

By Senator Gaetz

1-00206A-26

2026218

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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30 or adopt more restrictive or burdensome procedures concerning  
31 review, approval, or issuance of a site plan, development  
32 permit, or development order, to the extent that those terms are  
33 defined by s. 163.3164, Florida Statutes, before October 1,  
34 2027, and any such moratorium or restrictive or burdensome  
35 comprehensive plan amendment, land development regulation, or  
36 procedure shall be null and void ab initio. This subsection  
37 applies retroactively to August 1, 2024.

38 (3) ~~(2)~~ Notwithstanding subsection (2) ~~(1)~~, any  
39 comprehensive plan amendment, land development regulation  
40 amendment, site plan, development permit, or development order  
41 approved or adopted by an impacted local government ~~a county or~~  
42 ~~municipality~~ before or after the effective date of this act may  
43 be enforced if:

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

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

49 (4) ~~(a)~~ ~~(3)~~ (a) A resident of or the owner of a business in an  
50 impacted local government ~~a county or municipality~~ may bring a  
51 civil action for declaratory and injunctive relief against the  
52 impacted local government ~~county or municipality~~ for a violation  
53 of this section. Pending adjudication of the action and upon  
54 filing of a complaint showing a violation of this section, the  
55 resident or business owner is entitled to a preliminary  
56 injunction against the impacted local government ~~county or~~  
57 ~~municipality~~ preventing implementation of the moratorium or the  
58 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.