IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT IN AND FOR LEON COUNTY, FLORIDA

CASE NO. 2025 CA 001876

City of Destin, Florida;
City of Lake Alfred, Florida;
Town of Windermere, Florida;
City of Delray Beach, Florida;
City of Deltona, Florida;
City of Weston, Florida;
City of Alachua, Florida;
City of Stuart, Florida;
Orange County, Florida;
Manatee County, Florida;
Town of Mulberry, Florida;
City of Naples, Florida;
Miami Shores Village, Florida;
Town of Lake Park, Florida;
City of Fort Lauderdale, Florida;
Town of Jupiter, Florida;
City of Edgewater, Florida;
City of Pompano Beach, Florida;
Town of Dundee, Florida;
Town of Cutler Bay, Florida;
Village of North Palm Beach, Florida;
Village of Pinecrest, Florida;
City of Margate, Florida;
Town of Palm Beach, Florida; and
City of Homestead, Florida,

Plaintiffs,

v.

HONORABLE J. ALEX KELLY,
Secretary of Commerce, State of Florida;
HONORABLE KEVIN GUTHRIE,
Executive Director for the Florida Division of Emergency Management;
HONORABLE WILTON SIMPSON,
Commissioner of Agriculture, State of Florida;
HONORABLE JIM ZINGALE,
Executive Director, Department of Revenue, State of Florida;
HONORABLE BLAISE INGOGLIA,
Chief Financial Officer, State of Florida;

Defendants.
_____/

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, collectively, the "Local Governments", sue the following Defendants in their official capacity: J. Alex Kelly, Florida's Secretary of Commerce; Kevin Guthrie, Executive Director for the Florida Division of Emergency Management; Wilton Simpson, Florida's Commissioner of Agriculture; Jim Zingale, Executive Director of Florida's Department of Revenue; and Blaise Ingoglia, Florida's Chief Financial Officer; and state as follows:

OVERVIEW

This is an action by a large number of Florida municipalities and counties challenging Senate Bill 180 ("SB 180"), a law that was enacted in the 2025 legislative session that represents the largest incursion into local home rule authority in the history of Florida since the adoption of the Florida Constitution in 1968. SB 180 purports to be "an act relating to emergencies" supposedly designed to assist people rebuild properties that were damaged in hurricanes. But, as the result of a last minute amendment (and in a classic example of log rolling and stealth legislating), SB 180 goes much further, freezing all local land development regulations and comprehensive plans in place on August 1, 2024, declaring that any "more restrictive or burdensome" amendments to such regulations that were enacted by any of the 67 counties or 411 municipalities in Florida between August 1, 2024, and October 1, 2027, are "void ab initio." SB 180 violates the Florida Constitution and Florida law because it contains more than "one subject and matter properly connected therewith," has a defective ballot title, is a general law that classifies counties and municipalities on a basis not reasonably related to the subject of the law, constitutes an improper unfunded mandate on the Local Governments, conflicts with Florida's Community Planning Act, and intrudes on Home Rule Powers. SB 180 should be declared invalid and the defendants should be enjoined from enforcing it.

JURIDICTION AND VENUE

1. The Court has jurisdiction over this action for declaratory relief. *See* § 86.011, Fla. Stat.; *Martinez v. Scanlan*, 582 So. 2d 1167, 1170 (Fla. 1991).

2. Venue is proper in Leon County, which is the official residence of both Defendants.

THE PARTIES

3. The Local Governments are all municipalities or counties existing under the laws of the State of Florida, and consist of:

a. The City of Destin, Florida, is a Florida municipality located in Okaloosa County, Florida;

b. The City of Lake Alfred, Florida, is a Florida municipality located in Polk County, Florida;

c. The Town of Windermere, Florida, is a Florida municipality located in Orange County, Florida;

d. The City of Delray Beach, Florida, is a Florida municipality located in Palm Beach County, Florida;

e. The City of Deltona, Florida, is a Florida municipality located in Volusia County, Florida;

f. The City of Weston, Florida, is a Florida municipality located in Broward County, Florida;

g. The City of Alachua, Florida, is a Florida municipality located in Alachua County, Florida;

h. The City of Stuart, Florida, is a Florida municipality located in Martin County, Florida;

i. Orange County, Florida, is a Florida charter County;

j. Manatee County, Florida is Florida non-charter County;

k. The Town of Mulberry, Florida, is a Florida municipality located in Polk County, Florida;

l. The City of Naples, Florida, is a Florida municipality located in Collier County, Florida;

m. Miami Shores Village, Florida, is a Florida municipality located in Miami-Dade County, Florida;

n. The Town of Lake Park, Florida, is a Florida municipality located in Palm Beach County, Florida;

o. The City of Fort Lauderdale, Florida, is a Florida municipality located in Broward County, Florida;

p. The Town of Jupiter, Florida, is a Florida municipality located in Palm Beach County, Florida;

q. The City of Edgewater, Florida, is a Florida municipality located in Volusia County, Florida;

r. The City of Pompano Beach, Florida, is a Florida municipality located in Broward County, Florida;

s. The Town of Dundee, Florida, is a Florida municipality located in Polk County, Florida;

t. The Town of Cutler Bay, Florida, is a Florida municipality located in Miami-Dade County, Florida;

u. The Village of North Palm Beach, Florida, is a Florida municipality located in Palm Beach County, Florida;

v. The Village of Pinecrest, Florida, is a Florida municipality located in Miami-Dade County, Florida;

w. The City of Margate, Florida, is a Florida municipality located in Broward County, Florida;

x. The Town of Palm Beach, Florida, is a Florida municipality located in Palm Beach County, Florida; and

y. The City of Homestead, Florida, is a Florida municipality located in Miami-Dade County, Florida.

4. As more fully set forth below, each of the Local Governments is subject to and must comply with the provisions of Chapters 163, Florida Statutes, and will be adversely affected by SB 180 because SB 180:

a. requires each of the Local Governments to take certain actions;

b. prohibits each of the Local Governments from taking certain actions;

c. will result in substantial financial damage since each of the Local Governments will be required to expend a material amount of funds (or to take actions requiring the expenditure of a material amount of funds) and reduces the authority and ability of each of the Local Governments to raise revenues.

5. The Honorable J. Alex Kelly is the Secretary of Commerce of the State of Florida and is sued in his official capacity. Florida's Department of Commerce ("Florida Commerce") is administering and enforcing SB 180 or portions thereof, and has rejected some proposed comprehensive plan amendments and/or land use regulations from Local Governments (and other unnamed counties and municipalities) because it concluded that the proposed changes violate Section 28 of SB 180.

6. The Honorable Kevin Guthrie is the Executive Director for the Florida Division of Emergency Management (FDEM) and is sued in his official capacity. FDEM is responsible for planning for and responding to natural disasters (including hurricanes) and is Florida's liaison to federal and local agencies on emergencies of all kinds. FDEM is responsible for administering, enforcing, and overseeing SB 180 or portions thereof.

7. The Honorable Wilton Simpson is the Commissioner of Agriculture of the State of Florida and is sued in his official capacity. Florida's Department of Agriculture and Consumer Services is administering and enforcing SB180 or portions thereof, including Section 1 regarding landlord/tenant subjects, a field over which, generally, Florida's Department of Agriculture and Consumer Services oversees.

8. The Honorable Jim Zingale is the Executive Director of the Department of Revenue of the State of Florida and is sued in his official capacity. SB 180 affects the Local Governments' ability to collect revenue, including from expansion of Florida Homestead tax exemptions, and expend public funds.

9. The Honorable Blaise Ingoglia is the Chief Financial Officer of the State of Florida and is sued in his official capacity. Florida's Chief Financial Officer is empowered, in part, to invest funds of any entity created by the State, giving him power over the funds of the Local Governments. The Local Governments' autonomy to collect and expend those funds is affected by SB 180.

10. Defendants each have an actual, cognizable interest in the action, adverse to the positions of the Local Governments.

FACTUAL ALLEGATIONS

A. Legislative History of SB 180

11. On February 27, 2025, the first version of SB 180 was filed for consideration in the Florida Senate. Initially titled on the Florida Senate website as "Emergency Preparedness and Response," the bill title within the proposed legislation stated it was an "act relating to emergency preparedness and response," followed by a one-and-a-half-page list summarizing each provision therein.

12. In the ensuing months, SB 180 was subject to various revisions which in turn brought along changes to the embedded, listed-summary-title of the bill.

13. On May 2, 2025, the final day of Florida's legislative session, SB 180 was approved by both the Senate and the House, including a last-minute amendment that added, among other things, Section 28.

14. The final version of SB 180 is titled "Emergencies" on the Florida Senate website. Similar to its first version, the bill's title constitutes a long list (now seven-and-a-half-pages) purporting to summarize each of the bill's provisions, beginning with, "[a]n act related to emergencies."

15. SB 180 was signed into law by the Governor on June 26, 2025, and in relevant part, became effective immediately. SB 180 can be found in Chapter 2025-190, Laws of Florida.

B. The Substance of SB 180

16. SB 180, through statutory and non-statutory provisions, imposes new obligations on the Local Governments under the auspice of being related to emergencies, even though such provisions far exceed, and do not apply only to, emergencies and their aftermath. SB 180 also imposes new obligations on and limits the independent action of municipalities and counties across the entire State of Florida, including each of the Local Governments.

17. Specifically, Section 1 of SB 180 amends Section 83.63, Florida Statutes, to ensure that tenants are provided an opportunity to recover belongings from a premises rendered unusable by casualty. While a property casualty could be caused by an emergency, property casualties are also frequently caused by other non-emergencies. Thus, the scope of this addition is not limited to emergencies.

18. Section 2 creates Section 163.31795, Florida Statutes, which affects participation in the National Flood Insurance Program by providing that a local government cannot adopt a cumulative substantial improvement period for purposes of determining whether compliance with flood elevation requirements is required. This Section is not intrinsically triggered by emergency events but rather is a prohibition on certain requirements that buildings be improved with flood resistant development after being damaged or improved (regardless of whether the damage is the

reason for the improvement). This provision also goes beyond "emergencies" because damage does not arise solely from an emergency, and improvements are often made for reasons other than damage caused by emergencies.

19. Section 3 amends Section 163.31801, Florida Statutes, regarding impact fees by adding a new provision providing that a local government, school district, or special district may not assess an impact fee for the reconstruction or replacement of a previously existing structure if the replacement structure is of the same land use as the original structure and does not increase the impact on public facilities. Impact fees are assessed for a plethora of reasons that are not related to emergencies. On the contrary, impact fees are assessed for non-emergencies, necessitated by new growth that includes new development or replacement of buildings that have reached the end of their useful life. This provision is broad and far exceeds the limited subject matter of "emergencies." The Florida Legislature has expressly found in Section 163.31801, Florida Statutes, that impact fees are "an important source of revenue for a local government." Therefore, by limiting impact fees, Section 3 negatively impacts each of the Local Governments' ability to raise revenue.

20. Section 4 amends Section 193.155, Florida Statutes, by increasing the homestead property tax exemption valuation threshold arising from changes, improvements, and additions due to "misfortune or calamity". These changes are not limited to properties damaged by "emergencies" because "misfortune or calamity" is not so limited. Section 4 also negatively impacts each of the Local Governments' abilities to raise revenue.

21. Section 7 amends Section 252.35, Florida Statutes, where existing law provides that FDEM is responsible for ensuring a continuous training program for agencies and individuals who

will perform key roles in state and local post-disaster response and recovery efforts, by adding new requirements:

a. minimum number of training hours that must be satisfied by county or municipal administrators or managers, emergency management directors, and public works directors or other officials responsible for construction and maintenance of public infrastructure;

b. The new training requirement must now be completed biannually.

In this manner, Section 7 requires each of the Local Governments to expend public funds.

22. Section 16 creates Section 252.381, Florida Statutes, which imposes numerous new pre- and post-storm event recovery requirements, all of which require significant initial expenditures and impose continuing expenditure obligations on counties and municipalities, including the Local Governments. To wit, Section 16 requires all counties and municipalities to:

a. post on their websites frequently asked questions about natural emergency preparedness, supply and emergency shelter lists, information regarding flood zones, and other preparedness related items; and

b. create and implement a "poststorm permitting plan," which must:

(i) Provide for sufficient personnel to expedite post-disaster inspections, permitting, and enforcement, even if it must be accomplished by mutual aid agreements and private sector contracting;

(ii) Create and operate training programs and protocols to implement expedited inspection, permitting, and enforcement programs;

(iii) Establish multiple or alternative building permit service locations to implement the plan in-person;

(iv) Operate permitting offices for at least 40 hours per week during post-storm recovery; and

(v) Prepare and publish post-storm event recovery permitting guides.

In this manner, Section 16 requires each of the Local Governments to expend public funds.

23. Section 18 creates Section 252.422, Florida Statutes, which creates a new classification, "impacted local government", and places restrictions on impacted local governments' abilities to act in accordance with their Home Rule Powers. If a county listed in a federal disaster declaration of a hurricane is at least partially within 100 miles of the track of the hurricane, it is an "impacted local government", and likewise so is every municipality within that county (even if parts of the county and certain municipalities themselves are not within 100 miles of the track of the hurricane). These newly classified impacted local governments may not propose or adopt (a) "a moratorium on construction, reconstruction, or redevelopment of any property", (b) "a more restrictive or burdensome amendment to its comprehensive plan or land development regulation", or (c) "a more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or permit order, to the extend those terms are defined by s. 163.3164, Florida Statutes", hereinafter collectively referred to as "Planning and Zoning Regulations".

24. Section 18 also creates a cause of action for people to file suit against any impacted local government for declaratory and injunctive relief to enforce this section, and provides that prevailing plaintiffs are entitled to reasonable attorney fees and costs. Such lawsuits are subject to summary procedure pursuant to Section 51.011, Florida Statutes. Accordingly, Section 18 requires each of the Local Governments to expend public funds, and is also not limited to emergencies because though its created classification is triggered by hurricanes, that classification bans Planning and Zoning Regulations in a certain time period regardless of whether those Planning and Zoning Regulations are related to emergencies and regardless of if the Local Government was actually impacted by a hurricane.

25. Section 24 amends Section 403.7071, Florida Statutes, to mandate that all counties and municipalities apply for and maintain an approved debris management site, which creates initial and ongoing expenditure obligations in order to operate and maintain. In this manner, Section 24 requires each of the Local Governments to expend public funds.

26. Section 28 neither creates nor amends any section of Florida Statutes. It states:

> 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 siteplan, 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.

27. As the text makes clear, Section 28 not only applies retroactively, but purports to declare "null and void *ab initio*" any prohibited actions taken back to August 1, 2024.

28. And although Section 28 forbids amendments to comprehensive plans or land development regulations, or the adoption of procedures that ate "more restrictive or burdensome," SB 180 does not purport to define those terms or explain (a) more restrictive or burdensome than what? or (b) more restrictive or burdensome to whom?

29. Although Section 28 purports to limit its applicability only to certain counties (and all municipalities therein) listed in one of three Federal Disaster Declarations arising from certain past hurricanes, it effectively applies to all counties and cities in the State of Florida because ***every single county in the State of Florida (and thus every municipality) is listed in at least one of the three Federal Disaster Declarations.***

30. Section 28 also creates a cause of action enabling any resident or owner of a business to file suit against any county or municipality for declaratory and injunctive relief to enforce this section, and provides that prevailing plaintiffs are entitled to reasonable attorney's fees and costs.

31. Section 28 requires each of the Local Governments to expend public funds, and is not limited to emergencies because it applies to "more restrictive or burdensome" Planning and Zoning Regulations in a certain time period, regardless of whether those Planning and Zoning Regulations are related to emergencies or redevelopment after an emergency and regardless of whether the Local Government was actually impacted by a hurricane.

C. <u>The Local Governments Are Being Impacted And Damaged By SB 180.</u>

32. SB 180 is in effect and thus the Local Governments are required to comply with the provisions thereof.

33. As a result of Section 28, the Local Governments have begun undertaking the task of reviewing comprehensive plan and land development changes and review and approval procedures enacted after August 1, 2024, despite that such changes and procedures were constitutional and not violative of Florida law when they were enacted.

34. Such review, in many instances, has required the hiring of outside consultants, which has required expending public funds.

35. Moving past review, some of the Local Governments have drafted and/or adopted ordinances amending or repealing certain of their Planning and Zoning Regulations to comply with Section 28, which has required additional expenditure of public funds. For example, the City of Stuart had to expend public funds to pay for public notices regarding public hearings rescinding

an ordinance as a result of Section 28. Additionally, Lake Park, Jupiter, and Jupiter Island expended public funds to analyze the impact of SB 180 on Planning and Zoning Regulations.

36. Some of the Local Governments have received letters from Florida Commerce advising them that certain Planning and Zoning Regulations are in direct conflict with Section 28.

37. For example, Orange County received such a letter on July 18, 2025, regarding the comprehensive plan amendment that it submitted for review based on the State's review process mandated in Section 163.3184, Fla. Stat., stating that it is null and void *ab initio* because is "more restrictive or burdensome"—without purporting to identify *what* it was more restrictive or burdensome than, or to whom it was more restrictive or burdensome.

38. Manatee County also received such a letter on April 15, 2025, regarding two proposed comprehensive plan amendments, in which Florida Commerce states it previously declared the proposed comprehensive plan amendments "null and void" and that Mantee County, nonetheless, thereafter continued to move toward final adoption. The letter states the proposed ordinances *may* be violative of Section 28 for being a "restrictive or burdensome" procedure for obtaining a development permit after a disaster—without purporting to identify *what* it was more restrictive or burdensome than, or to whom it was more restrictive or burdensome. The letter also states the proposed amendments may violate Section 3 of SB 180 regarding impact fees.

39. Some of the Local Governments have also had to pause moving forward with Planning and Zoning Regulations that have been years in development even if those regulations are unrelated to emergencies or rebuilding after emergencies, amounting to a waste of the public funds expended in effort to pass said regulations and expanding the reach of SB 180 past emergencies.

40. For example, the Town of Windermere paused moving forward an ordinance to provide further tree protection and require additional mitigation by developers.

41. Additionally, Lake Park expended public funds to complete a study pertaining to its Historic Downtown, and now there is uncertainty about how to proceed with potential actions following the study because of SB 180.

42. In addition, private actors who are empowered by Section 28 to bring causes of action for non-compliance with SB 180 have already done so against some of the Local Governments.

43. For example, Orange County is currently defending itself from two lawsuits brought by private plaintiffs pursuant to Section 28 (Ninth Judicial Circuit Case Nos.: 2025-CA-007326-O, 2025-CA-007327-O). Manatee County is also defending itself from such a lawsuit (Twelfth Judicial Circuit Case No. 25-CA-1549).

44. Likewise, the City of Stuart has received multiple notices from residents and business owners giving the City the 14-day notice required under Section 28, though the City has not yet been served with a lawsuit. Naples, Lake Park and Jupiter Island have also been threatened with lawsuits.

45. The Local Governments that have been forced to defend themselves from these lawsuits are being forced to expend public funds. Any judgment rendered against those Local Governments would result in additional public expenditure because Section 28 establishes a local government's obligation to pay attorney's fees and costs to prevailing plaintiffs. By contrast, if the Local Governments are successful, they are not entitled to recover attorneys' fees and costs from unsuccessful plaintiffs, further exacerbating the impact of these unfunded expenditures. Win or lose, these legal fees are ultimately paid by the taxpayers.

46. The same expenditure of public funds for litigation is required for potential lawsuits arising from the cause of action created by Section 18, including the Local Governments' defense costs and statutorily mandated payment of attorneys' fees and costs to prevailing plaintiffs.

47. Sections 18 and 28, individually and in conjunction, strip all municipalities and counties of the long-existing and codified Home Rule Powers granted thereto by nullifying and voiding their ability to enact Planning and Zoning Regulations, a cornerstone Home Rule power and one of their core functions as legal entities in service to their constituents.

48. Sections 18 and 28 impede the Local Governments' ability to exercise the very functions they are constitutionally vested the right to exercise by the Florida Constitution.

49. Likewise, Section 28's retroactive application deeming any such Planning and Zoning Regulation "null and void *ab initio*" ignores that when such regulations were enacted, the Local Governments possessed the constitutional authority to enact same based on their Home Rule Powers, further emphasizing and stripping the Local Governments of their constitutionally vested functions.

50. Additionally, the Local Governments now must comply with all other provisions of SB 180, including:

- Being unable to "adopt or enforce" a cumulative substantial improvement period if it wants to continue its participation in the National Flood Insurance Program;
- Being unable to assess or increase certain impact fees, thereby reducing available public funds;
- Increasing the homestead exemption, thereby reducing available public funds;
- Providing additional training and participating in annual conferences, which requires the expenditure of public funds;
- Providing additional emergency resources, which requires the expenditure of public funds;

- Operating permitting offices following a storm, which requires the expenditure of public funds amidst a 180-day freeze on certain ways to raise funds to pay for such operations;
- Applying for and operating debris management sites, which requires the expenditure of public funds.

51. In all, compliance with SB 180 will necessarily require the expenditure of public funds (paid by the taxpayers), including the need to comply with provisions triggered by future hurricanes. And SB 180 places the Local Governments in reasonable fear of enforcement, including being sued pursuant to Sections 18 or 28 by some private plaintiff (and expending public funds in defense of such action while being statutorily required to expend additional public funds to pay prevailing plaintiff attorneys' fees and costs, which the tax payers will pay).

52. In addition to the inevitable incurring of public funds, SB 180 creates a chilling effect against the Local Governments' exercise of their constitutionally granted rights and the ability to defend same.

53. This imminent fear and chilling effect arise from unreasonably applied and defined characteristics, *i.e.,* a county being just partially within 100 miles of the track of a storm and using three unassociated hurricanes as the litmus test to blanket the entire state with burdens and preemptions against all counties' and municipalities', including the Local Governments', autonomy.

D. <u>Review of SB 180 should be expedited.</u>

54. Pursuant to SB 180's Section 28, Planning and Zoning Regulations that were valid when enacted are null and void or are at risk of being deemed null and void. Likewise, Planning and Zoning Regulations that were soon to be enacted now will not be. These include Planning and Zoning Regulations that increase resiliency in advance of and response to emergencies and other Planning and Zoning Regulations completely unrelated to emergencies.

55. Additionally, pursuant to the cause of action created in Section 28, counties and municipalities, including certain of the Local Governments, are currently being forced to defend lawsuits relating to Planning and Zoning Regulations that were legal when enacted, solely because Section 28 provides that such regulations are "null and void *ab initio.*"

56. From this, the constitutionality of this act must be decided in an expedited manner before counties and municipalities, including the Local Governments, continue to expend public funds in defense of such suits, judgments are rendered in pending lawsuits (triggering additional expenditure of public funds), additional lawsuits are filed, Planning and Zoning Regulations that were valid when enacted are repealed, and development permits are issued based upon the assumption that certain Planning and Zoning Regulations are void under SB 180.

57. Likewise, pursuant to the cause of action created under Section 18, counties and municipalities face the same risk of expending funds, including for costs and attorneys' fees, following the landfall of the first hurricane (and all subsequent hurricanes) applicable thereto. Section 18 further provides such a suit is subject to summary procedure, which accelerates the timeline of a case, further emphasizing and exacerbating the need for expedited review in this case.

58. Upon the date of the filing of this lawsuit, the Local Governments—and the entire global region, including the State of Florida—are in the midst of hurricane season, meaning that with the imminent and impending risk of hurricanes comes the immediate implication of all the new obligations imposed onto the Local Governments that arise from storms (*e.g.*, Section 18 and certain portions of Section 16), the constitutionality of which must be determined in an expedited manner before a potential storm, or set of storms, triggers these obligations.

59. Likewise, the Local Governments must comply with all of SB 180's provisions, including those which limit or mandate action now and require the expenditure of public funds and reduce the ability to collect funds.

60. In all, there is a present, expedited need to evaluate and determine the validity of SB 180 because the Local Governments must comply with all of SB 180's obligations throughout, which has already and will continue to have consequences, including the expenditure of public funds.

COUNT I – VIOLATION OF THE SINGLE SUBJECT PROVISION

61. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

62. Article III, Section 6 of the Florida Constitution states, in part:

> Every law shall embrace but one subject and matter properly connected therewith. . .

Art. III, § 6, Fla. Const.

63. The Florida Supreme Court observed in *State v. Thompson*, 750 So. 2d 643 (Fla.1999) that the underlying purpose of the single subject provision is to: (1) prevent hodge-podge or "log rolling" legislation (i.e. putting two unrelated matters in one act, and thus forcing legislators to vote for one item in order to get another); (2) prevent surprise or fraud by means of provisions in bills of which the titles gave no intimation, and which might therefore be overlooked and carelessly and unintentionally adopted; and (3) apprise the people fairly of the subjects of legislation that are being considered, in order that they may have an opportunity of being heard thereon.

64. The *Thompson* Court also observed the most common single-subject-provision violations occur when a bill is amended several times, the title of the bill is changed, and the bill

is passed near the end of the legislative session. All of these indicators occurred with the enactment of SB 180.

65. Here, while SB 180 purports to be "[a]n act relating to emergencies", SB 180 is not limited to the single subject of "emergencies" and matters properly connected therewith.

66. Section 1 regarding tenants' right to recover is related to casualty losses and is not limited nor primarily related to losses caused by emergencies.

67. Section 2 regarding the National Flood Insurance Program affects cumulative substantial improvements, even when such improvements are not the result of repairing damages caused by emergencies.

68. Section 3 limits the ability to assess or raise impact fees, and impact fees have no relation to emergencies.

69. Section 4 increases the thresholds that trigger reassessments of homestead property values due to changes, additions, or improvements that replace all or a portion of a homestead property, even in situations unrelated to emergencies.

70. Sections 18 and 28 are also not limited to emergencies because they prohibit all "more restrictive or burdensome" Planning and Zoning Regulations regardless of whether those regulations, or the properties being regulated, relate in any way to emergencies.

71. Therefore, SB 180 addresses multiple subjects beyond the single subject of emergencies, some of which were improperly combined in the last moments of the legislative session, a classic example of "logrolling." This amounts to a clear violation of the single subject provision of the Florida Constitution.

72. All elements necessary to support a cause of action for declaratory relief are present:

a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. III, § 6 of the Florida Constitution.

b. The declaration sought deals with a present controversy as to an ascertainable set of facts.

c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.

d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.

e. The antagonistic and adverse interests are all before this Court.

f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

A. Declaring the enactment of SB 180 violated Art. III, § 6 of the Florida Constitution;

B. Enjoining the enforcement of SB 180; and

C. Granting such other relief as this Court deems just and proper.

COUNT II – VIOLATION OF THE TITLE PROVISION

73. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

74. Article III, Section 6 of the Florida Constitution states, in part:

> Every law shall embrace but one subject and matter properly connected therewith, ***and the subject shall be briefly expressed in the title***.

Art. III, § 6, Fla. Const. (emphasis added).

75. Thus, in addition to a bill being limited to only one subject, *see supra*, the bill must also briefly express that subject in the title.

76. "This provision imposes two related but distinct requirements. First, the title of the bill should be fair notice of its contents. Second, the various provisions of the bill must be germane to the subject as expressed in the title." *Alterman Transp. Lines, Inc. v. State*, 405 So. 2d 456, 461 (Fla. 1st DCA 1981).

77. "These requirements are designed to prevent surprise or fraud that would spring from hidden provisions not indicated in the title." *Id.*

78. SB 180's title is a seven-and-a-half-page list summarizing each provision therein, beginning with the purported single subject, "[a]n act relating to emergencies."

79. Although the Constitution requires that the single subject be "briefly expressed in the title," the title of SB180 is certainly not "brief," and instead constitutes a table-of-contents-type summary of the Bill's 28 Sections (which themselves are not limited to one subject).

80. SB 180 is not limited to one subject, and thus it cannot be contained within a briefly expressed title of one subject.

81. Even more, the title does not provide fair notice of the contents of Section 28 of SB 180. The portion of the title of SB 180 relating to Section 28 advises the public that it applies to "certain counties":

> "prohibiting certain *counties* from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe."

82. The statement that Section 28 applies only to "certain counties" is misleading because, in fact, the text of Section 28 applies to *all* (not just *certain*) 67 counties *and* 411 municipalities in Florida. Strikingly, municipalities were not referenced in the title. Thus, the title hides the ball and misleads the public.

83. Thus, the presumptive "title" of Section 28 does not give fair notice of its requirements and applicability.

84. All of these factors amount to a clear violation of the brief title provision of the Florida Constitution.

85. All elements necessary to support a cause of action for declaratory relief are present:

a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. III, § 6 of the Florida Constitution.

b. The declaration sought deals with a present controversy as to an ascertainable set of facts.

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A. Declaring the enactment of SB 180 violated Art. III, § 6 of the Florida Constitution;

B. Enjoining the enforcement of SB 180; and

C. Granting such other relief as this Court deems just and proper.

COUNT III – VIOLATION OF THE REASONABLE CLASSIFICATION PROVISION

86. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

87. Article III, Section 11(b) of the Florida Constitution states:

> In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

Art. III, sec. 11(b), Fla. Const.

88. Notably, "other subjects" here refers to 21 enumerated subjects outlined in Article III, Section 11(a). SB 180 does not trigger any of the kinds of laws in subsection (a). Thus, SB 180 falls under subsection (b) and therefore it is subject to the restriction that it must not classify political subdivisions of other governmental entities on any basis other than one reasonably related to the subject law.

89. "The legislature may set classifications within a general law, but any such classification must bear a reasonable relationship to the primary purpose of the law." *Ocala Breeders' Sales Co., Inc. v. Florida Gaming Centers, Inc.*, 731 So. 2d 21, 26 (Fla. 1st DCA 1999), *aff'd*, 793 So. 2d 899 (Fla. 2001). "A statutory criterion is not valid merely because it appears to promote the objective of the law." *Id.*

90. Further, the Florida Supreme Court has made clear that "[s]tatutes that employ arbitrary classification schemes are not valid as general laws." *Dep't of Bus. Regulation v. Classic Mile, Inc.*, 541 So. 2d 1155, 1157 (Fla. 1989); *License Acquisitions, LLC v. Debary Real Estate Holdings, LLC*, 155 So. 3d 1137, 1143 (Fla. 2014).

91. SB 180 is a general law that makes unreasonable classifications in multiple provisions, including in Sections 18 and 28.

92. Section 18, albeit not retroactive like Section 28, creates the term "impacted local government," which is "a county listed in a federal disaster declaration located entirely or partially within 100 miles of the track of a storm declared to be a hurricane by the National Hurricane Center while the storm was categorized as a hurricane or a municipality located within such a county."

93. If just part of a county is within this range, the entire county and all of its municipalities are precluded from acting in certain ways regarding their own Planning and Zoning Regulations, even if they are not impacted by a hurricane.

94. Thus, Section 18 plainly creates a classification by creating the term "impacted local governments"—some counties and municipalities are classified as "impacted local governments" and others are not. That classification is unreasonable, on several grounds.

95. Section 18 fails to consider the actual impact that a hurricane has on a specific county or municipality. Instead, Section 18 merely classifies counties and municipalities based upon the arbitrary standard of whether even just a portion of a county was within 100 miles of a hurricane track, regardless of the actual size and impact of a storm. Thus, for example, some counties and municipalities (*e.g.,* those that are located 80 miles from the track) would be misclassified as "impacted local governments" where a storm was very small and only actually impacted properties that were very close to the track (*e.g.*, within 25 miles). To the contrary, there could be a very large storm that impacts properties more than 100 miles from the track, in which case some counties and municipalities could be significantly impacted but would be misclassified as not being "impacted local governments." Thus, in certain instances, counties and municipalities not impacted by a small hurricane (one that does not fulfill the bounds of the 100 miles of the track of the storm, regardless of how calculated or defined) will be roped into Section 18's preclusions, while in other instances counties and municipalities that are impacted by a large storm (one that exceeds the 100 miles of the track of the storm, regardless of how calculated or defined) will not be roped into Section 18's preclusions.

96. Moreover, using county lines as the demarcation for determining whether a municipality is an "impacted local government" is itself arbitrary. For example, in South Florida,

a storm could track 90 miles north of Palm Beach County. The arbitrary classification system of Section 18 would classify the southern-most Palm Beach County municipality (Boca Raton) as an "impacted local government" (because the northern part of Palm Beach Count is within 100 miles of the track), but would classify its neighbor to the south (Deerfield Beach, the northernmost Broward County municipality) as not being an "impacted local government" (because the storm did not track within 100 miles of Broward County). But, most likely, as neighboring municipalities, Boca Raton and Deerfield Beach would have suffered roughly the same amount of impacts from the storm. Storms do not recognize county boundaries and thus the use of such lines to classify counties and municipalities is wholly arbitrary.

97. The classification of counties and municipalities created by Section 18 is clearly unreasonable because in some instances it will not include counties and municipalities that should be included (because they were, in fact, impacted), and in other instances will include some counties and municipalities that should not be included (because they were, in fact, not impacted).

98. For a classification to be reasonable, it must treat similarly situated counties and municipalities the same. The classification of counties and municipalities in Section 18 fails that basic test.

99. Section 18 also creates an unreasonable classification by failing to properly define the methodologies for determining which counties (and the municipalities therein) will be categorized this way because "track of the storm" and the "100 mile" terms are ambiguous, not defined, and open to multiple interpretations.

100. Notably, Section 18 fails to define how the 100-mile designation is calculated or applied. For example, is 100 miles calculated in all directions from the track of a hurricane, in effect creating a 200-mile diameter? Or is the 100-mile designation meant to be the limits of a

diameter from the track of a hurricane? Such clarity does not exist in Section 18, leaving it vague as to whether it implicates a zone radiating from a hurricane track that is either double or half of what the legislature intended.

101. Section 28 also creates an unreasonable classification.

102. Section 28 sets out that each county (and the municipalities therein) listed in one of three Federal Disaster Declarations across the state cannot propose or adopt "more restrictive or burdensome" Planning and Zoning Regulations.

103. Each of the three Declarations creates a classification, and taken together as listed in Section 28 creates another, new classification.

104. Taken in conjunction, the new classification combines these three Declarations to blanket the entire state.

105. In this instance, a classification which appears narrow on its face is unreasonably applied to the entire state.

106. Section 28 also fails to describe why those three specific Federal Disaster Declarations are the standard bearers, as opposed to referencing Federal Disaster Declarations from other hurricanes that have impacted Florida in the same time frame.

107. Likewise, Section 28 fails to provide any methodology for the timeframe applied therein. There is no explanation as to why Section 28 applies retroactively generally and back to the specific date, August 1, 2024. If that August 1, 2024, date had some meaning based upon a given storm, then only those counties (and municipalities within those counties) that were actually impacted by that specific storm should be referenced by Section 28. However, that is not the case here, because, while the incident period for Hurricane Debby began August 1, 2024, the incident period for Hurricane Helene began on September 23, 2024, and the incident period for Hurricane

Milton began on October 5, 2024. It is arbitrary to classify all counties and municipalities in one class subject to the August 1, 2024, date if only some were impacted by a subject storm on that date but others were not. There is also no explanation as to why Section 28 applies prospectively to October 1, 2027.

108. In all, Sections 18 and 28 amount to clear violations of the unreasonable classification provision of the Florida Constitution.

109. All elements necessary to support a cause of action for declaratory relief are present:

a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. III, § 11(b) of the Florida Constitution.

b. The declaration sought deals with a present controversy as to an ascertainable set of facts.

c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.

d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.

e. The antagonistic and adverse interests are all before this Court.

f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

A. Declaring the enactment of SB 180 violated Art. III, § 11(b) of the Florida Constitution;

B. Enjoining the enforcement of SB 180; and

C. Granting such other relief as this Court deems just and proper.

COUNT IV – VIOLATION OF THE UNFUNDED MANDATE PROVISION

110. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

111. Article VII, Section 18(a) of the Florida Constitution states, in part:

> No county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds[.]

Art. VII, § 18(a), Fla. Const. The Section then lists exceptions to this rule, stating that this provision does not apply if (1) "the legislature has determined that such law fulfills an important state interest", and (2) one of the following items is also fulfilled:

- funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure;
- the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality;
- the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature;
- the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and counties and municipalities; or
- the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

112. Additionally, Article VII, Section 18 of the Florida Constitution contains a further exception, stating that ". . . laws having insignificant fiscal impact . . . are exempt from the requirements of this section." Art. VII, § 18(d), Fla. Const. A "insignificant fiscal impact" is the amount not greater than the average statewide population for the applicable fiscal year multiplied

by $0.10; for the fiscal year 2025-26, this is estimated to be approximately $2.4 million.[1] This amount is determined on an aggregate basis for all municipalities and counties in the state.[2]

113. Article VII, Section 18 was added to the Florida Constitution to protect counties and municipalities from unfunded mandates after the Florida Legislature repeatedly adopted general laws that imposed costly requirements on local governments without providing funds for, or methods for funding, compliance with said requirements.

114. Sections 7, 16, 18, 24, and 28 of SB 180 require the expenditure of public funds, as previously set forth above. The aggregate amount of these forced expenditures for all municipalities and counties in the state will far exceed $2.4 million.

115. Importantly, nowhere in ***SB 180 is there a finding that the law fulfills an important state interest***. Even if SB 180 does, in fact, fulfill an important state interest (which would be contested), the failure to expressly make that determination within the four corners of SB 180 is fatal to its constitutionality.

116. This is true despite that SB 180 was approved by a 2/3rd vote of each house of the legislature because SB 180 does not contain the constitutionally required finding that that the law fulfills an important state interest.

117. Thus, SB 180 is an unfunded mandate in violation of Article VII, Section 18 of the Florida Constitution.

118. All elements necessary to support a cause of action for declaratory relief are present:

a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. VII, § 18 of the Florida Constitution.

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[1] https://www.flsenate.gov/Session/Bill/2025/176/Analyses/2025s00176.ap.PDF at page 10.
[2] https://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf at page 2.

b. The declaration sought deals with a present controversy as to an ascertainable set of facts.

c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.

d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.

e. The antagonistic and adverse interests are all before this Court.

f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

A. Declaring the enactment of SB 180 violated Art. VII, § 18 of the Florida Constitution;

B. Enjoining the enforcement of SB 180; and

C. Granting such other relief as this Court deems just and proper.

COUNT V – SB 180 CONFLICTS WITH THE COMMUNITY PLANNING ACT

119. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

120. Seven years after the 1968 Florida Constitution provided local governments with home rule powers over land use and zoning, Florida's comprehensive planning regime was first established by the Local Government Comprehensive Planning Act of 1975, which "was intended to provide a uniform method for local governments to use in establishing and implementing comprehensive planning programs to guide and control future development in the state."[3] It applied to "cities and counties and other local governmental entities[.]" [4]

[3] Local government comprehensive planning act | My Florida Legal
[4] *Id.*

121. The 1975 Act was strengthened in 1985, and Chapter 163 was given a more expansive and descriptive name: "The Comprehensive Planning and Land Development Regulation Act", popularly known as the Growth Management Act. This iteration sought to ensure that the comprehensive planning process would enable counties and municipalities to do more than just plan.

122. In 2011, Chapter 163 Part II was again rewritten and renamed, this time as the "Community Planning Act".

123. Florida's Community Planning Act (the "Act") is enshrined in Florida law as Sections 163.3161 through 163.3248, Florida Statutes. The Legislature clearly stated its multi-prong intentions and purposes of the Act:

> (2) It is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to ***guide and manage future development*** consistent with the proper role of local government.
>
> . . . .
>
> (4) It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; ***overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions***. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.
>
> . . . .
>
> (8) The provisions of this act in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character

> and stability of ***present and future land use and development*** in this state.
>
> (9) It is the intent of the Legislature that [its effects], not be interpreted to limit or restrict the powers of ***municipal or county officials***, but be interpreted as a recognition of ***their broad statutory and constitutional powers to plan for and regulate the use of land***. It is, further, the intent of the Legislature to reconfirm that ss. 163.3161-163.3248 have provided and do provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulation powers, duties, and responsibilities.

§ 163.3161, Fla. Stat. (emphasis added).

124. From these intentions, and in recognition of the "broad statutory and constitutional powers to plan for and regulate the use of land", the Act makes clear that municipalities and counties have the power and responsibility to:

> (a) Plan for their future development and growth.
>
> (b) Adopt and ***amend*** comprehensive plans, or elements or portions thereof, to guide their future development and growth.
>
> (c) Implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof.
>
> (d) Establish, ***support***, and ***maintain*** administrative instruments and procedures to carry out the provisions and purposes of this act.

§ 163.3167, Fla. Stat. (emphasis added). And, "[e]ach local government shall ***maintain*** a comprehensive plan of the type and in the manner set out in this part or prepare amendments to its existing comprehensive plan to conform it to the requirements of this part and in the manner set out in this part." *Id.* (emphasis added). The emphasized terms indicate the Legislature's intent that the Local Governments prospectively uphold their comprehensive plans as a continuing and unending obligation amending, supporting, and maintaining those plans.

125. In furtherance of this responsibility, the Act also mandates that every seven years, each local government shall evaluate its comprehensive plan to update data and analysis on which it was based, and based on that data and analysis determine if amendments are necessary to reflect certain statutory requirements or changed conditions, and if such a determination is made then such changes must be made within one year. § 163.3191, Fla. Stat. In turn, such plans are subject to the review process detailed in Section 163.3184, Florida Statutes.

126. Further, ***within one year*** after submission of a comprehensive plan, the counties and municipalities must adopt or amend their local land development regulations to ensure they are consistent with the comprehensive plan. § 163.3202, Fla. Stat.

127. Likewise, the Act also mandates that if a land development regulation is inconsistent with the comprehensive plan, the land development regulation must be brought in conformance with the comprehensive plan. § 163.3194, Fla. Stat.

128. Critically, the Act also makes clear that in the event the Act conflicts with any other provision of law related to land use regulations, it is the Act that shall prevail:

> Where this act may be in conflict with any other provision or provisions of law relating to local governments having authority to regulate the development of land, ***the provisions of this act shall govern*** unless the provisions of this act are met or exceeded by such other provision or provisions of law relating to local government[.]

§ 163.3211, Fla. Stat. (emphasis added).

129. The Act, in its current and all prior forms, outlines the 50-year history of Florida's municipalities and counties having the constitutional and statutory power and mandate to adopt and enforce their own Planning and Zoning Regulations. It is the sole statutory basis for the comprehensive planning process and is therefore superior to any other enactment related to that process.

130. The Act makes clear that counties and municipalities are simultaneously mandated and empowered to enact and maintain comprehensive plans and ensuing amendments to same, ensure that local land development regulations are consistent with the comprehensive plans and amendments, and that the mandate and power regarding comprehensive plan amendments and land development regulations is not limited to passing same but is also prospective in terms of amending, supporting, and maintaining same. The Act creates a continuing obligation to adjust the comprehensive plan and land development regulations as required by statutory changes and changed conditions.

131. In its current form, Chapter 163 is the sole and exclusive means for local regulation of land use. The Community Planning Act specifically recognizes the "***broad statutory and constitutional powers to plan for and regulate the use of land*** " vested in counties and municipalities. The Community Planning Act went on to map out how that constitutional authority should be exercised in the comprehensive planning process that is now the hallmark of Florida land use planning. The Community Planning Act sets forth the entire process for land use regulation in the State of Florida. It creates a comprehensive planning process, it provides the tools by which planning shall occur (i.e. adoption and amendment of comprehensive plans and land development regulations), and creates a detailed and exclusive process through which the two shall be adopted. It is exhaustive and all inclusive. Recognizing the importance of that authority, and tracing it the "constitutional powers" of counties and municipalities over land use regulation, the legislature sought to insure that it would remain inviolate and therefore superior to any conflicting statute.

132. To wit, the Act is definitive in its declaration that the rights, authority, and responsibilities conferred upon counties and municipalities under the Act supersede any other conflicting provisions of law.

133. SB 180 directly conflicts with the Act, and thus the Act makes clear that upon such a conflict, the Act governs. One way in which this conflict exists is due to the statutorily mandated review to occur every seven years, a period which could fall at any point in the preclusion for one year after a hurricane pursuant to Section 18 or at any point in the preclusion between August 1, 2024, and October 1, 2027, pursuant to Section 28. For the same reasons, the one-year deadline to amend local land development regulations after the submission of a comprehensive plan is also affected.

134. In furtherance of this responsibility, the Act also mandates that every seven years, each local government shall evaluate its comprehensive plan to update data and analysis on which it was based, and based on that data and analysis determine if amendments are necessary to reflect certain statutory requirements or changed conditions, and if such a determination is made then such changes must be made within one year. § 163.3191, Fla. Stat. In turn, such plans are subject to the review process detailed in Section 163.3184, Florida Statutes.

135. Further, ***within one year*** after submission of a comprehensive plan, the counties and municipalities must adopt or amend their local land development regulations to ensure they are consistent with the comprehensive plan. § 163.3202, Fla. Stat.

136. The conflict between the Act and SB 180 arises from Sections 18 and 28, the latter of which is a non-statutory provision set to expire in 2027. The restriction on the comprehensive planning and land development regulation authority and responsibility of counties and municipalities contained in SB 180 is incompatible with the authority granted and obligations

imposed under the Act. Thus, SB 180 is ineffective to the extent that it conflicts with any provision of the Act.

137. As a result of the conflicts between the obligations and prohibitions in SB 180 and the obligations and prohibitions in the Act, the Local Governments are caught between a rock and a hard place: they must either fulfill their mandates in acting from the power granted to them by the Act and violate SB 180, or follow SB 180 and violate the Act.

138. In turn, this conflict places the Local Governments in imminent fear of being acted against by the State for non-compliance with SB 180 even though the Act should prevail over SB 180.

139. The Local Governments must know their rights and obligations in order to act in accord with them. This clear statutory conflict obscures those rights and obligations, and thus clarity must be given.

140. All elements necessary to support a cause of action for declaratory relief are present:

a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated and conflicts with the Community Planning Act.

b. The declaration sought deals with a present controversy as to an ascertainable set of facts.

c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.

d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.

e. The antagonistic and adverse interests are all before this Court.

f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

A. Declaring that portions of SB 180 conflict with the Community Planning Act, and that conflict cannot be harmonized;

B. Enjoining the enforcement of those portions of SB 180 that in any way conflict with the Act or restrict the powers and authority of counties or municipalities relating to the adoption and enforcement of comprehensive plan and land development regulations amendments to the fullest extent as granted under the Act; and

C. Granting such other relief as this Court deems just and proper.

COUNT VI – VIOLATION OF HOME RULE POWERS

141. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

142. As to counties, Article VIII, Section 1 of the Florida Constitution provides:

> (f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.
>
> (g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

Art. VIII, § 1(f), (g), Fla. Const.

143. As to municipalities, Article VIII, Section 2(b) of the Florida Constitution provides:

> POWERS. Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law…

Art. VIII, § 2(b), Fla. Const.

144. Recognizing this constitutional grant of home rule authority to counties, the Florida Legislature created Section 163.410, Florida Statutes, regarding counties with home rule charters. Section 163.410 states, in pertinent part, that "[a]ny power not specifically delegated shall be reserved exclusively to the governing body of the county."

145. Section 125.01(3)(b), Florida Statutes implemented home rule powers for non-charter counties. Section 125.01(3)(b) states, in part,

> The provisions of this section shall be liberally construed in order to effectively carry out the purpose of this section and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution.

§ 125.01(3)(b), Fla. Stat.

146. Likewise, recognizing this constitutional grant of home rule authority to municipalities, the Florida Legislature created Section 166.021(3), Florida Statutes, which sets forth that "the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the Florida Legislature may act, except", among other subjects, "…any subject expressly preempted to state or county government by the constitution or by general law…"

147. Florida Courts recognize two types of preemptions: express and implied preemptions. Statutory express preemptions must be clear as to the particular subject that local governments are precluded from regulating. *See Masone v. City of Aventura*, 147 So. 3d 492, 495 (Fla. 2014) ("Preemption of local ordinances by state law may, of course, be accomplished by

express preemption—that is, by a statutory provision stating that a *particular subject* is preempted by state law or that local ordinances on a *particular subject* are precluded."); *Hillsborough County v. Florida Restaurant Ass'n, Inc.*, 603 So. 2d 587 (Fla. 2d DCA) ("To find a subject matter expressly preempted to the state, the express preemption language must be a specific statement; express preemption cannot be implied or inferred.").

148. In this way, SB 180 violates the Florida Constitution in two ways: (1) Section 28 is an impermissible express preemption, purporting to declare void *ab initio* prior actions of Local Governments taken under their (at the time not preempted) Constitutional home rule authority; and (2) the purported express preemptions under Sections 18 and 28 are impermissible because they are vague and ambiguous as to the particular subject and scope. For these reasons, Sections 18 and 28 attempt to vitiate the Home Rule Authority granted under Sections 1 and 2(b) of Article VIII of the Florida Constitution and further codified at law.

SB 180 is an impermissible express preemption of past regulations that the Local Governments had authority to propose and adopt when proposed and adopted.

149. The Florida Legislature impermissibly enacted the express preemption provided under Section 28 because it attempts to render ordinances "null and void ***ab initio***" even if they were duly enacted at a time when the Local Governments were not preempted.

150. The Local Governments enacted Planning and Zoning Regulations between August 1, 2024, and the enactment date of SB 180 pursuant to a clear grant of constitutional and/or statutory Home Rule Authority. By retroactively rendering legally enacted Planning and Zoning Regulations "null and void *ab initio"* (thereby invalidating the very enactment of such regulations and implementation while valid), Section 28 violates the plain meaning of the Florida Constitution because it removes the grant of Home Rule Power that existed at the time of the regulation's enactment pursuant to Sections 1 and 2(b) of Article VIII of the Florida Constitution, as applicable.

In this manner, the purported preemption in Section 28 is unlike the other preemptions found in Florida Statutes, none of which made previously enacted laws "void ab initio." *See e.g.*, § 790.33(1), Fla. Stat. (declaring any existing ordinances, rules, or regulations regulating firearms and ammunition "null and void" prospectively); § 509.032(7)(b), Fla. Stat. (precluding the adoption of local laws, ordinances, or regulations prohibiting vacation rentals or regulating duration or frequency of rentals of vacation rentals prospectively and grandfathering such laws adopted on or before June 1, 2011); § 386.209, Fla. Stat. (preempting regulation of smoking to the state and "supersed[ing] county or municipal ordinance[s] on the subject" prospectively); § 500.90, Fla. Stat. (preempting the use or sale of polystyrene products prospectively and providing for a limited grandfathering of local ordinances enacted before January 1, 2016).

151. Likewise, where Section 28 creates a private cause of action for Planning and Zoning Regulations proposed or adopted during this period, it potentially (and impermissibly) opens the Local Governments to liability for acts that were legally proposed or adopted at the time. Thus, Section 28 does not just preempt, and then create, a private right of action for violation of such a preemption for prospective acts, but does so for acts already taken under a grant of Constitutional authority that existed at the time. This could allow private landowners to pursue their grievances of past Planning and Zoning Regulations in court, forcing the taxpayers to pay to defend such grievances.

152. As a hypothetical example, assume that, in September 2024, a municipality passed an ordinance reducing the allowable height in a zoning district from 120 feet to 100 feet. In October 2024, based upon this ordinance, a developer's application for a 120 foot high building was denied and the developer had no choice but to submit an application for a 100 foot high building, which was approved. After construction commenced on the less high (and less

profitable) building and it was too late to change the plans, SB 180 was enacted, meaning that the ordinance that resulted in the municipality's denial of the 120 foot high building was void at the time the 120 foot high building was denied. It is unclear what the implication of this would mean, but it could potentially result in municipal liability or other consequences.

153. Thus, SB 180 could result in chaos or liability for projects that were considered under Planning and Zoning Regulations that were valid when applied but were later declared "void ab initio" by SB 180.

154. There is no language in the Florida Constitution or precedent in other statutory preemptions enacted by the legislature for local regulations to be declared "void ab initio," and thus the law should be declared invalid.

SB 180 is an impermissible express preemption because it is ambiguous and vague.

155. Sections 18 and 28 of SB 180 violate the Florida Constitution because they attempt to preempt Planning and Zoning Regulations that are "more restrictive or burdensome," but fail to clearly and unambiguously articulate the particular subject that is preempted.

156. The vague and undefined "more restrictive or burdensome standard" will wreak havoc with many of the modern planning tools that the Local Governments now lawfully employ because the Local Governments have no way of determining whether a Planning and Zoning Regulation is "more burdensome or restrictive." SB 180 simply does not purport to define the terms or explain: (a) "more burdensome or restrictive" than what? and (b) "more burdensome or restrictive" to whom?

157. For example, in determining whether Planning and Zoning Regulations increasing a setback requirement, should Local Governments determine whether the regulation is "more burdensome or restrictive" based on its impact on neighboring properties? Or is a Planning and

Zoning Regulation "more burdensome or restrictive" if it is projected to impose additional costs on developers seeking to maximize the intensity and density of a development? Should Local Governments determine whether a Planning and Zoning Regulation is "more burdensome or restrictive" based on its projected impact on concurrency requirements, such as the availability of water, sewer, solid waste, and other infrastructure capacity levels? Are Planning and Zoning Regulations that create new zoning schemes "more restrictive or burdensome" if they implement various more stringent development parameters but increase permissible development intensity and density as a whole? If a Planning and Zoning Regulation with multiple subparts has one provision that could be considered "more restrictive or burdensome" while all other provisions increase permissible development, is the regulation viewed as a whole or must each individual provision be evaluated? The Local Governments have no answer to these questions because the attempted preemptions under Sections 18 and 28 are ambiguous and fail to clearly articulate the particular subject that the Legislature sought to preclude.

158. As another example, a vital tool for urban planning are zones which contain a variety of uses, sometimes referred to as "regional activity centers". To reduce vehicular traffic, encourage shared use of infrastructure, reduce urban sprawl, and create vibrate urban areas, these land use/zoning categories permit a variety of uses of varying densities and intensities. These centers contain specific allotments of residential units (of varying types) and commercial buildings of varying intensity. Thus, one may find allotments for single family detached units, townhomes, and condominium/apartments along with a specific square footage of permissible commercial spaces. There may also be regulations on how these uses will be arranged. If a local government wished to rearrange the mix of units and commercial density—for example, increasing single family and commercial but decreasing multi-family and industrial,—would that be considered

"more restrictive or burdensome" even though the overall density remains the same, with some uses being increased and others decreased?

159. More generally, with no definition, there is no understanding as to who and what the Planning and Zoning Regulation cannot restrict or burden.

160. The "more restrictive or burdensome" language is hopelessly vague and unworkable and could be creatively applied to almost any change because it is an undefined term. It is of note that when the legislature adopted The Bert J. Harris, Jr. Private Property Rights Protection Act which uses the term "inordinate burden" to trigger compensation under certain circumstances, it included a two-paragraph definition of the term including an analysis of investment backed expectations. It also provided for a process to determine whether such a burden existed, which process required the services of appraisers. A similar definition was necessary with SB 180, however, there is none; rather, the triggering term "more restrictive or burdensome" appears with no explanation, no context, and no commonly understood meaning.

161. This undefined term improperly preempts the Constitutional powers of the Local Governments with a standard that has no meaning.

SB 180 unlawfully infringes on the Home Rule Authority of the Local Governments.

162. Sections 18 and 28 preempt the Local Governments from exercising Home Rule Authority in one of the most fundamental functions of local government: planning and zoning. Sections 18 and 28 are the largest infringement of Home Rule Power in the history of Florida and strip the Local Governments' ability to enact the very Powers they have been empowered with under the Florida Constitution and statutory law. In doing so, the Florida Legislature circumvents and renders meaningless the grants of Home Rule Authority provided in the Florida Constitution by legislative act.

163. In all, though SB 180 does not state plainly that it expressly preempts, nor in effect impliedly preempts, *all* Planning and Zoning Regulations, it does plainly preempt *many*, if not *most*, ways all local governments can act in their own best interests pursuant to such regulations. SB 180 (1) makes certain actions that were allowed at the time null and void *ab initio* pursuant to Section 28, (2) prohibits certain prospective changes pursuant to Section 28 up until October 1, 2027, and (3) provides that prospective changes are not allowed for a period of one year following landfall of all future hurricane pursuant to Section 18.

164. From this, it is not clear when and/or what Planning and Zoning Regulations are permitted, therefore frustrating, confusing, and obfuscating the Local Governments' abilities to operate (1) in ways expressly preempted by SB 180, which are ways they should otherwise be able to act if not for their Home Rule Powers being intruded upon, and (2) in the spaces left between SB 180 and Florida general law because of SB 180's conflicts thereto.

165. The prospective application has also had its intended chilling effect, pausing certain of the Local Governments from finalizing Local Regulations that have been years in the making and were mere moments away from crossing the finish line. This is the case even where those Local Regulations would serve the public good and strengthen resiliency necessary for the emergencies SB 180 seeks to address.

166. Likewise, and as discussed in Count V, *see supra*, Sections 18 and 28 of SB 180 plainly conflict with Chapter 163. That conflict exists because while Chapter 163 allows and requires local governments to respond to changing circumstances and conditions by enaction Local Regulations, Sections 18 and 28 prohibit them from doing so.

167. For the foregoing reasons, Sections 18 and 28 of SB 180 represent a violation of the Home Rule Authority provided under Sections 1 and 2(b) of Article VIII of the Florida Constitution and further codified at law.

168. All elements necessary to support a cause of action for declaratory relief are present:

a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. VIII, §§1(f), 1(g), 2(b) of the Florida Constitution, and all Florida Statutes codifying home rule powers.

b. The declaration sought deals with a present controversy as to an ascertainable set of facts.

c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.

d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.

e. The antagonistic and adverse interests are all before this Court.

f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

A. Declaring the enactment of SB 180 violated Art. VIII, §§1(f), 1(g), 2(b) of the Florida Constitution and all Florida Statutes codifying Home Rule Powers;

B. In addition or in the alternative, declaring the purported preemptions in SB 180 invalid as impermissibly vague.

C. Enjoining the enforcement of SB 180; and

D. Granting such other relief as this Court deems just and proper.

Dated September 29, 2025.

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