

By Senator DiCeglie

18-00753C-26

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A bill to be entitled
An act relating to land use regulations for local governments affected by natural disasters; amending s. 252.422, F.S.; revising the definition of the term "impacted local government"; prohibiting impacted local governments from enforcing certain moratoriums, requiring the repair or reconstruction of certain improvements to meet certain requirements, or enforcing changes to specified procedures; revising circumstances under which impacted local governments may enforce certain amendments, site plans, development permits, or development orders; providing applicability; authorizing impacted local governments to require a property owner to provide specified documentation; deleting provisions related to filing suit against an impacted local government for injunctive relief; providing construction; deleting obsolete language; amending chapter 2025-190, Laws of Florida; revising the timeframe within which certain counties are prohibited from proposing or adopting certain moratoriums, amendments, or procedures; revising a future expiration date; providing an effective date.

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

Section 1. Section 252.422, Florida Statutes, is amended to read:

252.422 Restrictions on county or municipal regulations

18-00753C-26

2026840__

after a hurricane.—

(1) As used in this section, the term "impacted local government" means a county listed in a federal disaster declaration located entirely or partially within 50 ~~100~~ miles of the track of a storm declared to be a hurricane by the National Hurricane Center while the storm was categorized as a hurricane and which was listed in a federal major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., or a municipality located within such a county.

(2) For 1 year after a hurricane makes landfall in this state, an impacted local government may not ~~propose or adopt~~:

(a) Enforce a moratorium that prevents or delays the repair or on construction, reconstruction, or redevelopment of an existing improvement damaged by such hurricane, unless the moratorium is imposed for the purpose of addressing stormwater or flood water management, potable water supply, or necessary repairs to or replacement of sanitary sewer systems ~~any property.~~

(b) Require the repair or reconstruction of an existing improvement damaged by such hurricane to comply with an A more restrictive or burdensome ~~amendment~~ amendment to its comprehensive plan or land development regulations which was first effective after such hurricane made landfall in this state.

(c) Enforce a change to a more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined in s. 163.3164, which increases the timeframe for the impacted local government to take final action

18-00753C-26

2026840__

on such review, approval, or issuance and which is effective after such hurricane makes landfall in this state.

(3) Notwithstanding subsection (2), a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government ~~before or after June 26, 2025,~~ may be enforced if:

(a) The associated application is initiated by a private party other than the impacted local government and the property that is the subject of the application is owned by the initiating private party;

(b) ~~The proposed comprehensive plan amendment was submitted to reviewing agencies pursuant to s. 163.3184 before landfall; or~~

~~(c) The proposed comprehensive plan amendment or land development regulation is approved by the state land planning agency for an area of critical state concern designated pursuant to chapter 380; pursuant to s. 380.05.~~

(c) The adoption of the comprehensive plan amendment or land development regulation amendment is required to comply with state or federal law; or

(d) The adoption of the comprehensive plan amendment or land development regulation implements a floodplain management standard consistent with 44 C.F.R. part 60, relating to the National Flood Insurance Program.

(4) The prohibitions of paragraphs (2)(b) and (c) apply only to property damaged to such an extent that a permit is required for the repair or reconstruction of the existing improvement. An impacted local government may require a property

18-00753C-26

2026840__

owner to provide documentation demonstrating that the property was damaged by a hurricane, including, but not limited to, documents produced by property appraisers, insurers, or local building inspectors.

~~(a) Any person may file suit against any impacted local government for declaratory and injunctive relief to enforce this section.~~

~~(b) A county or municipality may request a determination by a court of competent jurisdiction as to whether such action violates this section. Upon such a request, the county or municipality may not enforce the action until the court has issued a preliminary or final judgment determining whether the action violates this section.~~

~~(c) Before a plaintiff may file suit, the plaintiff shall notify the impacted local government by setting forth the facts upon which the complaint or petition is based and the reasons the impacted local government's action violates this section. Upon receipt of the notice, the impacted local government shall have 14 days to withdraw or revoke the action at issue or otherwise declare it void. If the impacted local government does not withdraw or revoke the action at issue within the time prescribed, the plaintiff may file suit. The plaintiff shall be entitled to entry of a preliminary injunction to prevent the impacted local government from implementing the challenged action during pendency of the litigation. In any action instituted pursuant to this paragraph, the prevailing plaintiff shall be entitled to reasonable attorney fees and costs.~~

~~(d) In any case brought under this section, all parties are entitled to the summary procedure provided in s. 51.011, and the~~

18-00753C-26

2026840__

117 ~~court shall advance the cause on the calendar.~~

118 (5) This section may not be construed to restrict a local
119 government from adopting or enforcing changes to the Florida
120 Building Code or local technical amendments adopted pursuant to
121 s. 553.73(4) The Office of Program Policy Analysis and
122 Government Accountability (OPPAGA) shall conduct a study on
123 actions taken by local governments after hurricanes which are
124 related to comprehensive plans, land development regulations,
125 and procedures for review, approval, or issuance of site plans,
126 permits, or development orders. The study must focus on the
127 impact that local governmental actions, including moratoriums,
128 ordinances, and procedures, have had or may have on
129 construction, reconstruction, or redevelopment of any property
130 damaged by hurricanes. In its research, OPPAGA shall survey
131 stakeholders that play integral parts in the rebuilding and
132 recovery process. OPPAGA shall make recommendations for
133 legislative options to remove impediments to the construction,
134 reconstruction, or redevelopment of any property damaged by a
135 hurricane and prevent the implementation by local governments of
136 burdensome or restrictive procedures and processes. OPPAGA shall
137 submit the report to the President of the Senate and the Speaker
138 of the House of Representatives by December 1, 2025.

139 Section 2. Section 28 of chapter 2025-190, Laws of Florida,
140 is amended to read:

141 Section 28. (1) Each county listed in the Federal Disaster
142 Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-
143 4828), or Hurricane Milton (DR-4834), and each municipality
144 within one of those counties, may not propose or adopt any
145 moratorium on construction, reconstruction, or redevelopment of

18-00753C-26

2026840__

any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose 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 June 30, 2026 ~~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.

(2) Notwithstanding subsection (1), any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by 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 county or municipality.

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

(3)(a) A resident of or the owner of a business in a county or municipality may bring a civil action for declaratory and injunctive relief against the 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 county or municipality preventing implementation of the moratorium or the comprehensive plan amendment, land development regulation, or procedure. If

18-00753C-26

2026840__

such civil action is successful, the resident or business owner is entitled to reasonable attorney fees and costs.

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

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

2. The governing body of the county or municipality withdraws the proposed moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days; or, in the case of an adopted moratorium, comprehensive plan amendment, land development regulation, or procedure, the governing body of a county or municipality notices an intent to repeal within 14 days after receipt of the notice and repeals the moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days thereafter.

(4) This section expires June 30, 2026 ~~2028~~.

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