

Summary of Ordinance

The purpose of this Ordinance is to create Section 1.09.00, Lake County Code, Appendix E, Land Development Regulations, to establish a process by which individuals may seek relief from an amendment to the Land Development Regulations or Comprehensive Plan for property damaged pursuant a Federal Disaster Declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton as set forth in Chapter 2025-190, *Laws of Florida*, adopted pursuant to Section 28, Senate Bill 180, signed by the Governor in June 2025.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or re-lettering that might be needed).

ORDINANCE NO. 2026-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; CREATING SECTION 1.09.00, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, TO BE ENTITLED, *RELIEF CONCERNING DECLARED EMERGENCY UNDER CHAPTER 125-190 LAWS OF FLORIDA*; ADDRESSING THE PROVISIONS OF SECTION 28, CHAPTER 2025-190, *LAWS OF FLORIDA*; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 26, 2025, the Governor of the State of Florida signed Senate Bill (SB)180 which included the following provision under Section 28:

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 such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose 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; and

WHEREAS, the Board of County Commissioners (Board) desires to amend its Land Development Regulations to address the declared emergency restrictions of Section 28 of Chapter 2025-190, Laws of Florida (Senate Bill 180 (2025)); and

WHEREAS, the Board hereby finds that this Ordinance serves a legitimate government

purpose and is in the best interests of the public health, safety, and welfare of the residents of Lake County, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida as follows:

Section 1. Legal Findings of Fact. The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Creation. Section 1.09.00, Lake County Code, Appendix E, Land Development Regulations, to be entitled *Relief Concerning Declared Emergency Under Chapter 2025-190, Laws of Florida*, shall be created to read as follows:

1.09.00 Relief Concerning Declared Emergency Under Chapter 2025-190, Laws of Florida.

- A. *Purpose and Intent.*** The purpose of this section is to address the restrictions of Section 28 of Chapter 2025-190, Laws of Florida. This section shall sunset and expire on October 1, 2027, unless otherwise extended by general law. If Section 28 of Chapter 2025-190, Laws of Florida is repealed or expires as it applies to the County, this section shall automatically expire simultaneously therewith. If Section 28 of Chapter 2025-190, Laws of Florida is substantially amended after the effective date of this section, the County Manager may freeze use of this section until an amendment to this section is adopted to incorporate the amendments made to Section 28 of Chapter 2025-190, Laws of Florida. If a court of competent jurisdiction issues an injunction against the enforcement of or declares invalid or unconstitutional Section 28 of Chapter 2025-190, Laws of Florida, the County Manager may freeze use of this section until an amendment to this section is adopted or it is repealed.
- B. *Application Form and Content.*** If an authorized Applicant for a development order believes that any county-initiated amendment to its Land Development Regulations and/or Comprehensive Plan, that occurred after August 1, 2024, is “more restrictive or burdensome” than existed prior to August 1, 2024, the Applicant may file an application with the County Manager or designee to have the version of Land Development Regulations and/or the Comprehensive Plan existing as of August 1, 2024, apply to and govern the development order application at issue. The Applicant shall submit in writing to the County Manager or designee a sworn, notarized statement that includes the following information:
1. Describing the development order sought and the details of the proposed development project;
 2. Providing proof that the property subject to the application was damaged or destroyed because of Hurricane Debby, Hurricane Helene, or Hurricane Milton. Acceptable evidence includes documents produced by the Property Appraiser’s Office, the property owner’s insurance company, or County building inspectors.

2. Describing with citations and specificity which provisions of the Land Development Regulations and/or the Comprehensive Plan that have been amended since August 1, 2024, that are “more restrictive and burdensome” than existed on August 1, 2024;
3. Describing how such “more restrictive and burdensome” provisions are applicable to the development order application;
4. Describing how, when applied to the development order application such “more restrictive and burdensome” provisions result in more restrictive and burdensome impacts on the proposed development than the August 1, 2024, version of the Land Development Regulations and/or the Comprehensive Plan;
5. Requesting that the version of Land Development Regulations and/or the Comprehensive Plan existing as of August 1, 2024, apply to and govern the development order application at issue and agreeing to be bound by such provisions; and
6. Agreeing that the authorized Applicant and property owner will not receive any benefits of the then current version of the Land Development Regulations and/or Comprehensive Plan if it/they elect to request relief pursuant to this Section. If the authorized Applicant is not the fee simple property owner(s), the property owner(s) shall be required to join in and consent to the sworn, notarized statement.

1 C. *Review for Sufficiency.* Upon receipt of the sworn, notarized statement pursuant to
2 subsection B, the County Manager or designee will evaluate the notarized statement
3 to determine if the statement is complete and whether the information submitted in
4 the statement presents a good faith claim that there are “more restrictive and
5 burdensome” provisions of the Land Development Regulations and/or
6 Comprehensive Plan than existed on August 1, 2024, entitling the authorized
7 Applicant to relief pursuant to Section 28 of Chapter 2025-190, Laws of Florida.
8 If the sworn, notarized statement is incomplete, the County Manager or designee
9 will request the authorized Applicant to provide additional information to complete
10 the requirements of subsection B.

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12 D. *Standards of Review.* If the sworn, notarized statement pursuant to subsection B is
13 determined by the County Manager or designee to present a good faith claim that
14 there are “more restrictive and burdensome” provisions of the Land Development
15 Regulations and/or the Comprehensive Plan than existed on August 1, 2024, the
16 development order application will proceed to be reviewed and considered for
17 approval pursuant to the August 1, 2024, version of the Land Development
18 Regulations and/or the Comprehensive Plan. The authorized Applicant and
19 property owner will not receive any benefits of the then current version of the Land
20 Development Regulations and/or Comprehensive Plan if it/they elect to use this
21 section. If approved, a written determination shall be provided to the authorized
22 Applicant.

1 E. Denial of Application. The County Manager or designee may deny the application
2 if the evidence provided by the authorized Applicant does not support a finding that
3 the Land Development Regulations and/or Comprehensive Plan challenged are
4 more restrictive or burdensome, or if a finding is made that the property subject to
5 the application was not damaged or destroyed by Hurricane Debby, Hurricane
6 Helene, or Hurricane Milton. A written determination shall be provided stating
7 with specificity the objective, evidence-based reasons for the denial.

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9 F. Appeal. Any decision made by the County Manager or designee under this section
10 may be appealed by the Applicant to the Board of County Commissioners by filing
11 a written notice of appeal with the County Manager within ten (10) days of the date
12 of County Manager or designee's written decision. Thereafter, the Board of County
13 Commissioners will hold a de novo public hearing on the appeal within sixty (60)
14 days of the County Manager's receipt of the appeal unless otherwise agreed by the
15 Applicant and County Manager or designee. The Board of County Commissioners'
16 decision on the appeal shall be final and subject to challenge in Circuit Court.
17 Appeals to the Circuit Court must be filed within thirty (30) days of the date of the
18 written order denying the appeal.

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21 **Section 3. Severability.** If any section, sentence, clause, or phrase or word of this
22 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
23 any court of competent jurisdiction, then said holding shall in no way affect the validity of the
24 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners'
25 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
26 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
27 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
28 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
29 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
30 other person, property or circumstances.

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32 **Section 4. Inclusion in the Code.** It is the intent of the Board of County
33 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake
34 County Code and that the sections of this Ordinance may be renumbered or re-lettered and the
35 word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase
36 in order to accomplish such intentions.

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38 **Section 5. Filing with the Department of State.** The Clerk shall be and is
39 hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for
40 the State of Florida in accordance with Section 125.66, Florida Statutes.

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Section 6. Effective Date. This Ordinance shall become effective as provided for by law.

Enacted this _____ day of _____, 2026.

Filed with the Secretary of State _____, 2026.

**BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA**

ATTEST:

Gary J. Cooney, Clerk
Board of County Commissioners
of Lake County, Florida

Leslie Campione, Chairman

This _____ day of _____, 2026.

Approved as to form and legality:

Melanie Marsh
County Attorney