

RESOLUTION NO. 2026-05

A RESOLUTION OF THE CITY OF DELTONA, FLORIDA, ACKNOWLEDGING ORDINANCE 29-2025 IS VOID AB INITIO PURSUANT TO CHAPTER 205-190, FLORIDA STATUTES; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE.

WHEREAS, on June 26, 2025, Senate Bill 180 (“SB 180”), titled “Emergencies,” was signed into law by Governor Ron DeSantis and became effective immediately as Chapter 205-190, Florida Statutes; and

WHEREAS, among other things, Section 28 of SB 180 prohibits all local government-initiated ordinances that impose “more restrictive or burdensome” comprehensive plan amendments, land development regulations, or procedures concerning review, approval, or issuance of site plans, development permits, or development orders (collectively, “Land Use and Zoning Regulations”) for the period commencing retroactively from August 1, 2024, through October 1, 2027, even if such amendments, regulations or procedures are in no way related to any hurricane or other emergency and even if such amendments, regulations, or procedures were duly enacted prior to the enactment of SB 180; and

WHEREAS, Section 28 of SB 180 also bans local moratoria on construction, reconstruction, or redevelopment of property damaged by a hurricane during the same timeframe; and

WHEREAS, Section 28 of SB 180 provides that “any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio;” and

WHEREAS, on June 28, 2025, the City Commission of the City of Deltona, Florida

passed into law Ordinance 29-2025, “AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, PROVIDING FOR IMPOSITION OF A TEMPORARY MORATORIUM ON ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF DEVELOPMENT APPLICATIONS, CITY CODE TEXT AMENDMENTS, REZONINGS, COMPREHENSIVE PLAN TEXT AND LAND USE PLAN AMENDMENTS FOR DEVELOPMENT OF RESIDENTIAL DWELLING UNITS WITHIN THE CITY; EXEMPTING SPECIFIED DEVELOPMENT; PROVIDING FOR WAIVERS; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR APPEALS; PROVIDING FOR EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING FOR A TERM NOT TO EXCEED NINE (9) MONTHS UNLESS EXTENDED BY THE CITY COMMISSION AS PROVIDED BY LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE;” and

WHEREAS, Section 2 of Ordinance 29-2025 exempts Development Orders and Development Permits Development “whereby the applicability of this temporary moratorium Ordinance is preempted pursuant to Federal, State or County law;” and

WHEREAS, the City Commission of the City of Deltona, Florida hereby acknowledges that enforcement of the temporary moratorium prescribed by Ordinance 29-2025 is preempted pursuant to State law and is therefore null and void ab initio pursuant to Section 28 of SB 180.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above-stated recitals are hereby adopted and confirmed.

Section 2. Ordinance 29-2025 Recognized as Void Ab Initio. The City Commission of the City of Deltona, Florida hereby acknowledges that enforcement of the temporary moratorium prescribed by Ordinance 29-2025 is preempted pursuant to State law and is therefore null and void ab initio pursuant to Section 28 of SB 180.

Section 3. Implementation. The City Manager and City Attorney are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

Section 4. Effective Date. That this Resolution shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED this ____ day of _____, 2026.

BY: _____
Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Nabicht		
Santiago		
Avila		

TG Law PLLC, CITY ATTORNEY