

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

Committee/Subcommittee hearing bill: Civil Justice & Claims
Subcommittee

Representative Brackett offered the following:

Amendment

Remove everything after the enacting clause and insert:

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

125.676 Local Government Regulatory Accountability Act.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

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

(b) The Legislature further finds that arbitrary or
unreasonable enforcement action by a local government or special

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17 district, or employees thereof, may impede economic growth,
18 increase costs for housing and business development, and
19 undermine public trust.

20 (c) It is the intent of the Legislature to establish a
21 uniform standard for regulatory enforcement and create an
22 investigative process and certain legal remedies for a person or
23 business entity subject to an enforcement action under this
24 section.

25 (2) ACTION PROHIBITED.—A county, including employees
26 thereof, may not initiate or threaten to initiate any
27 enforcement action that is determined by a court of competent
28 jurisdiction to be arbitrary or unreasonable and not authorized
29 by an ordinance. For purposes of this section:

30 (a) "County" means a county's elected governing body or a
31 county employee, including a county building official or fire
32 marshal.

33 (b) "Enforcement action" means any decision,
34 determination, demand, inspection, citation, order, denial,
35 interpretation, or any other regulatory action undertaken by a
36 county; however, the term does not include proprietary
37 activities by a county, law enforcement actions, workers'
38 compensation actions, employment or personnel actions,
39 procurement, franchises, budget adoption or amendment, including
40 revenue sources necessary to fund the budget, emergency actions,
41 debt issuance or refinancing, actions or decisions that apply

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42 equally to all similarly situated persons, or reasonable
43 interpretations of existing rules, ordinances, resolutions,
44 statutes, or regulations.

45 (3) PROCEDURES IN RESPONSE TO PROHIBITED ACTION.—

46 (a) Any person or business entity subject to an
47 enforcement action may submit a request for review of such
48 action. Within 30 days after receipt of a request for review,
49 the county must review the enforcement action and send to the
50 person or business entity making such request a written
51 response.

52 (b) If a county fails to review and respond to a request
53 within the designated time period under paragraph (a), the
54 person or business entity subject to an enforcement action may
55 file a legal action under subsection (4).

56 (c) Each county shall establish and maintain rules
57 addressing the review of enforcement actions under this
58 subsection.

59 (4) LEGAL ACTION AND REMEDIES.—

60 (a) A person or business entity subject to an enforcement
61 action by a county may file in a court of competent jurisdiction
62 a legal action to determine whether such action is arbitrary or
63 unreasonable and not authorized by an ordinance. Such action
64 must be filed within 180 days after the enforcement action. For
65 purposes of this subsection, an enforcement action is arbitrary
66 or unreasonable if the action:

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67 1. Is not supported by applicable law, rule, or adopted
68 policy;

69 2. Deviates from a prior determination or interpretation
70 without written justification;

71 3. Unreasonably delays or obstructs lawful development,
72 permitting, or other business activity; or

73 4. Imposes requirements or conditions not authorized by
74 general law, ordinance, or regulation.

75 (b) Upon finding that an enforcement action is arbitrary
76 or unreasonable and not authorized by an ordinance, the court
77 shall:

78 1. Award reasonable attorney fees and costs to the
79 prevailing plaintiff.

80 2. Award actual damages not to exceed \$50,000 per
81 occurrence.

82 3. Issue injunctive relief to immediately restrain or
83 enjoin the county, including employees thereof, from engaging in
84 any action in violation of this section.

85 (5) WHISTLE-BLOWER PROTECTION.—

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

90 (b) A prevailing plaintiff in a legal action under
91 subsection (4) may file a complaint in accordance with s.

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92 112.31895.

93 (6) PREEMPTION.—This section is the sole authority for
94 challenges to arbitrary or unreasonable enforcement actions by a
95 county, including employees thereof. Any local ordinance, rule,
96 regulation, or other local policy that prohibits or restricts a
97 county, including employees thereof, from complying with this
98 section, or any rules adopted under this section, is void to the
99 extent of the conflict.

100 **Section 2. Section 166.0413, Florida Statutes, is created**
101 **to read:**

102 166.0413 Local Government Regulatory Accountability Act.—

103 (1) LEGISLATIVE FINDINGS AND INTENT.—

104 (a) The Legislature finds that the economic vitality of
105 this state depends on fair, consistent, and transparent
106 enforcement of local government and special district
107 regulations.

108 (b) The Legislature further finds that arbitrary or
109 unreasonable enforcement action by a local government or special
110 district, or employees thereof, may impede economic growth,
111 increase costs for housing and business development, and
112 undermine public trust.

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

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117 section.

118 (2) ACTION PROHIBITED.—A municipality, including employees
119 thereof, may not initiate or threaten to initiate any
120 enforcement action that is determined by a court of competent
121 jurisdiction to be arbitrary or unreasonable and not authorized
122 by an ordinance. For purposes of this section, an "enforcement
123 action" means any decision, determination, demand, inspection,
124 citation, order, denial, interpretation, or any other regulatory
125 action undertaken by a municipality or employees thereof;
126 however, the term does not include proprietary activities by a
127 municipality, law enforcement actions, workers' compensation
128 actions, employment or personnel actions, procurement,
129 franchises, budget adoption or amendment, including revenue
130 sources necessary to fund the budget, emergency actions, debt
131 issuance or refinancing, actions or decisions that apply equally
132 to all similarly situated persons, or reasonable interpretations
133 of existing rules, ordinances, resolutions, statutes, or
134 regulations.

135 (3) PROCEDURES IN RESPONSE TO PROHIBITED ACTION.—

136 (a) Any person or business entity subject to an
137 enforcement action may submit a request for review of such
138 action. Within 30 days after receipt of a request for review,
139 the municipality must review the enforcement action and send to
140 the person or business entity making such request a written
141 response.

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142 (b) If a municipality fails to review and respond to a
143 request within the designated time period under paragraph (a),
144 the person or business entity subject to an enforcement action
145 may file a legal action under subsection (4).

146 (c) Each municipality shall establish and maintain rules
147 addressing the review of enforcement actions under this
148 subsection.

149 (4) LEGAL ACTION AND REMEDIES.—

150 (a) A person or business entity subject to an enforcement
151 action by a municipality may file in a court of competent
152 jurisdiction a legal action to determine whether such action is
153 arbitrary or unreasonable and not authorized by an ordinance.
154 Such action must be filed within 180 days after the enforcement
155 action. For purposes of this subsection, an enforcement action
156 is arbitrary or unreasonable if the action:

157 1. Is not supported by applicable law, rule, or adopted
158 policy;

159 2. Deviates from a prior determination or interpretation
160 without written justification;

161 3. Unreasonably delays or obstructs lawful development,
162 permitting, or other business activity; or

163 4. Imposes requirements or conditions not authorized by
164 general law, ordinance, or regulation.

165 (b) Upon finding that an enforcement action is arbitrary
166 or unreasonable and not authorized by an ordinance, the court

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shall:

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

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

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

(5) WHISTLE-BLOWER PROTECTION.—

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

(b) A prevailing plaintiff in a legal action under subsection (4) may file a complaint in accordance with s. 112.31895.

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

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

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189.0645 Special District Regulatory Accountability Act.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

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

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

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

(2) ACTION PROHIBITED.—A special district, including employees thereof, may not initiate or threaten to initiate any enforcement action that is determined by a court of competent jurisdiction to be arbitrary or unreasonable and not authorized by an ordinance. For purposes of this section, an "enforcement action" means any decision, determination, demand, inspection, citation, order, denial, interpretation, or any other regulatory action undertaken by a special district or employees thereof; however, the term does not include proprietary activities by a

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special district, law enforcement actions, workers' compensation actions, employment or personnel actions, procurement, franchises, budget adoption or amendment, including revenue sources necessary to fund the budget, emergency actions, debt issuance or refinancing, actions or decisions that apply equally to all similarly situated persons, or reasonable interpretations of existing rules, ordinances, resolutions, statutes, or regulations.

(3) PROCEDURES IN RESPONSE TO PROHIBITED ACTION.—

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

(b) If a special district fails to review and respond to a request within the designated time period under paragraph (a), the person or business entity subject to an enforcement action may file a legal action under subsection (4).

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

(4) LEGAL ACTION AND REMEDIES.—

(a) A person or business entity subject to an enforcement action by a special district may file in a court of competent

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jurisdiction a legal action to determine whether such action is
arbitrary or unreasonable and not authorized by an ordinance.
Such action must be filed within 180 days after the enforcement
action. For purposes of this subsection, an enforcement action
is arbitrary or unreasonable if the action:

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

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

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

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

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

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

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

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

(5) WHISTLE-BLOWER PROTECTION.-

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

270 (b) A prevailing plaintiff in a legal action under
271 subsection (4) may file a complaint in accordance with s.
272 112.31895.

273 (6) PREEMPTION.—This section is the sole authority for
274 challenges to arbitrary or unreasonable enforcement actions by a
275 special district, including employees thereof. Any local
276 ordinance, rule, regulation, or other local policy that
277 prohibits or restricts a special district, including employees
278 thereof, from complying with this section, or any rules adopted
279 under this section, is void to the extent of the conflict.

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