

By Senator McClain

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A bill to be entitled
An act relating to local government enforcement actions; creating ss. 125.676, 166.0413, and 189.0645, F.S.; providing legislative findings and intent; prohibiting certain enforcement actions by counties, municipalities, and special districts, respectively; defining the term "enforcement action"; authorizing persons or business entities subject to such actions to submit a request for review; requiring counties, municipalities, and special districts, respectively, to review such actions and respond within a specified time period; requiring counties, municipalities, and special districts, respectively, to establish and maintain rules; authorizing filing of legal action and providing legal remedies in certain circumstances; requiring that such action be filed within a specified time period; providing for certain protections from retaliation; authorizing filing of certain complaints in specified circumstances; providing for preemption; providing an effective date.

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

Section 1. Section 125.676, Florida Statutes, is created to read:

125.676 Local Government Regulatory Accountability Act.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that the economic vitality of this state depends on fair, consistent, and transparent

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enforcement of local government and special district regulations.

(b) The Legislature further finds that arbitrary or unreasonable enforcement action by a local government or special district, or employees thereof, may impede economic growth, increase costs for housing and business development, and undermine public trust.

(c) It is the intent of the Legislature to establish a uniform standard for regulatory enforcement and create an investigative process and certain legal remedies for a person or business entity subject to an enforcement action under this section.

(2) ACTION PROHIBITED.—A county, including employees thereof, may not initiate or threaten to initiate any enforcement action that is determined to be arbitrary or unreasonable by a court of competent jurisdiction. For purposes of this section, an "enforcement action" means any decision, determination, demand, inspection, citation, order, denial, interpretation, or any other regulatory action undertaken by a county or employees thereof.

(3) PROCEDURES IN RESPONSE TO PROHIBITED ACTION.—

(a) Any person or business entity subject to an enforcement action may submit to the county a request for review of such action. Within 30 days after receipt of a request for review, the county must review the enforcement action and send to the person or business entity making such request a written response.

(b) If a county fails to review and respond to a request within the designated time period under paragraph (a), the

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person or business entity subject to an enforcement action may
file a legal action under subsection (4).

(c) Each county shall establish and maintain rules
addressing the review of enforcement actions under this
subsection.

(4) LEGAL ACTION AND REMEDIES.—

(a) A person or business entity subject to an enforcement
action by a county may file a legal action in a court of
competent jurisdiction to determine whether such action is
arbitrary or unreasonable. Such legal action must be filed
within 180 days after the enforcement action. For purposes of
this subsection, an enforcement action is arbitrary or
unreasonable if the action:

1. Is not supported by applicable law, rule, or adopted
policy;

2. Deviates from a prior determination or interpretation
without written justification;

3. Unreasonably delays or obstructs lawful development,
permitting, or other business activity; or

4. Imposes requirements or conditions not authorized by
general law, ordinance, or regulation.

(b) Upon finding that an enforcement action is arbitrary or
unreasonable, the court shall:

1. Award reasonable attorney fees and costs to the
prevailing plaintiff.

2. Award actual damages not to exceed \$50,000 per
occurrence.

3. Issue injunctive relief to immediately restrain or
enjoin the county, including employees thereof, from engaging in

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any action in violation of this section.

(5) WHISTLE-BLOWER PROTECTION.—

(a) Any person or employee who discloses in good faith information under this section relating to an arbitrary or unreasonable enforcement action is not subject to retaliation and is afforded protection under the Whistle-blower's Act.

(b) A prevailing plaintiff in a legal action under subsection (4) may file a complaint in accordance with s. 112.31895.

(6) PREEMPTION.—This section is the sole authority for challenges to arbitrary or unreasonable enforcement actions by a county, including employees thereof. Any local ordinance, rule, regulation, or other local policy that prohibits or restricts a county, including employees thereof, from complying with this section, or any rules adopted under this section, is void to the extent of the conflict.

Section 2. Section 166.0413, Florida Statutes, is created to read:

166.0413 Local Government Regulatory Accountability Act.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that the economic vitality of this state depends on fair, consistent, and transparent enforcement of local government and special district regulations.

(b) The Legislature further finds that arbitrary or unreasonable enforcement action by a local government or special district, or employees thereof, may impede economic growth, increase costs for housing and business development, and undermine public trust.

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117 (c) It is the intent of the Legislature to establish a
118 uniform standard for regulatory enforcement and create an
119 investigative process and certain legal remedies for a person or
120 business entity subject to an enforcement action under this
121 section.

122 (2) ACTION PROHIBITED.—A municipality, including employees
123 thereof, may not initiate or threaten to initiate any
124 enforcement action that is determined to be arbitrary or
125 unreasonable by a court of competent jurisdiction. For purposes
126 of this section, an "enforcement action" means any decision,
127 determination, demand, inspection, citation, order, denial,
128 interpretation, or any other regulatory action undertaken by a
129 municipality or employees thereof.

130 (3) PROCEDURES IN RESPONSE TO PROHIBITED ACTION.—

131 (a) Any person or business entity subject to an enforcement
132 action may submit to the municipality a request for review of
133 such action. Within 30 days after receipt of a request for
134 review, the municipality must review the enforcement action and
135 send to the person or business entity making such request a
136 written response.

137 (b) If a municipality fails to review and respond to a
138 request within the designated time period under paragraph (a),
139 the person or business entity subject to an enforcement action
140 may file a legal action under subsection (4).

141 (c) Each municipality shall establish and maintain rules
142 addressing the review of enforcement actions under this
143 subsection.

144 (4) LEGAL ACTION AND REMEDIES.—

145 (a) A person or business entity subject to an enforcement

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146 action by a municipality may file a legal action in a court of
147 competent jurisdiction to determine whether such action is
148 arbitrary or unreasonable. Such legal action must be filed
149 within 180 days after the enforcement action. For purposes of
150 this subsection, an enforcement action is arbitrary or
151 unreasonable if the action:

152 1. Is not supported by applicable law, rule, or adopted
153 policy;

154 2. Deviates from a prior determination or interpretation
155 without written justification;

156 3. Unreasonably delays or obstructs lawful development,
157 permitting, or other business activity; or

158 4. Imposes requirements or conditions not authorized by
159 general law, ordinance, or regulation.

160 (b) Upon finding that an enforcement action is arbitrary or
161 unreasonable, the court shall:

162 1. Award reasonable attorney fees and costs to the
163 prevailing plaintiff.

164 2. Award actual damages not to exceed \$50,000 per
165 occurrence.

166 3. Issue injunctive relief to immediately restrain or
167 enjoin the municipality, including employees thereof, from
168 engaging in any action in violation of this section.

169 (5) WHISTLE-BLOWER PROTECTION.—

170 (a) Any person or employee who discloses in good faith
171 information under this section relating to an arbitrary or
172 unreasonable enforcement action is not subject to retaliation
173 and is afforded protection under the Whistle-blower's Act.

174 (b) A prevailing plaintiff in a legal action under

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subsection (4) may file a complaint in accordance with s.
112.31895.

(6) PREEMPTION.—This section is the sole authority for challenges to arbitrary or unreasonable enforcement actions by a municipality, including employees thereof. Any local ordinance, rule, regulation, or other local policy that prohibits or restricts a municipality, including employees thereof, from complying with this section, or any rules adopted under this section, is void to the extent of the conflict.

Section 3. Section 189.0645, Florida Statutes, is created to read:

189.0645 Special District Regulatory Accountability Act.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that the economic vitality of this state depends on fair, consistent, and transparent enforcement of local government and special district regulations.

(b) The Legislature further finds that arbitrary or unreasonable enforcement action by a local government or special district, or employees thereof, may impede economic growth, increase costs for housing and business development, and undermine public trust.

(c) It is the intent of the Legislature to establish a uniform standard for regulatory enforcement and create an investigative process and certain legal remedies for a person or business entity subject to an enforcement action under this section.

(2) ACTION PROHIBITED.—A special district, including employees thereof, may not initiate or threaten to initiate any

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enforcement action that is determined to be arbitrary or unreasonable by a court of competent jurisdiction. For purposes of this section, an "enforcement action" means any decision, determination, demand, inspection, citation, order, denial, interpretation, or any other regulatory action undertaken by a special district or employees thereof.

(3) PROCEDURES IN RESPONSE TO PROHIBITED ACTION.-

(a) Any person or business entity subject to an enforcement action may submit to the special district a request for review of such action. Within 30 days after receipt of a request for review, the special district must review the enforcement action and send to the person or business entity making such request a written response.

(b) If a special district fails to review and respond to a request within the designated time period under paragraph (a), the person or business entity subject to an enforcement action may file a legal action under subsection (4).

(c) Each special district shall establish and maintain rules addressing the review of enforcement actions under this subsection.

(4) LEGAL ACTION AND REMEDIES.-

(a) A person or business entity subject to an enforcement action by a special district may file in a court of competent jurisdiction a legal action to determine whether such action is arbitrary or unreasonable. Such legal action must be filed within 180 days after the enforcement action. For purposes of this subsection, an enforcement action is arbitrary or unreasonable if the action:

1. Is not supported by applicable law, rule, or adopted

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233 policy;

234 2. Deviates from a prior determination or interpretation
235 without written justification;

236 3. Unreasonably delays or obstructs lawful development,
237 permitting, or other business activity; or

238 4. Imposes requirements or conditions not authorized by
239 general law, ordinance, or regulation.

240 (b) Upon finding that an enforcement action is arbitrary or
241 unreasonable, the court shall:

242 1. Award reasonable attorney fees and costs to the
243 prevailing plaintiff.

244 2. Award actual damages not to exceed \$50,000 per
245 occurrence.

246 3. Issue injunctive relief to immediately restrain or
247 enjoin the special district, including employees thereof, from
248 engaging in any action in violation of this section.

249 (5) WHISTLE-BLOWER PROTECTION.—

250 (a) Any person or employee who discloses in good faith
251 information under this section relating to an arbitrary or
252 unreasonable enforcement action is not subject to retaliation
253 and is afforded protection under the Whistle-blower's Act.

254 (b) A prevailing plaintiff in a legal action under
255 subsection (4) may file a complaint in accordance with s.
256 112.31895.

257 (6) PREEMPTION.—This section is the sole authority for
258 challenges to arbitrary or unreasonable enforcement actions by a
259 special district, including employees thereof. Any local
260 ordinance, rule, regulation, or other local policy that
261 prohibits or restricts a special district, including employees

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262 thereof, from complying with this section, or any rules adopted
263 under this section, is void to the extent of the conflict.

264 Section 4. This act shall take effect October 1, 2026.