

1 A bill to be entitled
2 An act relating to local government enforcement
3 actions; creating ss. 125.676, 166.0413, and 189.0645,
4 F.S.; providing legislative findings and intent;
5 defining the terms "county" and "enforcement action";
6 prohibiting certain enforcement actions by counties,
7 municipalities, and special districts; authorizing
8 persons or business entities subject to such actions
9 to submit a request for review; requiring counties,
10 municipalities, and special districts to review such
11 actions and respond within a specified time period;
12 requiring counties, municipalities, and special
13 districts to establish and maintain rules; authorizing
14 filing of legal action and providing legal remedies in
15 certain circumstances; requiring that such action be
16 filed within a specified time period; providing for
17 certain protections from retaliation; authorizing
18 filing of certain complaints in specified
19 circumstances; providing for preemption; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 **Section 1. Section 125.676, Florida Statutes, is created**
25 **to read:**

26 | 125.676 Local Government Regulatory Accountability Act.—

27 | (1) LEGISLATIVE FINDINGS AND INTENT.—

28 | (a) The Legislature finds that the economic vitality of
 29 | this state depends on fair, consistent, and transparent
 30 | enforcement of local government and special district
 31 | regulations.

32 | (b) The Legislature further finds that arbitrary or
 33 | unreasonable enforcement action by a local government or special
 34 | district, or employees thereof, may impede economic growth,
 35 | increase costs for housing and business development, and
 36 | undermine public trust.

37 | (c) It is the intent of the Legislature to establish a
 38 | uniform standard for regulatory enforcement and create an
 39 | investigative process and certain legal remedies for a person or
 40 | business entity subject to an enforcement action under this
 41 | section.

42 | (2) DEFINITIONS.—As used in this section, the term:

43 | (a) "County" means a county's elected governing body or a
 44 | county employee, including a county building official or fire
 45 | marshal.

46 | (b) "Enforcement action" means any decision,
 47 | determination, demand, inspection, citation, order, denial,
 48 | interpretation, or any other regulatory action undertaken by a
 49 | county; however, the term does not include proprietary
 50 | activities by a county; law enforcement actions; workers'

51 compensation actions; employment or personnel actions;
52 procurement; franchises; budget adoption or amendment, including
53 revenue sources necessary to fund the budget; emergency actions,
54 debt issuance or refinancing; actions or decisions that apply
55 equally to all similarly situated persons; or reasonable
56 interpretations of existing rules, ordinances, resolutions,
57 general law, or regulations.

58 (3) ACTION PROHIBITED.—A county, including employees
59 thereof, may not initiate or threaten to initiate any
60 enforcement action that is determined by a court of competent
61 jurisdiction to be arbitrary or unreasonable and not authorized
62 by an ordinance.

63 (4) PROCEDURES IN RESPONSE TO PROHIBITED ACTION.—

64 (a) Any person or business entity subject to an
65 enforcement action may submit a request for review of such
66 action. Within 30 days after receipt of a request for review,
67 the county must review the enforcement action and send to the
68 person or business entity making such request a written
69 response.

70 (b) If a county fails to review and respond to a request
71 within the designated time period under paragraph (a), the
72 person or business entity subject to an enforcement action may
73 file a legal action under subsection (5).

74 (c) Each county shall establish and maintain rules
75 addressing the review of enforcement actions under this

76 subsection.

77 (5) LEGAL ACTION AND REMEDIES.—

78 (a) A person or business entity subject to an enforcement
 79 action by a county may file in a court of competent jurisdiction
 80 a legal action to determine whether such action is arbitrary or
 81 unreasonable and not authorized by an ordinance. Such action
 82 must be filed within 180 days after the enforcement action. For
 83 purposes of this subsection, an enforcement action is arbitrary
 84 or unreasonable if the action:

85 1. Is not supported by applicable law, rule, or adopted
 86 policy;

87 2. Deviates from a prior determination or interpretation
 88 without written justification;

89 3. Unreasonably delays or obstructs lawful development,
 90 permitting, or other business activity; or

91 4. Imposes requirements or conditions not authorized by
 92 general law, ordinance, or regulation.

93 (b) Upon finding that an enforcement action is arbitrary
 94 or unreasonable and not authorized by an ordinance, the court
 95 shall:

96 1. Award reasonable attorney fees and costs to the
 97 prevailing plaintiff.

98 2. Award actual damages not to exceed \$50,000 per
 99 occurrence.

100 3. Issue injunctive relief to immediately restrain or

101 enjoin the county, including employees thereof, from engaging in
 102 any action in violation of this section.

103 (6) WHISTLE-BLOWER PROTECTION.—

104 (a) Any person or employee who discloses in good faith
 105 information under this section relating to an arbitrary or
 106 unreasonable enforcement action is not subject to retaliation
 107 and is afforded protection under the Whistle-blower's Act.

108 (b) A prevailing plaintiff in a legal action under
 109 subsection (5) may file a complaint in accordance with s.
 110 112.31895.

111 (7) PREEMPTION.—This section is the sole authority for
 112 challenges to arbitrary or unreasonable enforcement actions by a
 113 county, including employees thereof. Any local ordinance, rule,
 114 regulation, or other local policy that prohibits or restricts a
 115 county, including employees thereof, from complying with this
 116 section, or any rules adopted under this section, is void to the
 117 extent of the conflict.

118 **Section 2. Section 166.0413, Florida Statutes, is created**
 119 **to read:**

120 166.0413 Local Government Regulatory Accountability Act.—

121 (1) LEGISLATIVE FINDINGS AND INTENT.—

122 (a) The Legislature finds that the economic vitality of
 123 this state depends on fair, consistent, and transparent
 124 enforcement of local government and special district
 125 regulations.

126 (b) The Legislature further finds that arbitrary or
127 unreasonable enforcement action by a local government or special
128 district, or employees thereof, may impede economic growth,
129 increase costs for housing and business development, and
130 undermine public trust.

131 (c) It is the intent of the Legislature to establish a
132 uniform standard for regulatory enforcement and create an
133 investigative process and certain legal remedies for a person or
134 business entity subject to an enforcement action under this
135 section.

136 (2) DEFINITION.—As used in this section, the term
137 "enforcement action" means any decision, determination, demand,
138 inspection, citation, order, denial, interpretation, or any
139 other regulatory action undertaken by a municipality or
140 employees thereof. However, the term does not include
141 proprietary activities by a municipality; law enforcement
142 actions; workers' compensation actions; employment or personnel
143 actions; procurement; franchises; budget adoption or amendment,
144 including revenue sources necessary to fund the budget;
145 emergency actions; debt issuance or refinancing; actions or
146 decisions that apply equally to all similarly situated persons;
147 or reasonable interpretations of existing rules, ordinances,
148 resolutions, general law, or regulations.

149 (3) ACTION PROHIBITED.—A municipality, including employees
150 thereof, may not initiate or threaten to initiate any

151 enforcement action that is determined by a court of competent
152 jurisdiction to be arbitrary or unreasonable and not authorized
153 by an ordinance.

154 (4) PROCEDURES IN RESPONSE TO PROHIBITED ACTION.—

155 (a) Any person or business entity subject to an
156 enforcement action may submit a request for review of such
157 action. Within 30 days after receipt of a request for review,
158 the municipality must review the enforcement action and send to
159 the person or business entity making such request a written
160 response.

161 (b) If a municipality fails to review and respond to a
162 request within the designated time period under paragraph (a),
163 the person or business entity subject to an enforcement action
164 may file a legal action under subsection (5).

165 (c) Each municipality shall establish and maintain rules
166 addressing the review of enforcement actions under this
167 subsection.

168 (5) LEGAL ACTION AND REMEDIES.—

169 (a) A person or business entity subject to an enforcement
170 action by a municipality may file in a court of competent
171 jurisdiction a legal action to determine whether such action is
172 arbitrary or unreasonable and not authorized by an ordinance.
173 Such action must be filed within 180 days after the enforcement
174 action. For purposes of this subsection, an enforcement action
175 is arbitrary or unreasonable if the action:

176 1. Is not supported by applicable law, rule, or adopted
 177 policy;

178 2. Deviates from a prior determination or interpretation
 179 without written justification;

180 3. Unreasonably delays or obstructs lawful development,
 181 permitting, or other business activity; or

182 4. Imposes requirements or conditions not authorized by
 183 general law, ordinance, or regulation.

184 (b) Upon finding that an enforcement action is arbitrary
 185 or unreasonable and not authorized by an ordinance, the court
 186 shall:

187 1. Award reasonable attorney fees and costs to the
 188 prevailing plaintiff.

189 2. Award actual damages not to exceed \$50,000 per
 190 occurrence.

191 3. Issue injunctive relief to immediately restrain or
 192 enjoin the municipality, including employees thereof, from
 193 engaging in any action in violation of this section.

194 (6) WHISTLE-BLOWER PROTECTION.—

195 (a) Any person or employee who discloses in good faith
 196 information under this section relating to an arbitrary or
 197 unreasonable enforcement action is not subject to retaliation
 198 and is afforded protection under the Whistle-blower's Act.

199 (b) A prevailing plaintiff in a legal action under
 200 subsection (5) may file a complaint in accordance with s.

201 112.31895.

202 (7) PREEMPTION.—This section is the sole authority for
 203 challenges to arbitrary or unreasonable enforcement actions by a
 204 municipality, including employees thereof. Any local ordinance,
 205 rule, regulation, or other local policy that prohibits or
 206 restricts a municipality, including employees thereof, from
 207 complying with this section, or any rules adopted under this
 208 section, is void to the extent of the conflict.

209 **Section 3. Section 189.0645, Florida Statutes, is created**
 210 **to read:**

211 189.0645 Special District Regulatory Accountability Act.—

212 (1) LEGISLATIVE FINDINGS AND INTENT.—

213 (a) The Legislature finds that the economic vitality of
 214 this state depends on fair, consistent, and transparent
 215 enforcement of local government and special district
 216 regulations.

217 (b) The Legislature further finds that arbitrary or
 218 unreasonable enforcement action by a local government or special
 219 district, or employees thereof, may impede economic growth,
 220 increase costs for housing and business development, and
 221 undermine public trust.

222 (c) It is the intent of the Legislature to establish a
 223 uniform standard for regulatory enforcement and create an
 224 investigative process and certain legal remedies for a person or
 225 business entity subject to an enforcement action under this

226 section.

227 (2) DEFINITION.—As used in this section, the term
228 "enforcement action" means any decision, determination, demand,
229 inspection, citation, order, denial, interpretation, or any
230 other regulatory action undertaken by a special district or
231 employees thereof. However, the term does not include
232 proprietary activities by a special district; law enforcement
233 actions; workers' compensation actions; employment or personnel
234 actions; procurement; franchises; budget adoption or amendment,
235 including revenue sources necessary to fund the budget;
236 emergency actions; debt issuance or refinancing; actions or
237 decisions that apply equally to all similarly situated persons;
238 or reasonable interpretations of existing rules, ordinances,
239 resolutions, general law, or regulations.

240 (3) ACTION PROHIBITED.—A special district, including
241 employees thereof, may not initiate or threaten to initiate any
242 enforcement action that is determined by a court of competent
243 jurisdiction to be arbitrary or unreasonable and not authorized
244 by an ordinance.

245 (4) PROCEDURES IN RESPONSE TO PROHIBITED ACTION.—

246 (a) Any person or business entity subject to an
247 enforcement action may submit a request for review of such
248 action. Within 30 days after receipt of a request for review,
249 the special district must review the enforcement action and send
250 to the person or business entity making such request a written

251 response.

252 (b) If a special district fails to review and respond to a
253 request within the designated time period under paragraph (a),
254 the person or business entity subject to an enforcement action
255 may file a legal action under subsection (5).

256 (c) Each special district shall establish and maintain
257 rules addressing the review of enforcement actions under this
258 subsection.

259 (5) LEGAL ACTION AND REMEDIES.—

260 (a) A person or business entity subject to an enforcement
261 action by a special district may file in a court of competent
262 jurisdiction a legal action to determine whether such action is
263 arbitrary or unreasonable and not authorized by an ordinance.
264 Such action must be filed within 180 days after the enforcement
265 action. For purposes of this subsection, an enforcement action
266 is arbitrary or unreasonable if the action:

267 1. Is not supported by applicable law, rule, or adopted
268 policy;

269 2. Deviates from a prior determination or interpretation
270 without written justification;

271 3. Unreasonably delays or obstructs lawful development,
272 permitting, or other business activity; or

273 4. Imposes requirements or conditions not authorized by
274 general law, ordinance, or regulation.

275 (b) Upon finding that an enforcement action is arbitrary

276 or unreasonable and not authorized by an ordinance, the court
277 shall:

278 1. Award reasonable attorney fees and costs to the
279 prevailing plaintiff.

280 2. Award actual damages not to exceed \$50,000 per
281 occurrence.

282 3. Issue injunctive relief to immediately restrain or
283 enjoin the special district, including employees thereof, from
284 engaging in any action in violation of this section.

285 (6) WHISTLE-BLOWER PROTECTION.—

286 (a) Any person or employee who discloses in good faith
287 information under this section relating to an arbitrary or
288 unreasonable enforcement action is not subject to retaliation
289 and is afforded protection under the Whistle-blower's Act.

290 (b) A prevailing plaintiff in a legal action under
291 subsection (5) may file a complaint in accordance with s.
292 112.31895.

293 (7) PREEMPTION.—This section is the sole authority for
294 challenges to arbitrary or unreasonable enforcement actions by a
295 special district, including employees thereof. Any local
296 ordinance, rule, regulation, or other local policy that
297 prohibits or restricts a special district, including employees
298 thereof, from complying with this section, or any rules adopted
299 under this section, is void to the extent of the conflict.

300 **Section 4.** This act shall take effect October 1, 2026.