

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

19  
20   Be It Enacted by the Legislature of the State of Florida:

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

24       125.676   Local Government Regulatory Accountability Act.—

25       (1)   LEGISLATIVE FINDINGS AND INTENT.—

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

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

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

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

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

44        (b) "Enforcement action" means any decision,  
45 determination, demand, inspection, citation, order, denial,  
46 interpretation, or any other regulatory action undertaken by a  
47 county; however, the term does not include proprietary  
48 activities by a county; law enforcement actions; workers'  
49 compensation actions; employment or personnel actions;  
50 procurement; franchises; budget adoption or amendment, including

51 revenue sources necessary to fund the budget; emergency actions,  
52 debt issuance or refinancing; actions or decisions that apply  
53 equally to all similarly situated persons; or reasonable  
54 interpretations of existing rules, ordinances, resolutions,  
55 general law, or regulations.

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

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

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

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

72 (c) Each county shall establish and maintain rules  
73 addressing the review of enforcement actions under this  
74 subsection.

75 (5) LEGAL ACTION AND REMEDIES.—

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

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

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

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

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

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

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

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

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

101        (6) WHISTLE-BLOWER PROTECTION.—

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

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

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

116        **Section 2. Section 166.0413, Florida Statutes, is created**  
117 **to read:**

118        166.0413 Local Government Regulatory Accountability Act.—

119        (1) LEGISLATIVE FINDINGS AND INTENT.—

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

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

126 district, or employees thereof, may impede economic growth,  
127 increase costs for housing and business development, and  
128 undermine public trust.

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

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

147 (3) ACTION PROHIBITED.—A municipality, including employees  
148 thereof, may not initiate or threaten to initiate any  
149 enforcement action that is determined by a court of competent  
150 jurisdiction to be arbitrary or unreasonable and not authorized

151 by an ordinance.

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

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

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

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

166 (5) LEGAL ACTION AND REMEDIES.—

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

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

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

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

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

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

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

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

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

192        (6) WHISTLE-BLOWER PROTECTION.—

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

197            (b) A prevailing plaintiff in a legal action under  
198 subsection (5) may file a complaint in accordance with s.  
199 112.31895.

200        (7) PREEMPTION.—This section is the sole authority for



201 challenges to arbitrary or unreasonable enforcement actions by a  
202 municipality, including employees thereof. Any local ordinance,  
203 rule, regulation, or other local policy that prohibits or  
204 restricts a municipality, including employees thereof, from  
205 complying with this section, or any rules adopted under this  
206 section, is void to the extent of the conflict.

207       **Section 3.** This act shall take effect October 1, 2026.