

**By** Senator DiCeglie

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

27           Section 1. Section 252.422, Florida Statutes, is amended to  
28           read:

252.422 Restrictions on county or municipal regulations

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30 after a hurricane.—

31 (1) As used in this section, the term "impacted local  
32 government" means a county listed in a federal disaster  
33 declaration located entirely or partially within 50 ~~100~~ miles of  
34 the track of a storm declared to be a hurricane by the National  
35 Hurricane Center while the storm was categorized as a hurricane  
36 and which was listed in a federal major disaster declaration  
37 pursuant to the Robert T. Stafford Disaster Relief and Emergency  
38 Assistance Act, 42 U.S.C. ss. 5121 et seq., or a municipality  
39 located within such a county.

40 (2) For 1 year after a hurricane makes landfall in this  
41 state, an impacted local government may not ~~propose or adopt~~:

42 (a) Enforce a moratorium that prevents or delays the repair  
43 or on construction, reconstruction, or redevelopment of an  
44 existing improvement damaged by such hurricane, unless the  
45 moratorium is imposed for the purpose of addressing stormwater  
46 or flood water management, potable water supply, or necessary  
47 repairs to or replacement of sanitary sewer systems any  
48 property.

49 (b) Require the repair or reconstruction of an existing  
50 improvement damaged by such hurricane to comply with an A more  
51 restrictive or burdensome amendment to its comprehensive plan or  
52 land development regulations which was first effective after  
53 such hurricane made landfall in this state.

54 (c) Enforce a change to a more restrictive or burdensome  
55 procedure concerning review, approval, or issuance of a site  
56 plan, development permit, or development order, to the extent  
57 that those terms are defined in s. 163.3164, which increases the  
58 timeframe for the impacted local government to take final action

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59 on such review, approval, or issuance and which is effective  
60 after such hurricane makes landfall in this state.

61 (3) Notwithstanding subsection (2), a comprehensive plan  
62 amendment, land development regulation amendment, site plan,  
63 development permit, or development order approved or adopted by  
64 an impacted local government ~~before or after June 26, 2025,~~ may  
65 be enforced if:

66 (a) The associated application is initiated by a private  
67 party other than the impacted local government and the property  
68 that is the subject of the application is owned by the  
69 initiating private party;

70 ~~(b) The proposed comprehensive plan amendment was submitted~~  
71 ~~to reviewing agencies pursuant to s. 163.3184 before landfall;~~  
72 ~~or~~

73 ~~(c) The proposed comprehensive plan amendment or land~~  
74 ~~development regulation is approved by the state land planning~~  
75 ~~agency for an area of critical state concern designated pursuant~~  
76 ~~to chapter 380; pursuant to s. 380.05.~~

77 (c) The adoption of the comprehensive plan amendment or  
78 land development regulation amendment is required to comply with  
79 state or federal law; or

80 (d) The adoption of the comprehensive plan amendment or  
81 land development regulation implements a floodplain management  
82 standard consistent with 44 C.F.R. part 60, relating to the  
83 National Flood Insurance Program.

84 (4) The prohibitions of paragraphs (2)(b) and (c) apply  
85 only to property damaged to such an extent that a permit is  
86 required for the repair or reconstruction of the existing  
87 improvement. An impacted local government may require a property

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88 owner to provide documentation demonstrating that the property  
89 was damaged by a hurricane, including, but not limited to,  
90 documents produced by property appraisers, insurers, or local  
91 building inspectors.

92 ~~(a) Any person may file suit against any impacted local~~  
93 ~~government for declaratory and injunctive relief to enforce this~~  
94 ~~section.~~

95 ~~(b) A county or municipality may request a determination by~~  
96 ~~a court of competent jurisdiction as to whether such action~~  
97 ~~violates this section. Upon such a request, the county or~~  
98 ~~municipality may not enforce the action until the court has~~  
99 ~~issued a preliminary or final judgment determining whether the~~  
100 ~~action violates this section.~~

101 ~~(c) Before a plaintiff may file suit, the plaintiff shall~~  
102 ~~notify the impacted local government by setting forth the facts~~  
103 ~~upon which the complaint or petition is based and the reasons~~  
104 ~~the impacted local government's action violates this section.~~  
105 Upon receipt of the notice, the impacted local government shall  
106 have 14 days to withdraw or revoke the action at issue or  
107 otherwise declare it void. If the impacted local government does  
108 not withdraw or revoke the action at issue within the time  
109 prescribed, the plaintiff may file suit. The plaintiff shall be  
110 entitled to entry of a preliminary injunction to prevent the  
111 impacted local government from implementing the challenged  
112 action during pendency of the litigation. In any action  
113 instituted pursuant to this paragraph, the prevailing plaintiff  
114 shall be entitled to reasonable attorney fees and costs.

115 ~~(d) In any case brought under this section, all parties are~~  
116 ~~entitled to the summary procedure provided in s. 51.011, and the~~

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117 ~~court shall advance the cause on the calendar.~~

118 (5) This section may not be construed to restrict a local  
119 government from adopting or enforcing changes to the Florida  
120 Building Code or local technical amendments adopted pursuant to  
121 s. 553.73(4) The Office of Program Policy Analysis and  
122 Government Accountability (OPPAGA) shall conduct a study on  
123 actions taken by local governments after hurricanes which are  
124 related to comprehensive plans, land development regulations,  
125 and procedures for review, approval, or issuance of site plans,  
126 permits, or development orders. The study must focus on the  
127 impact that local governmental actions, including moratoriums,  
128 ordinances, and procedures, have had or may have on  
129 construction, reconstruction, or redevelopment of any property  
130 damaged by hurricanes. In its research, OPPAGA shall survey  
131 stakeholders that play integral parts in the rebuilding and  
132 recovery process. OPPAGA shall make recommendations for  
133 legislative options to remove impediments to the construction,  
134 reconstruction, or redevelopment of any property damaged by a  
135 hurricane and prevent the implementation by local governments of  
136 burdensome or restrictive procedures and processes. OPPAGA shall  
137 submit the report to the President of the Senate and the Speaker  
138 of the House of Representatives by December 1, 2025.

139 Section 2. Section 28 of chapter 2025-190, Laws of Florida,  
140 is amended to read:

141 Section 28. (1) Each county listed in the Federal Disaster  
142 Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-  
143 4828), or Hurricane Milton (DR-4834), and each municipality  
144 within one of those counties, may not propose or adopt any  
145 moratorium on construction, reconstruction, or redevelopment of

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146 any property damaged by such hurricanes; propose or adopt more  
147 restrictive or burdensome amendments to its comprehensive plan  
148 or land development regulations; or propose or adopt more  
149 restrictive or burdensome procedures concerning review,  
150 approval, or issuance of a site plan, development permit, or  
151 development order, to the extent that those terms are defined by  
152 s. 163.3164, Florida Statutes, before June 30, 2026 ~~October 1,~~  
153 2027, and any such moratorium or restrictive or burdensome  
154 comprehensive plan amendment, land development regulation, or  
155 procedure shall be null and void ab initio. This subsection  
156 applies retroactively to August 1, 2024.

157 (2) Notwithstanding subsection (1), any comprehensive plan  
158 amendment, land development regulation amendment, site plan,  
159 development permit, or development order approved or adopted by  
160 a county or municipality before or after the effective date of  
161 this act may be enforced if:

162 (a) The associated application is initiated by a private  
163 party other than the county or municipality.

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

166 (3) (a) A resident of or the owner of a business in a county  
167 or municipality may bring a civil action for declaratory and  
168 injunctive relief against the county or municipality for a  
169 violation of this section. Pending adjudication of the action  
170 and upon filing of a complaint showing a violation of this  
171 section, the resident or business owner is entitled to a  
172 preliminary injunction against the county or municipality  
173 preventing implementation of the moratorium or the comprehensive  
174 plan amendment, land development regulation, or procedure. If

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175 such civil action is successful, the resident or business owner  
176 is entitled to reasonable attorney fees and costs.

177 (b) Attorney fees and costs and damages may not be awarded  
178 pursuant to this subsection if:

179 1. The resident or business owner provides the governing  
180 body of the county or municipality written notice that a  
181 proposed or enacted moratorium, comprehensive plan amendment,  
182 land development regulation, or procedure is in violation of  
183 this section; and

184 2. The governing body of the county or municipality  
185 withdraws the proposed moratorium, comprehensive plan amendment,  
186 land development regulation, or procedure within 14 days; or, in  
187 the case of an adopted moratorium, comprehensive plan amendment,  
188 land development regulation, or procedure, the governing body of  
189 a county or municipality notices an intent to repeal within 14  
190 days after receipt of the notice and repeals the moratorium,  
191 comprehensive plan amendment, land development regulation, or  
192 procedure within 14 days thereafter.

193 (4) This section expires June 30, 2026 ~~2028~~.

194 Section 3. This act shall take effect July 1, 2026.