

By Senator Gaetz

1-00206A-26

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1 A bill to be entitled
 2 An act relating to land use regulations; amending
 3 chapter 2025-190, Laws of Florida; defining the term
 4 "impacted local government"; making conforming
 5 changes; providing for retroactive application;
 6 providing an effective date.

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 8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Section 28 of chapter 2025-190, Laws of Florida,
 11 is amended to read:

12 Section 28. (1) As used in this section, the term
 13 "impacted local government" means a county listed in the Federal
 14 Disaster Declaration for Hurricane Debby (DR-4806), Hurricane
 15 Helene (DR-4828), or Hurricane Milton (DR-4834) which was
 16 designated or within which a tribal area was designated as
 17 eligible for both individual assistance and public assistance
 18 under the Robert T. Stafford Disaster Relief and Emergency
 19 Assistance Act, 42 U.S.C. ss. 5121 et seq., and each
 20 municipality within one of those counties.

21 (2) An impacted local government ~~Each county listed in the~~
 22 ~~Federal Disaster Declaration for Hurricane Debby (DR-4806),~~
 23 ~~Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and~~
 24 ~~each municipality within one of those counties,~~ may not propose
 25 or adopt any moratorium on construction, reconstruction, or
 26 redevelopment of any property damaged by Hurricane Debby,
 27 Hurricane Helene, or Hurricane Milton ~~such hurricanes;~~ propose
 28 or adopt more restrictive or burdensome amendments to its
 29 comprehensive plan or land development regulations; or propose

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30 or adopt more restrictive or burdensome procedures concerning
31 review, approval, or issuance of a site plan, development
32 permit, or development order, to the extent that those terms are
33 defined by s. 163.3164, Florida Statutes, before October 1,
34 2027, and any such moratorium or restrictive or burdensome
35 comprehensive plan amendment, land development regulation, or
36 procedure shall be null and void ab initio. This subsection
37 applies retroactively to August 1, 2024.

38 (3)~~(2)~~ Notwithstanding subsection (2) ~~(1)~~, any
39 comprehensive plan amendment, land development regulation
40 amendment, site plan, development permit, or development order
41 approved or adopted by an impacted local government ~~a county or~~
42 ~~municipality~~ before or after the effective date of this act may
43 be enforced if:

44 (a) The associated application is initiated by a private
45 party other than the impacted local government ~~county or~~
46 ~~municipality~~.

47 (b) The property that is the subject of the application is
48 owned by the initiating private party.

49 (4) (a)~~(3) (a)~~ A resident of or the owner of a business in an
50 impacted local government ~~a county or municipality~~ may bring a
51 civil action for declaratory and injunctive relief against the
52 impacted local government ~~county or municipality~~ for a violation
53 of this section. Pending adjudication of the action and upon
54 filing of a complaint showing a violation of this section, the
55 resident or business owner is entitled to a preliminary
56 injunction against the impacted local government ~~county or~~
57 ~~municipality~~ preventing implementation of the moratorium or the
58 comprehensive plan amendment, land development regulation, or

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59 procedure. If such civil action is successful, the resident or
60 business owner is entitled to reasonable attorney fees and
61 costs.

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

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

69 2. The governing body of the impacted local government
70 ~~county or municipality~~ withdraws the proposed moratorium,
71 comprehensive plan amendment, land development regulation, or
72 procedure within 14 days; or, in the case of an adopted
73 moratorium, comprehensive plan amendment, land development
74 regulation, or procedure, the governing body of an impacted
75 local government ~~a county or municipality~~ notices an intent to
76 repeal within 14 days after receipt of the notice and repeals
77 the moratorium, comprehensive plan amendment, land development
78 regulation, or procedure within 14 days thereafter.

79 ~~(5)(4)~~ This section expires June 30, 2028.

80 Section 2. The amendments made by this act to s. 28 of
81 chapter 2025-190, Laws of Florida, apply retroactively to August
82 1, 2024.

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