

HB 1465

2026

A bill to be entitled
An act relating to restrictions on local government regulations after a hurricane; amending s. 252.422, F.S.; defining the terms "burdensome" and "restrictive"; revising the circumstances under which certain land use regulations may be enforced; removing obsolete language; amending s. 28 of chapter 2025-190, Laws of Florida; revising the circumstances under which certain land use regulations may be enforced; revising the persons authorized to bring specific civil actions; requiring certain pending applications be processed in a specified manner; providing definitions; providing an effective date.

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

Section 1. Subsections (1), (3), and (5) of Section 252.422, Florida Statutes, are amended to read:

252.422 Restrictions on county or municipal regulations after a hurricane.—

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

(a) "Burdensome" means an action proposed, adopted, or enforced, including the interpretation of existing regulations or inaction on pending applications, by a county or municipality that decreases the allowable density, intensity, or floor area

ratio on land, that decreases the amount of property available to be developed, that has the effect of increasing an impact fee exceeding 25 percent over a two-year period, or that restricts or limits the use or future use of real property such that negatively impacts the economic value of the property.

(b) "Impacted local government" means a county listed in a federal disaster declaration located entirely or partially within 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 or a municipality located within such a county.

(c) "Restrictive" means an action proposed, adopted, or enforced, including the interpretation of existing regulations, by a county or municipality concerning the 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, or concerning policies or procedures relating to its comprehensive plan or land development regulations, that increases the time for such review, approval, or issuance, or that creates additional reviews or applications, and includes the inaction by a county or municipality that creates a delay in such review, approval, or issuance.

(3) Notwithstanding subsection (2), a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by

HB 1465

2026

51 an impacted local government ~~before or after June 26, 2025,~~ may
52 be enforced if:

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

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

60 (c) The proposed comprehensive plan amendment or land
61 development regulation is approved by the state land planning
62 agency pursuant to s. 380.05;

63 (d) The application is submitted by a county or
64 municipality for the purposes of being in compliance with s.
65 163.3191. Such amendment shall be limited in scope and
66 application, and shall only be enforced if the amendment is
67 necessary to be in compliance with changes in federal or state
68 law; or

69 (e) The application submitted by a county or municipality
70 substantially increases the allowable density and intensity of
71 property throughout the jurisdiction, implements a form based
72 code, and does not substantially restrict the development of
73 property outside an urban service area.

74 (5) ~~The Office of Program Policy Analysis and Government~~
75 ~~Accountability (OPPAGA) shall conduct a study on actions taken~~

76 by local governments after hurricanes which are related to
77 comprehensive plans, land development regulations, and
78 procedures for review, approval, or issuance of site plans,
79 permits, or development orders. The study must focus on the
80 impact that local governmental actions, including moratoriums,
81 ordinances, and procedures, have had or may have on
82 construction, reconstruction, or redevelopment of any property
83 damaged by hurricanes. In its research, OPPACA shall survey
84 stakeholders that play integral parts in the rebuilding and
85 recovery process. OPPACA shall make recommendations for
86 legislative options to remove impediments to the construction,
87 reconstruction, or redevelopment of any property damaged by a
88 hurricane and prevent the implementation by local governments of
89 burdensome or restrictive procedures and processes. OPPACA shall
90 submit the report to the President of the Senate and the Speaker
91 of the House of Representatives by December 1, 2025.

92 **Section 2. Section 28 of chapter 2025-190, Laws of
93 Florida, is amended to read:**

94 Section 28. (1) Each county listed in the Federal Disaster
95 Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-
96 4828), or Hurricane Milton (DR-4834), and each municipality
97 within one of those counties, may not propose or adopt any
98 moratorium on construction, reconstruction, or redevelopment of
99 any property damaged by such hurricanes; propose or adopt more
100 restrictive or burdensome amendments to its comprehensive plan

101 or land development regulations; or propose or adopt more
102 restrictive or burdensome procedures concerning review,
103 approval, or issuance of a site plan, development permit, or
104 development order, to the extent that those terms are defined by
105 s. 163.3164, Florida Statutes, before October 1, 2027, and any
106 such moratorium or restrictive or burdensome comprehensive plan
107 amendment, land development regulation, or procedure shall be
108 null and void ab initio. This subsection applies retroactively
109 to August 1, 2024.

110 (2) Notwithstanding subsection (1), any comprehensive plan
111 amendment, land development regulation amendment, site plan,
112 development permit, or development order approved or adopted by
113 a county or municipality before or after the effective date of
114 this act may be enforced if:

115 (a) The associated application is initiated by the owner
116 of the property that is the subject of the application and such
117 owner is not a private party other than the county or
118 municipality;-

119 (b) The property that is the subject of the application is
120 submitted by a county or municipality for the purposes of being
121 in compliance with s. 163.3191, Florida Statutes; or owned by
122 the initiating private party

123 (c) The application submitted by a county or municipality
124 substantially increases the allowable density and intensity of
125 property throughout the jurisdiction, implements a form based

HB 1465

2026

126 code, and does not substantially restrict the development of
127 property outside an urban service area.

128 (3) (a) A resident of or the owner of a business or
129 property in a county or municipality may bring a civil action
130 for declaratory and injunctive relief against the county or
131 municipality for a violation of this section. Pending
132 adjudication of the action and upon filing of a complaint
133 showing a violation of this section, the resident or business
134 owner is entitled to a preliminary injunction against the county
135 or municipality preventing implementation of the moratorium or
136 the comprehensive plan amendment, land development regulation,
137 or procedure. If such civil action is successful, the resident
138 or business owner is entitled to reasonable attorney fees and
139 costs.

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

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

147 2. The governing body of the county or municipality
148 withdraws the proposed moratorium, comprehensive plan amendment,
149 land development regulation, or procedure within 14 days; or, in
150 the case of an adopted moratorium, comprehensive plan amendment,

151 land development regulation, or procedure, the governing body of
152 a county or municipality notices an intent to repeal within 14
153 days after receipt of the notice and repeals the moratorium,
154 comprehensive plan amendment, land development regulation, or
155 procedure within 14 days thereafter.

156 (4) An application for review, approval, or issuance of a
157 site plan, development permit, development order, including the
158 interpretation of existing regulations, or adoption of an
159 amendment to a comprehensive plan, pending as of March 31, 2026,
160 shall be processed for consideration by local government and
161 effective upon approval or adoption irrespective of the local
162 governments adoption of a more restrictive or burdensome
163 amendment to its comprehensive plan or land development
164 regulations during the period that the application is pending.

165 (5) For the purposes of this section the term:

166 (a) "Burdensome" has the same meaning as in s. 252.422,
167 Florida Statutes.

168 (b) "Property owner" means the person who holds legal
169 title to the real property that is the subject of and directly
170 impacted by the action of a governmental entity. The term does
171 not include a governmental entity.

172 (c) "Restrictive" has the same meaning as in s. 252.422,
173 Florida Statutes.

174 (6)-(4) This section expires June 30, 2028.

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