

State Preemption on Religious Gatherings and Local Business Regulations

[SB 1444](#) – Sen. Jonathan Martin (HB 1227 – Rep. Vanessa Oliver)

General Bill Summary

SB 1444 preempts several regulatory matters to the state and limits the ability of local governments to regulate religious gatherings, certain nonprofit entities, and aspects of home-based businesses. The bill establishes statewide protections for the free exercise of religion and provides that counties, municipalities, and special districts may not adopt or enforce ordinances, regulations, or policies that substantially burden religious services or gatherings. Religious services must be allowed in areas zoned for residential or commercial use, including homes, community centers, or businesses.

The bill also restricts local governments from regulating parking associated with religious gatherings beyond public safety and access requirements. Any conflicting local ordinance or policy would be void and unenforceable.

Additionally, the legislation preempts the regulation of mutual benefit corporations to the state and prohibits local governments from licensing or regulating such organizations differently from other businesses in their jurisdiction.

The bill further modifies provisions relating to home-based businesses, including limiting local government authority to regulate parking standards associated with those businesses.

The legislation creates new statutory provisions governing religious gatherings and local government authority and provides a civil cause of action with a waiver of sovereign immunity under certain circumstances. The bill takes effect upon becoming law.

Potential County Impact

SB 1444 significantly affects county regulatory authority by expanding state preemption over several local regulatory areas.

First, the bill limits counties' ability to regulate religious services and gatherings, including those occurring in residential areas or nontraditional venues. Counties would not be able to use zoning, land-use, or similar ordinances to restrict such gatherings if they occur in residential or commercial zones. While counties may continue to enforce building, fire, health, and safety standards, the bill narrows local discretion related to land-use controls and parking regulations associated with religious gatherings.

Second, the legislation preempts local regulation of mutual benefit corporations, which may reduce counties' ability to impose licensing or regulatory requirements on these organizations if they differ from requirements imposed on other businesses.

Third, the bill further limits county authority to regulate home-based businesses, particularly regarding parking standards, which may reduce counties' ability to address neighborhood impacts through local ordinances.

The bill also creates a potential litigation risk for counties by authorizing civil actions against local governments that adopt or enforce ordinances inconsistent with the preemption. The waiver of sovereign immunity increases potential financial exposure for counties if violations are found.

Effective Date

Upon becoming law.

Primary Statutory References

- s. 125.595, F.S.
- s. 166.0499, F.S.
- s. 189.09, F.S.
- s. 559.954, F.S.
- s. 559.955, F.S.