

Bill Would Let Businesses Sue Over Arbitrary County Enforcement

SB 588 – Sen. Stan McClain (HB 105 – Rep. Robert Brackett)

General Bill Summary

SB 588 creates a new “Local Government Regulatory Accountability Act” for counties and municipalities and a parallel “Special District Regulatory Accountability Act” for special districts. The bill says a county, municipality, or special district may not initiate or threaten an enforcement action that a court later determines is arbitrary or unreasonable. It broadly defines “enforcement action” to include decisions, demands, inspections, citations, orders, denials, interpretations, and other regulatory actions. A person or business entity subject to an enforcement action may first ask the local government or district to review the action, and the agency must respond in writing within 30 days. The bill then authorizes a lawsuit within 180 days of the enforcement action to determine whether it was arbitrary or unreasonable. The bill defines that standard to include actions not supported by law or policy, actions that depart from prior interpretations without written justification, actions that unreasonably delay lawful development or business activity, or actions that impose unauthorized conditions. Courts would be required to award attorney fees and costs to prevailing plaintiffs, may award actual damages up to \$50,000 per occurrence, and may issue injunctive relief. As of March 13, 2026, SB 588 has been introduced and has not advanced beyond its committee referrals.

Potential County Impact

For counties, the bill would create a new litigation pathway for applicants, property owners, and businesses challenging county code enforcement, permitting, inspections, development review interpretations, and similar regulatory decisions. Counties would have to establish and maintain formal rules for reviewing challenged enforcement actions and would need to provide written responses within 30 days of receiving a review request. That likely creates administrative and legal workload for county attorneys, growth management, building, code enforcement, and permitting staff. The bill also increases exposure to attorney-fee awards, injunctions, and damages of up to \$50,000 per occurrence if a court finds county action arbitrary or unreasonable. Operationally, counties may need to tighten internal documentation, standardize interpretations, train staff, and improve written justifications for departures from prior practice. The bill also could make counties more cautious in enforcement and permitting decisions, especially where ordinances or policies are ambiguous. FAC members may view this as a potential preemption of local enforcement discretion because the bill makes the new statutory process the sole authority for these challenges and voids conflicting local policies. Fiscal impacts are uncertain, but county cost exposure could rise through litigation defense, staff time, compliance work, and possible court awards.

Effective Date

October 1, 2026.

Primary Statutory References

- s. 125.676, F.S.
- s. 166.0413, F.S.
- s. 189.0645, F.S.