

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 Community Affairs

BILL: SB 840

INTRODUCER: Senator DiCeglie

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

DATE: January 11, 2026 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shuler	Fleming	CA	Pre-meeting
2.		JU	
3.		RC	

I. Summary:

SB 840 amends provisions that were included in two sections of CS/CS/SB 180 from the 2025 Regular Session (ch. 2025-190, Laws of Florida) related to restrictions on local government land use regulations following hurricanes.

The bill narrows the geographic area subject to the restrictions for 1 year after hurricanes make landfall. The bill also revises the restrictions to prohibit enforcement of moratoriums that delay repairs; requirements for repairs or reconstruction to comply with comprehensive plan or land development regulation amendments adopted after landfall; or the enforcement of procedural changes made after landfall that increase timeframes for final action related to development permits or development orders. The bill clarifies and expands exceptions to the restrictions on impacted local governments.

SB 840 sunsets the temporary, 3-year restrictions on moratoriums, comprehensive plan or land development regulation amendments, or procedures for local governments listed in the federal disaster declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton as of June 30, 2026.

The bill will take effect on July 1, 2026.

II. Present Situation:

Presidential Disaster and Emergency Declarations

When there is a disaster in the United States, 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.¹ All emergency and disaster declarations are made at the discretion of the President of the United States.² There are two types of disaster declarations: emergency declarations and major disaster declarations.³ Both declarations allow for federal assistance to states and local governments, however they differ in scope, types, and amount of assistance available.⁴

The President can declare an emergency for any occasion where federal assistance is deemed necessary, and emergency declarations provide emergency services from the federal government in such cases. The total amount of assistance from an emergency declaration cannot exceed \$5 million unless reported to Congress.⁵

Following a request from the Governor, the President can declare a major disaster for any natural event, including hurricanes if the President deems that the disaster is of such a severity that it is beyond the combined capabilities of state and local governments to respond.⁶ A major disaster declaration makes a wide range of federal assistance resources available for individuals and states for emergency and permanent work.⁷

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.⁸ Hurricane Debby made landfall near Steinhatchee in Taylor County around 7am on August 5, 2024.⁹ 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.¹⁰ Debby's primary impact across the area was flooding from heavy rainfall due to the forward movement of the storm slowing after landfall.¹¹ 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" were observed.¹² 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.¹³ Flooding along the Suwannee River continued 3 weeks after landfall.¹⁴

¹ 42 U.S.C. §§ 5121-5207.

² FEMA, *How a Disaster Gets Declared*, <https://www.fema.gov/disaster/how-declared> (last visited Jan. 11, 2026).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ National Weather Service, *Hurricane Debby Strikes the Florida Big Bend August 5, 2024*, <https://www.weather.gov/tae/HurricaneDebby2024> (last visited Jan. 11, 2026).

⁹ *Id.*

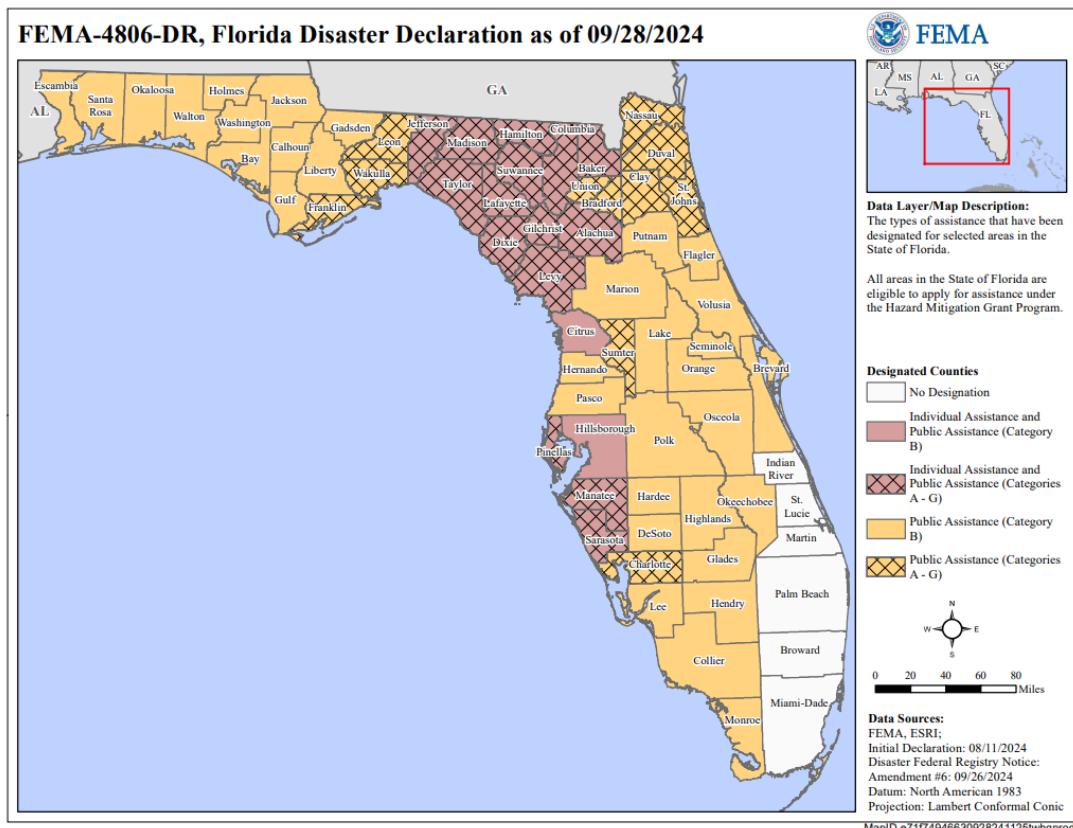
¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *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, 2024.¹⁵ Helene hit a maximum of 140 mph for sustained winds just before making landfall near Perry, Florida, just east of the mouth of the Aucilla River around 11:10pm on September 26, 2024.¹⁶ While the storm moved quickly across the state, this did not lessen the impacts.¹⁷ The wind field of Helene was among the top 10% of all recorded storms resulting in widespread wind impacts and hurricane-force gusts extending further inland than most systems.¹⁸ Much of the area affected by the storm experienced 4-8 inches of rainfall, but the heaviest amounts were observed near the Apalachicola State Forest where radar estimates indicated 10 to 18 inches of rain.¹⁹ 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.²⁰ Many counties across the Panhandle reported flooding and washed-out roads.²¹ The combination of Helene's large size and extremely fast

¹⁵ 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. 11, 2026).

¹⁶ *Id.*

¹⁷ *Id.*

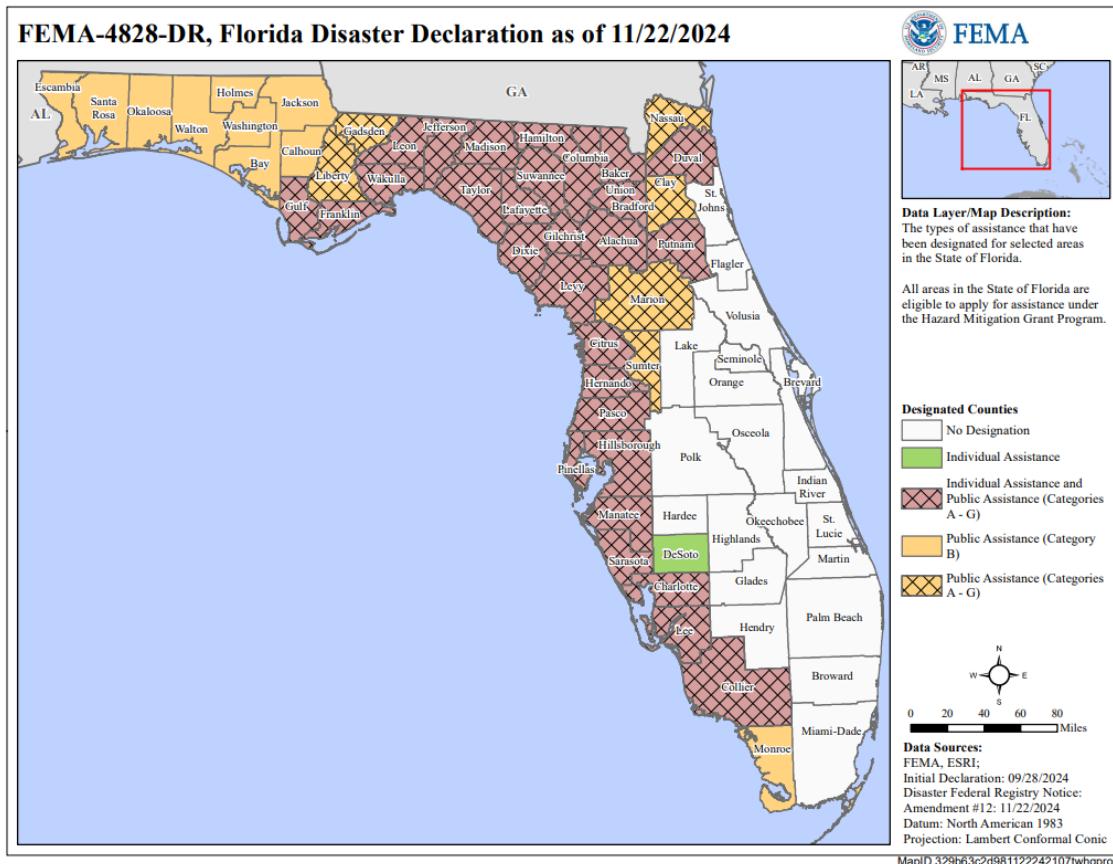
¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

forward motion contributed to catastrophic storm surge in the southeast Big Bend area and along the west coast of Florida.²² In Cedar Key, the storm surge level of 9.3 ft exceeded the level of 6.89 ft observed during Hurricane Idalia the previous year.²³ Preliminary data for Taylor and Dixie counties estimated more than 15 ft of surge, while areas near Tampa saw levels over 6 ft.²⁴



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 in Siesta Key, Florida in Sarasota County.²⁵ At landfall, Milton was a category 3 hurricane with maximum sustained winds of 120 mph.²⁶ 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.²⁷ Though Milton moved quickly across the state, it produced extreme rainfall, with the highest amounts, nearly 20

²² *Id.*

²³ Emily Powell, Florida Climate Center, *Hurricane Helene Post-Storm Summary Report*, (Oct. 7, 2024), <https://climatecenter.fsu.edu/images/docs/Hurricane-Helene-Summary-Report.pdf> (last visited Jan. 11, 2026).

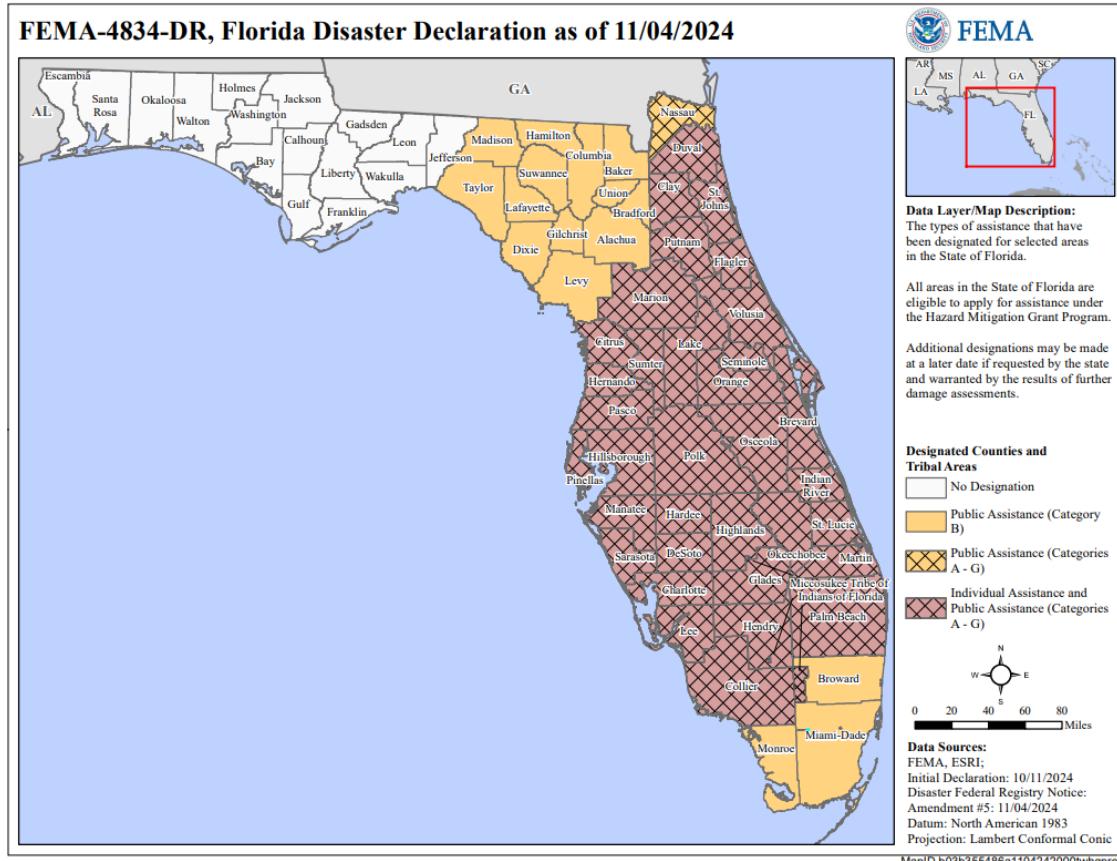
²⁴ *Id.*

²⁵ National Weather Service, *Hurricane Milton Impacts to East Central Florida*, https://www.weather.gov/mlb/HurricaneMilton_Impacts (last visited Jan. 11, 2026).

²⁶ Emily Powell, Florida Climate Center, *Post-Storm Summary Report on Hurricane Milton*, (Oct. 31, 2024), <https://climatecenter.fsu.edu/images/docs/Hurricane-Milton-Report.pdf> (last visited Jan. 11, 2026).

²⁷ *Id.*

inches, measured in the Clearwater Beach and St. Petersburg areas.²⁸ In the days and weeks following the storm, rainfall caused rivers and tributaries to reach major flood stages.²⁹ The hydrograph at Astor for the St. Johns River showed a new record high level on October 10, 2024, of 4.81 ft, while the Hillsborough River crested at a new record of 38.16 ft at Morris Bridge on October 12, 2024.³⁰ Storm surge in many areas was less than Hurricane Ian in 2022, but higher than experienced during Helene.³¹ NOAA gages in Ft. Myers and Naples Bay North measured storm surge above 5 feet.³² 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.³³



Disaster Declaration Map for Hurricane Milton

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.³⁴ 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 protection from the federal government.³⁵ Participation in the NFIP by a community is voluntary.³⁶ To join, a community must complete an application; adopt a resolution of intent to participate and cooperate with the FEMA; and adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.³⁷

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.³⁸ An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).³⁹ The SFHA is intended to distinguish the flood risk zones where properties have a risk of 1 percent or greater risk of flooding every year⁴⁰ and at least a 26 percent chance of flooding over the course of a 30-year mortgage.⁴¹ 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.⁴²

Community Floodplain Management

Key conditions of the NFIP minimum floodplain management standards include, among 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 or above the base flood elevation (BFE);⁴³
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.⁴⁴

³⁴ The National Flood Insurance Act of 1968, Pub. L. 90-448, 82 Stat. 572 (codified as amended at 42 U.S.C. 4001 et seq.). See also FEMA, *Laws and Regulations*, <https://www.fema.gov/flood-insurance/rules-legislation/laws> (last visited Jan. 11, 2026).

³⁵ See FEMA, *Flood Insurance*, <https://www.fema.gov/flood-insurance> (last visited Jan. 11, 2026).

³⁶ FEMA, *Participation in the NFIP*, <https://www.fema.gov/about/glossary/participation-nfip> (last visited Jan. 11, 2026).

³⁷ *Id.*

³⁸ See Congressional Research Service, *Introduction to the National Flood Insurance Program*, 3 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Jan. 11, 2026).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6, available at https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf (last visited Jan. 11, 2026).

⁴² Congressional Research Service, *Introduction to the National Flood Insurance Program*, 10 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Jan. 11, 2026). 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.

⁴³ 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. See FEMA, *Base Flood Elevation (BFE)*, (Mar. 5, 2020), <https://www.fema.gov/about/glossary/base-flood-elevation-bfe> (last visited Jan. 11, 2026).

⁴⁴ Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Jan. 11, 2026).

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.⁴⁵ Property owners within communities that participate in the CRS program receive discounts on flood insurance premiums.⁴⁶ Premium discounts range from 5 to 45 percent based on a community's CRS credit points.⁴⁷ 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.⁴⁸

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. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴⁹ The Florida Building Commission (Commission) was created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.⁵⁰

The Commission and local governments may adopt technical and administrative amendments to the Building Code.⁵¹ The Commission may approve technical amendments to the Building Code once each year for statewide or regional application upon making certain findings.⁵² Local governments may adopt amendments to the Building Code that are more stringent than the Building Code that are limited to the local government's jurisdiction.⁵³ Amendments by local governments expire upon the adoption of the newest edition of the 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 Building Code.⁵⁴

⁴⁵ FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system> (last visited Jan. 11, 2026).

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Florida Office of Insurance Regulation, *Cumulative Substantial Improvement Period Study Final Report*, (Nov. 26, 2024) 19, available at <https://floir.com/docs-sf/default-source/property-and-casualty/other-property-casualty-reports/final-report.pdf> (last visited Jan. 11, 2026).

⁴⁹ Section 553.72(1), F.S.

⁵⁰ Sections 553.73 and 553.74, F.S.

⁵¹ Section 553.73, F.S.

⁵² Section 553.73(9), F.S.

⁵³ Section 553.73(4), F.S.

⁵⁴ 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.⁵⁵ Each county and municipality must maintain a comprehensive plan to guide future development.⁵⁶

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.⁵⁷ 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.⁵⁸

A locality'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.⁵⁹

A comprehensive plan is implemented through the adoption of land development regulations⁶⁰ that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.⁶¹ 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.⁶² Substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the comprehensive plan.⁶³

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.⁶⁴

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."⁶⁵ When a party wishes to

⁵⁵ Section 163.3167(1), F.S.

⁵⁶ Section 163.3167(2), F.S.

⁵⁷ Section 163.3194(3), F.S.

⁵⁸ Section 163.3177(1), F.S.

⁵⁹ Section 163.3177(6), F.S.

⁶⁰ "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.

⁶¹ Section 163.3202, F.S.

⁶² *Id.*

⁶³ Section 163.3213, F.S.

⁶⁴ Sections 163.3174(4)(a) and 163.3184, F.S.

⁶⁵ 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."⁶⁶ Once a local government has officially granted or denied a development permit, the official action constitutes a development order.⁶⁷ A development order vests certain rights related to the land.⁶⁸

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 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, 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; or
- 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; or
- The proposed comprehensive plan amendment or land development regulation is approved pursuant to requirements for areas of critical state concern.

The section provides 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 (OPPAGA) 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.

⁶⁶ Section 163.3164(16), F.S.

⁶⁷ See s. 163.3164(15), F.S.

⁶⁸ See s. 163.3167(3), F.S.

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:

- 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; or
- 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 October 1, 2027, with the section scheduled to expire on June 30, 2028.

Exceptions for enforcement of comprehensive plan amendments, land development regulations, development permits, or development orders are allowed if the application is initiated by a private party other than the county or municipality and the initiating private party owned the property that was the subject of the application. The section 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:

SB 840 substantially amends the provisions from section 18 of CS/CS/SB180 (2025 Regular Session), now s. 252.422, F.S. The bill limits the geographic region subject to the restrictions on land use regulation after hurricanes to those counties and municipalities located entirely or partially within 50 miles of the hurricane storm track and which are listed in the federal major disaster declaration. Additionally, the bill clarifies that the restrictions last for 1 year after a hurricane makes landfall in this state.

The restrictions are revised to no longer prohibit an impacted local government from proposing or adopting 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. Reference to “more restrictive or burdensome” amendments or procedures is also deleted by the bill.

Instead the bill prohibits:

- Enforcement of 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;
- Requiring 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 in this state; and

- Enforcement of 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 in this state.

The restrictions against moratorium enforcement or requiring repairs or reconstruction to comply with comprehensive plan or land development regulation amendment only apply to property damaged so severely that the repairs or reconstruction require a permit. Local governments are allowed to require property owners showing documentation related to the damage being 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 exceptions to the restrictions on impacted local governments are revised to:

- Clarify that they do not apply to comprehensive plan amendments or land development regulations approved for areas of critical state concern; and
- Allow for the adoption of comprehensive plan amendments or land development regulations to comply with state law or implement NFIP floodplain management standards.

The bill clarifies that the section does not restrict local government adoption or enforcement of changes to the Florida Building Code or local technical amendments thereto.

The bill deletes the provision allowing any person to file suit for declaratory and injunctive relief to enforce the section.

SB 840 also sunsets, as of June 30, 2026, the temporary restrictions on local government post-storm land use regulation provided in section 28 of CS/CS/SB 180. This will result in the restrictions applying to the actions of the counties and municipalities within the disaster declarations for Hurricane Debby, Hurricane Helene, and Hurricane Milton between August 1, 2024 and June 30, 2026. The expiration date of the section is also revised to June 30, 2026.

The bill will take 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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

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, 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.