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

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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

126 ordinances, regulations, resolutions, rules, or other policies  
127 that substantially burden a person's exercise of religion by  
128 restricting religious services and gatherings, parking, or  
129 related services or activities.

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

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

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

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

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

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

151 restrict a person's ability to temporarily park a motor vehicle  
152 on a public right-of-way or a private driveway if such parking  
153 is related to the attendance of religious services or  
154 gatherings.

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

158 (4) This section does not:

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

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

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

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

168 189.09 Ordinances, regulations, resolutions, rules, and  
169 policies relating to religious services and gatherings.—

170 (1) The Legislature finds:

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

174 (b) The Legislature enacted the Religious Freedom  
175 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.

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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:**

226       553.79 Permits; applications; issuance; inspections.—

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

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

239       (a) Is completed within 1 year after the declaration of a  
240 state of emergency for a natural disaster for the county in  
241 which the structure is located;

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

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

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

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

249       (28) A local enforcement agency may not require a building  
250 permit for the construction of playground equipment, fences, or

251 landscape irrigation systems on a parcel containing a single-  
252 family residential dwelling. However, a local government may  
253 require a building permit for any electrical work performed as  
254 part of the construction of playground equipment, fences, or  
255 landscape irrigation systems.

256 (29) A local enforcement agency may not require a building  
257 permit to perform any work that is valued at less than \$7,500 on  
258 a parcel containing a single-family residential dwelling. This  
259 subsection does not apply to a larger or major project in which  
260 a division of the project is made in amounts less than \$7,500. A  
261 local government may require a building permit for any  
262 electrical, plumbing, or structural work performed on a parcel  
263 containing a single-family residential dwelling regardless of  
264 the value of the work. For purposes of this subsection  
265 structural work does not include the repair or replacement of  
266 exterior doors or windows.

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

269 559.954 Mutual benefit corporations; state preemption;  
270 local government restrictions.—

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

272 (a) "Local government" has the same meaning as s.  
273 106.113(1).

274 (b) "Mutual benefit corporation" has the same meaning as  
275 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

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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.

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