained for the petition. The committee seeking verification of
135 the signatures must pay in advance to the supervisor of
136 elections the actual cost of signature verification. If the
137 community development district lies in more than one county, the
138 clerk shall submit each petition form to the respective
139 supervisor of elections with jurisdiction over the elector that
140 signed the individual petition.

141 2. Upon filing with the clerk, the petition and all
142 subsequent papers or forms required or permitted to be filed
143 with the clerk in connection with this section must, upon
144 request, be made available in alternative formats by the clerk.

145 3. If the supervisor determines that the petition does not
146 contain the requisite number of verified and valid signatures,
147 the clerk, upon receipt of such written determination, must
148 certify such determination to the governing body of the
149 community development district and file the petition without
150 taking further action, and the matter ends. No additional names
151 may be added to the petition, and the petition may not be used
152 in any other proceeding.

153 4. If the supervisor of elections determines that the
154 petition has the requisite number of verified and valid
155 signatures, the procedures outlined in subsection (4) must be



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156 followed. If the community development district lies in more
157 than one county, the supervisor of elections of each county
158 shall confer as to whether the requisite numbers of verified and
159 valid signatures have been submitted and the supervisor of
160 elections of the county in which the clerk is located shall make
161 a determination whether the petition has the requisite number of
162 verified and valid signatures.

163 (4) RECALL PETITION AND DEFENSE.—

164 (a) Notice.—Upon receipt of a written determination that
165 the requisite number of signatures has been obtained, the clerk
166 shall at once serve upon the member sought to be recalled a
167 certified copy of the petition. Within 5 days after service, the
168 member sought to be recalled may file with the clerk a defensive
169 statement of not more than 200 words.

170 (b) Content and preparation.—Within 5 days after the date
171 of receipt of the defensive statement or after the last date a
172 defensive statement could have been filed, the clerk shall
173 prepare a document entitled "Recall Petition and Defense," which
174 consists of the recall petition, including copies of the
175 originally signed petitions and counterparts. The Recall
176 Petition and Defense must contain lines that conform to
177 paragraph (3) (e) and the defensive statement or, if no defensive
178 statement has been filed, a statement to that effect. The clerk
179 shall make copies of the Recall Petition and Defense which are
180 sufficient to carry the signatures of 30 percent of the
181 registered electors. Immediately after preparing and making
182 sufficient copies of the Recall Petition and Defense, the clerk
183 shall deliver the copies to the person designated as chair of
184 the committee and take his or her receipt therefor.



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185 (c) Requisite signatures.—Upon receipt of the Recall
186 Petition and Defense, the committee may circulate the petition
187 to obtain the signatures of 15 percent of the electors. All
188 signatures must be obtained and all signed petition forms filed
189 with the clerk no later than 60 days after delivery of the
190 Recall Petition and Defense to the chair of the committee.

191 (d) Verification of signatures.—Within 30 days after
192 receipt of the signed Recall Petition and Defense, the
193 supervisor of elections shall determine the number of valid
194 signatures and certify whether 15 percent of the qualified
195 electors of the community development district have signed the
196 petition. The supervisor of elections must be paid by the
197 persons or committee seeking verification the actual cost of
198 signature verification. If the community development district
199 lies in more than one county, the supervisor of elections of
200 each county shall confer as to whether the number of valid
201 signatures required have been submitted. The supervisor of
202 elections of the county in which the clerk is located shall make
203 a determination whether the petition has the requisite number of
204 verified and valid signatures.

205 (e) Reporting.—If the supervisor of elections determines
206 that the requisite number of signatures has not been obtained,
207 the clerk must certify such determination to the governing body
208 and retain the petitions. The proceedings must be terminated,
209 and the petitions may not be used again. If the supervisor of
210 elections determines that at least 15 percent of the qualified
211 electors signed the petition, the clerk must immediately serve
212 notice of that determination upon the member sought to be
213 recalled and deliver to the governing body a certificate as to



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214 the percentage of qualified electors who signed. If the
215 community development district lies in more than one county, the
216 supervisor of elections of each county shall confer as to
217 whether the total number of requisite signatures has not been
218 obtained.

219 (5) RECALL ELECTION.—If the member designated in the
220 petition files his or her written resignation within 5 days
221 after the last-mentioned notice, the resignation is irrevocable.
222 The governing body shall then proceed to fill the vacancy
223 according to the applicable law. In the absence of a
224 resignation, the chief judge of the judicial circuit in which
225 the community development district is located shall fix a day
226 for holding a recall election for the removal of any member not
227 resigning. Any such election must be held not less than 30 days
228 or more than 60 days after the expiration of the last-mentioned
229 5-day period and at the same time as any other general or
230 special election held within the period; but if no such election
231 is to be held within that period, the judge must call a special
232 recall election to be held within the period aforesaid.

233 (6) BALLOTS.—The ballots at the recall election must
234 conform to the following: With respect to each person whose
235 removal is sought, the question must be submitted: "Shall
236 be removed from the office of by recall?" Immediately
237 following each question there must be printed on the ballots the
238 two propositions in the following order:

239 "...(name of person)... should be removed from office."

240 "...(name of person)... should not be removed from office."

241 (7) FILLING OF VACANCIES; SPECIAL ELECTIONS.—

242 (a) If an election is held for the recall of members



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243 elected only at large, candidates to succeed such members for
244 the unexpired terms must be voted on at the same election and
245 must be elected in the same manner as provided by the
246 appropriate law for the election of candidates at general
247 elections. Candidates may not be elected to succeed any
248 particular member. If only one member is removed, the candidate
249 receiving the highest number of votes must be declared elected
250 to fill the vacancy. If more than one member is removed,
251 candidates equal in number to the number of members removed must
252 be declared elected to fill the vacancies; and, among the
253 successful candidates, those receiving the greatest number of
254 votes must be declared elected for the longest terms. Cases of
255 ties, and all other matters not herein specially provided for,
256 must be determined by the rules governing elections generally.

257 (b) If an election is held for the recall of members
258 elected only from districts, candidates to succeed such members
259 for the unexpired terms must be voted on at a special election
260 called by the chief judge of the judicial circuit in which the
261 districts are located not less than 30 days or more than 60 days
262 after the expiration of the recall election. The qualifying
263 period, for purposes of this section, must be established by the
264 chief judge of the judicial circuit after consultation with the
265 clerk. Any candidate seeking election to fill the unexpired term
266 of a recalled community development district member must reside
267 in the district represented by the recalled member and qualify
268 for office in the manner required by law. Each candidate
269 receiving the highest number of votes for each office in the
270 community development district recall election must be declared
271 elected to fill the unexpired term of the recalled member.



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272 Candidates seeking election to fill a vacancy created by the
273 removal of a member are subject to chapter 106.

274 (c) If an election is held for the recall of members of the
275 governing body composed of both members elected at large and
276 elected by and representing a district, candidates to succeed
277 such members for the unexpired terms must be voted on at a
278 special election as provided in paragraph (b).

279 (d) In any recall election held pursuant to paragraph (b)
280 or paragraph (c), if only one member is voted to be removed from
281 office, the vacancy created by the recall must be filled by the
282 governing body according to the applicable law for filling
283 vacancies.

284 (8) EFFECT OF RESIGNATIONS.—If the member of the governing
285 body being recalled resigns from office before the recall
286 election, the remaining members must fill the vacancy created
287 according to the applicable law for filling vacancies. If all of
288 the members of the governing body are sought to be recalled and
289 all of the members resign before the recall election, the recall
290 election must be canceled, and a special election must be called
291 to fill the unexpired terms of the resigning members. If all of
292 the members of the governing body are sought to be recalled and
293 any of the members resign before the recall election, the
294 proceedings for the recall of members not resigning and the
295 election of successors to fill the unexpired terms must continue
296 and have the same effect as though there had been no
297 resignation.

298 (9) WHEN PETITION MAY BE FILED.—A petition to recall any
299 member of the governing body of a community development district
300 may not be filed until the member has served one-fourth of his



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301 or her term of office. A person who is removed by a recall, or
302 resigns after a petition has been filed against him or her, is
303 not eligible to be appointed to the governing body within a
304 period of 2 years after the date of such recall or resignation.

305 (10) RETENTION OF PETITION.—The clerk shall preserve all
306 papers comprising or connected with a petition for recall for a
307 period of 2 years after they are filed.

308 (11) OFFENSES RELATING TO PETITIONS.—A person may not
309 impersonate another, purposely write his or her name or
310 residence falsely in the signing of any petition for recall or
311 forge any name thereto, or sign any paper with knowledge that he
312 or she is not a qualified elector of the community development
313 district. A person may not employ or pay another to accept
314 employment or payment for circulating or witnessing a recall
315 petition. A person who violates this section commits a
316 misdemeanor of the second degree, punishable as provided in s.
317 775.082 or s. 775.083.

318 (12) INTENT.—It is the intent of the Legislature that the
319 recall procedures provided in this section be uniform statewide.
320 Therefore, all special law provisions that are contrary to the
321 provisions of this section are hereby repealed to the extent of
322 this conflict.

323 (13) APPLICABILITY.—The provisions of this section apply to
324 all community development districts.

325 Section 4. Paragraph (e) is added to subsection (3) of
326 section 190.006, Florida Statutes, to read:

327 190.006 Board of supervisors; members and meetings.—

328 (3)

329 (e) Any board member elected to the board of supervisors by



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330 the qualified electors of the district pursuant to this
331 subsection is subject to the recall procedures provided for in
332 s. 190.0071.

333 Section 5. This act shall take effect July 1, 2026.

334

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

336 And the title is amended as follows:

337 Delete everything before the enacting clause
338 and insert:

339 A bill to be entitled
340 An act relating to community development districts;
341 amending s. 125.572, F.S.; providing that specified
342 provisions regarding synthetic turf do not apply to
343 special districts enforcing deed restrictions;
344 amending s. 190.003, F.S.; revising the definition of
345 the term "compact, urban, mixed-use district";
346 creating s. 190.0071, F.S.; defining terms; providing
347 that certain members of the governing body of a
348 community development district may be removed by the
349 electors of the community development district;
350 providing that only specified electors are eligible to
351 sign the petition and are entitled to vote to recall
352 such members under specified circumstances; requiring
353 that a petition to recall a member contain specified
354 information; requiring separate petitions for each
355 member sought to be recalled; requiring a specified
356 percentage of electors to sign the petition; requiring
357 that such signatures be obtained and submitted within
358 specified timeframes; requiring the designation of a



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359 recall committee and chair of such committee;
360 providing that the committee and the member to be
361 recalled are subject to specified provisions;
362 providing the grounds for removal of elected members;
363 requiring each elector to sign and date petitions;
364 requiring that each petition contain specified
365 information; requiring that a petition be filed with
366 the clerk in a specified manner by the chair of the
367 committee; prohibiting the petition from being amended
368 after it is filed; requiring the clerk to submit the
369 forms to the supervisor of elections to promptly
370 verify signatures and make a certain determination
371 within a specified timeframe; requiring the committee
372 to pay in advance for such verification; providing for
373 the duties of supervisors in each county if the
374 community development district lies in more than one
375 county; requiring that specified papers and forms be
376 available in alternative formats upon request;
377 requiring the clerk to make a certain certification
378 under specified circumstances; requiring the clerk to
379 serve a certified copy of the petition upon the person
380 sought to be recalled under a specified circumstance;
381 authorizing such person to submit a certain response
382 within a specified timeframe; requiring the clerk to
383 prepare a specified document within a specified
384 timeframe; specifying requirements for such document;
385 requiring the clerk to deliver such document to the
386 chair of the committee and take his or her receipt
387 therefor; authorizing the committee to circulate the



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388 petition; requiring that all signatures be obtained
389 and all forms filed with the clerk within a specified
390 timeframe; requiring the supervisor to determine the
391 number of valid signatures and certify that the
392 requisite percentage of electors signed the petition;
393 requiring that the supervisor be paid a specified sum
394 for each name checked; providing for the duties of the
395 supervisor of each county if the community development
396 district lies in more than one county; requiring the
397 clerk to certify specified determinations made and
398 provide a certain notice to the governing body of the
399 community development district; requiring that, under
400 a specified condition, recall proceedings be
401 terminated and petitions not be used again; providing
402 that a member designated in the petition may resign
403 and that such resignation is irrevocable; requiring
404 the governing body to fill certain vacancies according
405 to the applicable law; requiring the chief judge of
406 the judicial circuit to fix a day for holding the
407 recall election, which must be held within a
408 prescribed timeframe under specified conditions;
409 requiring that the ballots include specified
410 information; prescribing procedures for holding
411 special elections to fill vacancies created by the
412 recall petition; providing for the filling of a
413 vacancy created by a member resigning before the
414 recall election; prohibiting a member from being the
415 subject of a recall petition until the member has
416 served a specified portion of his or her term of



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417 office; prohibiting a member removed by recall or
418 resignation from being eligible to be appointed to the
419 governing body for a specified timeframe after his or
420 her removal; requiring the clerk to preserve the
421 petitions and related papers for a specified
422 timeframe; prohibiting a person from impersonating
423 another, purposely writing his or her name or
424 residence falsely, or signing any paper with certain
425 knowledge; prohibiting a person from employing or
426 paying another to accept payment for circulating or
427 witnessing petitions; providing criminal penalties;
428 providing legislative intent; providing applicability;
429 amending s. 190.006, F.S.; providing that certain
430 board members of community development districts are
431 subject to specified election recall provisions;
432 providing an effective date.



LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 01/27/2026 | . | |
| | . | |
| | . | |
| | . | |

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

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. Subsection (3) of section 125.572, Florida
6 Statutes, is amended to read:

7 125.572 Regulation of synthetic turf.—

8 (3) (a) Upon the Department of Environmental Protection
9 adopting rules pursuant to subsection (4), a local government
10 may not:



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11 1.(a) Adopt or enforce any ordinance, resolution, order,
12 rule, or policy that prohibits, or is enforced to prohibit, a
13 property owner from installing synthetic turf that complies with
14 Department of Environmental Protection standards adopted
15 pursuant to this section which apply to single-family
16 residential property.

17 2.(b) Adopt or enforce any ordinance, resolution, order,
18 rule, or policy that regulates synthetic turf which is
19 inconsistent with the Department of Environmental Protection
20 standards adopted pursuant to this section which apply to
21 single-family residential property.

22 (b) This subsection does not apply to the adoption or
23 enforcement of any resolution, order, rule, or policy by a
24 community development district to enforce deed restrictions.

25 Section 2. Subsection (7) of section 190.003, Florida
26 Statutes, is amended to read:

27 190.003 Definitions.—As used in this chapter, the term:

28 (7) “Compact, urban, mixed-use district” means a district
29 consisting of a maximum of 75 acres which is located within a
30 municipality, and within either a qualified opportunity zone
31 designated by the United States Department of the Treasury
32 pursuant to 26 U.S.C. s. 1400Z-1 or a community redevelopment
33 area created pursuant to s. 163.356, which district that
34 consists of a maximum of 75 acres, and has development
35 entitlements of:

36 (a) At least 400,000 square feet of retail development and
37 500 residential units; or

38 (b) At least 250,000 square feet of commercial development
39 and 500 residential rental units that are affordable for very-



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40 low-income, low-income, or moderate-income persons, as defined
41 in s. 420.0004, s. 420.602, or s. 420.9071.

42 Section 3. Section 190.0071, Florida Statutes, is created
43 to read:

44 190.0071 Community development district recall.—

45 (1) DEFINITIONS.—As used in this section, the term:

46 (a) "Clerk," as the context requires, means:

47 1. If the community development district was established by
48 ordinance of a local general-purpose government pursuant to s.
49 190.005(2), the clerk of such local general-purpose government.

50 2. If the community development district was established by
51 rule of the Florida Land and Water Adjudicatory Commission
52 pursuant to s. 190.005(1), the clerk of the circuit court of the
53 county that contains a majority of the qualified electors of the
54 district.

55 (b) "District" means the area or region of a community
56 development district from which a member of the governing board
57 is elected by such area's or region's electors.

58 (2) APPLICATION.—Any member of the governing body of a
59 community development district who is elected to the governing
60 body by the qualified electors of the community development
61 district may be removed from office by the electors of the
62 community development district. If the member represents a
63 district and is elected only by electors residing in that
64 district, only electors residing in that district are eligible
65 to sign the petition to recall that member and are entitled to
66 vote in the recall election. If the member represents a district
67 and is elected at large by the electors of the community
68 development district, all electors of the community development



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69 district are eligible to sign the petition to recall that member
70 and are entitled to vote in the recall election. Members may be
71 removed from office pursuant to the procedures provided in this
72 section.

73 (3) RECALL PETITION.—

74 (a) Petition content.—A petition must contain the name of
75 the person sought to be recalled and a statement of grounds for
76 recall. The statement of grounds may not exceed 200 words, and
77 the stated grounds are limited solely to those specified in
78 paragraph (d). If more than one member of the governing body is
79 sought to be recalled, regardless of whether such member is
80 elected by the electors of a district or by the electors of the
81 community development district at large, a separate recall
82 petition must be prepared for each member sought to be recalled.
83 Upon request, the content of a petition may be, but is not
84 required to be, provided by the proponent in alternative
85 formats.

86 (b) Requisite signatures.—The petition must be signed by at
87 least 10 percent of the total number of registered electors of
88 the community development district or of a district thereof. All
89 signatures must be obtained as provided in paragraph (e) within
90 a period of 30 days, and all signed and dated petition forms
91 must be filed at the same time, no later than 35 days after the
92 date on which the first signature is obtained on the petition.

93 (c) Recall committee.—Electors of the community development
94 district making charges contained in the statement of grounds
95 for recall, as well as those signing the recall petition, must
96 be designated as the recall committee. A specific person must be
97 designated in the petition as chair of the committee, and this



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98 person shall act on behalf of the committee. The recall
99 committee and the officer being recalled are subject to chapter
100 106.

101 (d) *Grounds for recall.*—The grounds for removal of elected
102 members of the governing body of a community development
103 district are, for the purposes of this act, limited to the
104 following and must be contained in the petition:

105 1. Malfeasance;
106 2. Misfeasance;
107 3. Neglect of duty;
108 4. Drunkenness;
109 5. Incompetence;
110 6. Permanent inability to perform official duties; or
111 7. Conviction of a felony involving moral turpitude.

112 (e) *Signature process.*—Only electors of the district or the
113 community development district are eligible to sign the
114 petition. Each elector signing a petition shall sign and date
115 his or her name in ink or indelible pencil. Each petition must
116 contain appropriate lines for each elector's original signature;
117 printed name; street address; city; county; voter registration
118 number or date of birth; Florida driver license number, Florida
119 identification card number issued pursuant to s. 322.051, or the
120 last four digits of the elector's social security number; and
121 the date signed.

122 (f) *Filing of signed petitions.*—All signed petition forms
123 must be filed at the same time, no later than 35 days after the
124 date on which the first signature is obtained on the petition.
125 The person designated as chair of the committee shall file the
126 signed petition forms with the clerk. The petition may not be



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127 amended after it is filed with the clerk.

128 (g) Verification of signatures.—

129 1. No more than 60 days after the date on which all
130 petition forms are filed, the clerk shall submit the petition
131 forms to the supervisor of elections, who shall promptly verify
132 the signatures in accordance with s. 99.097 and determine
133 whether the requisite number of valid signatures has been
134 obtained for the petition. The committee seeking verification of
135 the signatures must pay in advance to the supervisor of
136 elections the actual cost of signature verification. If the
137 community development district lies in more than one county, the
138 clerk shall submit each petition form to the respective
139 supervisor of elections with jurisdiction over the elector that
140 signed the individual petition.

141 2. Upon filing with the clerk, the petition and all
142 subsequent papers or forms required or permitted to be filed
143 with the clerk in connection with this section must, upon
144 request, be made available in alternative formats by the clerk.

145 3. If the supervisor determines that the petition does not
146 contain the requisite number of verified and valid signatures,
147 the clerk, upon receipt of such written determination, must
148 certify such determination to the governing body of the
149 community development district and file the petition without
150 taking further action, and the matter ends. No additional names
151 may be added to the petition, and the petition may not be used
152 in any other proceeding.

153 4. If the supervisor of elections determines that the
154 petition has the requisite number of verified and valid
155 signatures, the procedures outlined in subsection (4) must be



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156 followed. If the community development district lies in more
157 than one county, the supervisor of elections of each county
158 shall confer as to whether the requisite numbers of verified and
159 valid signatures have been submitted and the supervisor of
160 elections of the county in which the clerk is located shall make
161 a determination whether the petition has the requisite number of
162 verified and valid signatures.

163 (4) RECALL PETITION AND DEFENSE.—

164 (a) Notice.—Upon receipt of a written determination that
165 the requisite number of signatures has been obtained, the clerk
166 shall at once serve upon the member sought to be recalled a
167 certified copy of the petition. Within 5 days after service, the
168 member sought to be recalled may file with the clerk a defensive
169 statement of not more than 200 words.

170 (b) Content and preparation.—Within 5 days after the date
171 of receipt of the defensive statement or after the last date a
172 defensive statement could have been filed, the clerk shall
173 prepare a document entitled "Recall Petition and Defense," which
174 consists of the recall petition, including copies of the
175 originally signed petitions and counterparts. The Recall
176 Petition and Defense must contain lines that conform to
177 paragraph (3) (e) and the defensive statement or, if no defensive
178 statement has been filed, a statement to that effect. The clerk
179 shall make copies of the Recall Petition and Defense which are
180 sufficient to carry the signatures of 30 percent of the
181 registered electors. Immediately after preparing and making
182 sufficient copies of the Recall Petition and Defense, the clerk
183 shall deliver the copies to the person designated as chair of
184 the committee and take his or her receipt therefor.



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185 (c) Requisite signatures.—Upon receipt of the Recall
186 Petition and Defense, the committee may circulate the petition
187 to obtain the signatures of 15 percent of the electors. All
188 signatures must be obtained and all signed petition forms filed
189 with the clerk no later than 60 days after delivery of the
190 Recall Petition and Defense to the chair of the committee.

191 (d) Verification of signatures.—Within 30 days after
192 receipt of the signed Recall Petition and Defense, the
193 supervisor of elections shall determine the number of valid
194 signatures and certify whether 15 percent of the qualified
195 electors of the community development district have signed the
196 petition. The supervisor of elections must be paid by the
197 persons or committee seeking verification the actual cost of
198 signature verification. If the community development district
199 lies in more than one county, the supervisor of elections of
200 each county shall confer as to whether the number of valid
201 signatures required have been submitted. The supervisor of
202 elections of the county in which the clerk is located shall make
203 a determination whether the petition has the requisite number of
204 verified and valid signatures.

205 (e) Reporting.—If the supervisor of elections determines
206 that the requisite number of signatures has not been obtained,
207 the clerk must certify such determination to the governing body
208 and retain the petitions. The proceedings must be terminated,
209 and the petitions may not be used again. If the supervisor of
210 elections determines that at least 15 percent of the qualified
211 electors signed the petition, the clerk must immediately serve
212 notice of that determination upon the member sought to be
213 recalled and deliver to the governing body a certificate as to



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214 the percentage of qualified electors who signed. If the
215 community development district lies in more than one county, the
216 supervisor of elections of each county shall confer as to
217 whether the total number of requisite signatures has not been
218 obtained.

219 (5) RECALL ELECTION.—If the member designated in the
220 petition files his or her written resignation within 5 days
221 after the last-mentioned notice, the resignation is irrevocable.
222 The governing body shall then proceed to fill the vacancy
223 according to the applicable law. In the absence of a
224 resignation, the chief judge of the judicial circuit in which
225 the community development district is located shall fix a day
226 for holding a recall election for the removal of any member not
227 resigning. Any such election must be held not less than 30 days
228 or more than 60 days after the expiration of the last-mentioned
229 5-day period and at the same time as any other general or
230 special election held within the period; but if no such election
231 is to be held within that period, the judge must call a special
232 recall election to be held within the period aforesaid.

233 (6) BALLOTS.—The ballots at the recall election must
234 conform to the following: With respect to each person whose
235 removal is sought, the question must be submitted: "Shall
236 be removed from the office of by recall?" Immediately
237 following each question there must be printed on the ballots the
238 two propositions in the following order:

239 "...(name of person)... should be removed from office."

240 "...(name of person)... should not be removed from office."

241 (7) FILLING OF VACANCIES; SPECIAL ELECTIONS.—

242 (a) If an election is held for the recall of members



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243 elected only at large, candidates to succeed such members for
244 the unexpired terms must be voted on at the same election and
245 must be elected in the same manner as provided by the
246 appropriate law for the election of candidates at general
247 elections. Candidates may not be elected to succeed any
248 particular member. If only one member is removed, the candidate
249 receiving the highest number of votes must be declared elected
250 to fill the vacancy. If more than one member is removed,
251 candidates equal in number to the number of members removed must
252 be declared elected to fill the vacancies; and, among the
253 successful candidates, those receiving the greatest number of
254 votes must be declared elected for the longest terms. Cases of
255 ties, and all other matters not herein specially provided for,
256 must be determined by the rules governing elections generally.

257 (b) If an election is held for the recall of members
258 elected only from districts, candidates to succeed such members
259 for the unexpired terms must be voted on at a special election
260 called by the chief judge of the judicial circuit in which the
261 districts are located not less than 30 days or more than 60 days
262 after the expiration of the recall election. The qualifying
263 period, for purposes of this section, must be established by the
264 chief judge of the judicial circuit after consultation with the
265 clerk. Any candidate seeking election to fill the unexpired term
266 of a recalled community development district member must reside
267 in the district represented by the recalled member and qualify
268 for office in the manner required by law. Each candidate
269 receiving the highest number of votes for each office in the
270 community development district recall election must be declared
271 elected to fill the unexpired term of the recalled member.



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272 Candidates seeking election to fill a vacancy created by the
273 removal of a member are subject to chapter 106.

274 (c) If an election is held for the recall of members of the
275 governing body composed of both members elected at large and
276 elected by and representing a district, candidates to succeed
277 such members for the unexpired terms must be voted on at a
278 special election as provided in paragraph (b).

279 (d) In any recall election held pursuant to paragraph (b)
280 or paragraph (c), if only one member is voted to be removed from
281 office, the vacancy created by the recall must be filled by the
282 governing body according to the applicable law for filling
283 vacancies.

284 (8) EFFECT OF RESIGNATIONS.—If the member of the governing
285 body being recalled resigns from office before the recall
286 election, the remaining members must fill the vacancy created
287 according to the applicable law for filling vacancies. If all of
288 the members of the governing body are sought to be recalled and
289 all of the members resign before the recall election, the recall
290 election must be canceled, and a special election must be called
291 to fill the unexpired terms of the resigning members. If all of
292 the members of the governing body are sought to be recalled and
293 any of the members resign before the recall election, the
294 proceedings for the recall of members not resigning and the
295 election of successors to fill the unexpired terms must continue
296 and have the same effect as though there had been no
297 resignation.

298 (9) WHEN PETITION MAY BE FILED.—A petition to recall any
299 member of the governing body of a community development district
300 may not be filed until the member has served one-fourth of his



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301 or her term of office. A person who is removed by a recall, or
302 resigns after a petition has been filed against him or her, is
303 not eligible to be appointed to the governing body within a
304 period of 2 years after the date of such recall or resignation.

305 (10) RETENTION OF PETITION.—The clerk shall preserve all
306 papers comprising or connected with a petition for recall for a
307 period of 2 years after they are filed.

308 (11) OFFENSES RELATING TO PETITIONS.—A person may not
309 impersonate another, purposely write his or her name or
310 residence falsely in the signing of any petition for recall or
311 forge any name thereto, or sign any paper with knowledge that he
312 or she is not a qualified elector of the community development
313 district. A person may not employ or pay another to accept
314 employment or payment for circulating or witnessing a recall
315 petition. A person who violates this section commits a
316 misdemeanor of the second degree, punishable as provided in s.
317 775.082 or s. 775.083.

318 (12) INTENT.—It is the intent of the Legislature that the
319 recall procedures provided in this section be uniform statewide.
320 Therefore, all special law provisions that are contrary to the
321 provisions of this section are hereby repealed to the extent of
322 this conflict.

323 (13) APPLICABILITY.—The provisions of this section apply to
324 all community development districts.

325 Section 4. Paragraph (e) is added to subsection (3) of
326 section 190.006, Florida Statutes, to read:

327 190.006 Board of supervisors; members and meetings.—

328 (3)

329 (e) Any board member elected to the board of supervisors by



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330 the qualified electors of the district pursuant to this
331 subsection is subject to the recall procedures provided for in
332 s. 190.0071.

333 Section 5. This act shall take effect July 1, 2026.

334

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

336 And the title is amended as follows:

337 Delete everything before the enacting clause
338 and insert:

339 A bill to be entitled
340 An act relating to community development districts;
341 amending s. 125.572, F.S.; providing that specified
342 provisions regarding synthetic turf do not apply to
343 community development districts enforcing deed
344 restrictions; amending s. 190.003, F.S.; revising the
345 definition of the term "compact, urban, mixed-use
346 district"; creating s. 190.0071, F.S.; defining terms;
347 providing that certain members of the governing body
348 of a community development district may be removed by
349 the electors of the community development district;
350 providing that only specified electors are eligible to
351 sign the petition and are entitled to vote to recall
352 such members under specified circumstances; requiring
353 that a petition to recall a member contain specified
354 information; requiring separate petitions for each
355 member sought to be recalled; requiring a specified
356 percentage of electors to sign the petition; requiring
357 that such signatures be obtained and submitted within
358 specified timeframes; requiring the designation of a



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359 recall committee and chair of such committee;
360 providing that the committee and the member to be
361 recalled are subject to specified provisions;
362 providing the grounds for removal of elected members;
363 requiring each elector to sign and date petitions;
364 requiring that each petition contain specified
365 information; requiring that a petition be filed with
366 the clerk in a specified manner by the chair of the
367 committee; prohibiting the petition from being amended
368 after it is filed; requiring the clerk to submit the
369 forms to the supervisor of elections to promptly
370 verify signatures and make a certain determination
371 within a specified timeframe; requiring the committee
372 to pay in advance for such verification; providing for
373 the duties of supervisors in each county if the
374 community development district lies in more than one
375 county; requiring that specified papers and forms be
376 available in alternative formats upon request;
377 requiring the clerk to make a certain certification
378 under specified circumstances; requiring the clerk to
379 serve a certified copy of the petition upon the person
380 sought to be recalled under a specified circumstance;
381 authorizing such person to submit a certain response
382 within a specified timeframe; requiring the clerk to
383 prepare a specified document within a specified
384 timeframe; specifying requirements for such document;
385 requiring the clerk to deliver such document to the
386 chair of the committee and take his or her receipt
387 therefor; authorizing the committee to circulate the



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388 petition; requiring that all signatures be obtained
389 and all forms filed with the clerk within a specified
390 timeframe; requiring the supervisor to determine the
391 number of valid signatures and certify that the
392 requisite percentage of electors signed the petition;
393 requiring that the supervisor be paid a specified sum
394 for each name checked; providing for the duties of the
395 supervisor of each county if the community development
396 district lies in more than one county; requiring the
397 clerk to certify specified determinations made and
398 provide a certain notice to the governing body of the
399 community development district; requiring that, under
400 a specified condition, recall proceedings be
401 terminated and petitions not be used again; providing
402 that a member designated in the petition may resign
403 and that such resignation is irrevocable; requiring
404 the governing body to fill certain vacancies according
405 to the applicable law; requiring the chief judge of
406 the judicial circuit to fix a day for holding the
407 recall election, which must be held within a
408 prescribed timeframe under specified conditions;
409 requiring that the ballots include specified
410 information; prescribing procedures for holding
411 special elections to fill vacancies created by the
412 recall petition; providing for the filling of a
413 vacancy created by a member resigning before the
414 recall election; prohibiting a member from being the
415 subject of a recall petition until the member has
416 served a specified portion of his or her term of



417 office; prohibiting a member removed by recall or
418 resignation from being eligible to be appointed to the
419 governing body for a specified timeframe after his or
420 her removal; requiring the clerk to preserve the
421 petitions and related papers for a specified
422 timeframe; prohibiting a person from impersonating
423 another, purposely writing his or her name or
424 residence falsely, or signing any paper with certain
425 knowledge; prohibiting a person from employing or
426 paying another to accept payment for circulating or
427 witnessing petitions; providing criminal penalties;
428 providing legislative intent; providing applicability;
429 amending s. 190.006, F.S.; providing that certain
430 board members of community development districts are
431 subject to specified election recall provisions;
432 providing an effective date.

By Senator Arrington

25-00184C-26

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30 specified papers and forms be available in alternative
31 formats upon request; requiring the department to make
32 a certain certification under specified circumstances;
33 requiring the department to serve a certified copy of
34 the petition upon the person sought to be recalled
35 under a specified circumstance; authorizing such
36 person to submit a certain response within a specified
37 timeframe; requiring the department to prepare a
38 specified document within a specified timeframe;
39 specifying requirements for such document; requiring
40 the department to deliver such document to the chair
41 of the committee and take his or her receipt therefor;
42 authorizing the committee to circulate the petition;
43 requiring that all signatures be obtained and all
44 forms filed with the department within a specified
45 timeframe; requiring the supervisor to determine the
46 number of valid signatures and certify that the
47 requisite percentage of electors signed the petition;
48 requiring that the supervisor be paid a specified sum
49 for each name checked; requiring the department to
50 certify specified determinations made and provide a
51 certain notice to the governing body of the community
52 development district; requiring that, under a
53 specified condition, recall proceedings be terminated
54 and petitions not be used again; providing that a
55 member designated in the petition may resign and that
56 such resignation is irrevocable; requiring the
57 governing body to fill certain vacancies according to
58 the applicable law; requiring the chief judge of the

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judicial circuit to fix a day for holding the recall election, which must be held within a prescribed timeframe under specified conditions; requiring that the ballots include specified information; prescribing procedures for holding special elections to fill vacancies created by the recall petition; providing for the filling of a vacancy created by a member resigning before the recall election; prohibiting a member from being the subject of a recall petition until the member has served a specified portion of his or her term of office; prohibiting a member removed by recall or resignation from being eligible to be appointed to the governing body for a specified timeframe after his or her removal; requiring the department to preserve the petitions and related papers for a specified timeframe; prohibiting a person from impersonating another, purposely writing his or her name or residence falsely, or signing any paper with certain knowledge; prohibiting a person from employing or paying another to accept payment for circulating or witnessing petitions; providing criminal penalties; providing legislative intent; providing applicability; amending s. 190.006, F.S.; providing that board members of community development districts are subject to specified election recall provisions; providing an effective date.

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

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Section 1. Section 190.0071, Florida Statutes, is created to read:

190.0071 Community development district recall.—
 (1) DEFINITIONS.—As used in this section, the term:
 (a) “Department” means the Department of Commerce.
 (b) “District” means the area or region of a community development district from which a member of the governing board is elected by such area’s or region’s electors.
 (2) APPLICATION.—Any member of the governing body of a community development district who is elected to the governing body may be removed from office by the electors of the community development district. If the member represents a district and is elected only by electors residing in that district, only electors residing in that district are eligible to sign the petition to recall that member and are entitled to vote in the recall election. If the member represents a district and is elected at large by the electors of the community development district, all electors of the community development district are eligible to sign the petition to recall that member and are entitled to vote in the recall election. Members may be removed from office pursuant to the procedures provided in this section.
 (3) RECALL PETITION.—
 (a) Petition content.—A petition must contain the name of the person sought to be recalled and a statement of grounds for recall. The statement of grounds may not exceed 200 words, and the stated grounds are limited solely to those specified in paragraph (d). If more than one member of the governing body is sought to be recalled, regardless of whether such member is elected by the electors of a district or by the electors of the

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117 community development district at large, a separate recall
 118 petition must be prepared for each member sought to be recalled.
 119 Upon request, the content of a petition may be, but is not
 120 required to be, provided by the proponent in alternative
 121 formats.

122 (b) Requisite signatures.—The petition must be signed by at
 123 least 10 percent of the total number of registered electors of
 124 the community development district or of a district thereof. All
 125 signatures must be obtained as provided in paragraph (e) within
 126 a period of 30 days, and all signed and dated petition forms
 127 must be filed at the same time, no later than 30 days after the
 128 date on which the first signature is obtained on the petition.

129 (c) Recall committee.—Electors of the community development
 130 district making charges contained in the statement of grounds
 131 for recall, as well as those signing the recall petition, must
 132 be designated as the recall committee. A specific person must be
 133 designated in the petition as chair of the committee, and this
 134 person shall act on behalf of the committee. The recall
 135 committee and the officer being recalled are subject to chapter
 136 106.

137 (d) Grounds for recall.—The grounds for removal of elected
 138 members of the governing body of a community development
 139 district are, for the purposes of this act, limited to the
 140 following and must be contained in the petition:

141 1. Malfeasance;
 142 2. Misfeasance;
 143 3. Neglect of duty;
 144 4. Drunkenness;
 145 5. Incompetence;

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146 6. Permanent inability to perform official duties; or
 147 7. Conviction of a felony involving moral turpitude.
 148 (e) Signature process.—Only electors of the district or the
 149 community development district are eligible to sign the
 150 petition. Each elector signing a petition shall sign and date
 151 his or her name in ink or indelible pencil. Each petition must
 152 contain appropriate lines for each elector's original signature;
 153 printed name; street address; city; county; voter registration
 154 number or date of birth; Florida driver license number, Florida
 155 identification card number issued pursuant to s. 322.051, or the
 156 last four digits of the elector's social security number; and
 157 the date signed.

158 (f) Filing of signed petitions.—All signed petition forms
 159 must be filed at the same time, no later than 35 days after the
 160 date on which the first signature is obtained on the petition.
 161 The person designated as chair of the committee shall file the
 162 signed petition forms with the department. The petition may not
 163 be amended after it is filed with the department.

164 (g) Verification of signatures.—

165 1. No more than 60 days after the date on which all
 166 petition forms are filed, the department shall submit the
 167 petition forms to the supervisor of elections, who shall
 168 promptly verify the signatures in accordance with s. 99.097 and
 169 determine whether the requisite number of valid signatures has
 170 been obtained for the petition. The committee seeking
 171 verification of the signatures must pay in advance to the
 172 supervisor of elections the actual cost of signature
 173 verification.

174 2. Upon filing with the department, the petition and all

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 175 subsequent papers or forms required or permitted to be filed
 176 with the department in connection with this section must, upon
 177 request, be made available in alternative formats by the
 178 department.

179 3. If the supervisor determines that the petition does not
 180 contain the requisite number of verified and valid signatures,
 181 the department, upon receipt of such written determination, must
 182 certify such determination to the governing body of the
 183 community development district and file the petition without
 184 taking further action, and the matter ends. No additional names
 185 may be added to the petition, and the petition may not be used
 186 in any other proceeding.

187 4. If the supervisor of elections determines that the
 188 petition has the requisite number of verified and valid
 189 signatures, the procedures outlined in subsection (4) must be
 190 followed.

191 (4) RECALL PETITION AND DEFENSE.—

192 (a) Notice.—Upon receipt of a written determination that
 193 the requisite number of signatures has been obtained, the
 194 department shall at once serve upon the member sought to be
 195 recalled a certified copy of the petition. Within 5 days after
 196 service, the member sought to be recalled may file with the
 197 department a defensive statement of not more than 200 words.

198 (b) Content and preparation.—Within 5 days after the date
 199 of receipt of the defensive statement or after the last date a
 200 defensive statement could have been filed, the department shall
 201 prepare a document entitled "Recall Petition and Defense," which
 202 consists of the recall petition, including copies of the
 203 originally signed petitions and counterparts. The Recall

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 204 Petition and Defense must contain lines that conform to
 205 paragraph (3)(e) and the defensive statement or, if no defensive
 206 statement has been filed, a statement to that effect. The
 207 department shall make copies of the Recall Petition and Defense
 208 which are sufficient to carry the signatures of 30 percent of
 209 the registered electors. Immediately after preparing and making
 210 sufficient copies of the Recall Petition and Defense, the
 211 department shall deliver the copies to the person designated as
 212 chair of the committee and take his or her receipt therefor.

213 (c) Requisite signatures.—Upon receipt of the Recall
 214 Petition and Defense, the committee may circulate the petition
 215 to obtain the signatures of 15 percent of the electors. All
 216 signatures must be obtained and all signed petition forms filed
 217 with the department no later than 60 days after delivery of the
 218 Recall Petition and Defense to the chair of the committee.

219 (d) Verification of signatures.—Within 30 days after
 220 receipt of the signed Recall Petition and Defense, the
 221 supervisor of elections shall determine the number of valid
 222 signatures and certify whether 15 percent of the qualified
 223 electors of the community development district have signed the
 224 petition. The supervisor of elections must be paid by the
 225 persons or committee seeking verification the actual cost of
 226 signature verification.

227 (e) Reporting.—If the supervisor of elections determines
 228 that the requisite number of signatures has not been obtained,
 229 the department must certify such determination to the governing
 230 body and retain the petitions. The proceedings must be
 231 terminated, and the petitions may not be used again. If the
 232 supervisor of elections determines that at least 15 percent of

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233 the qualified electors signed the petition, the department must
 234 immediately serve notice of that determination upon the member
 235 sought to be recalled and deliver to the governing body a
 236 certificate as to the percentage of qualified electors who
 237 signed.

238 (5) RECALL ELECTION.—If the member designated in the
 239 petition files his or her written resignation within 5 days
 240 after the last-mentioned notice, the resignation is irrevocable.
 241 The governing body shall then proceed to fill the vacancy
 242 according to the applicable law. In the absence of a
 243 resignation, the chief judge of the judicial circuit in which
 244 the community development district is located shall fix a day
 245 for holding a recall election for the removal of any member not
 246 resigning. Any such election must be held not less than 30 days
 247 or more than 60 days after the expiration of the last-mentioned
 248 5-day period and at the same time as any other general or
 249 special election held within the period; but if no such election
 250 is to be held within that period, the judge must call a special
 251 recall election to be held within the period aforesaid.

252 (6) BALLOTS.—The ballots at the recall election must
 253 conform to the following: With respect to each person whose
 254 removal is sought, the question must be submitted: "Shall
 255 be removed from the office of by recall?" Immediately
 256 following each question there must be printed on the ballots the
 257 two propositions in the following order:

258 "...(name of person).... should be removed from office."
 259 "...(name of person).... should not be removed from office."

260 (7) FILLING OF VACANCIES; SPECIAL ELECTIONS.—

261 (a) If an election is held for the recall of members

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262 elected only at large, candidates to succeed such members for
 263 the unexpired terms must be voted on at the same election and
 264 must be elected in the same manner as provided by the
 265 appropriate law for the election of candidates at general
 266 elections. Candidates may not be elected to succeed any
 267 particular member. If only one member is removed, the candidate
 268 receiving the highest number of votes must be declared elected
 269 to fill the vacancy. If more than one member is removed,
 270 candidates equal in number to the number of members removed must
 271 be declared elected to fill the vacancies; and, among the
 272 successful candidates, those receiving the greatest number of
 273 votes must be declared elected for the longest terms. Cases of
 274 ties, and all other matters not herein specially provided for,
 275 must be determined by the rules governing elections generally.

276 (b) If an election is held for the recall of members
 277 elected only from districts, candidates to succeed such members
 278 for the unexpired terms must be voted on at a special election
 279 called by the chief judge of the judicial circuit in which the
 280 districts are located not less than 30 days or more than 60 days
 281 after the expiration of the recall election. The qualifying
 282 period, for purposes of this section, must be established by the
 283 chief judge of the judicial circuit after consultation with the
 284 department. Any candidate seeking election to fill the unexpired
 285 term of a recalled community development district member must
 286 reside in the district represented by the recalled member and
 287 qualify for office in the manner required by law. Each candidate
 288 receiving the highest number of votes for each office in the
 289 community development district recall election must be declared
 290 elected to fill the unexpired term of the recalled member.

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291 Candidates seeking election to fill a vacancy created by the
 292 removal of a member are subject to chapter 106.

293 (c) If an election is held for the recall of members of the
 294 governing body composed of both members elected at large and
 295 elected by and representing a district, candidates to succeed
 296 such members for the unexpired terms must be voted on at a
 297 special election as provided in paragraph (b).

298 (d) In any recall election held pursuant to paragraph (b)
 299 or paragraph (c), if only one member is voted to be removed from
 300 office, the vacancy created by the recall must be filled by the
 301 governing body according to the applicable law for filling
 302 vacancies.

303 (8) EFFECT OF RESIGNATIONS.—If the member of the governing
 304 body being recalled resigns from office before the recall
 305 election, the remaining members must fill the vacancy created
 306 according to the applicable law for filling vacancies. If all of
 307 the members of the governing body are sought to be recalled and
 308 all of the members resign before the recall election, the recall
 309 election must be canceled, and a special election must be called
 310 to fill the unexpired terms of the resigning members. If all of
 311 the members of the governing body are sought to be recalled and
 312 any of the members resign before the recall election, the
 313 proceedings for the recall of members not resigning and the
 314 election of successors to fill the unexpired terms must continue
 315 and have the same effect as though there had been no
 316 resignation.

317 (9) WHEN PETITION MAY BE FILED.—A petition to recall any
 318 member of the governing body of a community development district
 319 may not be filed until the member has served one-fourth of his

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320 or her term of office. A person who is removed by a recall, or
 321 resigns after a petition has been filed against him or her, is
 322 not eligible to be appointed to the governing body within a
 323 period of 2 years after the date of such recall or resignation.

324 (10) RETENTION OF PETITION.—The department shall preserve
 325 all papers comprising or connected with a petition for recall
 326 for a period of 2 years after they are filed.

327 (11) OFFENSES RELATING TO PETITIONS.—A person may not
 328 impersonate another, purposely write his or her name or
 329 residence falsely in the signing of any petition for recall or
 330 forge any name thereto, or sign any paper with knowledge that he
 331 or she is not a qualified elector of the community development
 332 district. A person may not employ or pay another to accept
 333 employment or payment for circulating or witnessing a recall
 334 petition. A person who violates this section commits a
 335 misdemeanor of the second degree, punishable as provided in s.
 336 775.082 or s. 775.083.

337 (12) INTENT.—It is the intent of the Legislature that the
 338 recall procedures provided in this section be uniform statewide.
 339 Therefore, all special law provisions that are contrary to the
 340 provisions of this section are hereby repealed to the extent of
 341 this conflict.

342 (13) PROVISIONS APPLICABLE.—The provisions of this act
 343 apply to all community development districts.

344 Section 2. Paragraph (e) is added to subsection (3) of
 345 section 190.006, Florida Statutes, to read:

346 190.006 Board of supervisors; members and meetings.—
 347 (3)
 348 (e) Any board member elected to the board of supervisors is

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349 subject to the recall procedures provided for in s. 190.0071.
350 Section 3. This act shall take effect July 1, 2026.



Florida Senate

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Senator, District 25

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Governmental
Oversight and
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Transportation

January 14, 2026

The Honorable Stan McClain, Chair
312 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair McClain,

I am respectfully requesting that you place SB 1180, Community Development District Recall Elections, on the agenda for the next Community Affairs Committee meeting at your earliest opportunity.

SB 1180 establishes a recall process for Community Development District (CDD) board members. This recall process closely follows that of municipalities, as CDD board members are publicly elected. This legislation aims to increase transparency for special-purpose local governments that currently have no oversight. SB 1180 also provides clear, uniform guidelines that supervisors of elections can easily administer, while remaining flexible to account for the wide variation in size, population, and structure of CDDs across the state.

This bill was inspired by a CDD in my district that is currently under audit by JLAC for gross negligence and fraud of \$2 million. Currently, removal typically occurs only after law enforcement becomes involved and a lengthy investigative or legal process is underway. During that time, individuals accused of misconduct may remain in office, continue to make financial decisions, and retain control over community funds.

SB 1180 is about protecting homeowners, strengthening transparency, and ensuring that community funds are managed responsibly and in the best interest of the residents they are meant to serve.

If you have any questions, please do not hesitate to reach me at (407) 973-4070. Thank you for your consideration in placing SB 1180 on the next committee agenda.

Respectfully,

Senator Kristen Arrington

CC: The Honorable Ralph Massullo, Jr., Vice Chair
Elizabeth Fleming, Staff Director

1-27-26

The Florida Senate
APPEARANCE RECORD

Meeting Date
Comm Affairs
Committee

Name Art Woodruff Phone 407 687 3923
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Street Sanford State FL Zip 32773
City SanfordFL.gov

SB 1180

Bill Number or Topic

Amendment Barcode (if applicable)

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1434

INTRODUCER: Senator Calatayud

SUBJECT: Infill Redevelopment

DATE: January 26, 2026 REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|------------------|
| 1. Hackett | Fleming | CA | Favorable |
| 2. _____ | _____ | JU | _____ |
| 3. _____ | _____ | RC | _____ |

I. Summary:

SB 1434 creates the “Infill Redevelopment Act,” which preempts certain local land development regulations and oversight for certain qualifying parcels. Qualifying parcels are plots of at least 5 acres in certain counties which are environmentally impacted, such as with a brownfield designation or within a dry cleaner site cleanup program.

A local government must permit by administrative approval a qualifying parcel to be developed up to the regulations of an adjacent zoning district within the same jurisdiction which permits residential uses, or if the parcel is not adjacent to such a district, the local government must approve single-family homes or townhomes with specified minimum densities and non-restrictive standards.

The bill provides requirements for a qualifying parcel which includes recreational facilities, such as a golf course, or areas reserved for recreational use adjacent to single family homes on all sides, and provides a framework for the sale of such property for continued recreational use.

The bill applies retroactively to any local law, ordinance, or regulation contrary, and provides express preemption against local law applying a more restrictive or burdensome requirement or procedure to the development of a qualifying parcel.

The bill takes effect upon becoming a law.

II. Present Situation:

Growth Management and Comprehensive Planning

The Community Planning Act directs counties and municipalities to plan for future development by adopting comprehensive plans.¹ Each local government must maintain a comprehensive plan to guide future development.²

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.³ A comprehensive plan is intended to provide for the future use of land, which contemplates gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

Comprehensive plans lay out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. They are made up of 10 required elements, each laying out regulations for different facets of development.⁴

The 10 required elements consider and address capital improvements; future land uses; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Other plans and programs may be added as optional elements to a comprehensive plan.⁵

The Future Land Use Element

Comprehensive plans must include an element regarding future land use that designates the proposed future general distribution, location, and extent of the uses of land for a number of uses and categories of public and private uses of land.⁶ Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities.⁷ The proposed distribution, location, and extent of the various categories of land use must be shown on a land use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area.⁸

¹ Section 163.3167(1), F.S.

² Section 163.3167(2), F.S.

³ Section 163.3194(3), F.S.

⁴ Section 163.3177(3) and (6), F.S.

⁵ *Id.*

⁶ Section 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. Section 163.3177(6)(a)10., F.S.

⁷ Section 163.3177(6)(a)1., F.S.

⁸ Section 163.3177(6)(a)2., F.S.

A comprehensive plan's future land use element establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.⁹

Infill Development

The Growth Policy Act,¹⁰ establishes a framework for urban infill and redevelopment for promoting and sustaining urban cores. The act defines “urban infill and redevelopment area” as an area:

- Where basic public services (water, sewer, transportation, schools) are already available or planned;
- That suffers from poverty, distress, or blight;
- That contains a high proportion of substandard, vacant, or obsolete properties; and
- That is near transit stops and adjacent to redevelopment, enterprise, or similar designated areas.¹¹

The act authorizes local governments to designate urban infill and redevelopment areas based on specified criteria by adopting a comprehensive, community-based redevelopment plan.¹² The plan must address land use, housing (including affordable housing), transportation, infrastructure, public safety, and economic development, and must be developed through a collaborative process involving residents, businesses, and other stakeholders. Once designated, urban infill and redevelopment areas may utilize tax increment financing, revenue bonds, and state and federal funding mechanisms to support redevelopment activities.¹³

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.¹⁴

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.¹⁵ Local governments are encouraged to use innovative land development regulations¹⁶ and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.¹⁷ Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.¹⁸

⁹ Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215*, 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993)).

¹⁰ Sections 163.2511-163.2520, F.S.

¹¹ Section 163.2514, F.S.

¹² Section 163.2517, F.S.

¹³ Section 163.2520, F.S.

¹⁴ Section 163.3164(26), F.S.

¹⁵ Section 163.3202(1), F.S.

¹⁶ Section 163.3202(3), F.S.

¹⁷ Sections 125.01055 and 166.04151, F.S.

¹⁸ See ss. 163.3161(6) and 163.3194(1)(a), F.S.

Classification of Agricultural Lands

Section 193.461(1), F.S., requires state property appraisers to classify for ad valorem tax assessment purposes all lands within their counties as agricultural or nonagricultural.¹⁹ Only lands that are used primarily for bona fide agricultural purposes may be classified agricultural.²⁰

The term “bona fide agricultural purposes” means good faith commercial agricultural use of the land.²¹ The term “agricultural purposes” includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture as defined in state law; algaculture; sod farming; and all forms of farm products as defined in state law; and farm production.²²

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.²³ Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.²⁴ Municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide municipal services, and exercise any power for municipal purposes except when expressly prohibited by law.²⁵

Preemption

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.²⁶

Where state preemption applies, a local government may not exercise authority in that area.²⁷ Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.²⁸

¹⁹ Section 193.461(2), F.S.

²⁰ Section 193.461(3)(b), F.S.

²¹ *Id.*

²² Section 193.461(5), F.S.

²³ Article. VIII, s. 1(f), FLA CONST.

²⁴ Article. VIII, s. 1(g), FLA CONST.

²⁵ Art. VIII, s. 2(b), FLA CONST.; *see also* s. 166.021(1), F.S.

²⁶ Preemption definition, Black’s Law Dictionary (12th ed. 2024).

²⁷ *D’Agostino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).

²⁸ *See, e.g., Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

The CERCLA²⁹ is commonly known as the Superfund.³⁰ Thousands of contaminated sites exist nationally due to hazardous waste being dumped, left out in the open, or otherwise improperly managed.³¹ These sites include manufacturing facilities, processing plants, landfills, and mining sites.³²

The CERCLA created a tax on the chemical and petroleum industries and required that the money collected be used to clean up hazardous waste sites throughout the country. The Superfund allows the U.S. Environmental Protection Agency (EPA) to clean up contaminated sites.³³ It also forces the parties responsible for the contamination to either perform cleanups or reimburse the government for EPA-led cleanup work.

Beginning the process is a determination of whether the site requires cleanup before reuse. A series of tests and investigations are utilized to determine whether a site has a “recognized environmental condition,” defined as:

- The presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment;
- The likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or
- The presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment.³⁴

Title 40, Part 312 of the Code of Federal Regulations provides that environmental condition investigations must be documented in a written report prepared by an environmental professional.³⁵ These reports often take the form of a Phase I Environmental Site Assessment.³⁶ A Phase I Environmental Site Assessment uses existing information to help understand the property conditions by examining current and historical uses of the site and potential threats to human health or the environment. When a potential owner conducts an investigation in compliance with Title 40, Part 312 of the Code of Federal Regulations, he or she may have a defense to liability if contamination is later discovered.³⁷

²⁹ 42 U.S.C. ss. 9601 et seq.

³⁰ EPA, *Superfund: CERCLA Overview*, available at <https://www.epa.gov/superfund/superfund-cercla-overview> (last visited Jan. 26, 2026).

³¹ *Id.*

³² *Id.*

³³ EPA, *What is Superfund?*, <https://www.epa.gov/superfund/what-superfund> (last visited Jan. 26, 2026).

³⁴ Partner Engineering and Science, *Recognized Environmental Condition (REC)*, available at <https://www.partneresi.com/resources/glossary/recognized-environmental-condition-rec/> (last visited Jan. 26, 2026).

³⁵ EPA, *All Appropriate Inquiries Rule: Reporting Requirements and Suggestions on Report Content*, available at <https://nepis.epa.gov/Exe/tiff2png.cgi/P1005DOV.PNG?-r+75+-g+7+D%3A%5CZYFILES%5CINDEX%20DATA%5C06THRU10%5CTIFF%5C00000562%5CP1005DOV.TIF> (last visited Jan. 26, 2026).

³⁶ See EPA, *Assessing Brownfield Sites*, available at https://www.epa.gov/sites/default/files/2020-07/documents/assessing_brownfield_sites.pdf (last visited Jan. 26, 2026) (explaining that performing a Phase I Environmental Site Assessment pursuant to ASTM International Standards E1527-13 prior to owning a property is often equivalent to conducting all appropriate inquiries).

³⁷ *Id.*

Brownfields Program Overview

Many areas in Florida contain sites with actual or perceived environmental contamination that may present a significant barrier to redevelopment.³⁸ The Florida Brownfields Redevelopment Act was adopted by the Florida Legislature in 1997, to provide incentives for local governments and individuals to voluntarily clean up and redevelop brownfield sites.³⁹ Participation in the program results in environmental cleanup, protection of public health, reuse of infrastructure, economic redevelopment and job creation.⁴⁰

Local governments support the use of the tools and incentives provided by the program by designating brownfield areas for cleanup and revitalization.⁴¹ A brownfield area designation can also be proposed by other persons, including, but not limited to, individuals, corporations, partnerships, limited liability companies, community-based organizations, and not-for-profit corporations.⁴²

Upon designation, properties within a brownfield area have met the first requirement for participation in the program.⁴³ These properties may participate in economic incentives that are linked to a brownfield site rehabilitation agreement (BSRA), including the job bonus tax refund or refunds on sales and use tax paid on the purchase of building materials used in a mixed-use project or housing project. If contamination is known or suspected, the local government may designate an area and identify the person responsible for brownfield site rehabilitation. This entitles the identified person to negotiate a BSRA with the Department of Environmental Protection (DEP).⁴⁴

III. Effect of Proposed Changes:

The bill creates s. 163.2525, F.S., the “Infill Redevelopment Act,” which preempts certain local land development regulations and oversight for certain qualifying parcels. Qualifying parcels are those which:

- Consist of at least 5 acres;
- Are within a county with a population of more than 1.475 million and 10 municipalities;⁴⁵ and
- Are “environmentally impacted,” meaning any portion of the parcel:

³⁸ Florida Dep’t of Environmental Protection (DEP), *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24*, 4 (2024), available at

<https://floridadep.gov/sites/default/files/2024%20Brownfields%20Program%20Legislative%20Report%208.1.2024.pdf>. (last visited Jan. 26, 2026).

³⁹ Chapter 97-277, s. 1, Laws of Fla.; ss. 376.77-376.86, F.S.

⁴⁰ The DEP, *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24* at 4.

⁴¹ The DEP, *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24* at 5, available at

<https://floridadep.gov/sites/default/files/2024%20Brownfields%20Program%20Legislative%20Report%208.1.2024.pdf>. (last visited Jan. 26, 2026).

⁴² Section 376.80(1)(b)2. and (2)(c), F.S.

⁴³ The DEP, *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24* at 5, available at <https://floridadep.gov/sites/default/files/2024%20Brownfields%20Program%20Legislative%20Report%208.1.2024.pdf>. (last visited Jan. 26, 2026).

⁴⁴ *Id.*

⁴⁵ As of January 2026, this includes Miami-Dade, Broward, Palm Beach, and Orange Counties.

- Contains a recognized environmental condition based on an assessment by a qualified environmental professional or an assessment prepared for compliance with certain legal defenses under CERCLA;
- Is the subject of environmental assessment, investigation, cleanup, or site rehabilitation under state or local law, including brownfield, petroleum, or dry cleaner site cleanup programs; or
- Is located in a brownfield area designated pursuant to s. 376.80, F.S.

Parcels are not eligible if they are:

- Designated agricultural land;
- Owned or operated by a local government for public park purposes;
- Are outside an urban growth boundary; or
- Are within one-quarter mile of a military installation.

A local government must permit by administrative approval a qualifying parcel to be developed up to the highest density and intensity allowed in any adjacent zoning district within the same jurisdiction which permits residential uses as of right. If the qualifying parcel lacks such adjacency, the local government must permit development with single-family homes or townhouses without restricting:

- Density beyond 30 units per acre;
- Height below 40 feet
- Lot sizes beyond 1,250 square feet;
- Front and rear setbacks beyond 10 feet; or
- Parking beyond one space per dwelling.

A local government must also approve an application for the subdivision of a qualifying parcel, following the same restrictions. If a qualifying parcel is adjacent to single-family homes or townhouses on all sides, the developer must provide a buffer of at least 30 feet.

The bill provides requirements for a qualifying parcel which includes recreational facilities or areas reserved for recreational use adjacent to single family homes on all sides. The developer must:

- Establish that such facilities have not been in operation or use for a period of one year;
- Pay double the applicable parks or recreational facilities impact fee; and
- Provide written notice by certified mail to adjacent property owners of the intent to develop, providing the option to purchase the property for continued recreational use.

The bill provides a framework for the election of that option, requiring a deed restriction placed on the property for continued recreational use.

The bill applies retroactively to any local law, ordinance, or regulation contrary, and provides express preemption against local law applying a more restrictive or burdensome requirement or procedure to the development of a qualifying parcel.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:**Retroactive Application**

Absent an express statement of legislative intent, a statute is presumed to operate only prospectively, not retroactively.⁴⁶ While the Legislature may pass a non-criminal law and expressly manifest its intent that it be applied retroactively, the law may still be held unconstitutional if its retroactive application impermissibly burdens existing constitutional

⁴⁶ *Fla. Ins. Guar. Ass'n., Inc. v. Devon Neighborhood Ass'n. Inc.*, 67 So.3d 187, 194-95 (Fla. 2011).

rights.⁴⁷ The bill applies to retroactively preempt all local regulation on certain eligible parcels. This may have the effect of nullifying existing growth management regulations.

VIII. Statutes Affected:

This bill creates section 163.2525 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁴⁷ See *Menendez v. Progressive Exp. Ins. Co., Inc.*, 35 So. 3d 873, 877 (Fla. 2010) (“[E]ven where the Legislature has expressly stated that a statute will have retroactive application, this Court will reject such an application if the statute impairs a vested right, creates a new obligation, or imposes a new penalty.”).

By Senator Calatayud

38-00569C-26

20261434

1 A bill to be entitled
 2 An act relating to infill redevelopment; creating s.
 3 163.2525, F.S.; providing a short title; providing
 4 legislative findings; defining terms; providing
 5 applicability; requiring a local government to permit
 6 the development of certain qualifying parcels up to a
 7 certain density and intensity; requiring a local
 8 government to permit the development of a qualifying
 9 parcel with single-family homes or townhouses under
 10 certain circumstances; prohibiting a local government
 11 from imposing certain restrictions or requirements on
 12 the development of certain qualifying parcels;
 13 requiring a local government to approve an application
 14 for the subdivision of a qualifying parcel under
 15 certain circumstances; prohibiting a local government
 16 from using the subdivision process to restrict
 17 development in a certain manner; requiring developers
 18 of qualifying parcels to maintain a specified buffer
 19 between new developments and single-family homes and
 20 townhouses under certain circumstances; providing
 21 requirements for such buffer areas; requiring
 22 developers of qualifying parcels to establish that
 23 certain recreational facilities and areas reserved for
 24 recreational use have not been in operation or use for
 25 a certain timeframe, to pay double the parks and
 26 recreational facilities impact fees for a certain
 27 purpose, and to provide certain written notice to
 28 certain property owners; requiring property owners who
 29 receive such written notice to exercise an option to

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30 purchase certain parcels or portions thereof within a
 31 specified timeframe or forfeit the option; limiting
 32 the price at which such parcels or portions of parcels
 33 may be offered to the property owners for purchase;
 34 requiring the administrative approval of certain
 35 proposed developments; requiring each local government
 36 to maintain a certain policy on its website; providing
 37 applicability; providing construction; prohibiting a
 38 local government from adopting or enforcing certain
 39 local laws, ordinances, or regulations; providing an
 40 effective date.

41
 42 Be It Enacted by the Legislature of the State of Florida:

43
 44 Section 1. Section 163.2525, Florida Statutes, is created
 45 to read:

46 163.2525 Infill Redevelopment Act.-
 47 (1) SHORT TITLE.-This section may be cited as the "Infill
Redevelopment Act."
 48 (2) LEGISLATIVE FINDINGS.-The Legislature finds that this
 49 state's urban areas lack sufficient land for the development of
 50 additional residential uses, which has led to a shortage of
 51 supply; that parcels of land within or near urban areas are
 52 difficult to develop or redevelop because of environmental
 53 issues and local regulations; and that facilitating the
 54 expedited permitting of such parcels, particularly in areas in
 55 which multiple local governments have jurisdiction over
 56 significant areas, serves important public interests in
 57 remediating environmentally challenged land and increasing the

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59 supply of housing.

60 (3) DEFINITIONS.—As used in this section, the term:

61 (a) "Adjacent to" means located next to another parcel of
62 land or portion thereof, including where the parcels are
63 separated only by a roadway, railroad, or other public or
64 private right-of-way or easement.

65 (b) "Density" has the same meaning as in s. 163.3164.

66 (c) "Designated agricultural land" means a parcel of land
67 within a zoning district that allows for agricultural uses such
68 as farming, raising livestock, or aquaculture as the main
69 permitted uses and which land is classified as agricultural land
70 under s. 193.461. The term does not include a property within an
71 interim or default zoning district.72 (d) "Environmentally impacted land" means one or more
73 parcels of land any portion of which:74 1. Contains a recognized environmental condition or a
75 controlled recognized environmental condition based on an
76 environmental site assessment report prepared:77 a. By a qualified environmental professional in accordance
78 with:79 (I) ASTM E1527-21 Standard Practice for Environmental Site
80 Assessments: Phase I Environmental Site Assessment Process; or81 (II) ASTM E2247-23 Standard Practice for Environmental Site
82 Assessments: Phase I Environmental Site Assessment Process for
83 Forestland or Rural Property; or84 b. For compliance with the bona fide prospective purchaser,
85 contiguous property owner, or other applicable defenses set
86 forth in the Comprehensive Environmental Response, Compensation,
87 and Liability Act, 42 U.S.C. ss. 9601 et seq., as amended;

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88 2. Is the subject of environmental assessment,
89 investigation, cleanup, or site rehabilitation requirements
90 pursuant to chapter 376, chapter 403, or local environmental
91 ordinances or regulations, including, but not limited to, state
92 brownfield, petroleum, or drycleaner site cleanup laws and
93 programs under chapter 376 or chapter 403; or94 3. Is located in a brownfield area designated pursuant to
95 s. 376.80.96 (e) "Intensity" has the same meaning as in s. 163.3164 and
97 includes, but is not limited to, measurements pertaining to lot
98 area, lot coverage, lot size, setbacks, height, and floor area
99 ratio.100 (f) "Local government" means a county, municipality,
101 special district, or political subdivision of the state.102 (g) "Parcel of land" has the same meaning as in s.
103 163.3164.104 (h) "Qualifying parcel" means a parcel of land to which
105 this section applies under subsection (4).106 (i) "Recreational facilities" means one or more parcels of
107 land any portion of which was previously used as a golf course,
108 tennis court, swimming pool, or clubhouse, or another similar
109 use.110 (j) "Townhouse" means a single-family dwelling unit that is
111 constructed in a series or group of attached units with property
112 lines separating such units.113 (k) "Urban growth boundary" means a boundary established by
114 a comprehensive plan or land development regulation beyond which
115 the provision of urban services or facilities is limited. The
116 term includes, but is not limited to, urban development

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boundaries and urban service boundaries.

(4) QUALIFYING PARCELS.—

(a) Except as provided in paragraph (b), this section applies to environmentally impacted land consisting of at least 5 acres which is within a county that meets both of the following requirements:

1. The county has a population of more than 1.475 million people according to the most recent decennial census.
2. There are at least 10 municipalities within the county.

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

1. Designated agricultural land.
2. Land owned or operated by a local government for public park purposes.
3. Land outside an urban growth boundary.
4. Land within one-quarter mile of a military installation identified in s. 163.3175(2).

(5) DEVELOPMENT REGULATIONS.—Notwithstanding any local law, ordinance, or regulation to the contrary:

(a) A local government shall permit a qualifying parcel to be developed up to the highest density and intensity allowed in any adjacent zoning district within the same jurisdiction which permits residential uses as of right.

(b) If a qualifying parcel is not adjacent to a zoning district that permits residential uses as of right, the local government must permit the development of the qualifying parcel with single-family homes or townhouses. For such a qualifying parcel, the local government may not do any of the following:

1. Restrict density to less than 30 units per acre.
2. Restrict height to below 40 feet.

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3. Require lot sizes larger than 1,250 square feet.

4. Require front and rear setbacks of more than 10 feet.

5. Require any side setbacks.

6. Require more than one parking space per dwelling.

(6) SUBDIVISION APPROVAL.—A local government must approve an application for the subdivision of a qualifying parcel if the application satisfies the requirements of chapter 177. A local government may not use the subdivision process to restrict development below the density and intensity authorized under subsection (5).

(7) BUFFER REQUIREMENTS.—If a qualifying parcel is adjacent to single-family homes or townhouses on all sides, the developer must provide a buffer of at least 30 feet, measured from lot line to lot line, between the new development and the single-family homes or townhouses. The buffer area must be maintained as open space or improved with passive recreational facilities accessible to the community.

(8) RECREATIONAL FACILITIES.—

(a) If a qualifying parcel includes recreational facilities or areas reserved for recreational use and such recreational facilities or areas are adjacent to single-family homes on all sides, the developer must do all of the following:

1. Establish that such facilities or areas, or portions thereof, located on the qualifying parcel have not been in operation or in use for a period of at least 12 consecutive months.
2. Pay double the applicable parks or recreational facilities impact fee that would otherwise apply to the proposed development, to compensate for the loss of open or recreational

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175 space.

176 3. Provide written notice delivered by certified mail to
 177 all owners of property adjacent to the recreational facilities
 178 or areas, which notice includes all of the following
 179 information:

180 a. That the developer intends to develop the parcel in
 181 accordance with this section.

182 b. That the adjacent property owners may elect to purchase
 183 the parcel or portion thereof containing recreational facilities
 184 or areas for the purpose of maintaining the parcel, or portions
 185 thereof, as recreational areas or open space within 90 days
 186 after the date the notice is mailed.

187 c. The price at which the adjacent property owners may
 188 purchase the property.

189 (b) Property owners who receive the notice required under
 190 subparagraph (a)3. and wish to exercise the option to purchase
 191 the parcel or portion thereof containing the recreational
 192 facilities or areas must exercise the option and close on the
 193 property, subject to a recorded deed restriction or restrictive
 194 covenant that requires the property to be maintained as a
 195 recreational area or open space for at least 30 years, within 90
 196 days after the notice is mailed or forfeit the option. The
 197 parcel or portion thereof must be offered to such property
 198 owners for purchase at a price that may not exceed the greater
 199 of:

200 1. An amount equal to the price paid by the property owner
 201 plus 10 percent; or

202 2. An amount equal to a bona fide offer to purchase the
 203 property received by the property owner within the last 12

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204 months plus 10 percent.

205 (9) DEVELOPMENT APPLICATIONS.—The proposed development of a
 206 qualifying parcel which complies with the requirements of
 207 subsection (5) must be administratively approved, and no further
 208 action by the governing body of a local government is required.

209 Each local government shall maintain on its website a policy
 210 containing procedures and expectations for administrative
 211 approval under this subsection.

212 (10) APPLICATION AND CONSTRUCTION.—This section applies
 213 retroactively to any local law, ordinance, or regulation that is
 214 contrary to this section or its intent and must be liberally
 215 construed to effectuate its intent.

216 (11) PREEMPTION.—A local government may not adopt or
 217 enforce a local law, an ordinance, or a regulation that applies
 218 or has the effect of applying a more restrictive or burdensome
 219 requirement or procedure to the development of a qualifying
 220 parcel which is administratively approved pursuant to this
 221 section. Any such law, ordinance, or regulation contrary to this
 222 section is void.

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

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The Florida Senate

Committee Agenda Request

To: Senator Stan McClain, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 20, 2026

I respectfully request that **Senate Bill #1434**, relating to Infill Redevelopment, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "Alexis Calatayud".

Senator Alexis Calatayud
Florida Senate, District 38

1/27/26

Meeting Date

Community Affairs

Committee

Name Adam Basford

Address 516 N Adams St

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Associated Industries of Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

1-27-26

Meeting Date

Community Affairs

Committee

Name Holly Smith, Pres. FLC

Phone 239-707-9800

Address 800 Dunlop

Street

Sanibel FL

State

Zip 33957

The Florida Senate

APPEARANCE RECORD

SB 1434

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Email Holly.Smith@mysanibel
.com

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (f1senate.gov)

1/27/26

Meeting Date

COMMUNITY AFFAIRS

Committee

Name CLAUDIA THOMAS, SANFORD CITY COMMISSIONER Phone 321-330-6582

Address 113 KAYS LANDING DR
Street

SANFORD

FL

32771

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

The Florida Senate

1/27/26

Meeting Date

Community Affairs

Committee

Name Cal Rolfsen

Phone 352-552-4200

Address 8014 St. James Way
Street

Email rolfson@mountdora.gov

Mount Dora, FL 32757
City State Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

1-27-26
Meeting Date
Community Aff
Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1434
Bill Number or Topic

Name Rebecca O'Hara Phone 850 222 9684
Address PO Box 1757 Email rohara@flcities.com
Street
City Tallahassee, FL State 32302-1757 Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

B - Fla League of Cities

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

1/27/26

Meeting Date

Community Affairs
Committee

Name Courtney Mooney Phone _____

Address 100 S Monroe
Street Email Cmooney@1-Counties.com

City _____ State _____ Zip _____

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

*Florida association
of counties.*

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (flsenate.gov)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1444

INTRODUCER: Senator Martin

SUBJECT: Preemption to the State

DATE: January 26, 2026

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|------------------|
| 1. Tolmich | Fleming | CA | Favorable |
| 2. _____ | _____ | JU | _____ |
| 3. _____ | _____ | RC | _____ |

I. Summary:

SB 1444 provides for the preemption of various matters to the state. Specifically, the bill:

- Prevents counties, municipalities, and special districts from substantially burdening the free exercise of religion by adopting or enforcing any ordinance, regulation, resolution, rule, or other policy that prohibits or restricts a person's ability to attend religious services or gatherings and specifies that they must be allowed in areas zoned for residential or commercial use;
- Preempts certain matters relating to the issuance of certificates of occupancy and building permits;
- Prohibits local governments from enacting or enforcing any ordinance, regulation, resolution, rule, charter provision, or other policy or taking any action to license or otherwise regulate a mutual benefit corporation in a manner that is different from other businesses in a local government's jurisdiction; and
- Prohibits local governments from regulating certain parking standards at home-based businesses.

The bill takes effect upon becoming law.

II. Present Situation:

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹ Counties operating under a county charter have all powers of self-government

¹ Article. VIII, s. 1(f), FLA CONST.

not inconsistent with general law or special law approved by the vote of the electors.² Municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide municipal services, and exercise any power for municipal purposes except when expressly prohibited by law.³

Preemption

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.⁴

Where state preemption applies, a local government may not exercise authority in that area.⁵ Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.⁶

Federal and State Law Pertaining to Religious Liberty

Provisions in the Constitutions of Florida and the United States

The relationship between religion and government in the United States is governed by the First Amendment to the United States Constitution, which prevents the government from establishing religion and protects privately initiated expression and activities from government interference and discrimination.⁷ Both the U.S. Constitution and the Florida Constitution contain an Establishment Clause, Free Exercise Clause, and protect individual freedom of speech and expression.⁸

The First Amendment's Equal Protection Clause provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

Similarly, Article I, section 3 of the Florida Constitution states:

There shall be no law respecting the establishment of religion, or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety.

² Article. VIII, s. 1(g), FLA CONST.

³ Art. VIII, s. 2(b), FLA CONST.; *see also* s. 166.021(1), F.S.

⁴ Preemption definition, Black's Law Dictionary (12th ed. 2024).

⁵ *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, [The Effectiveness of Home Rule: A Preemptions and Conflict Analysis](#), 83 Fla. B.J. 92 (June 2009).

⁶ See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

⁷ U.S. CONSTITUTION. Amend. I.

⁸ U.S. CONSTITUTION. Amend. I; FLA. CONST., Art. I, sections 3 and 4.

Establishment Clause

The Establishment Clause of the First Amendment to the U.S. Constitution requires the government to maintain neutrality in its treatment of religion. Quoting from its decision in *Sherbert v. Verner*, the U.S. Supreme Court notes that the “door of the Free Exercise Clause stands tightly closed against any governmental regulation of religious beliefs as such,”⁹ and a regulation may appear to be neutral on its face may, in its application, nonetheless offend the constitutional requirement for governmental neutrality if it unduly burdens the free exercise of religion.¹⁰

The incorporation of the Fourteenth Amendment into the First Amendment protections extended the Congressional prohibition from making any law respecting the establishment of religion or prohibiting the free exercise of religion to also include actions by the states. The first court case appeared in 1931, *Stromberg v. California*, and additional protections were presented in *Cantwell v. Connecticut* in 1940.¹¹ The *Cantwell* court said:

The Fourteenth Amendment has rendered the legislatures of the states as incompetent as Congress to enact such laws. The constitutional inhibition of legislation on the subject of religion has a double aspect. On the one hand, it forestalls compulsion by law of the acceptance of any creed or the practice of any form of worship. Freedom of conscience and freedom to adhere to such religious organization or form of worship as the individual may choose cannot be restricted by law. On the other hand, it safeguards the free exercise of the chosen form of religion. Thus the Amendment embraces two concepts – freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be. Conduct remains subject to regulation for the protection of society. The freedom to act must have appropriate definition to preserve the enforcement of that protection. In every case, the power to regulate must be so exercised or not, in attaining a permissible end, unduly to infringe the protected freedom.¹²

Free Speech and Expression

However, the right to practice religious freedom is not absolute. In the United States Supreme Court case, *Reynolds v. United States*, 98 U.S. 145 (1879), a case which addressed a federal statute outlawing bigamy and some worshippers under the Church of Latter Day Saints which believed their religion mandated the practice, the Court upheld his conviction and the authority that Congress had to outlaw bigamy. The Court said, “Can a man excuse his practices to the contrary because of his religious belief? To permit this would be to make the professed doctrines of religious belief superior to the law of the land, and, in effect permit every citizen to become a

⁹ Quoting from *Cantwell v. Connecticut*, 310 U.S. 296, 303 (1940).

¹⁰ *Wisconsin v. Yoder*, 406 U.S. 205, 220. In *Yoder*, the respondents had been convicted of violating the state’s compulsory school attendance law which required all children to attend school until the age of 16. The Yoders and other respondents had withdrawn their children after the eighth grade in accordance with their Amish religious beliefs.

¹¹ See *Stromberg v. California*, 283 U.S. 359. In *Stromberg*, a young camp counselor was charged with violating the state penal code for displaying a red flag in a public place under one of three conditions related to government opposition or incitement of violence. After being found guilty, she appealed on the grounds that the conviction was a violation of her free speech. The majority opinion of the U.S. Supreme Court stated that free speech, including certain nonverbal expressive conduct such as waving a red flag, was protected under the First Amendment and made clear that the First Amendment applied to state actions. States could place limits on speech which incited violence or threatened the overthrow of the government.

¹² *Cantwell, et al v. Connecticut*, 310 U.S. 296, 303-304 (1940).

law unto himself. Government could exist only in name under such circumstances.”¹³ Additional precedent which applied protection under the Equal Protection Clause of the Fourteenth Amendment was decided in *Prince v. Massachusetts* during the October 1943 term, when the United States Supreme Court further recognized that the right to practice religion was not an unlimited privilege, however; stating, “the right to practice religion freely does not include liberty to expose the community or the child to communicable disease or the latter to ill health or death.”¹⁴ The court stated that while “religious training and activity, whether performed by adult or child, are protected by the Fourteenth Amendment against interference by state action, except insofar as they violate reasonable regulations adopted for the protection of the public health, morals and welfare.”¹⁵

Religious Freedom Restoration Acts

The Religious Freedom Restoration Act of 1993

In 1993, Congress passed the Religious Freedom Restoration Act (RFRA) to establish rights which exceeded those found under the free exercise of religion clause of the United States Constitution.¹⁶ The legislation created a heightened standard of review for government actions that substantially burden an individual’s right to practice his or her religion. The legislation further prohibits a substantial burden on an individual’s right to practice religion even if the burden is the result of a rule of general applicability unless the rule fulfills a compelling governmental interest and it represents the least restrictive means of achieving that compelling government interest.¹⁷ Congress acted in 1993 following the Supreme Court’s decision in *Employment Division v. Smith* whereby two members of a Native American tribe were denied unemployment benefits after they were fired for using peyote, a Schedule I controlled substance, as part of a religious ceremony.¹⁸ In upholding the denial of benefits to the two members of the Native American tribe, the Court discussed how it would not apply the balancing test of *Sherbert* to require exemptions, saying that such exceptions were better handled through an individualized government assessment process and not the courts.¹⁹

The original federal legislation included all government action – federal, state, and local. However, the reach of RFRA was reduced following a decision in *City of Boerne v. Flores* in 1997 when the Court held that the federal statute could not reach beyond the federal government.²⁰ In 2000, Congress passed the *Religious Land Use and Institutionalized Persons Act of 2000* which implemented a compelling interest test for specific types of state actions on land use regulations or the development of land. Additional regulations are also extended to any state or local government who accepts federal assistance to prohibit substantial burdens on individuals who are in institutions and their exercise of religious freedom. An institution is

¹³ *Reynolds v. United States*, 98 U.S.145, 166-167. (1879)

¹⁴ *Prince v. Massachusetts*, 321 U.S.158, 166-167 (1943).

¹⁵ *Prince v. Massachusetts*, 321 U.S. 158, 172 (1943).

¹⁶ *Religious Freedom Restoration Act of 1993*, Pub. L. 103-141(1993).

¹⁷ *Religious Freedom Restoration Act of 1993*, Pub. L. 103-141, §2 (1993).

¹⁸ See *Employment Division v. Smith*, 494 U.S. 872 (1990).

¹⁹ *Employment Division v. Smith*, 494 U.S. 872, 883-884 (1990).

²⁰ *City of Bourne v. Flores*, 521.U.S. 507 (1997).

defined as a jail, prison, correctional facilities, or institutions for the mentally ill or for juveniles awaiting trial.²¹

Florida Religious Freedom Restoration Act of 1998

Additionally, Florida adopted the Religious Freedom Restoration Act (FRFRA), in 1998 following the *City of Boerne v. Flores* decision, to specifically protect an individual's right to the free exercise of religion and to create a cause of action for infringement by the state on an individual's free exercise of religion similar to the one created under the federal RFRA.²²

The FRFRA provides that, as a general matter, the government may not substantially burden a person's free exercise of religion. However, the government may substantially burden a person's exercise of religion if the government demonstrates that the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. The "Whereas clauses" of the FRFRA legislation establish through several paragraphs the legislative intent to confirm that Florida uses the compelling interest test set forward in *Sherbert v. Verner* and *Wisconsin v. Yoder* in situations where the free exercise of religion is substantially burdened.²³

Enforcement of the Florida Building Code: Permits

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.²⁴ Authorized state and local government agencies enforce the Florida Building Code and issue building permits.²⁵

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity. It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local enforcing agency upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.²⁶ A local building department or enforcement agency must post each type of building permit application on its website.²⁷ Each application must be inscribed with the date of application and the Florida Building Code in effect as of that date.²⁸

States of Emergency

The State Emergency Management Act (ch. 252, F.S.) prescribes the Governor's authority to declare a state of emergency, issue executive orders, and otherwise lead the state during

²¹ *Religious Land Use and Institutionalized Persons Act of 2000*, Pub.L. 106-274, §8 (2000).

²² Section 761.03, F.S. See also chapter 98-412, s. 3, Laws of Fla.

²³ Chapter 98-412, Laws of Fla.

²⁴ Section 553.72(2), F.S.

²⁵ See ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1), F.S.

²⁶ See ss. 125.56(4)(a) and 553.79(1), F.S. Other entities may, by resolution or regulation, be directed to issue permits.

²⁷ Section 553.79(1)(b), F.S.

²⁸ Section 105.3, 2023 Florida Building Code.

emergencies. If the Governor finds that an emergency²⁹ has occurred or is imminent, he or she must declare a state of emergency.³⁰ An executive order or proclamation of a state of emergency shall identify whether the state of emergency is due to a minor,³¹ major,³² or catastrophic³³ disaster.³⁴ The state of emergency must continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist, but no state of emergency may continue for longer than 60 days unless renewed by the Governor.³⁵ Additionally, the Legislature may end a state of emergency by passing a concurrent resolution.³⁶ The Governor may exercise several powers under a state of emergency, including utilizing all available resources of the state as reasonably necessary to cope with an emergency, prescribing evacuation routes, and making provision for the availability and use of temporary emergency housing.³⁷

Mutual Benefit Corporations

Current law defines “mutual benefit corporation” as a domestic corporation that is not organized primarily or exclusively for religious purposes; is not recognized as exempt under s. 501(c)(3) of the Internal Revenue Code; and is not organized for a public or charitable purpose that is required upon its dissolution to distribute its assets to the United States, a state, a local government, or a person that is recognized as exempt under s. 501(c)(3) of the Internal Revenue Code.³⁸ The term does not include an association organized under chapters 718 (condominiums), 719 (cooperatives), 720 (homeowners’ associations), or 721 (vacation and timeshare plans) of the Florida Statutes, or any corporation where membership in the corporation is required pursuant to a document recorded in county property records.³⁹

Current law also provides that a mutual benefit corporation, such as a private club that is established for social, pleasure, or recreational purposes and that is organized as a corporation of which the equity interests are held by the members, may purchase the equity membership interest of any member.⁴⁰ For these purposes, the payment for such interest is not a distribution.⁴¹

²⁹ “Emergency” means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property. Section 252.34(4), F.S.

³⁰ Section 252.36(2), F.S.

³¹ “Minor disaster” means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance. Section 252.34(2)(c), F.S.

³² “Major disaster” means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance. Section 252.34(2)(b), F.S.

³³ “Catastrophic disaster” means a disaster that will require massive state and federal assistance, including immediate military involvement. Section 252.34(2)(a), F.S.

³⁴ Section 252.36(4)(c), F.S.

³⁵ Section 252.36(2), F.S.

³⁶ Section 252.36(3), F.S.

³⁷ Section 252.36(6), F.S.

³⁸ Section 617.01401, F.S.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Section 617.0505(1), F.S. “Distribution” means the payment of a dividend or any part of the income or profit of a corporation to its members, directors, or officers. Section 617.01401(7), F.S.

Sovereign Immunity

Sovereign immunity is “[a] government’s immunity from being sued in its own courts without its consent.”⁴² The doctrine had its origin with the judge-made law of England. The basis of the existence of the doctrine of sovereign immunity in the United States was explained as follows: A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends.⁴³

Article X, s. 13 of the Florida Constitution authorizes the Legislature to enact laws that permit suits against the State and its subdivisions, thereby waiving sovereign immunity. Currently, Florida law allows tort lawsuits against the State and its subdivisions⁴⁴ for damages that result from the negligence of government employees acting in the scope of their employment, but limits payment of judgments to \$200,000 per person and \$300,000 per incident.⁴⁵ This liability exists only where a private person would be liable for the same conduct.⁴⁶ Harmed persons who seek to recover amounts in excess of these limits may request that the Legislature enact a claim bill to appropriate the remainder of their court-awarded judgment.⁴⁷ Article VII, s. 1(c) of the Florida Constitution prohibits funds from being drawn from the State Treasury except in pursuance of an appropriation made by law. However, local governments and municipalities are not subject to this provision, and therefore may appropriate their local funds according to their processes.

Statutory Waivers of Sovereign Immunity

Section 768.28(1), F.S., allows tort lawsuits to be filed against the State and its agencies and subdivisions for damages resulting from the negligence of government employees acting in the scope of employment. This liability exists only where a private person would be liable for the same conduct. Section 768.28, F.S., applies only to “injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the agency or subdivision while acting within the scope of the employee’s office or employment ...”⁴⁸

Section 768.28(5), F.S., caps tort recovery from a governmental entity at \$200,000 per person and \$300,000 per accident. Although a court may award a judgment in excess of these statutory limits, a claimant cannot collect more than provided for in statute without passage of a special claim bill passed by the legislature.⁴⁹

⁴² BLACK’S LAW DICTIONARY (11th ed. 2019).

⁴³ *Cauley v. City of Jacksonville*, 403 So. 2d 379, 381 (Fla. 1981) (quoting *Kawanananakoa v. Polyblank*, 205 U.S. 349, 353 (1907)).

⁴⁴ Section 768.28(2), F.S., defines “state agencies or subdivisions” to include “executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state, including state university boards of trustees; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, including the Florida Space Authority.”

⁴⁵ Section 768.28, F.S.

⁴⁶ Section 768.28(1), F.S.

⁴⁷ Section 768.28(5)(a), F.S. *See also*, s. 11.066, F.S., which states that state agencies are not required to pay monetary damages under a court’s judgment except pursuant to an appropriation made by law.

⁴⁸ *City of Pembroke Pines v. Corrections Corp. of America, Inc.*, 274 So. 3d 1105, 1112 (Fla. 4th DCA 2019) (quoting s. 768.28(1), F.S.).

⁴⁹ *Breaux v. City of Miami Beach*, 899 So. 2d 1059 (Fla. 2005).

Individual government employees, officers, or agents are immune from suit or liability for damages caused by any action taken in the scope of employment unless the damages result from the employee's bad faith, malicious purpose, or wanton and willful disregard from human rights, safety, or property.⁵⁰ A government entity is not liable for any damages resulting for actions by an employee outside the scope of his or her employment and is not liable for damages resulting from actions committed by the employee in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard for human rights, safety, or property.⁵¹

Home-based Businesses: Local Government Restrictions

Current law preempts areas of regulation for home-based businesses to the state. Local governments may not enact or enforce any ordinance, regulation, or policy or take any action to license or regulate a home-based business.⁵² Furthermore, a home-based business may not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in a local government's jurisdiction, except as otherwise provided by law.⁵³

However, in order for a business to qualify as a home-based business, it must ensure that parking related to the business activities of such home-based business complies with local zoning requirements.⁵⁴ Local governments are permitted to regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted.⁵⁵ Local governments may also regulate the parking or storage of heavy equipment⁵⁶ at the business which is visible from the street or neighboring property.⁵⁷

A local government may impose regulations on a home-based business relating to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors, but such regulations may not be more stringent than those that apply to a residence where no business is conducted.⁵⁸

III. Effect of Proposed Changes:

Preemption Relating to the Regulation of Religious Services and Gatherings

SB 1444 preempts all matters relating to the regulation of religious services and gatherings to the state. The bill prevents counties, municipalities, and special districts from substantially burdening the free exercise of religion by adopting or enforcing any ordinance, regulation, resolution, rule, or other policy that prohibits or restricts a person's ability to attend religious

⁵⁰ Section 768.28(9)(a), F.S.

⁵¹ *Id.*

⁵² Section 559.955, F.S.

⁵³ Section 559.955(2)(b), F.S.

⁵⁴ Section 559.955(3)(b), F.S. *See* s. 559.955(3), F.S., for each criteria a business must meet to be considered a "home-based business."

⁵⁵ *Id.*

⁵⁶ "Heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery. Section 559.955(3)(b), F.S.

⁵⁷ Section 559.955(3)(b), F.S.

⁵⁸ Section 559.955(3)(e), F.S.

services or gatherings and specifies that they must be allowed in areas zoned for residential or commercial use, including, but not limited to, homes, community centers, or businesses. Any such policy adopted or enforced by a local government is void and unenforceable.

The bill also prohibits counties, municipalities, and special districts from substantially burdening the free exercise of religion by adopting or enforcing any ordinance, regulation, resolution, rule, or other policy that prohibits or restricts a person's ability to temporarily park a motor vehicle on a public right-of-way or a private driveway if such parking is related to the attendance of religious services or gatherings. However, such parking must be consistent with public safety and access requirements.

The bill provides for several legislative findings, including:

- The free exercise of religion is a fundamental right guaranteed by the United States Constitution and State Constitution.
- The Legislature enacted the Religious Freedom Restoration Act of 1998 to protect a person's free exercise of religion from being substantially burdened by the state or government, which includes counties, municipalities, and special districts.
- Religious services and gatherings held in traditional houses of worship, private residences, or commercial establishments are an essential expression of the free exercise of religion.
- Counties, municipalities, and special districts have, at times, enacted or enforced ordinances, regulations, resolutions, rules, or other policies that substantially burden a person's exercise of religion by restricting religious services and gatherings, parking, or related services or activities.

As a result of such findings, the bill provides that it is the intent of the Legislature to preempt any ordinance, regulation, resolution, rule, or other policy that substantially burdens the free exercise of religion and ensure uniform statewide protection for the free exercise of religion.

The bill specifies that these provisions do not relieve a person from complying with applicable local building, fire, safety, or health standards or authorize any use or conduct that could create a public nuisance.⁵⁹

Preemptions Relating to Issuance of Certificates of Occupancy and Building Permits

The bill prohibits local enforcement agencies from denying the issuance of a certificate of occupancy to an owner of a residential or commercial structure based on noncompliance with a Florida-friendly landscaping ordinance⁶⁰ if the owner was issued a building permit for such structure within one year after the declaration of a state of emergency for a natural disaster for the county in which the structure is located.

The bill also prohibits local enforcement agencies from denying the issuance of a building permit for the alteration, modification, or repair of a single-family residential structure if such alteration, modification, or repair:

⁵⁹ See s. 893.138, F.S., for a list of activities that may be declared a public nuisance.

⁶⁰ "Florida-friendly landscaping" means quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. Section 373.185, F.S. See also ss. 125.568 and 166.048, F.S.

- Is completed within one year after the declaration of a state of emergency for a natural disaster for the county in which the structure is located;
- Is necessitated by damage to the structure caused by the natural disaster;
- Has a total cost that does not exceed more than 50 percent of the value of the structure;
- Does not affect more than 50 percent of the structure; and
- Does not alter the footprint of the structure.

The bill specifies that a local enforcement agency may also not require a building permit for:

- Construction of playground equipment, fences, or landscape irrigation systems on a parcel containing a single-family residential dwelling. However, a local government may require a building permit for any electrical work performed as part of the construction of playground equipment, fences, or landscape irrigation systems.
- Performance of any work that is valued at less than \$7,500 on a parcel containing a single-family residential dwelling. This provision does not apply to a larger project in which a division of the project is made in amounts of less than \$7,500. A local government may require a building permit for any electrical, plumbing, or structural work performed on a parcel containing a single-family residential dwelling regardless of the value of the work. For purposes of the bill, structural work does not include the repair or replacement of exterior windows or doors.

Preemption Relating to Mutual Benefit Corporations

The bill preempts the regulation of mutual benefit corporations to the state. The bill prohibits local governments from enacting or enforcing any ordinance, regulation, resolution, rule, charter provision, or other policy or taking any action to license or otherwise regulate a mutual benefit corporation in a manner that is different from other businesses in a local government's jurisdiction, including, but not limited to:

- Restricting, prohibiting, or regulating the ability of a mutual benefit corporation to host or allow events, rentals, or activities involving nonmembers;
- Restricting or regulating the ability of a mutual benefit corporation to determine who may access its property, including, but not limited to, guests, invitees, or event participants.
- Interfering with the internal governance, bylaws, membership policies, or contractual agreements of a mutual benefit corporation; or
- Imposing operational restrictions on events hosted by a mutual benefit corporation in a manner that is different from other businesses in a local government's jurisdiction.

Any such policy enacted or enforced by a local government is void and unenforceable.

For purposes of the bill, the term "mutual benefit corporation" includes private clubs such as a golf club, a marina club, a country club, a yacht club, a fraternal club, or any other similar entity that:

- Maintains a defined membership structure.
- Operates facilities or property for the use and benefit of its members.
- Is not open to the general public, except as permitted by the club.

The bill provides that any person aggrieved or adversely affected by the enactment or enforcement of a policy that is in violation of these provisions may bring a civil cause of action for declaratory or injunctive relief and recovery of reasonable attorney fees and costs if the court finds the local government is in violation of the law.

The bill also waives sovereign immunity for the state's agencies or political subdivisions for causes of action based on the application of any ordinance, regulation, resolution, rule, charter provision, or other policy as it pertains to the enactment or enforcement of such policy.

Preemption Relating to Parking at Home-based Businesses

The bill prohibits local governments from regulating certain parking standards at a home-based business, including:

- Regulating the parking of vehicles or trucks on land zoned as residential if the parcel size is greater than two acres.
- Regulating the parking of trailers or heavy equipment on land zoned as residential if the parcel size is greater than five acres.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require counties and municipalities to expend funds or further limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 4 of the bill prohibits local governments from denying a building permit for the alteration, modification, or repair of a single-family residential structure if it meets certain requirements, which includes the structure being completed within 1 year after the declaration of a state of emergency for a natural disaster for the county in which the structure is located. This provision may warrant consideration because the issuance of building permits is not contingent on the completion of construction, but rather the application for such permit.

Section 4 of the bill also prohibits local governments from requiring a building permit for work under \$7,500 on parcel containing single-family homes, with certain exceptions. This provision may warrant consideration as to whether it could interact with requirements of the National Flood Insurance Program (NFIP), under which communities adopt and enforce floodplain management standards, including permitting and review of development in flood hazard areas.

It may also have implications for a community's participation in FEMA's Community Rating System, which rewards communities for exceeding minimum floodplain standards through activities such as permitting, documentation, and enforcement.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 553.79, and 559.955.

This bill creates the following sections of the Florida Statutes: 125.595, 166.0499, 189.09, and 559.954.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Martin

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landscape irrigation systems on certain parcels; prohibiting a local enforcement agency from requiring a building permit to perform certain work; creating s. 559.954, F.S.; defining the terms "local government" and "mutual benefit corporation"; providing that the regulation of mutual benefit corporations is preempted to the state; prohibiting local governments from enacting or enforcing certain ordinances, regulations, resolutions, rules, charter provisions, or other policies or from taking any action to license or otherwise regulate mutual benefit corporations in a specified manner; providing that certain ordinances, regulations, resolutions, rules, charter provisions, and policies are void and unenforceable; providing a civil cause of action; waiving sovereign immunity in accordance with specified laws; amending s. 559.955, F.S.; revising the criteria for a business to be considered a home-based business as it relates to local government regulation of parking; providing an effective date.

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

53 Section 1. Section 125.595, Florida Statutes, is created to
54 read:

125.595 Ordinances, regulations, resolutions, rules, and policies relating to religious services and gatherings.—
(1) The Legislature finds that:
(a) The free exercise of religion is a fundamental right

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59 guaranteed by the United States Constitution and the State
 60 Constitution.

61 (b) The Legislature enacted the Religious Freedom
 62 Restoration Act of 1998 to protect a person's free exercise of
 63 religion from being substantially burdened by the state or
 64 government, which includes a county, special district,
 65 municipality, or any other subdivision of this state.

66 (c) Religious services and gatherings, whether held in
 67 traditional houses of worship, private residences, or commercial
 68 establishments, are an essential expression of the free exercise
 69 of religion.

70 (d) Counties have, at times, enacted or enforced
 71 ordinances, regulations, resolutions, rules, or other policies
 72 that substantially burden a person's exercise of religion by
 73 restricting religious services and gatherings, parking, or
 74 related services or activities.

75 (2) It is therefore the intent of the Legislature to:
 76 (a) Preempt any ordinance, regulation, resolution, rule, or
 77 other policy that substantially burdens the free exercise of
 78 religion.

79 (b) Ensure uniform statewide protection for the free
 80 exercise of religion.

81 (3) (a)1. All matters relating to the regulation of
 82 religious services and gatherings are preempted to the state,
 83 and a county may not substantially burden the free exercise of
 84 religion by adopting or enforcing any ordinance, regulation,
 85 resolution, rule, or other policy to prohibit or restrict a
 86 person's ability to attend religious services or gatherings in
 87 areas zoned for residential or commercial use.

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88 2. Religious services and gatherings must be allowed on
 89 property within any area zoned for residential or commercial
 90 use, including, but not limited to, homes, community centers, or
 91 businesses, notwithstanding any local zoning or land-use
 92 restriction to the contrary.

93 (b)1. A county may not substantially burden the free
 94 exercise of religion by adopting or enforcing any ordinance,
 95 regulation, resolution, rule, or other policy to prohibit or
 96 restrict a person's ability to temporarily park a motor vehicle
 97 on a public right-of-way or a private driveway if such parking
 98 is related to the attendance of religious services or
 99 gatherings.

100 2. Parking relating to the attendance of religious services
 101 or gatherings must be allowed and consistent with public safety
 102 and access requirements.

103 (4) This section does not:

104 (a) Relieve a person from complying with applicable county
 105 building, fire, safety, or health standards.

106 (b) Authorize any use or conduct that could create a public
 107 nuisance.

108 (5) Any ordinance, regulation, resolution, rule, or other
 109 policy adopted or enforced by a county which conflicts with this
 110 section is void and unenforceable.

111 Section 2. Section 166.0499, Florida Statutes, is created
 112 to read:

113 166.0499 Ordinances, regulations, resolutions, rules, and
 114 policies relating to religious services and gatherings.—

115 (1) The Legislature finds that:

116 (a) The free exercise of religion is a fundamental right

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117 guaranteed by the United States Constitution and the State
 118 Constitution.

119 (b) The Legislature enacted the Religious Freedom
 120 Restoration Act of 1998 to protect a person's free exercise of
 121 religion from being substantially burdened by the state or
 122 government, which includes a county, special district,
 123 municipality, or any other subdivision of this state.

124 (c) Religious services and gatherings, whether held in
 125 traditional houses of worship, private residences, or commercial
 126 establishments, are an essential expression of the free exercise
 127 of religion.

128 (d) Municipalities have, at times, enacted or enforced
 129 ordinances, regulations, resolutions, rules, or other policies
 130 that substantially burden a person's exercise of religion by
 131 restricting religious services and gatherings, parking, or
 132 related services or activities.

133 (2) It is therefore the intent of the Legislature to:

134 (a) Preempt any ordinance, regulation, resolution, rule, or
 135 other policy that substantially burdens the free exercise of
 136 religion.

137 (b) Ensure uniform statewide protection for the free
 138 exercise of religion.

139 (3) (a) All matters relating to the regulation of
 140 religious services and gatherings are preempted to the state,
 141 and a municipality may not substantially burden the free
 142 exercise of religion by adopting or enforcing any ordinance,
 143 regulation, resolution, rule, or other policy to prohibit or
 144 restrict a person's ability to attend religious services or
 145 gatherings in areas zoned for residential or commercial use.

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146 2. Religious services and gatherings must be allowed on
 147 property within any area zoned for residential or commercial
 148 use, including, but not limited to, homes, community centers, or
 149 businesses, notwithstanding any local zoning or land-use
 150 restriction to the contrary.

151 (b) 1. A municipality may not substantially burden the free
 152 exercise of religion by adopting or enforcing any ordinance,
 153 regulation, resolution, rule, or other policy to prohibit or
 154 restrict a person's ability to temporarily park a motor vehicle
 155 on a public right-of-way or a private driveway if such parking
 156 is related to the attendance of religious services or
 157 gatherings.

158 2. Parking relating to the attendance of religious services
 159 or gatherings must be allowed and consistent with public safety
 160 and access requirements.

161 (4) This section does not:

162 (a) Relieve a person from complying with applicable
 163 municipal building, fire, safety, or health standards.

164 (b) Authorize any use or conduct that could create a public
 165 nuisance.

166 (5) Any ordinance, regulation, resolution, rule, or other
 167 policy adopted or enforced by a municipality which conflicts
 168 with this section is void and unenforceable.

169 Section 3. Section 189.09, Florida Statutes, is created to
 170 read:

171 189.09 Ordinances, regulations, resolutions, rules, and
 172 policies relating to religious services and gatherings.—

173 (1) The Legislature finds that:

174 (a) The free exercise of religion is a fundamental right

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175 guaranteed by the United States Constitution and the State
 176 Constitution.

177 (b) The Legislature enacted the Religious Freedom
 178 Restoration Act of 1998 to protect a person's free exercise of
 179 religion from being substantially burdened by the state or
 180 government, which includes a county, special district,
 181 municipality, or any other subdivision of this state.

182 (c) Religious services and gatherings, whether held in
 183 traditional houses of worship, private residences, or commercial
 184 establishments, are an essential expression of the free exercise
 185 of religion.

186 (d) Special districts have, at times, enacted or enforced
 187 ordinances, regulations, resolutions, rules, or other policies
 188 that substantially burden a person's exercise of religion by
 189 restricting religious services and gatherings, parking, or
 190 related services or activities.

191 (2) It is therefore the intent of the Legislature to:

192 (a) Preempt any ordinance, regulation, resolution, rule, or
 193 other policy that substantially burdens the free exercise of
 194 religion.

195 (b) Ensure uniform statewide protection for the free
 196 exercise of religion.

197 (3) (a) All matters relating to the regulation of
 198 religious services and gatherings are preempted to the state,
 199 and a special district may not substantially burden the free
 200 exercise of religion by adopting or enforcing any ordinance,
 201 regulation, resolution, rule, or other policy to prohibit or
 202 restrict a person's ability to attend religious services or
 203 gatherings in areas zoned for residential or commercial use.

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204 2. Religious services and gatherings must be allowed on
 205 property within any area zoned for residential or commercial
 206 use, including, but not limited to, homes, community centers, or
 207 businesses, notwithstanding any local zoning or land-use
 208 restriction to the contrary.

209 (b) 1. A special district may not substantially burden the
 210 free exercise of religion by adopting or enforcing any
 211 ordinance, regulation, resolution, rule, or other policy to
 212 prohibit or restrict a person's ability to temporarily park a
 213 motor vehicle on a public right-of-way or a private driveway if
 214 such parking is related to the attendance of religious services
 215 or gatherings.

216 2. Parking relating to the attendance of religious services
 217 or gatherings must be allowed and consistent with public safety
 218 and access requirements.

219 (4) This section does not:

220 (a) Relieve a person from complying with applicable local
 221 building, fire, safety, or health standards.

222 (b) Authorize any use or conduct that could create a public
 223 nuisance.

224 (5) Any ordinance, regulation, resolution, rule, or other
 225 policy adopted or enforced by a special district which conflicts
 226 with this section is void and unenforceable.

227 Section 4. Subsections (26), (27), (28), and (29) are added
 228 to section 553.79, Florida Statutes, to read:

229 553.79 Permits; applications; issuance; inspections.—

230 (26) A local enforcement agency may not deny the issuance
 231 of a certificate of occupancy to an owner of a residential or
 232 commercial structure based on noncompliance with a Florida-

Page 8 of 13

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00731A-26 20261444
 233 friendly landscaping ordinance adopted to implement s. 373.185
 234 if the owner was issued a building permit for such structure
 235 within 1 year after the declaration of a state of emergency for
 236 a natural disaster for the county in which the structure is
 237 located.
 238 (27) A local enforcement agency may not deny the issuance
 239 of a building permit for the alteration, modification, or repair
 240 of a single-family residential structure if such alteration,
 241 modification, or repair:
 242 (a) Is completed within 1 year after the declaration of a
 243 state of emergency for a natural disaster for the county in
 244 which the structure is located;
 245 (b) Is necessitated by damage to the structure caused by
 246 the natural disaster;
 247 (c) Has a total cost that does not exceed more than 50
 248 percent of the value of the structure;
 249 (d) Does not affect more than 50 percent of the structure;
 250 and
 251 (e) Does not alter the footprint of the structure.
 252 (28) A local enforcement agency may not require a building
 253 permit for the construction of playground equipment, fences, or
 254 landscape irrigation systems on a parcel containing a single-
 255 family residential dwelling. However, a local government may
 256 require a building permit for any electrical work performed as
 257 part of the construction of playground equipment, fences, or
 258 landscape irrigation systems.
 259 (29) A local enforcement agency may not require a building
 260 permit to perform any work that is valued at less than \$7,500 on
 261 a parcel containing a single-family residential dwelling. This

Page 9 of 13

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33-00731A-26 20261444
 262 subsection does not apply to a larger or major project in which
 263 a division of the project is made in amounts less than \$7,500. A
 264 local government may require a building permit for any
 265 electrical, plumbing, or structural work performed on a parcel
 266 containing a single-family residential dwelling regardless of
 267 the value of the work. For purposes of this subsection,
 268 structural work does not include the repair or replacement of
 269 exterior doors or windows.
 270 Section 5. Section 559.954, Florida Statutes, is created to
 271 read:
 272 559.954 Mutual benefit corporations; state preemption;
 273 local government restrictions.—
 274 (1) As used in this section, the term:
 275 (a) "Local government" has the same meaning as s.
 276 106.113(1).
 277 (b) "Mutual benefit corporation" has the same meaning as
 278 described in s. 617.0505(1). The term includes private clubs
 279 such as a golf club, a marina club, a country club, a yacht
 280 club, a fraternal club, or any other similar entity that:
 281 1. Maintains a defined membership structure.
 282 2. Operates facilities or property for the use and benefit
 283 of its members.
 284 3. Is not open to the general public, except as permitted
 285 by the club.
 286 (2) The regulation of a mutual benefit corporation is
 287 preempted to the state.
 288 (3) A local government may not enact or enforce any
 289 ordinance, regulation, resolution, rule, charter provision, or
 290 other policy or take any action to license or otherwise regulate

Page 10 of 13

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291 a mutual benefit corporation in a manner that is different from
 292 other businesses in a local government's jurisdiction,
 293 including, but not limited to:

294 (a) Restricting, prohibiting, or regulating the ability of
 295 a mutual benefit corporation to host or allow events, rentals,
 296 or activities involving nonmembers;

297 (b) Restricting or regulating the ability of a mutual
 298 benefit corporation to determine who may access its property,
 299 including, but not limited to, guests, invitees, or event
 300 participants;

301 (c) Interfering with the internal governance, bylaws,
 302 membership policies, or contractual agreements of a mutual
 303 benefit corporation; or

304 (d) Imposing operational restrictions on events hosted by a
 305 mutual benefit corporation in a manner that is different from
 306 other businesses in a local government's jurisdiction.

307 (4) Any ordinance, regulation, resolution, rule, charter
 308 provision, or other policy enacted or enforced by a local
 309 government which conflicts with this section is void and
 310 unenforceable.

311 (5) Any person aggrieved or adversely affected by the
 312 enactment or enforcement of an ordinance, regulation,
 313 resolution, rule, charter provision, or other policy by a local
 314 government in violation of this section may bring a civil cause
 315 of action for:

316 (a) Declaratory or injunctive relief.

317 (b) Recover reasonable attorney fees and costs if the court
 318 finds the local government violated this section.

319 (6) In accordance with s. 13, Art. X of the State

Page 11 of 13

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320 Constitution, the state, for its agencies or political
 321 subdivisions, waives sovereign immunity for causes of action
 322 based on the application of any ordinance, regulation,
 323 resolution, rule, charter provision, or other policy subject to
 324 this section, but only to the extent specified in subsection
 325 (5).

326 Section 6. Paragraph (b) of subsection (3) of section
 327 559.955, Florida Statutes, is amended to read:

328 559.955 Home-based businesses; local government
 329 restrictions.—

330 (3) For purposes of this section, a business is considered
 331 a home-based business if it operates, in whole or in part, from
 332 a residential property and meets the following criteria:

333 (b) Parking related to the business activities of the home-
 334 based business complies with local zoning requirements and the
 335 need for parking generated by the business may not be greater in
 336 volume than would normally be expected at a similar residence
 337 where no business is conducted. Local governments may regulate
 338 the use of vehicles or trailers operated or parked at the
 339 business or on a street right-of-way, provided that such
 340 regulations are not more stringent than those for a residence
 341 where no business is conducted. Vehicles and trailers used in
 342 connection with the business must be parked in legal parking
 343 spaces that are not located within the right-of-way, on or over
 344 a sidewalk, or on any unimproved surfaces at the residence.
 345 Local governments may regulate the parking or storage of heavy
 346 equipment at the business which is visible from the street or
 347 neighboring property. However, local governments may not
 348 regulate the parking of vehicles or trucks on land zoned as

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20261444_

349 residential if the parcel size is greater than 2 acres, and may
350 not regulate the parking of trailers or heavy equipment on land
351 zoned as residential if the parcel size is greater than 5 acres.
352 For purposes of this paragraph, the term "heavy equipment" means
353 commercial, industrial, or agricultural vehicles, equipment, or
354 machinery.

355 Section 7. This act shall take effect upon becoming a law.

The Florida Senate
APPEARANCE RECORD

1/27/
Meeting Date

SB 1444
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Dr. Rich Tempelin 850-229-6926 Phone

Address 135 S. Monroe Email _____
Street

Tallahassee FL 32301
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida AFL-CIO

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, 2020-2022JointRules.pdf (flsenate.gov)

01/27/2020

Meeting Date

Community Affairs

Committee

Name

Amina Spaniò

Phone

Address

Street

Email

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida For All

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

1/27/26

Meeting Date

Community Affairs

Committee

Name John Labriola

Address PO Box 650216

Street

Miami

State

FL 33265

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Christian Family Coalition Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

The Florida Senate

APPEARANCE RECORD

1-27-26 Meeting Date SB 1444 Bill Number or Topic

Community Affairs Committee Amendment Barcode (if applicable)

Name Michael Disher Phone (386) 236-2150

Address 4300 S. Atlantic Ave. Email mdisher@ponce-inlet.org

Street

Ponce Inlet FL 32127

City State Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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1/27/2024
Meeting Date
Community Affairs
Committee

Name Luis Pardo Ky

Address 4300 S. Atlantic Ave
Street
City Ponce Inlet State FL Zip 32127

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

1/27/24

Meeting Date

Highlands REC

Committee

Name Lauren Bush

Phone

Address

Street

Lake Placid FL 33852

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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The Florida Senate

APPEARANCE RECORD

1/27/25

Meeting Date

Community Affairs
Committee

Name Ed Freeman

Phone 2032403066

Address 120 Evergreen Lane
Street

Email efreeman@ladylake.org

City Lady Lake, FL State 32159

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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01-27-2021

Meeting Date

Community Affairs

Committee

Name TAEVA Roberts

Address 540 LOMA PASCO Dr
Street

LADY LAKE FL

32159

Phone 614-557-0039

Email TRevaRoberts5@gmail.com

Speaking: For Against Information

OR

Waive Speaking: In Support Against



I am appearing without compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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1/27/2026

Meeting Date

Community Affairs

Committee

Name

Paul F. Scott

Address

1876 Bonser Road

Street

Minneola

State

FL

34715

Zip

Speaking: For Against Information

OR

Waive Speaking

In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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1/27/26

Meeting Date

Community Affairs
Committee

Name Tim Everline

Phone 330-575-1847

Address 1012 N. Lakeshore Blvd

Street

Email time4801@yahoo.com

City Howey In The Hills State FL Zip 34737

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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1-27-26

Meeting Date

Community Affairs

Committee

Name Councilmember Dennis Dawson Phone 305-606-6091

Address 803 W 11th Ave Email _____
Street _____
City Mount Dora State FL Zip 32757

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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1/27/26

Meeting Date

Community Affairs

Committee

Name Cal Rolfsen

Phone 352-552-4200

Address 8014 St. James Way
Street

Email rolfsen@mountain.com

City Mount Dora, State FL Zip 32757

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022JointRules.pdf](#) (flsenate.gov)

1-27-26

Meeting Date

Community Affairs

Committee

Name Holly Smith, Pres. FEC

Phone 239-707-9800

Address 800 Dunlop

Street

Email

HollyNS

City Sanibel State FL Zip 33957

Holly.Smith@mysanibel.com

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

The Florida Senate
APPEARANCE RECORD

1/27/26

Meeting Date

COMMUNITY AFFAIRS

Committee

Name CLAUDIA THOMAS, SANFORD CITY COMMISSIONER Phone 321-330-6582

Address 113 KAYS LANDING DR
Street

SANFORD

City

FL

State

32771

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022JointRules.pdf](#) (flsenate.gov)

1/27/26

Meeting Date

Community Affairs

Committee

Name JEFF SCALA

Address 100 S Monroe Street
Street

Tallahassee
City

FL
State

32301
Zip

Speaking: For Against Information

OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Association of Counties

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022JointRules.pdf](#) (flsenate.gov)

11/27/26

Meeting Date

Community Affairs

Committee

Name David Cruz

Phone 701-347-76

Address P.O. Box 1732

Street

Email DCRUZ@FLCITIES.ORG

Tallahassee FL

City

32302

State

Zip

Speaking: For Against Information

OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida League of Cities

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

1/27/26

Meeting Date

Community Affairs
Committee

Name Aaron DiPietro Phone 904-608-4471

Address Street Email aaron.d@flfamily.org

City State Zip

Speaking: For Against Information

OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Family Voice

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1612

INTRODUCER: Senator DiCeglie

SUBJECT: Electronic Payments to Local Governments

DATE: January 26, 2026 REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|------------|----------------|-----------|------------------|
| 1. Tolmich | Fleming | CA | Favorable |
| 2. | | GO | |
| 3. | | RC | |

I. Summary:

SB 1612 requires each unit of local government, and each department, subagency, and division of such units of local government, to accept electronic payment online by use of credit cards, charge cards, bank debit cards, and electronic fund transfers for payments received by and financial obligations owed to the local government.

The bill takes effect July 1, 2026.

II. Present Situation:

Electronic Payments to Governments

Current law encourages state agencies, the judicial branch, and units of local government to make their goods, services, and information more convenient to the public through the acceptance of electronic payments to the maximum extent practicable when the benefits outweigh the costs of accepting such payments.¹

Municipalities, special districts, counties, and county constitutional officers may accept payment by credit card, charge card, bank debit card, or electronic funds transfer for financial obligations that are owed to the local government.² If electronic payment is used for taxes, license fees, tuition, fines, civil penalties, court-ordered payments, or court costs, or other statutorily prescribed revenues, a local government may add a surcharge to the payment sufficient to cover the service fee charged by the financial institution, vending service company, or credit card company. The local government is responsible for verifying the validity of the method of

¹ Section 215.322(1), F.S.

² Section 215.322(5), F.S.

payment used and whether the person using the card or transfer has sufficient credit to complete the transaction.³

The modernization of government financial transactions has taken place around the world in attempt to address the inefficiencies and security risks associated with paper-based payments.⁴ On March 25th, 2025, President Trump signed Executive Order 14247, Modernizing Payments To and From America's Bank Account, to direct the U.S. Department of the Treasury to advance the transition to fully electronic federal payments.⁵ The policy included the phase-out of paper tax refunds to the extent permitted by law.⁶ The Treasury Department estimates that each paper check costs \$1.05 to process, whereas electronic payments costs just \$0.02 per transaction, resulting in millions in annual savings.⁷

III. Effect of Proposed Changes:

SB 1612 amends s. 215.322, F.S., to require each unit of local government,⁸ and each department, subagency, and division of such units of local government, to accept electronic payment online by use of credit cards, charge cards, bank debit cards, and electronic fund transfers for payments received by and financial obligations owed to the local government.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³ *Id.*

⁴ Catalis, *Accelerating Digital Payments in Government*, available at: <https://catalisgov.com/accelerating-digital-payments-in-government/> (last visited Jan. 26, 2026).

⁵ IRS, *Modernizing payments to and from America's bank account*, available at: <https://www.irs.gov/newsroom/modernizing-payments-to-and-from-americas-bank-account> (last visited Jan. 26, 2026).

⁶ *Id.*

⁷ *Supra* note 4.

⁸ A unit of local government includes a municipality, special district, or board of county commissioners or other governing body of a county, a consolidated or metropolitan government, and any clerk of the circuit court, sheriff, property appraiser, tax collector, or supervisor of elections.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Local governments that do not already accept electronic payments may incur initial administrative and technology costs to establish such systems. However, the bill authorizes local governments to impose surcharges to recover credit card processing and transaction costs, mitigating long-term fiscal impacts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 215.322 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator DiCeglie

18-01232-26

20261612__

1 A bill to be entitled

2 An act relating to electronic payments to local
 3 governments; amending s. 215.322, F.S.; revising
 4 legislative intent; requiring each unit of local
 5 government to accept electronic payment online for
 6 payments received by and financial obligations owed to
 7 the unit of local government; providing an effective
 8 date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Subsections (1) and (5) of section 215.322,
 13 Florida Statutes, are amended to read:

14 215.322 Acceptance of credit cards, charge cards, debit
 15 cards, or electronic funds transfers by state agencies, units of
 16 local government, and the judicial branch.—

17 (1) It is the intent of the Legislature to encourage state
 18 agencies and, the judicial branch, and require units of local
 19 government, to make their goods, services, and information more
 20 convenient to the public through the acceptance of payments by
 21 credit cards, charge cards, debit cards, or other means of
 22 electronic funds transfers to the maximum extent practicable
 23 when the benefits to the participating agency and the public
 24 substantiate the cost of accepting these types of payments.

25 (5) Each A unit of local government, including a
 26 municipality, special district, or board of county commissioners
 27 or other governing body of a county, a consolidated or
 28 metropolitan government, and any clerk of the circuit court,
 29 sheriff, property appraiser, tax collector, or supervisor of

Page 1 of 2

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18-01232-26

20261612__

30 elections and each department, subagency, and division of such
 31 units of local government, shall, is authorized to accept
 32 electronic payment online by use of credit cards, charge cards,
 33 bank debit cards, and electronic funds transfers for payments
 34 received by and financial obligations that are owing to such
 35 unit of local government and to surcharge the person who uses a
 36 credit card, a charge card, a bank debit card, or an electronic
 37 funds transfer in payment of taxes, license fees, tuition,
 38 fines, civil penalties, court-ordered payments, or court costs,
 39 or other statutorily prescribed revenues an amount sufficient to
 40 pay the service fee charges by the financial institution,
 41 vending service company, or credit card company for such
 42 services. Such A unit of local government shall verify both the
 43 validity of any credit card, charge card, bank debit card, or
 44 electronic funds transfer used pursuant to this subsection and
 45 the existence of appropriate credit with respect to the person
 46 using the card or transfer. The unit of local government does
 47 not incur any liability as a result of such verification or any
 48 subsequent action taken.

49 Section 2. This act shall take effect July 1, 2026.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1-27-26

The Florida Senate
APPEARANCE RECORD

Meeting Date
Community Affairs
Committee
Name Art Woodruff
Address 35453 Mellonville Av
Street Sanford City FL State 32773
Zip

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1612

Bill Number or Topic

Amendment Barcode (if applicable)

4076873423

Phone 4076873423
Email art.woodruff@sanfordfl.gov

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Community Affairs Committee

Judge:

Started: 1/27/2026 3:30:09 PM

Ends: 1/27/2026 5:33:01 PM

Length: 02:02:52

3:30:14 PM Chair McClain calls meeting to order
3:30:17 PM Roll Call
3:30:32 PM Pledge of Allegiance
3:30:55 PM Chair McClain opening remarks
3:31:21 PM Tab 6: SB 984 - Firefighter Cancer Benefits and Prevention by Senator DiCeglie
3:31:38 PM Senator DiCeglie explains bill
3:32:35 PM Questions
3:32:44 PM Appearance Cards
3:32:58 PM Senator DiCeglie closes on bill
3:33:07 PM Roll Call on SB 984
3:33:47 PM Tab 11: SB 1612 Electronic Payments to Local Governments by Senator DiCeglie
3:33:56 PM Senator DiCeglie explains bill
3:34:49 PM Appearance Cards
3:34:55 PM Chair reads waiving
3:35:10 PM Senator DiCeglie closes on bill
3:35:17 PM Roll Call on SB 1612
3:35:43 PM Tab 8: SB 1180 - Community Development District Recall Elections by Senator Arrington
3:35:53 PM Senator Arrington explains bill
3:37:12 PM Questions
3:37:26 PM Senator Arrington explains amendment
3:37:29 PM Amendment 353762
3:39:19 PM Questions on Amendment
3:39:27 PM Debate on Amendment
3:39:34 PM Senator Arrington waives close on amendment
3:39:40 PM Amendment reported out
3:39:47 PM Appearance Cards
3:39:49 PM Chair reads waiving
3:39:57 PM Debate on Bill
3:40:04 PM Senator Arrington Closes on Bill
3:40:12 PM Roll Call on SB 1180
3:40:53 PM Chair McClain turns gavel to Vice Chair Massullo
3:41:05 PM Tab 3: SB 936 Temporary Door Locking Devices by Senator McClain
3:41:10 PM Senator McClain explains bill
3:41:22 PM Questions
3:41:36 PM Debate
3:41:45 PM Senator McClain waives close
3:41:57 PM Roll Call on SB 936
3:42:17 PM Vice Chair Massullo turns gavel to Chair McClain
3:42:28 PM Tab 2: SB 380 Legal Notices by Senator Trumbull
3:42:35 PM Senator Trumbull explains bill
3:43:25 PM Questions
3:43:30 PM Amendment 159872
3:43:36 PM Senator Trumbull explains amendment
3:44:33 PM Questions on Amendment
3:44:41 PM Senator Leek
3:44:45 PM Senator Trumbull
3:45:21 PM Debate on Amendment
3:45:22 PM Senator Trumbull waives close on amendment
3:45:28 PM Amendment reported out
3:45:35 PM Questions on Bill
3:45:36 PM Appearance Cards
3:45:58 PM Caroline Noleky

3:50:17 PM Amy Keith, Common Cause
3:51:45 PM Senator Massullo
3:52:10 PM Ms. Keith
3:52:54 PM Senator Pizzo
3:53:40 PM Ms. Keith
3:54:06 PM Senator Pizzo
3:54:25 PM Ms. Keith
3:54:47 PM Senator Pizzo
3:54:59 PM Ms. Keith
3:55:16 PM Chair reads waiving
3:56:23 PM Mr. Snowden
3:57:05 PM Debate
3:57:15 PM Senator Trumbull closes on bill
3:58:08 PM Roll Call on SB 380
3:58:37 PM Tab 5: SB 962 Affordable Housing by Senator Bradley
3:58:44 PM Senator Bradley explains bill
4:00:02 PM Questions
4:00:08 PM Appearance Cards
4:00:22 PM Chair reads waiving
4:00:26 PM Debate
4:00:33 PM Senator Bradley waives close
4:00:35 PM Roll Call on SB 962
4:01:00 PM Tab 10: SB 1444 Preemption to the State by Senator Martin
4:01:08 PM Senator Martin explains bill
4:02:29 PM Questions
4:02:35 PM Senator Pizzo
4:03:12 PM Senator Martin
4:04:53 PM Senator Pizzo
4:05:27 PM Back and Forth between Senators Martin and Pizzo
4:08:32 PM Appearance Cards
4:08:54 PM Aaron DePietro
4:10:59 PM David Cruz, Florida League of Cities
4:13:16 PM Jeff Scala, Florida Association of Counties
4:16:12 PM Chair reads waiving
4:17:16 PM Debate
4:17:20 PM Senator Pizzo
4:18:56 PM Senator Leek
4:19:54 PM Senator Passidomo
4:20:33 PM Chair McClain
4:22:25 PM Senator Martin closes on bill
4:23:57 PM Roll Call on SB 1444
4:24:27 PM Tab 1: SB 218 Land Use Regulations
4:24:40 PM Senator Gaetz explains bill
4:25:44 PM Questions
4:25:48 PM Senator Leek
4:25:55 PM Senator Gaetz
4:26:40 PM Appearance Cards
4:26:44 PM Chair reads waiving
4:26:48 PM Debate
4:26:59 PM Senator Gaetz waives close
4:27:04 PM Roll Call on SB 218
4:27:23 PM Tab 9: SB 1434 Infill Redevelopment by Senator Calatayud
4:27:34 PM Senator Calatayud explains bill
4:28:18 PM Questions
4:28:22 PM Senator Jones
4:28:52 PM Senator Calatayud
4:29:31 PM Senator Jones
4:29:52 PM Back and Forth between Senators Calatayud and Jones
4:35:05 PM Senator Massullo
4:35:32 PM Senator Calatayud
4:36:12 PM Appearance Cards
4:36:36 PM Courtney Mooney, FL Association of Counties

4:37:56 PM Rebecca O'Hara, Florida League of Cities
4:41:01 PM Chair reads waiving
4:41:11 PM Debate
4:41:19 PM Senator Jones
4:41:53 PM Senator Pizzo
4:43:15 PM Senator Passidomo
4:44:11 PM Senator Sharief
4:44:50 PM Senator Calatayud closes on bill
4:45:42 PM Roll Call on SB 1434
4:46:21 PM Tab 7: SB 1020 Regulation of Chickens by Senator Truenow
4:46:33 PM Senator Truenow explains bill
4:47:31 PM Questions
4:47:35 PM Senator Pizzo
4:47:42 PM Senator Truenow
4:48:14 PM Senator Pizzo
4:48:29 PM Senator Truenow
4:48:37 PM Debate
4:48:46 PM Senator Truenow closes on bill
4:48:52 PM Roll Call on SB 1020
4:49:18 PM Chair McClain turns gavel to Vice Chair Massullo
4:49:28 PM Tab 4: SB 948 Firefighter Cancer Benefits and Prevention
4:49:33 PM Senator McClain explains bill
4:49:36 PM Amendment 486426
4:49:50 PM Senator McClain explains Amendment 486426
4:53:42 PM Questions on Amendment
4:53:50 PM Appearance Cards
4:53:57 PM Chair reads waiving
4:54:04 PM Debate on Amendment
4:54:08 PM Senator McClain waives close on amendment
4:54:15 PM Amendment reported out
4:54:26 PM Appearance Cards
4:54:42 PM Courtney Mooney, Florida Association of Counties
4:56:17 PM Paul Owens, Thousand Friends of Florida
4:59:21 PM Senator Pizzo
4:59:28 PM Mr. Owens
4:59:49 PM Senator Pizzo
4:59:59 PM Mr. Owens
5:00:53 PM Brian Eastman
5:03:10 PM Senator Pizzo
5:03:15 PM Mr. Eastman
5:03:26 PM Senator Pizzo
5:03:30 PM Mr. Eastman
5:03:33 PM Senator Pizzo
5:03:39 PM Mr. Eastman
5:03:42 PM Senator Pizzo
5:03:50 PM Mr. Eastman
5:04:20 PM Samuel Staley
5:09:42 PM Adrian Hayes-Santos
5:11:10 PM Rebecca O'Hara, Florida League of Cities
5:15:14 PM Senator Pizzo
5:15:30 PM Ms. O'Hara
5:16:29 PM Senator Pizzo
5:18:10 PM Ms. O'Hara
5:19:41 PM Edward Pinto
5:23:07 PM Rule 2.10: Meeting extended to 5:45pm
5:23:35 PM Len Racippi
5:25:58 PM Chair reads waiving
5:28:22 PM Senator Passidomo
5:29:31 PM Senator McClain closes on bill
5:31:46 PM Roll Call on SB 936
5:32:07 PM Vice Chair Massullo turns gavel to Chair McClain
5:32:18 PM Senator Sharief moves to vote after Roll Call

5:32:35 PM Senator Trumbull moves to vote after Roll Call
5:32:49 PM Senator Sharief moves to adjourn meeting
5:32:52 PM Meeting Adjourned
5:33:01 PM
5:33:01 PM