

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 840

INTRODUCER: Senator DiCeglie

SUBJECT: Land Use Regulations for Local Governments Affected by Natural Disasters

DATE: January 16, 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 840 amends certain provisions in CS/CS/SB 180 (2025)¹ relating to restrictions on local government power to regulate land use following hurricanes.

Among other things, CS/CS/SB 180 generally prohibited counties and municipalities within a certain distance from a hurricane's track from adopting moratoriums or more restrictive or burdensome amendments or procedures in their land use regulations for 1 year after landfall.

SB 840 narrows the geographic area subject to CS/CS/SB 180's restrictions and revises them to clarify under what circumstances moratoriums and certain other procedural requirements or changes may or may not be enforced. For example, the bill:

- Allows impacted local governments to enforce a moratorium if imposed to address stormwater or floodwater management, potable water supply, or sanitary sewer systems.
- Prohibits impacted local governments from enforcing changes to their development review process that are intended to give them more time to review and take effect after landfall.
- Clarifies that the restrictions on land use regulation in SB 180 do not apply if adopted for an area of critical state concern or to comply with state or federal law.

SB 180 similarly restricted the regulatory powers of local governments listed within the federal disaster declaration for Hurricane Debby, Hurricane Helene, and Hurricane Milton. These restrictions, as revised by SB 840, expire on June 30, 2026. Without SB 840, the restrictions on local governments within the disaster declarations for Hurricane Debby, Hurricane Helene, and Hurricane Milton will not expire until June 30, 2028.

The bill takes effect on July 1, 2026.

¹ See ch. 2025-190, ss. 18 and 28, Laws of Fla. (codifying s. 252.422, F.S., and creating an undesignated section of law, respectively).

II. Present Situation:

Presidential Disaster and Emergency Declarations

When there is a disaster in the U.S., the Governor of an affected state must request an emergency and 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 of the U.S.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 situation, the President can declare an emergency, thereby authorizing 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 the Governor, the President may declare a major disaster for any natural event, including hurricanes if the President deems 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

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.⁹ Hurricane Debby made landfall near Steinhatchee in Taylor County at around 7 am on August 5, 2024.¹⁰ 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.¹¹ Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.¹² 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.¹³ Flooding lasted for several weeks in Madison County after landfall due to the influx of rainfall putting pressure on the groundwater

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. 13, 2026).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ National Weather Service, *Hurricane Debby Strikes the Florida Big Bend August 5, 2024*, <https://www.weather.gov/tae/HurricaneDebby2024> (last visited Jan. 13, 2026).

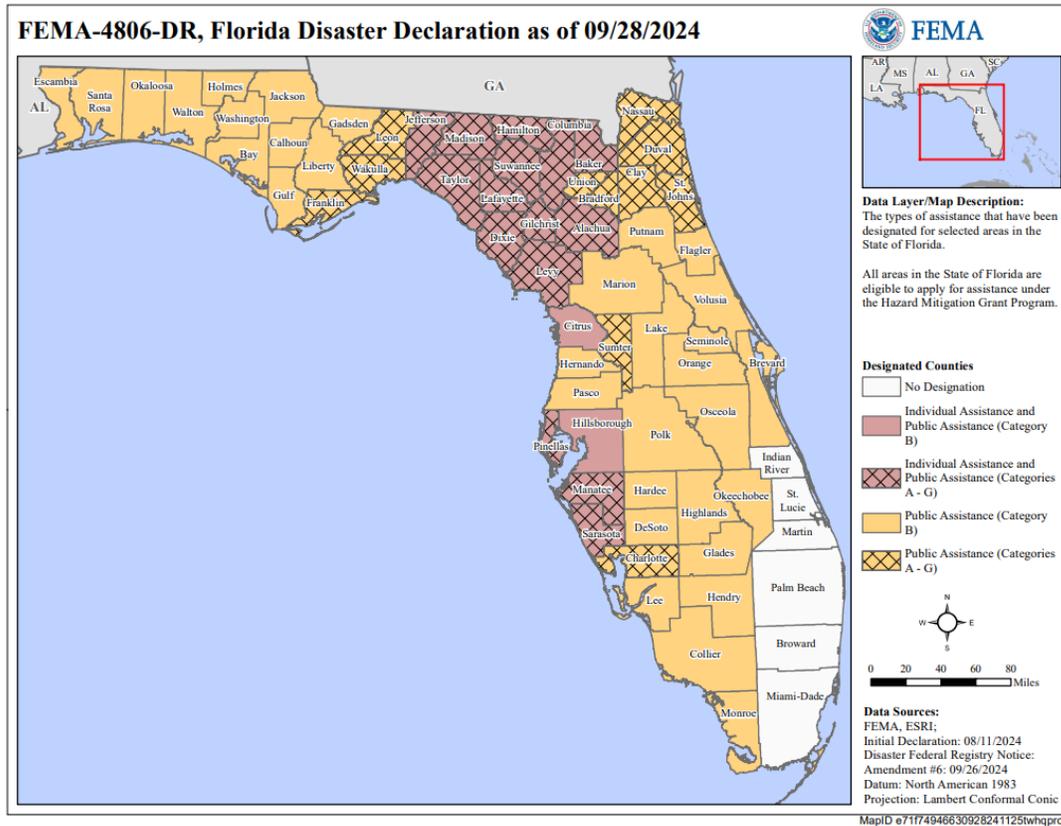
¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

system, which subsequently triggered new flooding as water came up from the ground.¹⁴ Flooding along the Suwannee River continued 3 weeks after landfall.¹⁵



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, 2024.¹⁶ 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 pm on September 26, 2024.¹⁷ While the storm moved quickly across the state, this did not lessen the impacts.¹⁸ 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.¹⁹ 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.²⁰ A large upper-level trough to the west of Helene helped

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ 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. 13, 2026).

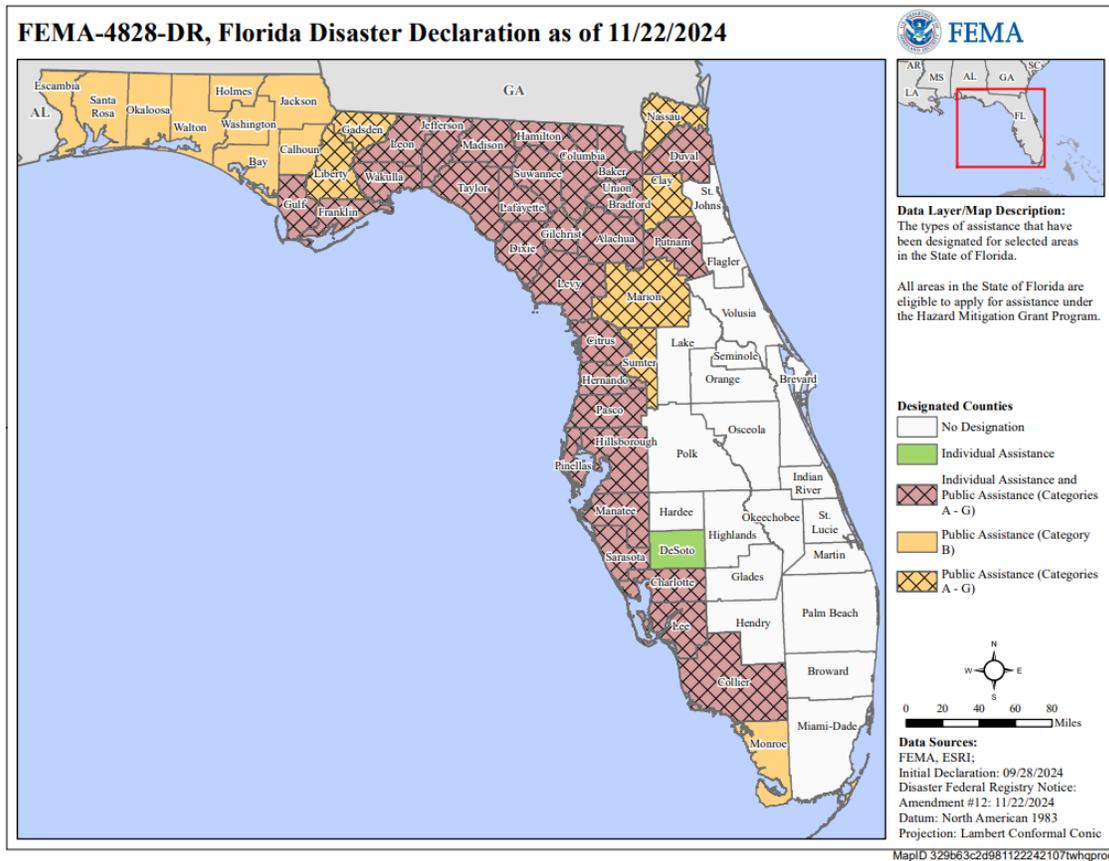
¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

funnel abundant tropical moisture northward well before landfall, creating conditions that led to significant impacts from heavy rainfall and flooding.²¹ Many counties across the Panhandle reported flooding and washed-out roads.²² 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.²³ 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.²⁴ Preliminary data for Taylor and Dixie counties estimated more than 15 feet of surge, while areas near Tampa saw levels over 6 feet.²⁵



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 at Siesta Key in Sarasota County.²⁶ At landfall, Milton was a

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ 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>.

²⁵ *Id.*

²⁶ National Weather Service, *Hurricane Milton Impacts to East Central Florida*, https://www.weather.gov/mlb/HurricaneMilton_Impacts (last visited Jan. 11, 2026).

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.³⁵ The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to purchase flood insurance from the federal government.³⁶ Participation in the NFIP by a community is voluntary.³⁷ To join, a community must complete an application; adopt a resolution of intent to participate and cooperate with FEMA; and adopt and submit a floodplain management ordinance that meets or exceeds minimum NFIP criteria.³⁸

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.³⁹ An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).⁴⁰ The SFHA is intended to distinguish the flood risk zones where properties have a risk of 1 percent or greater risk of flooding every year⁴¹ and at least a 26 percent chance of flooding over the course of a 30-year mortgage.⁴² In a community that participates in the NFIP, owners of properties in the mapped SFHA are required to purchase flood insurance as a condition of receiving a federally backed mortgage.⁴³

Community Floodplain Management

Key conditions of the NFIP minimum floodplain management standards include, among other things, that communities:

- Require permits for development in the SFHA.
- Require elevation of the lowest floor of all new residential buildings in the SFHA to be at or above the base flood elevation (BFE).⁴⁴
- Restrict development in floodways to prevent increasing the risk of flooding.
- Require certain construction materials and methods that minimize future flood damage.⁴⁵

³⁵ The National Flood Insurance Act of 1968, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. s. 4001 et seq.); see also FEMA, *Laws and Regulations*, <https://www.fema.gov/flood-insurance/rules-legislation/laws> (last visited Jan. 13, 2026).

³⁶ See FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Jan. 13, 2026).

³⁷ FEMA, *Participation in the NFIP*, <https://www.fema.gov/about/glossary/participation-nfip> (last visited Jan. 13, 2026).

³⁸ *Id.*

³⁹ See Congressional Research Service, *Introduction to the National Flood Insurance Program*, 3 (Apr. 22, 2025), available at <https://crsreports.congress.gov/product/pdf/R/R44593>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6 (undated), available at https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf.

⁴³ Congressional Research Service, *Introduction to the National Flood Insurance Program*, 10 (Apr. 22, 2025), available at <https://crsreports.congress.gov/product/pdf/R/R44593>. Such lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae, Freddie Mac, and federally regulated lending institutions, such as banks covered by the Federal Deposit Insurance Corporation or the Office of the Comptroller of the Currency. *Id.* at 10.

⁴⁴ The “base flood elevation” is the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. FEMA, *Base Flood Elevation (BFE)* (Mar. 5, 2020), <https://www.fema.gov/about/glossary/base-flood-elevation-bfe>.

⁴⁵ Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (Apr. 22, 2025), available at <https://crsreports.congress.gov/product/pdf/R/R44593>.

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices exceeding the minimum requirements of the NFIP.⁴⁶ Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.⁴⁷ Premium discounts range from 5 to 45 percent based on a community's CRS credit points.⁴⁸ Communities earn credit points by implementing a variety of activities that fall into one of four categories: public information activities, mapping and regulations, flood damage reduction activities, and warning and response.⁴⁹

Florida Building Code

Part IV of chapter 553, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code known as the Florida Building Code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁵⁰ The Florida Building Commission (Commission) was created to implement the Florida Building Code. The Commission, which is housed within the Department of Business and Professional Regulation, is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Florida Building Code.⁵¹

The Commission and local governments may adopt technical and administrative amendments to the Florida Building Code.⁵² The Commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon making certain findings.⁵³ Local governments may adopt amendments to the Florida Building Code that are more stringent than the Florida Building Code which are limited to the local government's jurisdiction.⁵⁴ Amendments by local governments expire upon the adoption of the newest edition of the Florida Building Code, and thus, the local government would need to go through the amendment process every three years to maintain a local amendment to the Florida Building Code.⁵⁵

⁴⁶ FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system> (last visited Jan. 13, 2026).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Florida Office of Insurance Regulation, *Cumulative Substantial Improvement Period Study Final Report*, 19 (Nov. 26, 2024), available at <https://floir.com/docs-sf/default-source/property-and-casualty/other-property-casualty-reports/final-report.pdf>.

⁵⁰ Section 553.72(1), F.S.

⁵¹ Sections 553.73 and 553.74, F.S.

⁵² Section 553.73, F.S.

⁵³ Section 553.73(9), F.S.

⁵⁴ Section 553.73(4), F.S.

⁵⁵ Section 553.73(4)(e), F.S.

Community Planning

The Community Planning Act provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.⁵⁶ Each county and municipality must maintain a comprehensive plan to guide future development.⁵⁷

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.⁵⁸ 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.⁵⁹

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.⁶⁰

A comprehensive plan is implemented through the adoption of land development regulations⁶¹ that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.⁶² 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.⁶³ Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.⁶⁴

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.⁶⁵

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."⁶⁶ When a party wishes to

⁵⁶ Section 163.3167(1), F.S.

⁵⁷ Section 163.3167(2), F.S.

⁵⁸ Section 163.3194(3), F.S.

⁵⁹ Section 163.3177(1), F.S.

⁶⁰ Section 163.3177(6), F.S.

⁶¹ "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.

⁶² Section 163.3202, F.S.

⁶³ *Id.*

⁶⁴ Section 163.3213, F.S.

⁶⁵ Sections 163.3174(4)(a) and 163.3184, F.S.

⁶⁶ 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.”⁶⁷ Once a local government has officially granted or denied a development permit, the official action constitutes a development order.⁶⁸ A development order vests certain rights related to the land.⁶⁹

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:

⁶⁷ Section 163.3164(16), F.S.

⁶⁸ See s. 163.3164(15), F.S.

⁶⁹ 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 CS/CS/SB 180 (2025) relating to restrictions on local government power to regulate land use following hurricanes.

Among other things, CS/CS/SB 180 generally prohibited counties and municipalities within a certain distance from a hurricane's track from adopting moratoriums or more restrictive or burdensome amendments or procedures in their land use regulations for 1 year after landfall.

The bill reduces the number of "impacted local governments" under s. 252.422(1), F.S., by redefining the term to include only counties located entirely or partially within 50 miles, instead of 100 miles, of the track of a hurricane listed in a federal major disaster declaration, and the municipalities located within those counties. Consequently, the bill narrows the geographic area subject to CS/CS/SB 180's restrictions.

The bill revises s. 252.422(2), F.S., to allow impacted local governments, within 1 year after a hurricane makes landfall, to *propose or adopt* moratoriums, amendments to comprehensive plans or land use regulations, or procedures concerning review, approval, or issuance of a site plan, development permit, or development order. However, under the bill, impacted local governments may not:

- *Enforce* a moratorium that prevents or delays the repair or reconstruction of an existing improvement damaged by a hurricane. An exception is allowed for enforcement of a moratorium addressing stormwater or flood water management, potable water supply, or necessary repairs to or replacement of sanitary sewer systems.
- Require the repair or reconstruction of an existing improvement damaged by a hurricane to comply with a comprehensive plan or land development regulation amendment that becomes effective after a hurricane makes landfall.
- Enforce a change to a procedure concerning review, approval, or issuance of a site plan, development permit, or development order, which increases the timeframe for final action and which is effective after a hurricane makes landfall.

The bill clarifies that these restrictions only apply to property damaged so severely that the repairs or reconstruction require a permit. Local governments may require property owners to show documentation related to the damage caused by the hurricane. If a property was not damaged enough to require a permit for repair or reconstruction, comprehensive plan or land development regulation amendments and moratoriums will apply.

The bill also revises the list of exceptions to CS/CS/SB 180's restrictions in s. 252.422(3), F.S. As enacted under SB 180, a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government could be enforced if the proposed comprehensive plan amendment had been submitted to reviewing agencies pursuant to s. 163.3184, F.S. The bill deletes this exception.

However, the bill continues to permit impacted local governments to enforce if the associated application is initiated by a private party other than the impacted local government and the property that is the subject of the application is owned by the initiating private party. Impacted local governments may also enforce if, as clarified by the bill:

- The proposed comprehensive plan amendments and land development regulations are approved by the state land planning agency for an area of critical state concern designated pursuant to chapter 380, F.S.
- The adoption of the comprehensive plan amendment or land development regulation amendment is required to comply with state or federal law.
- The adoption of the comprehensive plan amendment or land development regulation implements a floodplain management standard consistent with 44 C.F.R. part 60, relating to the National Flood Insurance Program.

The bill deletes the provision in s. 252.422, F.S., allowing any person to file suit for declaratory and injunctive relief to enforce the section. It also deletes an Office of Program Policy Analysis and Government Accountability study requirement.

The bill clarifies that s. 252.422, F.S., does not restrict local government adoption or enforcement of changes to the Florida Building Code or local technical amendments thereto.

CS/CS/SB 180 similarly restricted the regulatory powers of local governments listed within the federal disaster declaration for Hurricane Debby, Hurricane Helene, and Hurricane Milton. These restrictions, as revised by SB 840, expire on June 30, 2026. Without SB 840, the restrictions on local governments within the disaster declarations for Hurricane Debby, Hurricane Helene, and Hurricane Milton will not expire until June 30, 2028.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

To the extent implementation of the bill results in fewer regulatory hurdles at the local level in connection with the repair and reconstruction of property damaged by hurricanes, the private sector may experience fewer permitting-related delays and some cost savings.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 252.422 of the Florida Statutes and 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.

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