

*Board of County Commissioners*

**Analysis and Assessment of  
Senate Bill 180  
Discussion**

**July 15, 2025**



# Presentation Outline

- **Purpose**
- **Senate Bill 180 Provisions**
- **Impacts to County Initiatives**
- **Legislative Outlook**
- **Summary**
- **Board Discussion/Direction**



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# Purpose

- **Provide the Board with information about Senate Bill 180 – An act relating to emergencies**
  - Legislation making various changes relating to the preparation and response activities of state and local government when emergencies impact the state
    - Of importance are Sections 18 and 28
- **Discuss the recently adopted or pending ordinances that could be impacted by the legislation**
- **Update on the 2025 legislative session and the upcoming 2026 legislative session**
- **Seek direction from the Board on the next steps**



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# Senate Bill 180 Provisions

- SB 180 makes various changes throughout Florida Statutes regarding the preparation and response activities of state and local governments when emergencies impact the State:
  - Addresses **tenant access** after damage to the premises
  - Allows Florida National Guard to provide **medical care** during emergencies and allows caregivers at special needs shelters
  - OPPAGA to study planning and regulatory actions taken by local governments after hurricanes on construction, reconstruction, or redevelopment, and shall make recommendations for **legislative options to remove impediments and prevent the implementation by local governments of burdensome or restrictive procedures and processes**. OPPAGA shall submit the report by December 1, 2025.



# Senate Bill 180 Provisions

- **SB 180 Changes (cont.):**
  - Requires local government emergency response contracts to include a provision requiring a contractor to pay damages and a penalty **for breach of contract**
  - Encourages amendments regarding management of **storm-generated debris**





# Senate Bill 180 Provisions

## ▪ SB 180 Changes (cont.):

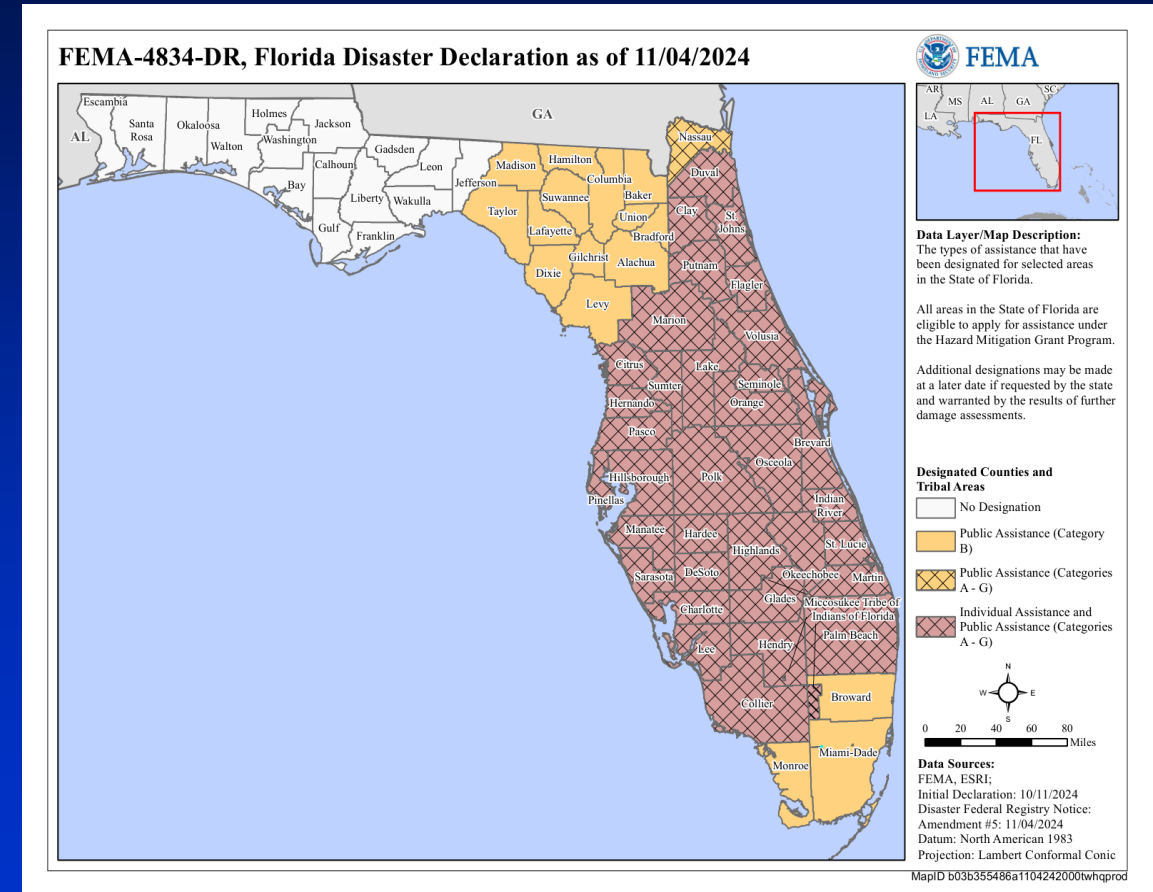
- Requires local governments to **post on its website** a FAQ related to natural emergency response and emergency preparedness
- Requires local governments to develop a **post-storm permitting and recovery plan** to expedite recovery and rebuilding after a hurricane or tropical storm
- **No increases in building permit or inspection fees** for 180 days after a state of emergency is declared in a county within the area for which the state of emergency is declared
- Key changes to definitions and requirements making it easier to recover and rebuild





# Senate Bill 180 Provisions

- SB 180 Changes (cont.):
  - Places **restrictions on local governments located within 100 miles** of a declared hurricane storm track for 1 year after landfall (Section 18)
  - Restricts local governments listed in the Federal Disaster Declarations for Hurricanes Debby, Helene, or Milton (Sections 28)



Hurricane Milton Disaster Declaration Map



# Senate Bill 180 Provisions

## ▪ Section 28

– Contains four sections:

1. Defines which counties and municipalities are subject to restrictions
2. Lists exemptions to the items prohibited in Section 1
3. Provides an opportunity for any resident or any owner of a business located in the County to bring a civil action against the impacted local government
4. Expiration date – **June 30, 2028**



# Senate Bill 180 Provisions

## ▪ 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 development 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.**



# Senate Bill 180 Provisions

## ▪ Section 28

- (2) Notwithstanding subsection (1), any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by a county or municipality before or after the effective date of this act may be enforced if:
  - (a) The associated application is **initiated by a private party** other than the county or municipality.
  - (b) The **property** that is the subject of the application is **owned by the initiating private party**.



# Senate Bill 180 Provisions

## ▪ Section 28

- (3)(a) A **resident of or the owner of a business** in a county or municipality may bring a civil action for declaratory and injunctive relief against the county or municipality for a violation of this section. Pending adjudication of the action and upon filing of a complaint showing a violation of this section, the resident or business owner is entitled to a preliminary injunction against the county or municipality preventing implementation of the moratorium or the comprehensive plan amendment, land development regulation, or procedure. If such civil action is successful, the resident or business owner is entitled to reasonable attorney fees and costs.
- (b) Attorney fees and costs and damages may not be awarded pursuant to this subsection if:
  - 1. The resident or business owner provides the governing body of the county or municipality written notice that a proposed or enacted moratorium, comprehensive plan amendment, land development regulation, or procedure is in violation of this section; and
  - 2. The governing body of the county or municipality withdraws the proposed moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days; or, in the case of an adopted moratorium, comprehensive plan amendment, land development regulation, or procedure, the governing body of a county or municipality notices an intent to repeal within 14 days after receipt of the notice and repeals the moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days thereafter.



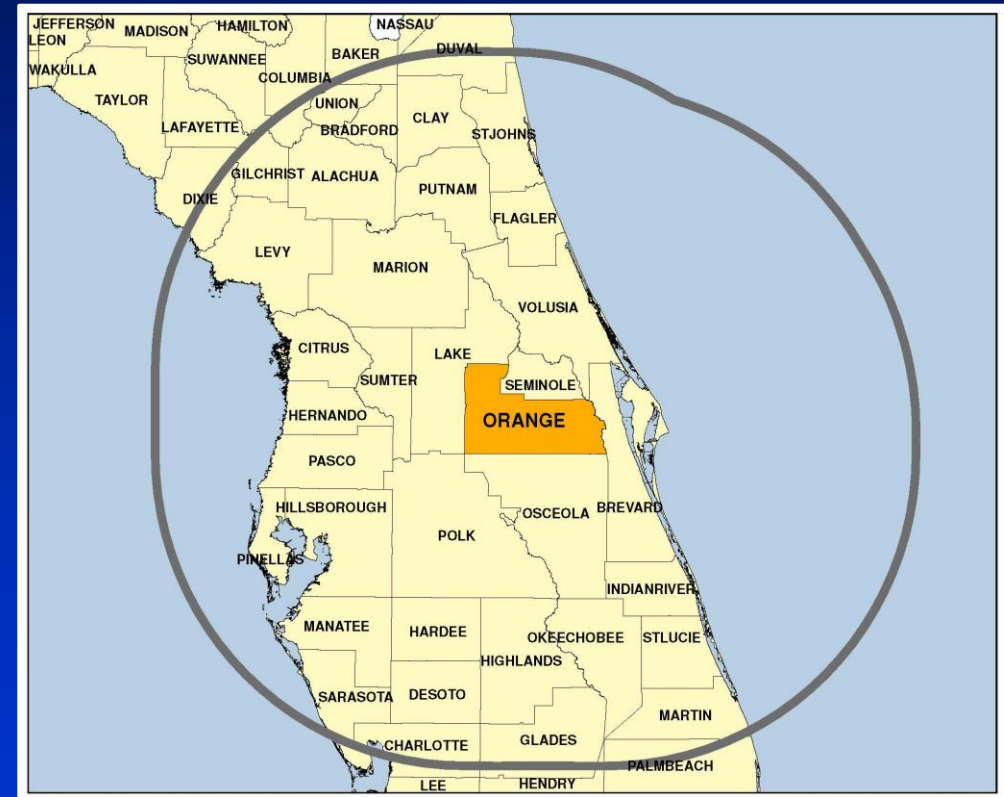
# Senate Bill 180 Provisions

- **Section 18 – Creates Section 252.422 Florida Statutes**
  - Restrictions on county or municipal regulations after a hurricane
  - Contains five sections:
    1. Defines "Impacted Local Government"
    2. Prohibits adoption of certain regulations for one year after a hurricane makes landfall
    3. Lists exemptions to the items prohibited in Section 2
    4. Provides an opportunity for any person to file suit against the impacted local government to enforce this section, and a prevailing plaintiff is entitled to reasonable attorney's fees and costs
    5. Requires the Office of Program Policy Analysis and Government Accountability to conduct studies on actions taken by local governments after hurricanes



# Senate Bill 180 Provisions

- Section 252.422 Florida Statutes
  - (1) As used in this section, the term **“impacted local government”** means 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.





# Senate Bill 180 Provisions

## ▪ Section 252.422 Florida Statutes

–(2) For 1 year after a hurricane makes landfall, an impacted local government 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 regulations
- (c) A more **restrictive or burdensome procedure** concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined in s. 163.3164



# Senate Bill 180 Provisions

## ▪ Section 252.422 Florida Statutes

- (3) Notwithstanding subsection (2), a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order **approved or adopted by an impacted local government before or after the effective date of this act may be enforced if:**
  - (a) The associated application is **initiated by a private party** other than the impacted local government and the property that is the subject of the application is owned by the initiating private party;
  - (b) The proposed comprehensive plan amendment was **submitted to reviewing agencies** pursuant to s. 163.3184 before landfall; or
  - (c) The proposed comprehensive plan amendment or land development regulation is **approved by the state land planning agency** pursuant to s. 380.05.



# Senate Bill 180 Provisions

## ▪ Section 252.422 Florida Statutes

- (4)(a) **Any person** may file suit against any impacted local government for declaratory and injunctive relief to enforce this section.
  - (b) A county or municipality may request a determination by a court of competent jurisdiction as to whether such action violates this section. Upon such a request, the county or municipality may not enforce the action until the court has issued a preliminary or final judgment determining whether the action violates this section.
  - (c) Before a plaintiff may file suit, the plaintiff shall notify the impacted local government by setting forth the facts upon which the complaint or petition is based and the reasons the impacted local government's action violates this section. Upon receipt of the notice, the impacted local government **shall have 14 days to withdraw or revoke** the action at issue or otherwise declare it void. If the impacted local government does not withdraw or revoke the action at issue within the time prescribed, the plaintiff may file suit. The plaintiff shall be entitled to entry of a preliminary injunction to prevent the impacted local government from implementing the challenged action during pendency of the litigation. In any action instituted pursuant to this paragraph, the prevailing plaintiff shall be entitled to reasonable attorney fees and costs.
  - (d) In any case brought under this section, all parties are entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar.



# Senate Bill 180 Provisions

## ▪ Section 252.422 Florida Statutes

- (5) The Office of Program Policy Analysis and Government Accountability (OPPAGA) **shall conduct a study** on actions taken by local governments after hurricanes which are related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. The study must focus on the **impact that local governmental actions**, including moratoriums, ordinances, and procedures, have had or may have on **construction, reconstruction, or redevelopment of any property damaged by hurricanes**. In its research, OPPAGA shall survey stakeholders that play integral parts in the rebuilding and recovery process. OPPAGA shall make recommendations for legislative options to remove impediments to the construction, reconstruction, or redevelopment of any property damaged by a hurricane and prevent the **implementation by local governments of burdensome or restrictive procedures and processes**. OPPAGA shall submit the report to the President of the Senate and the Speaker of the House of Representatives by **December 1, 2025**.



# Senate Bill 180 Provisions

- **Difference between Section 18 and Section 28**
  - Section 18 created a new section of State Statutes that does not expire which introduces a rolling 1 year prohibition following impacts by a hurricane
  - Section 28 is retroactive to August 1, 2024 and continues until June 30, 2028
  - Individual who may challenge: Section 18 – “any person”, Section 28 – “a resident or the owner of a business”
- **Key terms and why they are important**
  - Impacted local governments... may not propose or adopt
  - No standard for “more restrictive or burdensome”
  - Conflicting language regarding “null and void ab initio” and the requirement to withdraw, revoke, repeal or declare the action void



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# Impacts to County Initiatives

## ▪ For most adopted ordinances updating land development regulations since August 1, 2024, the County may:

### 1. Repeal in Advance

- Advantages: Avoid uncertainty, gives staff time to assess problematic language, and avoids potential legal fees
- Disadvantages: May repeal a regulation that the Court would not consider restrictive or burdensome

### 2. If Noticed, Approve a Request to Repeal

- Advantages: Keeps some regulations intact - possibly permanently
- Disadvantages: Risks Attorney's fees, no certainty - can happen at any time, tough to meet deadlines

### 3. If Noticed, Deny a Request to Repeal and Go to Court

- Advantages: Better define restrictive and burdensome - May uphold regulation
- Disadvantages: Risks paying legal fees - Costs to defend - Uncertainty in litigation



# Impacts to County Initiatives

## Notice to Repeal Ordinances

- **June 30, 2025 – Notice for County to repeal claiming a violation of Section 28 of SB 180**
- **Rural Boundary and Rural Area Comprehensive Plan Amendment**
  - May 20, 2025 – Ordinance 2025-13
  - Adopted Map 5b of the Future Land Use Map Series, adopting the Charter-designated Rural Area. Any amendment increasing density or intensity or removing the property for the Rural Area shall require a majority-plus-one vote of the entire membership of the Board
- **Lake Pickett Study Area Amendments**
  - May 20, 2025 – Ordinance 2025-12
  - Amended Map 22 and amended policies in the future land use element regarding the Lake Pickett Study Area by reducing the boundary to that of the Grow Community.
- **Two ordinances to repeal the amendments scheduled for Board Public Hearing on July 15, 2025.**



# Impacts to County Initiatives

## Public Works Department

### ▪ Reams Road / Ficquette Road Flooding

- February 11, 2025 – Board directed staff to move forward and prepare an ordinance
- Adopt a moratorium for wetland and floodplain impacts within the Reedy Creek Sub-Basin
- Implement a more restrictive stormwater discharge rate (13 CMS)
- **Staff Recommendation:** Suspend efforts on drafting of moratorium ordinance and implementation of more restrictive stormwater criteria until Section 28 expires and Section 18 provides an adoption window



## Public Works Department

### ■ Rainfall Intensity Study

- April 22, 2025 – Board directed staff to move forward and update stormwater design standards
- Study showed current design volume was generally sufficient but needs improvement in pipe size and inlet spacing reflected by roadway flooding
- **Staff Recommendation:** Proceed with related studies and hold on implementation until Section 28 expires and Section 18 provides an adoption window

### ■ Stormwater Ordinance and Drainage Manual Update

- Work in progress, consultant on-board to draft the Manual. Initial draft recommends stricter criteria for development per Board direction.
- Manual update is also needed to implement State criteria of new Stormwater Rule
- **Staff Recommendation:** Given SB 180, update code/manual to reflect new State standards, hold off implementation related to land development until Section 28 expires and Section 18 provides an adoption window, but apply new standards to new County CIP projects



# Impacts to County Initiatives

## Planning Environmental and Development Services (PEDS)

- Shingle Creek Basin and St. Johns River Basin Special Protection Area (SPA) overlays
  - April 8, 2025 – Board recommended that staff move forward to engage stakeholders and consider overlay standards
  - These proposed ordinances address special needs for the Shingle Creek Drainage Basin and the St. Johns River Drainage Basin that were identified in recent studies. More stringent regulatory standards may relate to stormwater design standards, wetland/managed area buffers, floodplain management, wildlife crossings, requirements for decreasing impervious areas during redevelopment, and other LID concepts.
  - **Staff Recommendation:** Continue with studies, stakeholder engagement, and development of overlay standards, but hold off scheduling a PH for adoption or implementation.



# Impacts to County Initiatives

## Planning Environmental and Development Services (PEDS)

- **Vision 2050**

- Transmitted to State – July 25, 2023

- Adopted June 3, 2025 – Ord. 2025-15

- Adopting Staff-Initiated Future Land Use Map and Text Amendments

- **Orange Code**

- June 3, 2025 – Ord. 2025-16 (Ch. 40) Ord. 2025-17 (Ch. 38 & 39) Ord. 2025-18 (Ch. 31.5) Ord. 2025-19 (Reconciliation)

- Adopting new Chapter 40, aka Orange Code; Amending and repealing certain provisions of Chapter 38 and Chapter 39; repealing Chapter 31.5; and amending various Chapters of the Orange County Code to provide consistency with the Comprehensive Plan and Land Development regulations known as Orange Code.



# Impacts to County Initiatives

## Planning Environmental and Development Services (PEDS)

### ■ Vision 2050 and Orange Code

- Vision 2050 has not yet been found “in compliance” by State and therefore is not yet effective (no later than July 27, 2025)
- As a whole, Vision 2050 and Orange Code were not intended to be more restrictive or burdensome
- Orange Code was intended to provide efficiencies for the County’s land development review process
- Allows and even encourages mixed use and residential development in Targeted areas
- Vision 2050 sets the policy basis for additional protections of environmentally sensitive areas
- Represents years of staff work and expense, significant community outreach, and stakeholder engagement
- Intended to satisfy EAR based requirements of Chapter 163, FS.



# Impacts to County Initiatives

## Planning Environmental and Development Services (PEDS)

### ▪ Vision 2050 and Orange Code

#### 1.a Repeal in Advance

##### Advantages:

- Avoid uncertainty by allowing development to proceed under the existing (old) set of rules and regulations
- Avoids potential legal fees
- Would allow staff time to review Vision 2050 and Orange Code for any obvious changes that could be in violation of SB 180 and bring back forward
- Would allow County time to explore separate litigation as to broader bill impacts

##### Disadvantages:

- Would indefinitely shelve a plan that reflects numerous Board priorities
- Readoption would likely require lengthy transmittal/adoption process
- May repeal regulations that the Court would not consider more restrictive or burdensome
- Staff would need to work with State on compliance issues with the County's adopted comprehensive plan



# Impacts to County Initiatives

## Planning Environmental and Development Services (PEDS)

### ▪ Vision 2050 and Orange Code

#### 1.b Delay Effective/Implementation Date (ex. 6 months or beyond next Leg. Session)

##### Advantages:

- Avoid uncertainty by allowing development to proceed under the existing (old) set of rules and regulations in the short term
- Delays the potential for litigation while courts may start interpreting various provisions of SB 180
- Would allow staff time to review Vision 2050 and Orange Code for any obvious changes that could be in violation of SB 180
- Would allow County time to explore separate litigation as to broader bill impacts

##### Disadvantages:

- Would delay implementation of a plan that reflects numerous Board priorities
- May delay implementation of regulations that the Court would not consider more restrictive or burdensome
- Staff would need to discuss with State compliance issues associated with the County's adopted comprehensive plan



# Impacts to County Initiatives

## Planning Environmental and Development Services (PEDS)

### ▪ Vision 2050 and Orange Code

#### 2. If Noticed, Approve a Repeal

##### Advantages:

- Allows for implementation of the adopted plan
- Keeps some regulations intact - possibly permanently

##### Disadvantages:

- Creates significant uncertainty for County – an appeal could happen at any time and take an unknown form
- Unlike other ordinances, repeal of the V2050/OC ordinances, in whole or in part, isn't really an option. There are no policies, standards, or definitions to fall back on as old plan and sections of code would no longer exist. Sections of Vision 2050 and Orange Code aren't easily or logically severable.
- Development could be proceeding at risk if policies and codes can't be relied upon.



# Impacts to County Initiatives

## Planning Environmental and Development Services (PEDS)

### ▪ Vision 2050 and Orange Code

#### 3. If Noticed, Deny a Request to Repeal and Go to Court

##### Advantages:

- Allow the Courts to better define “restrictive and burdensome” – Courts may uphold regulations
- Keeps some regulations intact - possibly permanently

##### Disadvantages:

- Could be costly to defend and risks paying legal fees
- Uncertainty in litigation – entire plan could be thrown out, part of the plan, or any injunction could be limited to a particular property or circumstance.
- Litigation could result in an un-implementable policy plan or set of land development regulations
- Even limited court order could cause staff confusion regarding which code standards apply to what projects, forcing staff to manage two policy plans and codes concurrently
- Development could be proceeding at risk if policies and codes can't be relied upon.



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## Session Activity

- Late-session amendment added land management language, previously removed by Senate
- Near unanimous vote in both chambers

## Post-Session Activity

- Considerable effort by local governments to secure a veto
- Approved by Governor DeSantis on June 26, 2025



# Legislative Outlook

## Looking Ahead

- **Office of Program Policy Analysis and Government Accountability (OPPAGA) study complete by December 1, 2025**
- **Florida Association of Counties (FAC) legislative effort for 2026 session**



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- **Senate Bill 180 is much broader than a bill intended to address hurricane response and recovery**
- **Sections 18 and 28 include problematic language as to past, ongoing, and future planning and regulatory initiatives**
- **Several ongoing County initiatives will need to pivot**
- **Risk of litigation and uncertainty for development is real**
- **2026 legislative outlook is unclear, but this topic will be a legislative priority by many local governments**
- **Board direction needed as to Vision 2050/Orange Code and other County initiatives**



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# Board Discussion/Direction

- **General Options:**
  1. Repeal in Advance
  2. If Noticed, Approve a Request to Repeal
  3. If Noticed, Deny a Request to Repeal and Go to Court
  
- **Direction for each of the following:**
  - Ongoing initiatives:
    1. Reams Road Flooding (**suspend efforts**)
    2. Stormwater Ordinance and Drainage Manual Updates (**suspend efforts related to land development, apply new standards to new County CIP projects, update ordinance to comply with new State stormwater rule**)
    3. Special Protection Areas (St. John's River and Shingle Creek) (**continue studies, stakeholder outreach, standards development**)
  - PHs E7 (Lake Pickett) and E8 (Rural Boundary/Area) will follow – no direction needed
  - Other ordinances previously adopted



# Board Discussion/Direction

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- **Vision 2050 Options:**
  - 1.a Repeal in Advance
  - 1.b **Delay Implementation Date**
  2. If Noticed, Approve a Request to Repeal
  3. If Noticed, Deny a Request to Repeal and Go to Court

## Option 1.b

### Advantages

- Avoid uncertainty for the development community
- Delays the potential for litigation while courts start interpreting provisions of SB 180
- Allows staff time to review Vision 2050 / Orange Code for compliance with SB 180
- Allows County time to explore separate litigation as to broader bill impacts

### Disadvantages

- Would delay implementation of a plan that reflects numerous Board priorities
- May delay implementation of regulations that the Court would not consider more restrictive or burdensome
- Delay path not clear with potential compliance issues associated with the County's comprehensive plan (EAR)

- **Consider joining broader local government class action litigation**