

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 218

INTRODUCER: Senators Gaetz and Trumbull

SUBJECT: Land Use Regulations

DATE: January 26, 2026

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|---------|----------------|-----------|------------------|
| 1. | Shuler  | Fleming        | CA        | <b>Favorable</b> |
| 2. |         |                | JU        |                  |
| 3. |         |                | RC        |                  |

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## **I. Summary:**

SB 218 amends the undesignated section of law created by Section 28 of chapter 2025-190, Laws of Florida, (CS/CS/SB 180 (2025)) to reduce the areas of the state to which the land use regulation restrictions of that section apply.

Since each of Florida's 67 counties were listed in at least one of the disaster declarations for Hurricane Debby, Hurricane Helene, or Hurricane Milton, all counties and municipalities in this state have been subject to the 3-year prohibition on proposing or adopting certain moratoriums or more restrictive or burdensome comprehensive plan amendments, land development regulations, or procedures.

The bill defines the term "impacted local government" to refer to areas that were designated as eligible for individual and public assistance in the federal disaster declarations for Hurricane Debby, Hurricane Helene, or Hurricane Milton, and applies the restrictions to these impacted local governments. As a result, 13 counties and the municipalities within them would not be subject to the restrictions.

The changes apply retroactively to August 1, 2024. The bill takes effect on July 1, 2026.

## **II. Present Situation:**

### **Presidential Disaster and Emergency Declarations**

When there is a disaster in the United States, the Governor of an affected state must initiate the declaration process with a request for an emergency and major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.<sup>1</sup> All emergency and disaster

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<sup>1</sup> 42 U.S.C. §§ 5121-5207.

declarations are made at the discretion of the President of the United States.<sup>2</sup> There are two types of disaster declarations: emergency declarations and major disaster declarations.<sup>3</sup> Both declarations allow for federal assistance to states and local governments, however they differ in scope, types, and amount of assistance available.<sup>4</sup>

The President can declare an emergency for any occasion where federal assistance is deemed necessary, and emergency declarations provide emergency services from the federal government in such cases. The total amount of assistance from an emergency declaration cannot exceed \$5 million unless reported to Congress.<sup>5</sup>

Following a request from the Governor, the President can declare a major disaster for any natural event, including hurricanes if the President deems that the disaster is of such a severity that it is beyond the combined capabilities of state and local governments to respond.<sup>6</sup> A major disaster declaration makes a wide range of federal assistance resources available for individuals and states for emergency and permanent work.<sup>7</sup>

### ***Federal Disaster Public and Individual Assistance Programs***

Pursuant to a disaster declaration, the Federal Emergency Management Agency (FEMA) may implement its Public Assistance (PA) and Individual Assistance (IA) programs. PA includes assistance for urgent response activities undertaken immediately before or after an incident occurs, as well as long-term recovery assistance completed years later.<sup>8</sup> A state, tribe, or territory with an applicable disaster declaration serves as the PA primary grant Recipient, while state, local, tribal, and territorial governments, and nonprofit entities, may then apply for funding as "Applicants."<sup>9</sup> PA includes short-term "Emergency Work" such as debris removal or distribution of food and aid.<sup>10</sup> If a major disaster declaration was made, long-term "Permanent Work" is available and includes reimbursement to repair, restore, reconstruct, or replace disaster-damaged public and eligible private nonprofit facilities.<sup>11</sup> When evaluating the request for PA when an emergency declaration has been made, FEMA considers if the severity and magnitude of the incident exceeds the capacity of state and local governments to respond, and thus requires federal supplemental assistance to save lives and protect property, public health and safety, or to lessen or avert the threat of a disaster.<sup>12</sup> When a major disaster declaration has been made, FEMA considers different factors including: the estimated cost of the assistance, concentration of localized impacts, amount of insurance coverage in force, local hazard mitigation investment, if multiple disasters occurred recently, and whether other programs of federal assistance may be appropriate.<sup>13</sup>

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<sup>2</sup> FEMA, *How a Disaster Gets Declared*, <https://www.fema.gov/disaster/how-declared> (last visited Jan. 26, 2026).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Congressional Research Service, *A Brief Overview of FEMA's Public Assistance Program*, June 11, 2025, available at <https://www.congress.gov/crs-product/IF11529> (last visited Jan 26, 2026).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

FEMA may implement the IA program to assist disaster survivors when the President authorizes such assistance pursuant to a declaration of emergency or major disaster declaration.<sup>14</sup> IA may include crisis counseling assistance and training, disaster case management, disaster legal services, disaster unemployment assistance, individual and household needs and under-insured expenses.<sup>15</sup> A governor of an affected state or territory or the chief executive of an affected tribal government must request that the President declare an emergency or major disaster authorizing IA.<sup>16</sup> FEMA evaluates specific factors based on information in the request to determine whether there is a need for IA.<sup>17</sup> FEMA then makes a recommendation to the President, who has sole discretion to authorize a declaration that provides IA, and may additionally limit the types of IA that are authorized.<sup>18</sup> When evaluating governor's requests, FEMA looks to the fiscal capacity for the state to manage disaster response and recovery, availability of resources, uninsured property losses, the demographics of the affected population, impact to community infrastructure, casualties, and disaster-related unemployment.<sup>19</sup> For tribal chief executive requests, FEMA evaluates the tribal nation capacity and resources to respond, uninsured property losses and existing conditions, the demographics of the affected population, impact to community infrastructure and cultural facilities, casualties, injuries, and missing individuals, disaster-related unemployment, displaced households and housing resources, unique conditions affecting tribal nations, 36-month disaster history or recent multiple disasters, and other relevant information.<sup>20</sup> In addition, when a Tribal Nation requests PA and there is damage to tribally owned and individually owned housing, FEMA's guidance says it will recommend approving IA when the Tribal Nation wants to receive IA; PA is approved; and the disaster damages or destroys assistance-eligible housing.<sup>21</sup>

## 2024 Hurricane Season

### *Hurricane Debby*

Forming into a tropical depression on August 3, 2024, Debby intensified into a Category 1 hurricane less than 12 hours before landfall.<sup>22</sup> Hurricane Debby made landfall near Steinhatchee in Taylor County around 7 am on August 5, 2024.<sup>23</sup> Debby brought storm surge of 3 to 5 feet across portions of the Nature Coast and the southeast Big Bend, causing damage to areas where many were still recovering from Hurricane Idalia from the year before.<sup>24</sup> Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.<sup>25</sup> Rainfall amounts of 8 to 12 inches resulted in widespread flooding in southeast Madison and eastern Lafayette counties, while in Suwannee and Gilchrist counties,

<sup>14</sup> Congressional Research Service, *A Brief Overview of FEMA's Individual Assistance Program*, Mar. 3, 2025, available at <https://www.congress.gov/crs-product/IF11298> (last visited Jan 26, 2026).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

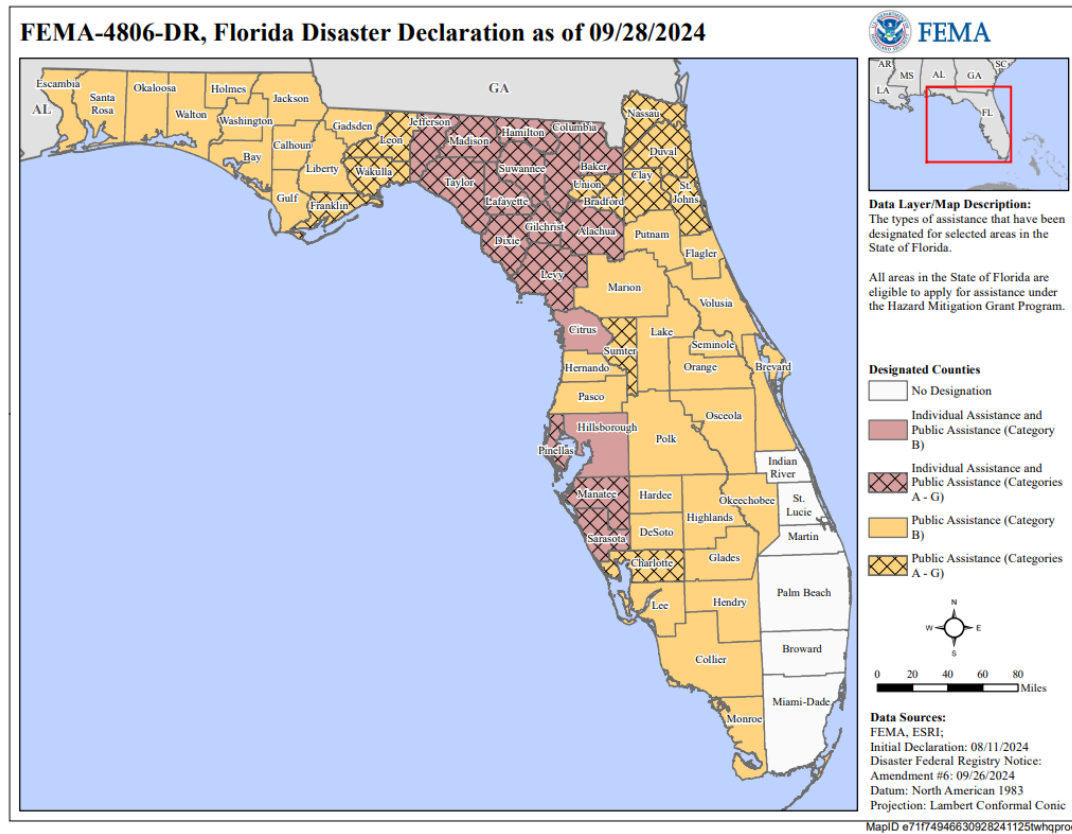
<sup>22</sup> National Weather Service, *Hurricane Debby Strikes the Florida Big Bend August 5, 2024*, <https://www.weather.gov/tae/HurricaneDebby2024> (last visited Jan. 26, 2026).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

rainfall amounts approaching 15 inches were observed.<sup>26</sup> Flooding lasted for several weeks in Madison county after landfall due to the influx of rainfall putting pressure on the groundwater system, which subsequently triggered new flooding as water came up from the ground.<sup>27</sup> Flooding along the Suwannee River continued 3 weeks after landfall.<sup>28</sup>



*Disaster Declaration Map for Hurricane Debby*

### ***Hurricane Helene***

Due to high oceanic heat and the abatement of wind shear, conditions were favorable for Helene to rapidly intensify from a category 1 hurricane into a category 4 hurricane from September 25 to September 26, 2024.<sup>29</sup> Helene hit a maximum of 140 mph for sustained winds just before making landfall near Perry, Florida, just east of the mouth of the Aucilla River around 11:10 pm on September 26, 2024.<sup>30</sup> While the storm moved quickly across the state, this did not lessen the impacts.<sup>31</sup> The wind field of Helene was among the top 10 percent of all recorded storms resulting in widespread wind impacts and hurricane-force gusts extending further inland than most systems.<sup>32</sup> Much of the area affected by the storm experienced 4-8 inches of rainfall, but the heaviest amounts were observed near the Apalachicola State Forest where radar estimates

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

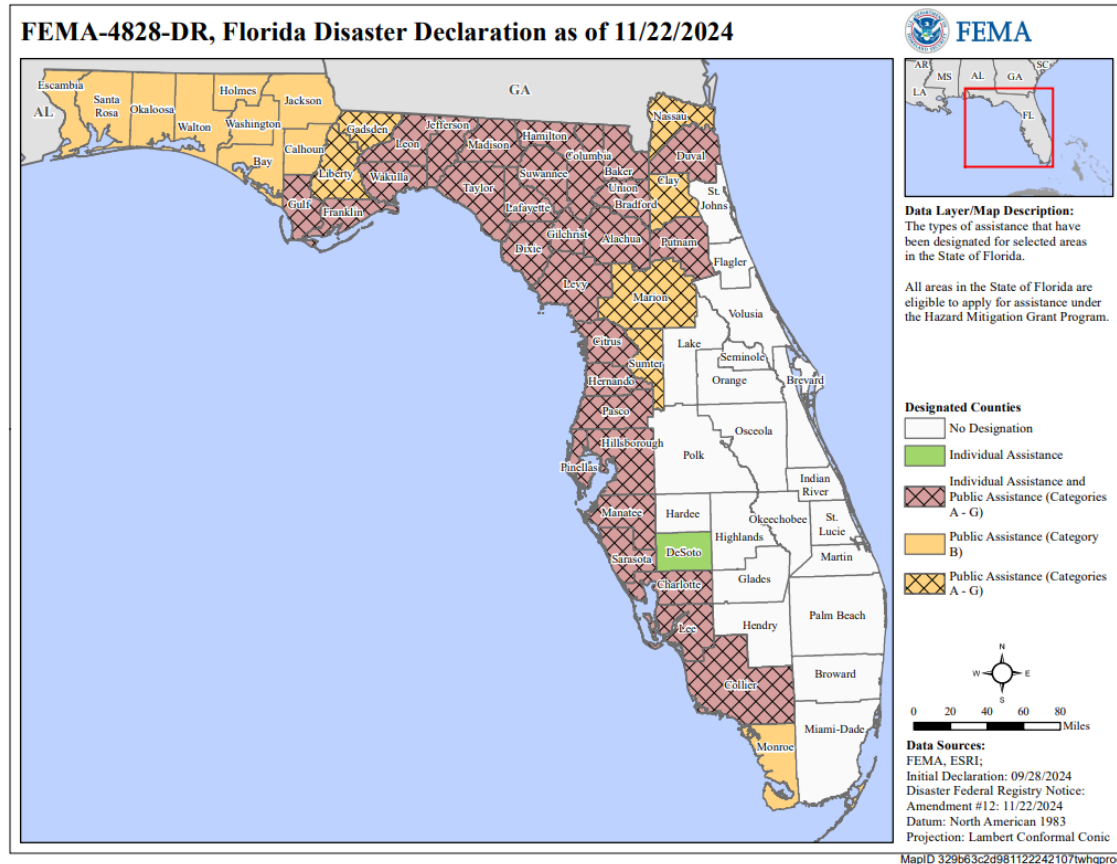
<sup>29</sup> National Weather Service, *Hurricane Helene Makes Landfall in the Florida Big Bend September 26-27, 2024*, <https://www.weather.gov/tae/helene2024> (last visited Jan. 26, 2026).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

indicated 10 to 18 inches of rain.<sup>33</sup> A large upper-level trough to the west of Helene helped funnel abundant tropical moisture northward well before landfall, creating conditions that led to significant impacts from heavy rainfall and flooding.<sup>34</sup> Many counties across the Panhandle reported flooding and washed-out roads.<sup>35</sup> The combination of Helene's large size and extremely fast forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.<sup>36</sup> In Cedar Key, the storm surge level of 9.3 feet exceeded the level of 6.89 feet observed during Hurricane Idalia the previous year.<sup>37</sup> Preliminary data for Taylor and Dixie counties estimated more than 15 feet of surge, while areas near Tampa saw levels over 6 feet.<sup>38</sup>



Disaster Declaration Map for Hurricane Helene

### Hurricane Milton

Just shy of 2 weeks after Hurricane Helene's landfall in Florida, Hurricane Milton made landfall around 8:30 pm on October 9, 2024, in Siesta Key, Florida in Sarasota County.<sup>39</sup> At landfall,

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

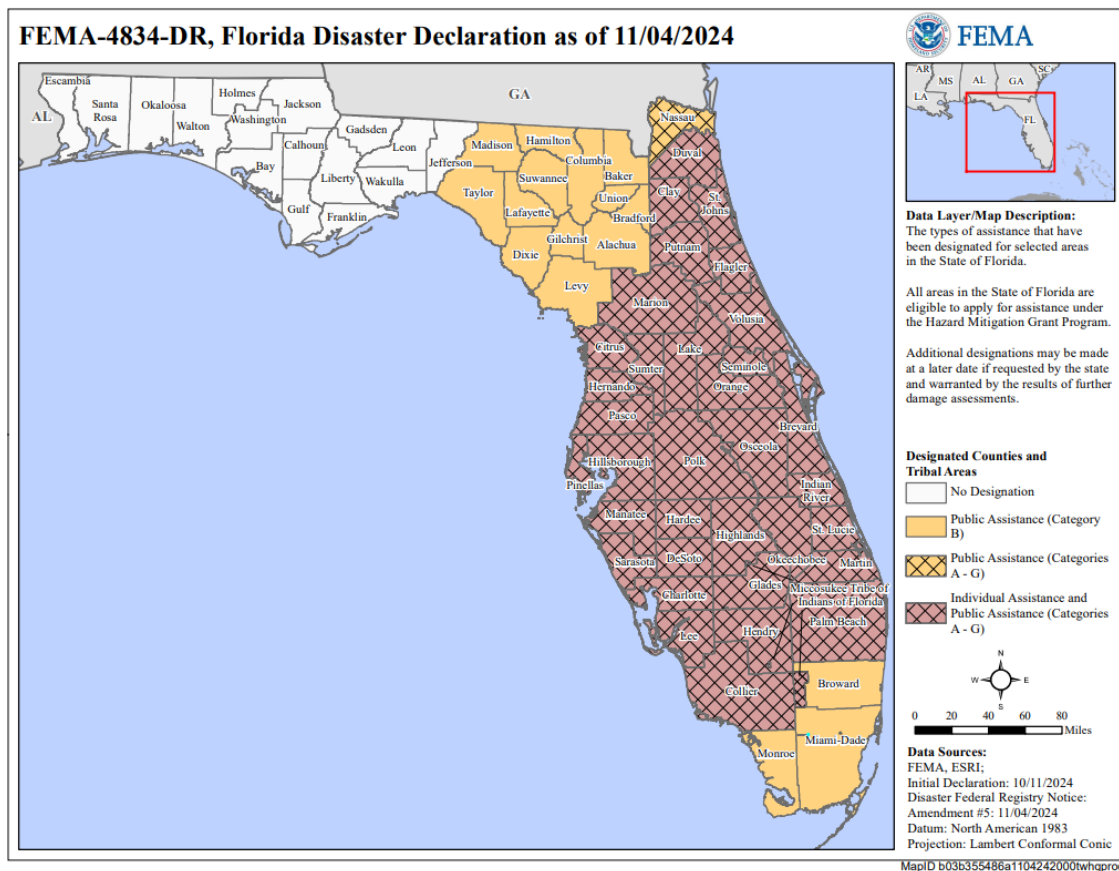
<sup>36</sup> *Id.*

<sup>37</sup> Emily Powell, Florida Climate Center, *Hurricane Helene Post-Storm Summary Report*, (Oct. 7, 2024), <https://climatecenter.fsu.edu/images/docs/Hurricane-Helene-Summary-Report.pdf> (last visited Jan. 26, 2026).

<sup>38</sup> *Id.*

<sup>39</sup> National Weather Service, *Hurricane Milton Impacts to East Central Florida*, [https://www.weather.gov/mlb/HurricaneMilton\\_Impacts](https://www.weather.gov/mlb/HurricaneMilton_Impacts) (last visited Jan. 26, 2026).

Milton was a category 3 hurricane with maximum sustained winds of 120 mph.<sup>40</sup> Hurricane Milton spawned a record tornado outbreak, resulting in a total of 47 confirmed tornadoes on October 9, 2024, covering 400 miles and causing 7 deaths and 14 injuries.<sup>41</sup> Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20 inches, measured in the Clearwater Beach and St. Petersburg areas.<sup>42</sup> In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.<sup>43</sup> The hydrograph at Astor for the St. Johns River showed a new record high level on October 10, 2024, of 4.81 feet, while the Hillsborough River crested at a new record of 38.16 feet at Morris Bridge on October 12, 2024.<sup>44</sup> Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.<sup>45</sup> NOAA gages in Ft. Myers and Naples Bay North measured storm surge above 5 feet.<sup>46</sup> Enormous amounts of sand were displaced along Florida's west-central coast following Hurricanes Helene and Milton, which eroded beaches and undid previous beach renourishment projects.<sup>47</sup>



*Disaster Declaration Map for Hurricane Milton*

<sup>40</sup> Emily Powell, Florida Climate Center, *Post-Storm Summary Report on Hurricane Milton*, (Oct. 31, 2024), <https://climatecenter.fsu.edu/images/docs/Hurricane-Milton-Report.pdf> (last visited Jan. 26, 2026).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

## **Community Planning**

The Community Planning Act provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.<sup>48</sup> Each county and municipality must maintain a comprehensive plan to guide future development.<sup>49</sup>

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.<sup>50</sup> A comprehensive plan provides the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area.<sup>51</sup>

A local government's comprehensive plan lays out the locations for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.<sup>52</sup>

A comprehensive plan is implemented through the adoption of land development regulations<sup>53</sup> that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.<sup>54</sup> Such regulations must, among other prescriptions, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.<sup>55</sup> Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.<sup>56</sup>

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.<sup>57</sup>

## ***Development Permits and Orders***

The Community Planning Act defines “development” as “the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.”<sup>58</sup> When a party wishes to

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<sup>48</sup> Section 163.3167(1), F.S.

<sup>49</sup> Section 163.3167(2), F.S.

<sup>50</sup> Section 163.3194(3), F.S.

<sup>51</sup> Section 163.3177(1), F.S.

<sup>52</sup> Section 163.3177(6), F.S.

<sup>53</sup> “Land development regulations” means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213 (relating to administrative review of land development regulations). S. 163.3164(26), F.S.

<sup>54</sup> Section 163.3202, F.S.

<sup>55</sup> *Id.*

<sup>56</sup> Section 163.3213, F.S.

<sup>57</sup> Sections 163.3174(4)(a) and 163.3184, F.S.

<sup>58</sup> Section 163.3164(14), F.S.



engage in development activity, they must seek a development permit from the appropriate local government having jurisdiction. A development permit is defined to include “any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.”<sup>59</sup> Once a local government has officially granted or denied a development permit, the official action constitutes a development order.<sup>60</sup> A development order vests certain rights related to the land.<sup>61</sup>

### ***Land Use Regulations for Local Governments Affected by Natural Disasters***

During the 2025 Regular Session, the Legislature passed CS/CS/SB 180. The bill was signed by the Governor and became chapter 2025-190, Laws of Florida. The act included two sections that impacted local government land use regulation authority after storms: Section 18 creating s. 252.422, F.S., and Section 28 creating an undesignated section of law.

Section 252.422, F.S., provided new restrictions on county or municipal land use regulations after a hurricane. For one year after a hurricane makes landfall, the section prohibits a county listed in a federal disaster declaration, or a municipality located within such a county, and located entirely or partially within 100 miles of a hurricane’s track from proposing or adopting:

- A moratorium on construction, reconstruction, or redevelopment of any property.
- A more restrictive or burdensome amendment to its comprehensive plan or land development regulations.
- A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order.

The section allowed for enforcement pursuant to the following exceptions:

- The associated application is initiated by a private party other than the impacted local government and the property is owned by the initiating private party.
- The proposed comprehensive plan amendment was submitted to reviewing agencies before landfall.
- The proposed comprehensive plan amendment or land development regulation is approved pursuant to requirements for areas of critical state concern.

The section also includes a procedure for any person to file suit for declaratory and injunctive relief to enforce the section.

The Office of Program Policy Analysis and Government Accountability was directed in the section to study local governments action after hurricanes related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders and submit the study to the Legislature by December 1, 2025.

Section 28 created a temporary 3-year prohibition against any county or municipality within the counties listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton from proposing or adopting:

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<sup>59</sup> Section 163.3164(16), F.S.

<sup>60</sup> See s. 163.3164(15), F.S.

<sup>61</sup> See s. 163.3167(3), F.S.



- A moratorium on construction, reconstruction, or redevelopment of property damaged by the hurricanes.
- More restrictive or burdensome amendments to its comprehensive plan or land development regulations.
- More restrictive or burdensome procedures to its comprehensive plan or land development regulations concerning the review, approval or issuance of a site plan, development permit, or development order.

Any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure is declared null and void ab initio. The restrictions of this section apply retroactively to August 1, 2024, and until October 1, 2027, with the section scheduled to expire on June 30, 2028.

Notwithstanding the prohibitions, exceptions for enforcement of approved or adopted comprehensive plan amendments, land development regulations, development permits, or development orders are allowed if the application is initiated by a private party other than the county or municipality and the initiating private party owned the property that was the subject of the application.

The section also creates a cause of action for residents or business owners in a county or municipality to seek declaratory and injunctive relief against the county or municipality for violations.

### **III. Effect of Proposed Changes:**

SB 218 amends the undesignated section of law created by Section 28 of chapter 2025-190, Laws of Florida, to reduce the areas of the state to which the land use regulation restrictions of that section apply.

Currently, each county and municipality within the counties listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton are subject to the retroactive, 3-year prohibition on proposing or adopting moratoriums or more restrictive or burdensome comprehensive plan amendments, land development regulations, or procedures. Since each of Florida's 67 counties were listed in at least one of the disaster declarations for Hurricane Debby, Hurricane Helene, or Hurricane Milton, all counties and municipalities in this state have been subject to the restrictions.

The bill defines the term "impacted local government" to mean a county or municipality within a county that was designated or within which a tribal area was designated as eligible for both individual and public assistance in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton, and applies the restrictions to these impacted local governments. Thus, under the bill, the following counties and the municipalities within them will be subject to the restrictions:

Alachua County  
Baker County  
Bradford County

Brevard County  
Broward County  
Charlotte County

Citrus County  
Clay County  
Collier County

Columbia County  
DeSoto County  
Dixie County  
Duval County  
Flagler County  
Franklin County  
Gilchrist County  
Glades County  
Gulf County  
Hamilton County  
Hardee County  
Hendry County  
Hernando County  
Highlands County  
Hillsborough County

Indian River County  
Jefferson County  
Lafayette County  
Lake County  
Lee County  
Leon County  
Levy County  
Madison County  
Manatee County  
Marion County  
Martin County  
Miami-Dade County  
Okeechobee County  
Orange County  
Osceola County

Palm Beach County  
Pasco County  
Pinellas County  
Polk County  
Putnam County  
Sarasota County  
Seminole County  
St. Johns County  
St. Lucie County  
Sumter County  
Suwannee County  
Taylor County  
Union County  
Volusia County  
Wakulla County

The following counties and the municipalities within them will not be subject to the restrictions:

Bay County  
Calhoun County  
Escambia County  
Gadsden County  
Gulf County

Holmes County  
Jackson County  
Liberty County  
Monroe County  
Okaloosa County

Santa Rosa County  
Walton County  
Washington County

The bill provides that the changes to Section 28 of chapter 2025-190 apply retroactively to August 1, 2024, which aligns with the retroactive date as originally passed in CS/CS/SB 180 (2025).

The bill takes effect on July 1, 2026.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues, therefore the provisions of Article VII, s. 18 of the Florida Constitution do not apply.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends chapter 2025-190 of the Laws of Florida.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.