

1 A bill to be entitled
2 An act relating to preemption to the state; creating
3 ss. 125.595, 166.0499, and 189.09, F.S.; providing
4 legislative findings and intent; providing for
5 preemption of all matters relating to the regulation
6 of religious services and gatherings; prohibiting
7 counties, municipalities, and special districts,
8 respectively, from substantially burdening the free
9 exercise of religion by adopting or enforcing certain
10 ordinances, regulations, resolutions, rules, or other
11 policies; requiring that religious services and
12 gatherings, and parking relating to the attendance of
13 such services and gatherings, be allowed on specified
14 property; providing construction; providing that
15 certain ordinances, regulations, resolutions, rules,
16 and policies adopted or enforced by counties,
17 municipalities, and special districts are void and
18 unenforceable; amending s. 553.79, F.S.; prohibiting a
19 local enforcement agency from denying the issuance of
20 a certificate of occupancy to an owner of residential
21 or commercial property based on noncompliance with
22 Florida-friendly landscaping ordinances in certain
23 circumstances; prohibiting a local enforcement agency
24 from denying the issuance of a building permit for the
25 alteration, modification, or repair of a single-family

26 residential structure in certain circumstances;
27 prohibiting a local enforcement agency from requiring
28 a building permit for the construction of playground
29 equipment or a fence on certain property; creating s.
30 559.954, F.S.; defining the terms "local government"
31 and "mutual benefit corporation"; providing the
32 regulation of mutual benefit corporations is preempted
33 to the state; prohibiting local governments from
34 adopting or enforcing certain ordinances, regulations,
35 resolutions, rules, charter provisions, or other
36 policies or from taking any action to license or
37 otherwise regulate mutual benefit corporations in a
38 specified manner; providing certain ordinances,
39 regulations, resolutions, rules, charter provisions,
40 or other policies are void and unenforceable;
41 providing a civil cause of action; waiving sovereign
42 immunity in accordance with specified laws; amending
43 s. 559.955, F.S.; revising the criteria for a business
44 to be considered a home-based business as it relates
45 to local government regulation of parking; providing
46 an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 **Section 1. Section 125.595, Florida Statutes, is created**

51 **to read:**

52 125.595 Ordinances, regulations, resolutions, rules, and
53 policies relating to religious services and gatherings.-

54 (1) The Legislature finds:

55 (a) The free exercise of religion is a fundamental right
56 guaranteed by the United States Constitution and the State
57 Constitution.

58 (b) The Legislature enacted the Religious Freedom
59 Restoration Act of 1998 to protect a person's free exercise of
60 religion from being substantially burdened by the state or
61 government, which includes a county, special district,
62 municipality, or any other subdivision of this state.

63 (c) Religious services and gatherings, whether held in
64 traditional houses of worship, private residences, or commercial
65 establishments, are an essential expression of the free exercise
66 of religion.

67 (d) Counties have, at times, enacted or enforced
68 ordinances, regulations, resolutions, rules, or other policies
69 that substantially burden a person's exercise of religion by
70 restricting religious services and gatherings, parking, or
71 related services or activities.

72 (2) It is therefore the intent of the Legislature to:

73 (a) Preempt any ordinance, regulation, resolution, rule,
74 or other policy that substantially burdens the free exercise of
75 religion.

76 (b) Ensure uniform statewide protection for the free
77 exercise of religion.

78 (3)(a)1. All matters relating to the regulation of
79 religious services and gatherings are preempted to the state,
80 and a county may not substantially burden the free exercise of
81 religion by adopting or enforcing any ordinance, regulation,
82 resolution, rule, or other policy to prohibit or restrict a
83 person's ability to attend religious services or gatherings in
84 areas zoned for residential or commercial use.

85 2. Religious services and gatherings must be allowed on
86 property within any area zoned for residential or commercial
87 use, including, but not limited to, homes, community centers, or
88 businesses, notwithstanding any local zoning or land-use
89 restriction to the contrary.

90 (b)1. A county may not substantially burden the free
91 exercise of religion by adopting or enforcing any ordinance,
92 regulation, resolution, rule, or other policy to prohibit or
93 restrict a person's ability to temporarily park a motor vehicle
94 on a public right-of-way or a private driveway if such parking
95 is related to the attendance of religious services or
96 gatherings.

97 2. Parking relating to the attendance of religious
98 services or gatherings must be allowed and consistent with
99 public safety and access requirements.

100 (4) This section does not:

101 (a) Relieve a person from complying with applicable county
102 building, fire, safety, or health standards.

103 (b) Authorize any use or conduct that could create a
104 public nuisance.

105 (5) Any ordinance, regulation, resolution, rule, or other
106 policy adopted or enforced by a county that conflicts with this
107 section is void and unenforceable.

108 **Section 2. Section 166.0499, Florida Statutes, is created**
109 **to read:**

110 166.0499 Ordinances, regulations, resolutions, rules, and
111 policies relating to religious services and gatherings.—

112 (1) The Legislature finds:

113 (a) The free exercise of religion is a fundamental right
114 guaranteed by the United States Constitution and the State
115 Constitution.

116 (b) The Legislature enacted the Religious Freedom
117 Restoration Act of 1998 to protect a person's free exercise of
118 religion from being substantially burdened by the state or
119 government, which includes a county, special district,
120 municipality, or any other subdivision of this state.

121 (c) Religious services and gatherings, whether held in
122 traditional houses of worship, private residences, or commercial
123 establishments, are an essential expression of the free exercise
124 of religion.

125 (d) Municipalities 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.

(2) It is therefore the intent of the Legislature to:

(a) Preempt any ordinance, regulation, resolution, rule, or other policy that substantially burdens the free exercise of religion.

(b) Ensure uniform statewide protection for the free exercise of religion.

(3)(a)1. All matters relating to the regulation of religious services and gatherings are preempted to the state, and a municipality may not substantially burden the free exercise of religion by adopting or enforcing any ordinance, regulation, resolution, rule, or other policy to prohibit or restrict a person's ability to attend religious services or gatherings in areas zoned for residential or commercial use.

2. Religious services and gatherings must be allowed on property within any area zoned for residential or commercial use, including, but not limited to, homes, community centers, or businesses, notwithstanding any local zoning or land-use restriction to the contrary.

(b)1. A municipality may not substantially burden the free exercise of religion by adopting or enforcing any ordinance, regulation, resolution, rule, or other policy to prohibit or

restrict 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.

2. Parking relating to the attendance of religious services or gatherings must be allowed and consistent with public safety and access requirements.

(4) This section does not:

(a) Relieve a person from complying with applicable municipal building, fire, safety, or health standards.

(b) Authorize any use or conduct that could create a public nuisance.

(5) Any ordinance, regulation, resolution, rule, or other policy adopted or enforced by a municipality that conflicts with this section is void and unenforceable.

Section 3. Section 189.09, Florida Statutes, is created to read:

189.09 Ordinances, regulations, resolutions, rules, and policies relating to religious services and gatherings.—

(1) The Legislature finds:

(a) The free exercise of religion is a fundamental right guaranteed by the United States Constitution and the State Constitution.

(b) The Legislature enacted the Religious Freedom Restoration Act of 1998 to protect a person's free exercise of

176 religion from being substantially burdened by the state or
177 government, which includes a county, special district,
178 municipality, or any other subdivision of this state.

179 (c) Religious services and gatherings, whether held in
180 traditional houses of worship, private residences, or commercial
181 establishments, are an essential expression of the free exercise
182 of religion.

183 (d) Special districts have, at times, enacted or enforced
184 ordinances, regulations, resolutions, rules, or other policies
185 that substantially burden a person's exercise of religion by
186 restricting religious services and gatherings, parking, or
187 related services or activities.

188 (2) It is therefore the intent of the Legislature to:

189 (a) Preempt any ordinance, regulation, resolution, rule,
190 or other policy that substantially burdens the free exercise of
191 religion.

192 (b) Ensure uniform statewide protection for the free
193 exercise of religion.

194 (3)(a)1. All matters relating to the regulation of
195 religious services and gatherings are preempted to the state,
196 and a special district may not substantially burden the free
197 exercise of religion by adopting or enforcing any ordinance,
198 regulation, resolution, rule, or other policy to prohibit or
199 restrict a person's ability to attend religious services or
200 gatherings in areas zoned for residential or commercial use.

201 2. Religious services and gatherings must be allowed on
202 property within any area zoned for residential or commercial
203 use, including, but not limited to, homes, community centers, or
204 businesses, notwithstanding any local zoning or land-use
205 restriction to the contrary.

206 (b)1. A special district may not substantially burden the
207 free exercise of religion by adopting or enforcing any
208 ordinance, regulation, resolution, rule, or other policy to
209 prohibit or restrict a person's ability to temporarily park a
210 motor vehicle on a public right-of-way or a private driveway if
211 such parking is related to the attendance of religious services
212 or gatherings.

213 2. Parking relating to the attendance of religious
214 services or gatherings must be allowed and consistent with
215 public safety and access requirements.

216 (4) This section does not:

217 (a) Relieve a person from complying with applicable local
218 building, fire, safety, or health standards.

219 (b) Authorize any use or conduct that could create a
220 public nuisance.

221 (5) Any ordinance, regulation, resolution, rule, or other
222 policy adopted or enforced by a special district that conflicts
223 with this section is void and unenforceable.

224 **Section 4. Subsections (26), (27), (28), and (29) are**
225 **added to section 553.79, Florida Statutes, to read:**

553.79 Permits; applications; issuance; inspections.—

(26) A local enforcement agency may not deny the issuance of a certificate of occupancy to an owner of a residential or commercial structure based on noncompliance with a Florida-friendly landscaping ordinance adopted to implement s. 373.185 if the owner was issued a building permit for such structure within 1 year after the declaration of a state of emergency for a natural disaster for the county in which the structure is located.

(27) A local enforcement agency may not deny the issuance of a building permit for the alteration, modification, or repair of a single-family residential structure if such alteration, modification, or repair:

(a) Is 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;

(b) Is necessitated by damage to the structure caused by the natural disaster;

(c) Has a total cost that does not exceed more than 50 percent of the value of the structure;

(d) Does not affect more than 50 percent of the structure;
and

(e) Does not alter the footprint of the structure.

(28) A local enforcement agency may not require a building permit for the 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.

(29) A local enforcement agency may not require a building permit to perform any work that is valued at less than \$7,500 on a parcel containing a single-family residential dwelling. This subsection does not apply to a larger or major project in which a division of the project is made in amounts 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 this subsection structural work does not include the repair or replacement of exterior doors or windows.

Section 5. Section 559.954, Florida Statutes, is created to read:

559.954 Mutual benefit corporations; state preemption; local government restrictions.—

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

(a) "Local government" has the same meaning as s. 106.113(1).

(b) "Mutual benefit corporation" has the same meaning as described in s. 617.0505(1). The term includes private clubs

276 such as a golf club, a marina club, a country club, a yacht
277 club, a fraternal club, or any other similar entity that:

278 1. Maintains a defined membership structure.

279 2. Operates facilities or property for the use and benefit
280 of its members.

281 3. Is not open to the general public, except as permitted
282 by the club.

283 (2) The regulation of a mutual benefit corporation is
284 preempted to the state.

285 (3) A local government may not enact or enforce any
286 ordinance, regulation, resolution, rule, charter provision, or
287 policy or take any action to license or otherwise regulate a
288 mutual benefit corporation in a manner that is different from
289 other businesses in a local government's jurisdiction,
290 including, but not limited to:

291 (a) Restricting, prohibiting, or regulating the ability of
292 a mutual benefit corporation to host or allow events, rentals,
293 or activities involving nonmembers;

294 (b) Restricting or regulating the ability of a mutual
295 benefit corporation to determine who may access its property,
296 including, but not limited to, guests, invitees, or event
297 participants;

298 (c) Interfering with the internal governance, bylaws,
299 membership policies, or contractual agreements of a mutual
300 benefit corporation; or

301 (d) Imposing operational restrictions on events hosted by
302 a mutual benefit corporation in a manner that is different from
303 other businesses in a local government's jurisdiction.

304 (4) Any ordinance, regulation, resolution, rule, charter
305 provision, or other policy enacted or enforced by a local
306 government that conflicts with this section is void and
307 unenforceable.

308 (5) Any person aggrieved or adversely affected by the
309 enactment or enforcement of an ordinance, regulation,
310 resolution, rule, charter provision, or other policy by a local
311 government in violation of this section may bring a civil cause
312 of action for:

313 (a) Declaratory or injunctive relief.

314 (b) Recover reasonable attorney fees and costs if the
315 court finds the local government violated this section.

316 (6) In accordance with s. 13, Art. X of the State
317 Constitution, the state, for its agencies or political
318 subdivisions, waives sovereign immunity for causes of action
319 based on the application of any ordinance, regulation,
320 resolution, rule, charter provision, or policy subject to this
321 section, but only to the extent specified in subsection (5).

322 **Section 6. Paragraph (b) of subsection (3) of section**
323 **559.955, Florida Statutes, is amended to read:**

324 559.955 Home-based businesses; local government
325 restrictions.—

326 (3) For purposes of this section, a business is considered
327 a home-based business if it operates, in whole or in part, from
328 a residential property and meets the following criteria:

329 (b) Parking related to the business activities of the
330 home-based business complies with local zoning requirements and
331 the need for parking generated by the business may not be
332 greater in volume than would normally be expected at a similar
333 residence where no business is conducted. Local governments may
334 regulate the use of vehicles or trailers operated or parked at
335 the business or on a street right-of-way, provided that such
336 regulations are not more stringent than those for a residence
337 where no business is conducted. Vehicles and trailers used in
338 connection with the business must be parked in legal parking
339 spaces that are not located within the right-of-way, on or over
340 a sidewalk, or on any unimproved surfaces at the residence.
341 Local governments may regulate the parking or storage of heavy
342 equipment at the business which is visible from the street or
343 neighboring property. However, local governments may not
344 regulate the parking of vehicles or trucks on land zoned as
345 residential if the parcel size is greater than 2 acres, and may
346 not regulate the parking of trailers or heavy equipment on land
347 zoned as residential if the parcel size is greater than 5 acres.
348 For purposes of this paragraph, the term "heavy equipment" means
349 commercial, industrial, or agricultural vehicles, equipment, or
350 machinery.

HB 1227

2026

351 | **Section 7.** This act shall take effect upon becoming a law. |