

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

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 **Section 1. Subsections (1), (3), and (5) of Section**
18 **252.422, Florida Statutes, are amended to read:**

19 252.422 Restrictions on county or municipal regulations
20 after a hurricane.—

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

22 (a) "Burdensome" means an action proposed, adopted, or
23 enforced, including the interpretation of existing regulations
24 or inaction on pending applications, by a county or municipality
25 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

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~~

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

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

Section 28. (1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more 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

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

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

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

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

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

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

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

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

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

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

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

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

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