

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.

Resolution No. 2025-M-32

WHEREAS, Article VIII, Section 1(g) of the Florida Constitution provides that charter counties shall have all powers of local self-government not inconsistent with general law;

WHEREAS, pursuant to Article VIII, Section 1(g) of the Florida Constitution, and Section 125.01, Florida Statutes, Orange County, as a charter county, possesses broad authority to adopt ordinances, comprehensive plans, enact land development regulations, issue development permits, and impose temporary moratoria in furtherance of local public health, safety, and welfare, including for purposes of orderly growth, environmental protection, disaster recovery, and community resiliency;

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

WHEREAS, although Senate Bill 180 purports to preempt local government action broadly, its interference with Orange County's charter authority is particularly egregious, as it restricts powers granted to counties by both the Florida Constitution and Florida Statutes;

WHEREAS, Section 18 of SB 180 further prohibits local governments that are located in counties that are entirely or partially within 100 miles of the track of any future hurricane from enacting “more restrictive or burdensome” comprehensive plan amendments, land development regulations, or procedures concerning review, approval, or issuance of site plans, development permits, or development orders (collectively, “Land Use and Zoning Regulations”), and moratoria on construction, reconstruction, or redevelopment of any property, damaged or not, for a period of one year after the storm makes landfall;

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

WHEREAS, SB 180 infringes upon county home rule authority by prohibiting counties from enacting Zoning and Land Use Regulations if they are located within 100 miles of the track of a hurricane for one year in a completely indiscriminate manner that disregards the size, intensity, or impact of a hurricane on the county, whether a proposed Zoning and Land Use Regulation has even a *de minimis* impact on hurricane recovery efforts, or even if the Zoning and Land Use Regulations are necessary to protect the public health, safety, and welfare from the effects of a hurricane;

WHEREAS, SB 180 further usurps the county home rule authority guaranteed by the citizens of Florida in the Florida Constitution by imposing blanket prohibitions on any moratoria on construction, reconstruction, or redevelopment of property for one year whenever a future

hurricane falls 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, regardless of the necessity or impetus behind such moratoria;

WHEREAS, the Orange County Board of County Commissioners (the “Board”) desires to authorize the participation of Orange County in a lawsuit seeking declaratory, injunctive, and other appropriate relief from the provisions of SB 180, which impose a blanket statewide prohibition on the exercise of home rule authority relating to Land Use and Zoning Regulations, based upon any appropriate legal theories, including, without limitation, those set forth herein, subject to the participation of at least ten local governments (the “Lawsuit”); and

WHEREAS, it is in the best interest of Orange County to participate in the Lawsuit and to urge other local governments to join as plaintiffs.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Purpose. The Board hereby finds and determines that participation in a legal challenge is in the public interest and necessary to preserve the County’s constitutional authority and ability to regulate in the best interests of its residents.

Section 2. Authorization to Participate in Lawsuit. The Board hereby authorizes the participation of Orange County, Florida in the Lawsuit, subject to participation of at least ten local governments.

Section 3. Legal Representation and Fee Structure. Weiss Serota Helfman Cole + Bierman, PL (the “Firm”) is retained to represent Orange County in the Lawsuit, at both the trial and appellate levels. The Firm will charge a flat fee, inclusive of attorneys’ fees and costs, of \$10,000 to represent Orange County in the Lawsuit in the trial court, which shall be payable within

ten days of the effective date of this Resolution. Orange County shall also pay \$5,000 to the Firm to represent it in any appeal related to the Lawsuit that is filed at the District Court of Appeal within 30 days of the filing of such appeal, and \$5,000 to the Firm to represent it in any appeal that is filed at the Florida Supreme Court within 30 days of the filing of such appeal. The Board acknowledges that the Firm will be representing other local governments in the Lawsuit and waives any conflicts related to such representation. The Board also acknowledges that the Firm may represent other entities, private or public, and that the representation of Orange County in this Lawsuit alone, because it is part of a coalition, will not constitute a conflict of interest and, to the extent it does, waives such conflict of interest.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective upon its adoption by the Board.

ADOPTED this 26 day of August, 2025.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings,
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Jennifer Ann - Kinney*
Deputy Clerk

