



Legislation Text

File #: 25-1183, **Version:** 1

Interoffice Memorandum

DATE: August 18, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: Jeffrey J. Newton, County Attorney

FROM: Debra Babb-Nutcher, Senior Assistant County Attorney

CONTACT: Debra Babb-Nutcher, Senior Assistant County Attorney

PHONE: 407-836-7320

DIVISION: County Attorney's Office

ACTION REQUESTED:

Approval and execution of Resolution of the Orange County Board of County Commissioners regarding authorization to participate in a lawsuit seeking, among other things, to challenge the legality of Senate Bill 180's imposition of a statewide prohibition on the exercise of home rule authority over land use development and zoning regulations, and retaining Weiss Serota Helfman Cole + Bierman to bring the Lawsuit; and providing for an effective date.

PROJECT: N/A

PURPOSE: Senate Bill (SB) 180, signed into law on June 26, 2025, created Section 252.422, Florida Statutes, which imposes significant restrictions on a local government's ability to regulate comprehensive land use development and zoning following a hurricane. Specifically, Section 252.422, Florida Statutes, entitled Restrictions on County or Municipal Regulations after a Hurricane, prohibits an "impacted local government," defined as a county or municipality within 100 miles of the track of a hurricane, from enacting "more restrictive or burdensome" amendments to its comprehensive plan, land development regulations, or related procedures for one year after landfall. Section 252.422, Florida Statutes, does not adequately define a "track of a hurricane" nor does it adequately define what constitutes a "more restrictive or burdensome" amendment or procedure.

In addition, Section 28 of SB 180 imposes a retroactive statewide prohibition, effective August 1, 2024, through October 1, 2027, on any such amendments by counties and municipalities listed in Federal Disaster Declarations for Hurricane Debby, Hurricane Helene, or Hurricane Milton. Because all 67 Florida counties are included in at least one of these declarations, the ban applies statewide for

two years, regardless of whether local conditions warrant regulatory action.

The Board is being asked to approve Orange County participating in a lawsuit, along with multiple other local governments, to be filed by Weiss Serota Helfman Cole + Bierman PL. The flat fee to represent Orange County is \$10,000 at the trial court level, with an additional \$5,000 for any appeals at the District level, and \$5,000 if an appeal is filed with the Florida Supreme Court.

BUDGET: N/A