

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Eskamani offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 252.422, Florida Statutes, is amended to read:

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

(1) As used in this section, the term "impacted local government" means a county listed in a federal disaster declaration located entirely or partially within 50 ~~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

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14 and which was listed in a federal major disaster declaration
15 pursuant to the Robert T. Stafford Disaster Relief and Emergency
16 Assistance Act, 42 U.S.C. ss. 5121 et seq., or a municipality
17 located within such a county.

18 (2) For 1 year after a hurricane makes landfall in this
19 state, an impacted local government may not ~~propose or adopt:~~

20 (a) Enforce a moratorium that prevents or delays the
21 repair or ~~on construction,~~ reconstruction, ~~or redevelopment~~ of
22 an existing improvement damaged by such hurricane, unless the
23 moratorium is imposed for the purpose of addressing stormwater
24 or flood water management, potable water supply, or necessary
25 repairs to or replacement of sanitary sewer systems ~~any~~
26 ~~property.~~

27 (b) Require the repair or reconstruction of an existing
28 improvement damaged by such hurricane to comply with an ~~A more~~
29 ~~restrictive or burdensome~~ amendment to its comprehensive plan or
30 land development regulations which was first effective after
31 such hurricane made landfall in this state.

32 (c) Enforce a change to a ~~more restrictive or burdensome~~
33 procedure concerning review, approval, or issuance of a site
34 plan, development permit, or development order, to the extent
35 that those terms are defined in s. 163.3164, which increases the
36 timeframe for the impacted local government to take final action
37 on such review, approval, or issuance and which is effective
38 after such hurricane makes landfall in this state.

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39 (3) Notwithstanding subsection (2), a comprehensive plan
40 amendment, land development regulation amendment, site plan,
41 development permit, or development order approved or adopted by
42 an impacted local government ~~before or after June 26, 2025,~~ may
43 be enforced if:

44 (a) The associated application is initiated by a private
45 party other than the impacted local government and the property
46 that is the subject of the application is owned by the
47 initiating private party;

48 ~~(b) The proposed comprehensive plan amendment was~~
49 ~~submitted to reviewing agencies pursuant to s. 163.3184 before~~
50 ~~landfall; or~~

51 ~~(c) The proposed comprehensive plan amendment or land~~
52 ~~development regulation is approved by the state land planning~~
53 ~~agency for an area of critical state concern designated pursuant~~
54 ~~to chapter 380; pursuant to s. 380.05.~~

55 (c) The adoption of the comprehensive plan amendment or
56 land development regulation amendment is required to comply with
57 state or federal law; or

58 (d) The adoption of the comprehensive plan amendment or
59 land development regulation implements a floodplain management
60 standard consistent with 44 C.F.R. part 60, relating to the
61 National Flood Insurance Program.

62 (4) The prohibitions of paragraphs (2)(b) and (c) apply
63 only to property damaged to such an extent that a permit is

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64 required for the repair or reconstruction of the existing
65 improvement. An impacted local government may require a property
66 owner to provide documentation demonstrating that the property
67 was damaged by a hurricane, including, but not limited to,
68 documents produced by property appraisers, insurers, or local
69 building inspectors.

70 ~~(a) Any person may file suit against any impacted local~~
71 ~~government for declaratory and injunctive relief to enforce this~~
72 ~~section.~~

73 ~~(b) A county or municipality may request a determination~~
74 ~~by a court of competent jurisdiction as to whether such action~~
75 ~~violates this section. Upon such a request, the county or~~
76 ~~municipality may not enforce the action until the court has~~
77 ~~issued a preliminary or final judgment determining whether the~~
78 ~~action violates this section.~~

79 ~~(c) Before a plaintiff may file suit, the plaintiff shall~~
80 ~~notify the impacted local government by setting forth the facts~~
81 ~~upon which the complaint or petition is based and the reasons~~
82 ~~the impacted local government's action violates this section.~~
83 ~~Upon receipt of the notice, the impacted local government shall~~
84 ~~have 14 days to withdraw or revoke the action at issue or~~
85 ~~otherwise declare it void. If the impacted local government does~~
86 ~~not withdraw or revoke the action at issue within the time~~
87 ~~prescribed, the plaintiff may file suit. The plaintiff shall be~~
88 ~~entitled to entry of a preliminary injunction to prevent the~~

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89 ~~impacted local government from implementing the challenged~~
90 ~~action during pendency of the litigation. In any action~~
91 ~~instituted pursuant to this paragraph, the prevailing plaintiff~~
92 ~~shall be entitled to reasonable attorney fees and costs.~~

93 ~~(d) In any case brought under this section, all parties~~
94 ~~are entitled to the summary procedure provided in s. 51.011, and~~
95 ~~the court shall advance the cause on the calendar.~~

96 ~~(5) This section may not be construed to restrict a local~~
97 ~~government from adopting or enforcing changes to the Florida~~
98 ~~Building Code or local technical amendments adopted pursuant to~~
99 ~~s. 553.73(4) The Office of Program Policy Analysis and~~
100 ~~Government Accountability (OPPAGA) shall conduct a study on~~
101 ~~actions taken by local governments after hurricanes which are~~
102 ~~related to comprehensive plans, land development regulations,~~
103 ~~and procedures for review, approval, or issuance of site plans,~~
104 ~~permits, or development orders. The study must focus on the~~
105 ~~impact that local governmental actions, including moratoriums,~~
106 ~~ordinances, and procedures, have had or may have on~~
107 ~~construction, reconstruction, or redevelopment of any property~~
108 ~~damaged by hurricanes. In its research, OPPAGA shall survey~~
109 ~~stakeholders that play integral parts in the rebuilding and~~
110 ~~recovery process. OPPAGA shall make recommendations for~~
111 ~~legislative options to remove impediments to the construction,~~
112 ~~reconstruction, or redevelopment of any property damaged by a~~
113 ~~hurricane and prevent the implementation by local governments of~~

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114 ~~burdensome or restrictive procedures and processes. OPPAGA shall~~
115 ~~submit the report to the President of the Senate and the Speaker~~
116 ~~of the House of Representatives by December 1, 2025.~~

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

119 Section 28. (1) Each county listed in the Federal
120 Disaster Declaration for Hurricane Debby (DR-4806), Hurricane
121 Helene (DR-4828), or Hurricane Milton (DR-4834), and each
122 municipality within one of those counties, may not propose or
123 adopt any moratorium on construction, reconstruction, or
124 redevelopment of any property damaged by such hurricanes;
125 propose or adopt more restrictive or burdensome amendments to
126 its comprehensive plan or land development regulations; or
127 propose or adopt more restrictive or burdensome procedures
128 concerning review, approval, or issuance of a site plan,
129 development permit, or development order, to the extent that
130 those terms are defined by s. 163.3164, Florida Statutes, before
131 June 30, 2026 ~~October 1, 2027~~, and any such moratorium or
132 restrictive or burdensome comprehensive plan amendment, land
133 development regulation, or procedure shall be null and void ab
134 initio. This subsection applies retroactively to August 1, 2024.

135 (2) Notwithstanding subsection (1), any comprehensive plan
136 amendment, land development regulation amendment, site plan,
137 development permit, or development order approved or adopted by

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138 a county or municipality before or after the effective date of
139 this act may be enforced if:

140 (a) The associated application is initiated by a private
141 party other than the county or municipality.

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

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

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

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

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162 2. The governing body of the county or municipality
 163 withdraws the proposed moratorium, comprehensive plan amendment,
 164 land development regulation, or procedure within 14 days; or, in
 165 the case of an adopted moratorium, comprehensive plan amendment,
 166 land development regulation, or procedure, the governing body of
 167 a county or municipality notices an intent to repeal within 14
 168 days after receipt of the notice and repeals the moratorium,
 169 comprehensive plan amendment, land development regulation, or
 170 procedure within 14 days thereafter.

171 (4) This section expires June 30, 2026 ~~2028~~.

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

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T I T L E A M E N D M E N T

176 Remove everything before the enacting clause and insert:

177 A bill to be entitled

178 An act relating to land use regulations for local
 179 governments affected by natural disasters; amending s.
 180 252.422, F.S.; revising the definition of the term
 181 "impacted local government"; prohibiting impacted
 182 local governments from enforcing certain moratoriums,
 183 requiring the repair or reconstruction of certain
 184 improvements to meet certain requirements, or
 185 enforcing changes to specified procedures; revising
 186 circumstances under which impacted local governments

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187 | may enforce certain amendments, site plans,
188 | development permits, or development orders; providing
189 | applicability; authorizing impacted local governments
190 | to require a property owner to provide specified
191 | documentation; deleting provisions related to filing
192 | suit against an impacted local government for
193 | injunctive relief; providing construction; deleting
194 | obsolete language; amending chapter 2025-190, Laws of
195 | Florida; revising the timeframe within which certain
196 | counties are prohibited from proposing or adopting
197 | certain moratoriums, amendments, or procedures;
198 | revising a future expiration date; providing an
199 | effective date.

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