

November 18, 2025

The Honorable Joseph Flescher
Chairman, Indian River County
Board of County Commissioners
1801 27th Street
Vero Beach, Florida 32960

Dear Chairman Flescher,

FloridaCommerce has completed its review of the proposed comprehensive plan amendment for Indian River County (Amendment No. 25-01ER), which was received on September 19, 2025. FloridaCommerce received the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.).

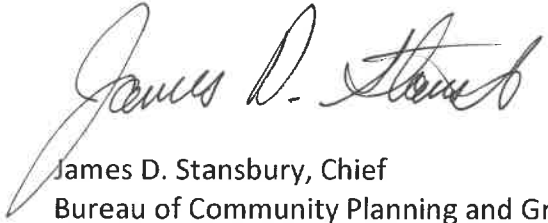
FloridaCommerce has identified a conflict with the application of Chapter 2025-190, Section 28, Laws of Florida (L.O.F.), and the proposed comprehensive plan amendment. These conflicts render the proposed comprehensive plan amendment null and void ab initio pursuant to Chapter 2025-190, Section 28, L.O.F.
Chapter 2025-190 provides:

Section 28. (1) 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 redevelopment 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, an 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.

For the reasons outlined herein, Indian River County's proposed amendment is more restrictive or burdensome, making it null and void ab initio, pursuant to Section 28 of Chapter 2025-190, L.O.F.

If you have any questions concerning this review, please contact Jon Coulter, Planning Analyst, by telephone at (850) 717-8421 or by email at Jon.Coulter@Commerce.fl.gov.

Sincerely,

A handwritten signature in dark ink, reading "James D. Stansbury". The signature is fluid and cursive, with the first name "James" being the most prominent.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/jc

cc: Patrick Murphy, MPA, Indian River County Chief of Long-Range Planning
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

Chapter 2025-190, Section 28, Laws of Florida (L.O.F.):

Section 28. (1) 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 redevelopment 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.

Indian River County's Proposed Amendment 25-01ER makes changes related to the following policy in the Comprehensive Plan that is more restrictive or burdensome and another policy that is potentially more restrictive or burdensome than the County's currently adopted Comprehensive Plan. The following policy is more restrictive or burdensome: Potable Water Sub-Element Policy 1.2. The following policy is potentially more restrictive or burdensome: Sanitary Sewer Sub-Element Policy 1.6.