

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.)

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: SB 218

INTRODUCER: Senator Gaetz and Senator Trumbull

SUBJECT: Land Use Regulations

DATE: February 9, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Shuler</u>	<u>Fleming</u>	<u>CA</u>	Favorable
2. <u>Collazo</u>	<u>Cibula</u>	<u>JU</u>	Favorable
3. _____	_____	<u>RC</u>	_____

I. Summary:

SB 218 amends certain provisions in Section 28 of CS/CS/SB 180 (2025),¹ which is an undesignated section of law restricting local government power to regulate land use following hurricanes, to reduce the areas of the state to which the land use regulation restrictions of that section apply.

Section 28 of CS/CS/SB 180 generally prohibited counties and municipalities within the federal disaster declarations for Hurricane Debby, Hurricane Helene, and Hurricane Milton from proposing or adopting moratoriums or more restrictive or burdensome amendments or procedures in their land use regulations for 3 years. Because each of Florida's 67 counties were listed in at least one of these disaster declarations, all counties and municipalities in the state have been subjected to the restrictions.

The bill narrows the geographic area subject to CS/CS/SB 180's restrictions by defining what "impacted local governments" are and applying the restrictions only to them. Under the bill, "impacted local governments" are counties and municipalities listed in the federal disaster declarations and designated in them as eligible for individual and public assistance. As a result, 13 counties, and the municipalities within them, will no longer be subject to the restrictions.

The bill's changes apply retroactively to August 1, 2024.

The bill takes effect on July 1, 2026.

¹ See ch. 2025, s. 28, Laws of Fla. (creating an undesignated section of law).

II. Present Situation:

Presidential Disaster and Emergency Declarations

When there is a disaster in the U.S., the governor of an affected state may request an emergency declaration or a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.² All emergency and disaster declarations are made at the discretion of the President.³ There are two types of disaster declarations: emergency declarations and major disaster declarations.⁴ Both declarations allow for federal assistance to states and local governments; however, they differ in scope, types, and amount of assistance available.⁵

If the President deems federal assistance necessary to address an emergency, the President can declare the situation an emergency, which authorizes the federal government to provide emergency services. The total amount of assistance from an emergency declaration cannot exceed \$5 million unless reported to Congress.⁶

Following a request from a governor, the President may declare a major disaster for any natural event including hurricanes if the President finds that the disaster is of such severity that it is beyond the combined capabilities of state and local governments to respond.⁷ A major disaster declaration makes a wide range of federal assistance resources available for individuals and states for emergency and permanent work.⁸

Federal Disaster Public and Individual Assistance Programs

Pursuant to a disaster declaration, the Federal Emergency Management Agency (FEMA) may implement its “Public Assistance” or “Individual Assistance” programs.

Public Assistance includes assistance for urgent response activities undertaken immediately before or after an incident occurs, as well as long-term recovery assistance completed years later.⁹ A state, tribe, or territory with an applicable disaster declaration serves as the primary grant recipient for Public Assistance; state, local, tribal, and territorial governments and nonprofit entities may then apply for funding as “Applicants.”¹⁰ Public Assistance includes short-term “Emergency Work” such as debris removal or the distribution of food and aid.¹¹ If a major disaster declaration has been made, long-term “Permanent Work” becomes available and includes reimbursement to repair, restore, reconstruct, or replace disaster-damaged public and eligible private nonprofit facilities.¹²

² 42 U.S.C. ss. 5121-5207.

³ FEMA, *How a Disaster Gets Declared*, <https://www.fema.gov/disaster/how-declared> (last visited Jan. 27, 2026).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Congressional Research Service, *A Brief Overview of FEMA’s Public Assistance Program* (Jun. 11, 2025), available at <https://www.congress.gov/crs-product/IF11529>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

When evaluating a request for Public Assistance after 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.
- Whether the incident requires federal supplemental assistance to save lives and protect property, protect public health and safety, or minimize or avert the threat of a disaster.¹³
- Other factors including the estimated cost of the assistance; the concentration of localized impacts; the 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.¹⁴

FEMA may implement the Individual Assistance program to assist disaster survivors if the President authorizes such assistance pursuant to a declaration of emergency or a major disaster declaration.¹⁵ Individual Assistance may include crisis counseling assistance and training, disaster case management, disaster legal services, disaster unemployment assistance, or individual and household needs and under-insured expenses.¹⁶ 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 Individual Assistance.¹⁷ FEMA evaluates specific factors based on information in the request to determine whether there is a need for Individual Assistance.¹⁸ FEMA then makes a recommendation to the President, who has sole discretion to authorize a declaration that provides Individual Assistance, and may additionally limit the types of Individual Assistance that are authorized.¹⁹

When evaluating a governor's request, FEMA considers:

- The fiscal capacity of the state to manage disaster response and recovery.
- The availability of resources.
- Uninsured property losses.
- The demographics of the affected population.
- Impacts to community infrastructure.
- Casualties.
- Disaster-related unemployment.²⁰

For tribal chief executive requests, FEMA evaluates:

- The tribal nation's capacity and resources to respond.
- Uninsured property losses and existing conditions.
- The demographics of the affected population.
- Impacts to community infrastructure and cultural facilities.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Congressional Research Service, *A Brief Overview of FEMA's Individual Assistance Program* (Mar. 3, 2025), available at <https://www.congress.gov/crs-product/IF11298>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

- Casualties, injuries, and missing individuals.
- Disaster-related unemployment.
- Displaced households and housing resources.
- Unique conditions affecting tribal nations.
- The 36-month disaster history or recent multiple disasters.
- Other relevant information.²¹

Additionally, when a Tribal Nation requests Public Assistance and there is damage to tribally owned and individually owned housing, FEMA's guidance says it will recommend approving Individual Assistance if the Tribal Nation wants to receive Individual Assistance, if Public Assistance is approved, and if the disaster has damaged or destroyed assistance-eligible housing.²²

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.²³ Hurricane Debby made landfall near Steinhatchee in Taylor County at around 7 a.m. on August 5, 2024.²⁴ 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.²⁵ Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.²⁶ Rainfall amounts of 8 to 12 inches resulted in widespread flooding in southeast Madison and eastern Lafayette counties, while in Suwannee and Gilchrist counties, rainfall amounts approaching 15 inches were observed.²⁷ 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.²⁸ Flooding along the Suwannee River continued 3 weeks after landfall.²⁹

²¹ *Id.*

²² *Id.*

²³ National Weather Service, *Hurricane Debby Strikes the Florida Big Bend August 5, 2024*, <https://www.weather.gov/tac/HurricaneDebby2024> (last visited Jan. 27, 2026).

²⁴ *Id.*

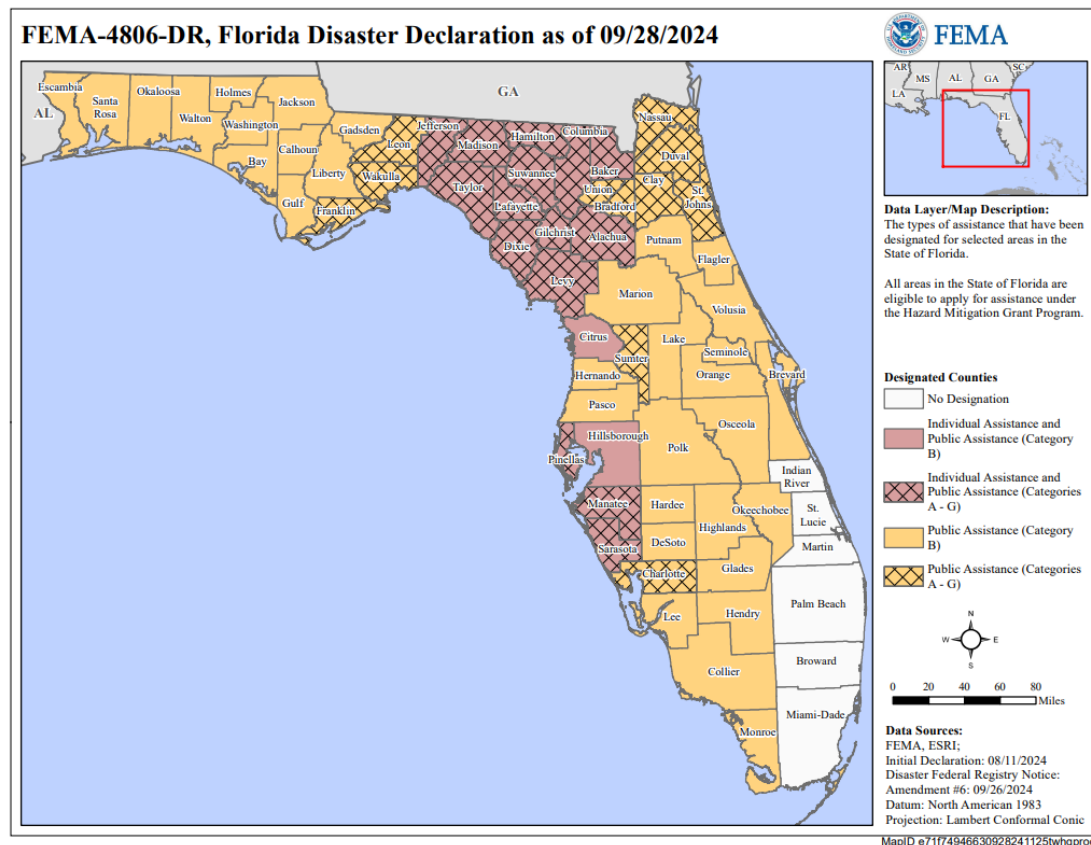
²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*



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, 2024.³⁰ Helene hit a maximum of 140 mph for sustained winds just before making landfall near Perry, just east of the mouth of the Aucilla River around 11:10 p.m. on September 26, 2024.³¹ While the storm moved quickly across the state, this did not lessen the impacts.³² 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.³³ Much of the area affected by the storm experienced 4 to 8 inches of rainfall, but the heaviest amounts were observed near the Apalachicola State Forest where radar estimates indicated 10 to 18 inches of rain.³⁴ 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.³⁵ Many counties across the Panhandle reported flooding and washed-out roads.³⁶ The combination of Helene's large size and extremely

³⁰ National Weather Service, *Hurricane Helene Makes Landfall in the Florida Big Bend September 26-27, 2024*, <https://www.weather.gov/tac/helene2024> (last visited Jan. 27, 2026).

³¹ *Id.*

³² *Id.*

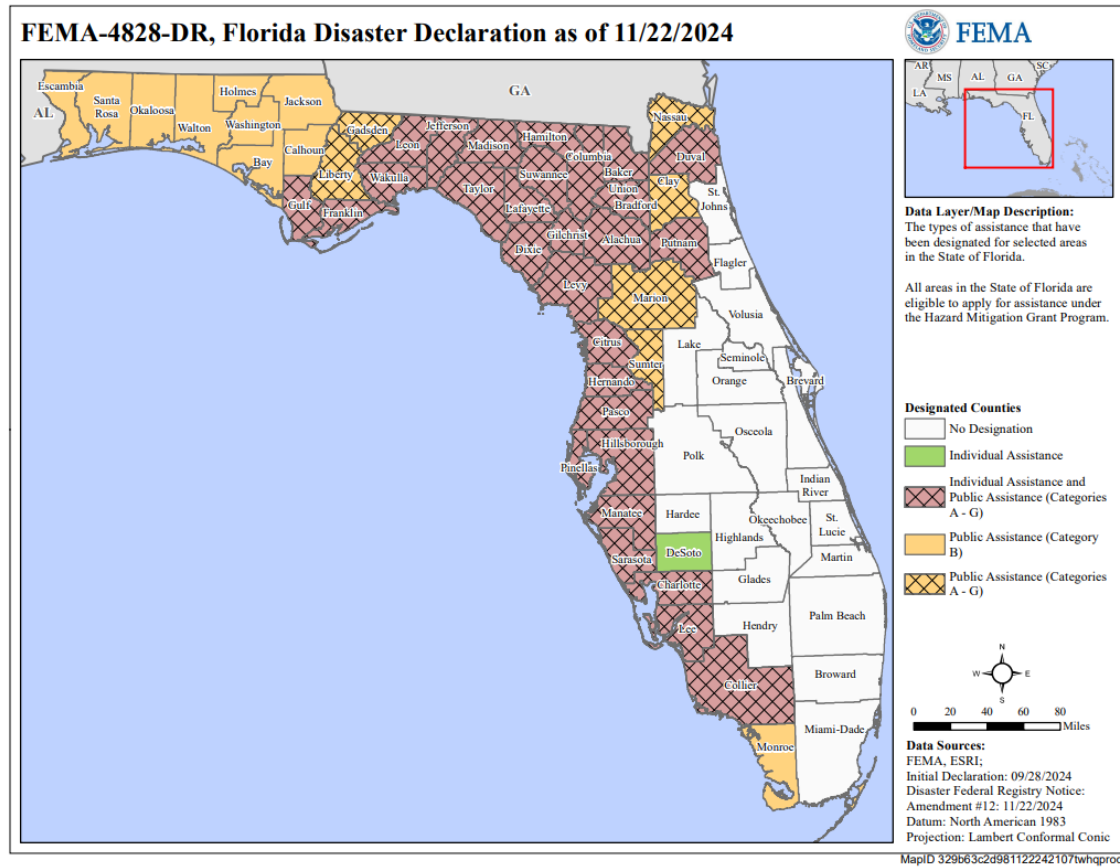
³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

fast forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.³⁷ 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.³⁸ Preliminary data for Taylor and Dixie counties estimated more than 15 feet of surge, while areas near Tampa saw levels over 6 feet.³⁹



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 p.m. on October 9, 2024 at Siesta Key in Sarasota County.⁴⁰ At landfall, Milton was a Category 3 hurricane with maximum sustained winds of 120 mph.⁴¹ Hurricane Milton spawned a record tornado outbreak, resulting in a total of 47 confirmed tornados on October 9, 2024, covering 400 miles and causing 7 deaths and 14 injuries.⁴² Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20 inches, measured in

³⁷ *Id.*

³⁸ Emily Powell, Florida Climate Center, *Hurricane Helene Post-Storm Summary Report* (Oct. 7, 2024), available at <https://climatecenter.fsu.edu/images/docs/Hurricane-Helene-Summary-Report.pdf>.

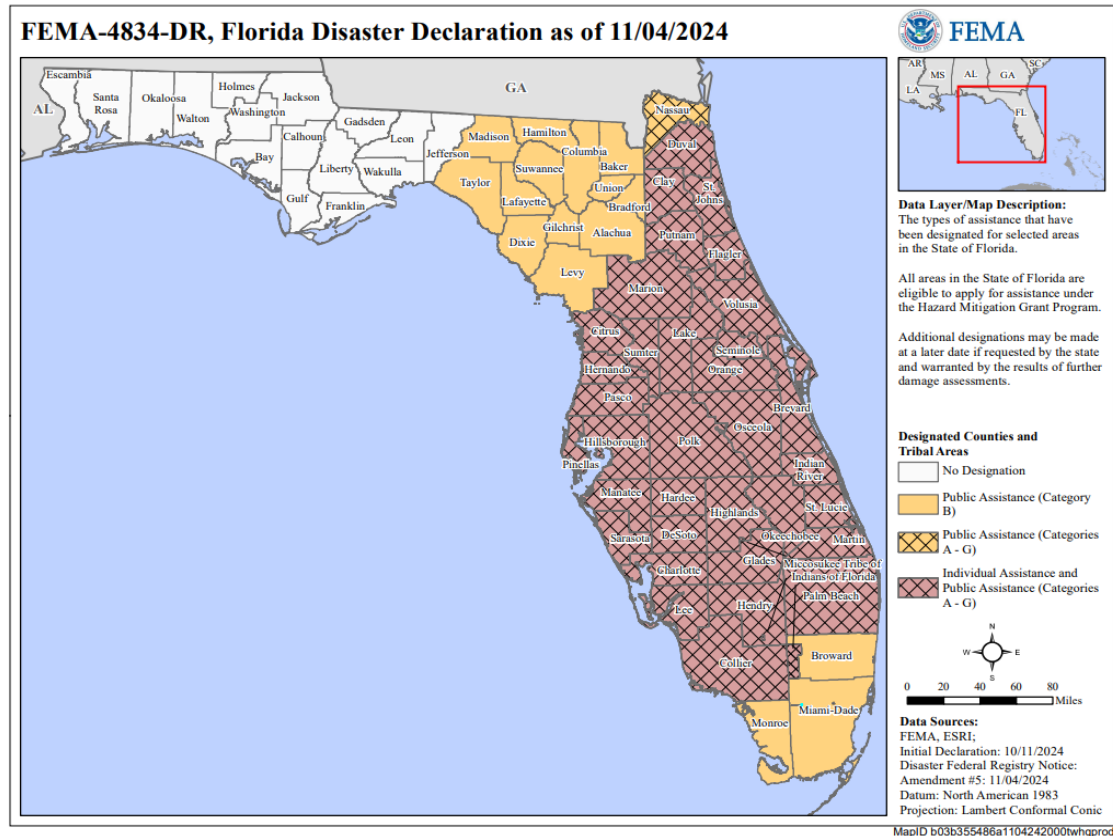
³⁹ *Id.*

⁴⁰ National Weather Service, *Hurricane Milton Impacts to East Central Florida*, https://www.weather.gov/mlb/HurricaneMilton_Impacts (last visited Jan. 27, 2026).

⁴¹ Emily Powell, Florida Climate Center, *Post-Storm Summary Report on Hurricane Milton* (Oct. 31, 2024), available at <https://climatecenter.fsu.edu/images/docs/Hurricane-Milton-Report.pdf>.

⁴² *Id.*

the Clearwater Beach and St. Petersburg areas.⁴³ In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.⁴⁴ 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, 2024.⁴⁵ Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.⁴⁶ National Oceanic and Atmospheric Administration gages in Ft. Myers and Naples Bay North measured storm surge above 5 feet.⁴⁷ 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.⁴⁸



Disaster Declaration Map for Hurricane Milton

Community Planning

The Community Planning Act provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.⁴⁹ Each county and municipality must maintain a comprehensive plan to guide future development.⁵⁰

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Section 163.3167(1), F.S.

⁵⁰ Section 163.3167(2), F.S.

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.⁵¹ 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.⁵²

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.⁵³

A comprehensive plan is implemented through the adoption of land development regulations⁵⁴ that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.⁵⁵ 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.⁵⁶ Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.⁵⁷

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.⁵⁸

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."⁵⁹ When a party wishes to 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."⁶⁰ Once a local government has officially granted or denied a development permit, the

⁵¹ Section 163.3194(3), F.S.

⁵² Section 163.3177(1), F.S.

⁵³ Section 163.3177(6), F.S.

⁵⁴ "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). *See* s. 163.3164(26), F.S.

⁵⁵ Section 163.3202, F.S.

⁵⁶ *Id.*

⁵⁷ Section 163.3213, F.S.

⁵⁸ Sections 163.3174(4)(a) and 163.3184, F.S.

⁵⁹ Section 163.3164(14), F.S.

⁶⁰ Section 163.3164(16), F.S.

official action constitutes a development order.⁶¹ A development order vests certain rights related to the land.⁶²

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 ch. 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 18

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.

Section 28

In Section 28, the Legislature directs the Office of Program Policy Analysis and Government Accountability to study actions taken by local governments after hurricanes related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. It also requires the office to 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:

⁶¹ See s. 163.3164(15), F.S.

⁶² 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.

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:

The bill amends certain provisions in Section 28 of CS/CS/SB 180 (2025), which is an undesignated section of law restricting local government power to regulate land use following hurricanes, 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. Because 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 one of the federal disaster declarations 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	Columbia County	Hamilton County
Baker County	DeSoto County	Hardee County
Bradford County	Dixie County	Hendry County
Brevard County	Duval County	Hernando County
Broward County	Flagler County	Highlands County
Charlotte County	Franklin County	Hillsborough County
Citrus County	Gilchrist County	Indian River County
Clay County	Glades County	Jefferson County
Collier County	Gulf 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 ch. 2025-190 apply retroactively to August 1, 2024, which aligns with the retroactive date as originally passed in CS/CS/SB 180.

The bill takes effect 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.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

With respect to the 13 counties to which the restrictions of Section 28 of CS/CS/SB 180 will no longer apply under the bill, property owners may encounter new regulatory challenges at the local level in connection with the repair and reconstruction of property.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that its changes to Section 28 of CS/CS/SB 180 (2025) apply retroactively to August 1, 2024. This means that the 13 counties, and the municipalities within them, will no longer be subject to the restrictions of Section 28 of CS/CS/SB 180 (2025) and the local governments in them will again be able to enforce their moratoriums or restrictive or burdensome comprehensive plan amendments, land development regulations, and procedures against property owners.

It is unclear the extent to which the bill will adversely affect property owners in these counties and municipalities. In some cases, property owners may have already relied upon CS/CS/SB 180's original provisions to repair or reconstruct their properties, and their rights to these repaired or reconstructed properties may be legally vested. In other cases, property owners may have delayed repairing or reconstructing their properties under the presumption that the restrictions would remain in place until October 1, 2027. Unexpectedly, such property owners will now be unable to rebuild their properties or will incur additional costs to rebuild in compliance with heightened standards.

Accordingly, the Legislature may wish to clarify the extent to which the local governments no longer subject to CS/CS/SB 180's restrictions under the bill may again enforce moratoriums or other or restrictive or burdensome comprehensive plan amendments, land development regulations, and procedures against property owners.

VIII. Statutes Affected:

This bill substantially amends chapter 205-190 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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
