

By Senator Gaetz

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

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

Section 1. Section 28 of chapter 2025-190, Laws of Florida,
is amended to read:

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

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

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

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

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

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

(4) (a)~~(3) (a)~~ A resident of or the owner of a business in an impacted local government ~~a county or municipality~~ may bring a civil action for declaratory and injunctive relief against the impacted local government ~~county or municipality~~ for a violation of this section. Pending adjudication of the action and upon filing of a complaint showing a violation of this section, the resident or business owner is entitled to a preliminary injunction against the impacted local government ~~county or municipality~~ preventing implementation of the moratorium or the 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.