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

1000 Friends of Florida, Inc.,
a Florida not for Profit Corporation,

and

Rachel Hildebrand, an individual,

Plaintiffs,

v. Case No. 25 - xxxx

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, 1000 FRIENDS OF FLORIDA, INC., a Florida non-profit corporation, ("1000 Friends") and Rachel Hildebrand, file this Complaint against 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 in support thereof, state as follows:

I. Introduction and Nature of the Case

This is an action for a declaratory judgment and for temporary and permanent injunctive relief pursuant to Chapter 60 Florida Statutes and Chapter 86, Florida Statutes. Plaintiffs challenge the constitutionality of 2025 Senate Bill 180 ("SB 180"), codified in Chapter 2025-190, Laws of Florida, on the basis that it violates (1) the constitutional "single – subject" rule by enacting, amending, and impacting multiple sections of Florida law governing the authority of local governments to plan for and regulate development on issues as diverse as parks and open space, public facilities, rural protection, environmental preservation and others as part of a bill enacted to address emergency management; (2) the substantive due process clause by prohibiting and retroactively rendering null and void "more restrictive or burdensome" land planning and regulations – regardless of the subject matter - adopted by all cities and counties

in Florida since August 1, 2024, and prohibiting "more restrictive or burdensome" land planning and regulations – regardless of the subject matter - by impacted local governments for at least one year after a future hurricane makes landfall, without regard to the impact of any such storm; and (3) the "natural resources" clause, by arbitrarily prohibiting increased standards for the abatement of air and water pollution or the conservation and protection of natural resources.

II. Jurisdiction and Venue

1. This is an action for declaratory judgment, injunction and other appropriate relief.
2. The Plaintiffs bring this action pursuant to Section 86.011, Florida Statutes, which authorizes actions for declaratory judgment, and Section 26.012(3), Florida Statutes, and Florida Rule of Civil Procedure 1.610, which authorize circuit courts to grant injunctive relief.
3. This Court has jurisdiction pursuant to Article V §5(b), Florida Constitution and Chapter 60 and Chapter 86 Florida Statutes.
4. Venue is proper in this Court because the Defendants' primary offices are in Leon County and a substantial part of the events

giving rise to the claims, including the Department of Commerce's written determinations pursuant to its authority under the *Community Planning Act,*[1] that certain proposed and certain previously – adopted local government comprehensive plan amendments are null and void as a result of SB 180, occurred in Leon County.

5. Plaintiffs have a genuine and current dispute with the Defendants, are directly affected by the enactment of SB 180 and in doubt as to their rights, and require a judgment of this Court to declare their rights and provide temporary and permanent injunctive relief and/ or other appropriate relief.
6. Pursuant to Chapter 86, Florida Statutes, this Court has jurisdiction to grant declaratory, injunctive, or other relief stemming from the adoption and application of SB 180.
7. Plaintiffs have no plain, speedy, and adequate remedy at law against SB 180 other than the relief requested in this Complaint.
8. All conditions precedent to bringing this action have been satisfied including serving a copy of this complaint upon the Florida

[1] Chapter 163, Part II, Fla. Stat. See Section 163.3161, et. seq., Fla. Stat.

Attorney General pursuant to the requirements of Section 86.011 *Florida Statutes* and the Florida Rules of Civil Procedure.

III. GENERAL ALLEGATIONS

A. Parties.

9. Plaintiff, 1000 FRIENDS OF FLORIDA, INC. is a Florida not-for-profit corporation with its principal place of business at 308 North Monroe Street, Tallahassee, Florida ("1000 Friends"). 1000 Friends is a membership-based organization with approximately 22,200 members throughout Florida. The organization was established in 1986 for the purpose of monitoring and ensuring the proper implementation of Florida's growth management laws, representing the interests of its members before state and local decision makers, and providing education and support for public participation in growth management. 1000 Friends has participated extensively in growth management, land use, land and water protection, and environmental regulatory issues impacting the natural resources in Florida. 1000 Friends has represented its members in litigation concerning Florida's comprehensive planning law. A substantial number of 1000 Friends' members are adversely affected by the challenged law (SB

180). Since the adoption of SB 180, at least 438 members of 1000 Friends of Florida in Brevard County, 209 members in Manatee County, 397 members in St. Johns County and 908 members in Orange County have been adversely impacted due to the nullification of proposed comprehensive plan amendments by the Department of Commerce. 1000 Friends, as Florida's leading steward of land-use planning for citizens, has been required to expend substantial staff time and other resources, including the securing of legal services, to analyze and advise its members as to the impact of SB 180.

10. Plaintiff Rachel Hildebrand resides with her family on land she owns at 4651 Chuluota Road in the Lake Pickett Rural Settlement of Orange County, Florida. The property is within the area identified as Rural Area under the County's "Rural Boundary" Comprehensive Plan provisions.

11. The Orange County "Rural Boundary" Comprehensive Plan provisions were enacted to implement a County Charter Amendment by citizen initiative approved by 73% of County voters in November 2024.

12. Orange County Ordinance No. 2025-13 adopted Amendment 2024-2-B-CP-3, FLU 6.1.1.1 Rural Boundary and Rural Area to the County's Comprehensive Plan to delineate a portion of the Rural Service Area as the Charter-designated Rural Area, in which any plan amendments "increasing density or intensity or removing the property from the Rural Area shall require a majority-plus-one vote of the entire membership of the Orange County Board of County Commissioners." (The “Rural Area”).
13. Hildebrand lives within and relies upon the Rural Area for her quality of life and the rural character of her surrounding environment. She maintains a small-scale hobby farm on her property.
14. On June 3, 2025, Orange County adopted Ordinance No. 2025 - 15, which approved Comprehensive Plan Amendment No. 23-07ER to include additional protections for certain lands, like Hildebrand’s, within the Rural Boundary.
15. The Rural Boundary and Rural Area Comprehensive Plan provisions, together with others Comprehensive Plan provisions, protect the rural character of Hildebrand’s property and quality of life.

16. Among other things, those adopted Comprehensive Plan amendments protected Hildebrand's rural land, quality of life and the long-term sustainability of her property and community from urban and suburban encroachment, environmental degradation, flooding and other adverse impacts by establishing density and land use compatibility standards through the following objectives, policies and tables:

    a. LMN 1.5.8, which clarifies that Community Residential Housing is a permitted use in certain place types that do not include Rural Settlements.

    b. LMN-1.6.3(b)-(c), which outlines the Future Land Use / Transect Zone correlation table, ensures zoning consistency with the Future Land Use Map, and clarifies that certain Neighborhood Typologies cannot be further extended within Rural Settlements.

    c. LMN-1.6.3(c), portions of which specifically reference Goal MA 3 that contains objectives relating to the Lake Pickett Study Area (where Hildebrand resides), requiring a structured approach to growth, preventing haphazard incompatible development and ensuring new development

fits within the community's overall vision, including density and design standards appropriate for the Future Land Use Map designation, safeguarding the character of Hildebrand's rural land.

17. Additionally, Ordinance No. 2025 - 15, which approved Comprehensive Plan Amendment No. 23-07ER, included additional protections that would apply countywide, and further protected Hildebrand's rural land, quality of life and the long-term sustainability of her property and community from urban and suburban encroachment, environmental degradation, flooding and other adverse impacts by establishing clear density and land use compatibility standards through the following objectives, policies and tables:

    a. ROS-2.1, which protects tree canopies, open space and green space.

    b. SM-1.1.4, which includes natural drainage design and stormwater management requirements.

    c. SM-1.6.6, which includes standards for stormwater reuse.

    d. WAT-2.5.2, which includes standards for the use of reclaimed water for irrigation.

e. C-6.3.1, which includes standards for environmental site assessments for contaminated properties.

f. E-2.1.3, which requires sustainable building for county projects.

18. Pursuant to Florida's *Community Planning Act*, Orange County submitted those adopted Comprehensive Plan amendments to the Florida Department of Commerce for its statutorily - required review.

19. On July 28, 2025 the Department delivered to Orange County a letter declaring that the County's Comprehensive Plan Amendment No. 23-07ER, adopted by Ordinance No. 2025 - 15 was "**null and void ab initio.**" (emphasis added).

20. The Department specifically identified the following objectives, policies and table as "more restrictive or burdensome", and thus triggering the nullification of Comprehensive Plan Amendment No. 23-07ER under SB 180: LMN-1.6.3(b), LMN-1.6.3(c), WEK 3.5.1, WEK 4.1, ROS-2.1, SM-1.1.4, SM-1.6.6, WAT-2.5.2, C-6.3.1, C-7.5, E-2.1.3. The following were identified as "possibly more restrictive or burdensome"- SM-1.1.4, SM-1.6.6, LMN-7.3.2, and WEK-5.1.2.

21. Because of the references, interrelationships of definitions, tables and other provisions of the invalidated Comprehensive Plan amendments with existing Plan provisions, the Department's action also reduced and weakened the protections afforded to Hildebrand's rural land under related Comprehensive Plan provisions, including:

    a. LMN 2.3.15, which requires that new land use, zoning, and development applications within or near a Rural Residential Enclave, or those relying on access to a rural residential corridor, be reviewed for compatibility with the Enclave's rural character.

    b. LMN 1.6.1 and LMN 1.6.3, which define Transect Zones and mandate the use of a Future Land Use / Transect Zone correlation table to ensure zoning consistency with the Future Land Use Map, thereby controlling density and land use compatibility, and protecting rural areas like Plaintiff's.

    c. MA 3.3.1 through MA 3.3.6, which establish the Lake Pickett Rural Settlement as a distinct area with unique land use characteristics, including policies that define its boundaries, permissible uses, and development standards, which preserve

the rural character of the Lake Pickett area, prevent urban encroachment, and ensure that development is compatible with the existing environment and community values. The nullification of these specific policies would directly remove the tailored protections for the Lake Pickett Rural Settlement, leaving it vulnerable to incompatible development and the loss of its distinct rural identity, thereby directly and adversely impacting Hildebrand's property and quality of life within this protected area.

22. The character and quality of life of Hildebrand's land, home, and rural community are directly harmed by the invalidation of these Comprehensive Plan protections as a result of the Department's action. SB 180 undermines the protections afforded her by the Orange County Comprehensive Plan against mounting development pressures in the region, including more crowded and dangerous roads, increased flooding and wildlife deaths and loss of rural character. The Department of Commerce's invalidation of Amendment No. 23-07ER, and specifically the policies contained therein, directly deprives her of these protections.

23. The Department's determination that Orange County comprehensive plan amendment No. 23-07ER is null and void ab initio directly and adversely affects Hildebrand by eliminating the very mechanisms designed to safeguard her property interests and quality of life.

24. Land directly across the street from Hildebrand's property is also within the Rural Boundary. Approximately 165,760 acres of land immediately adjacent to and surrounding Hildebrand's property in the Rural East Market Area can take advantage of the increased development potential that results from the Department of Commerce's invalidation of Orange County's Comprehensive Plan Amendment No. 23-07ER.

25. Other Orange County Rural Boundary protections currently afforded to Hildebrand's property interests are currently under threat of being invalidated by SB 180 in the form of a lawsuit filed recently against Orange County that seeks to invalidate the Rural Boundary Plan provisions on the authority of SB 180. The lawsuit claims that the county's adoption of the Rural Boundary amendment - Orange County Ordinance No. 2025-13 - violates Section 28 of Senate Bill 180, because it imposes a more

burdensome and restrictive voting requirement and procedure for residents and businesses seeking to increase the density or intensity on their property located within the Rural Area. *Lake Pickett North LLC et al. vs. Orange County Florida* (Case No. 2025-CA-007326-O) (Ninth Judicial Circuit)

26. The weakening or removal of the Orange County Comprehensive Plan's Rural Boundary-related protections would directly and negatively impact Hildebrand, who would lose an important protection for her quality of life against incompatible development and more intensive development encroaching upon her land.

Defendants

27. Defendant J. Alex Kelly is sued in his official capacity as the Secretary of the Florida Department of Commerce, the state land planning agency that administers Chapter 163, Florida Statutes, portions of which are challenged as unconstitutional in this action. *See* Section 163.3164(46) ("State land planning agency" means the Department of Commerce.); See Section 163.3161, et. seq., Florida Statutes. The Department is administering and enforcing sections of SB 180 by rejecting various local government

proposed comprehensive plan amendments based on its determination that they violate SB 180.

28. On July 28, 2025, exercising its statutory responsibilities under the state coordinated review process (regarding proposed and adopted comprehensive plan amendments) in sections 163.3184(2) and (4), Florida Statutes, the Florida Department of Commerce delivered to Orange County a letter concerning the County's adopted comprehensive plan amendment No. 23-07ER. The letter stated:

> "Florida Commerce has identified conflicts with the application of Chapter 2025-190, Section 28, Laws of Florida (L.O.F.), and the adopted comprehensive plan amendment. These conflicts **render the proposed and adopted comprehensive plan amendment null and void ab initio."** (emphasis added)

29. 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 regarding emergency management. FDEM is responsible for administering, enforcing, and overseeing portions of SB 180.

30. The Honorable Wilton Simpson is the Commissioner of the Florida Department of Agriculture and Consumer Services and is sued in his official capacity. Florida's Department of Agriculture and Consumer Services administers and enforces portions of SB 180, including Section 1 regarding landlord/tenant issues.

31. 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. Portions of SB 180 impact the collection of revenue, and the expenditure of public funds by local governments.

32. The Honorable Blaise Ingoglia is the Chief Financial Officer of the State of Florida and is sued in his official capacity. Under Florida law, Florida's Chief Financial Officer exercises authority over the funds of the local governments, whose ability to collect and expend those funds is affected by SB 180.

33. Defendants each have an actual, cognizable interest in the action, adverse to the positions of the Plaintiffs. The Department of Commerce has invalidated comprehensive plan policies that protected the property interests of Hildebrand, and adversely burdened 1000 Friends' by placing additional demands on the

organization's staff and resources, and reducing the comprehensive plan and land development regulations that protect the interests of 1000 Friends members throughout the state. Each other Defendant has statutory duties that are created or impacted by SB 180, which this Complaint challenges as, among other infirmities, violates the "single subject" clause of the Florida Constitution.

B. Senate Bill 180, Chapter 2025-190, Laws of Florida

34. On June 26, 2025, Governor DeSantis signed Senate Bill 180 into law, which has since been codified in Chapter 2025-190, Laws of Florida. *See* https://laws.flrules.org/2025/190. The Bill's Title begins with ""[a]n act related to emergencies."

35. The Law, by its terms, became effective on July 1, 2025.

36. The Law creates and amends various provisions of Florida's Residential Landlord and Tenant Act, Impact Fee Act, Homestead Exemption Law, Hurricane Loss Mitigation Program, Military Affairs, Emergency Management Act, Water Resources Act, the Florida Keys Area Protection Act, Nursing Homes and Related Health Care Facilities Law, Environmental Control Law, Construction Contractor Law, Florida Thermal Efficiency Code,

and a variety of existing statutes, and prohibits the exercise of local government land use planning and development regulation authority under Florida's *Community Planning Act*, Chapter 163, Part II, Fla. Stat., retroactively from August 1, 2024 until October 1, 2027, and also for recurring year – long periods of time following the landfall of hurricanes after July 1, 2025.

37. Section 1 amends the *Residential Landlord and Tenant Act*, relative to tenant's rights when structures are damaged or destroyed.

38. Section 2 of the Law creates a new section in Florida law governing participation in the National Flood Insurance Program that prohibits local governments from adopting or enforcing "an ordinance for substantial improvements or repairs to a structure which includes a cumulative substantial improvement period." Cumulative substantial improvement ordinances are a common mechanism used by local governments to gradually bring older structures into compliance with modern flood protection standards.

39. Section 2 limits a community's ability to manage risk and address buildings that experience repetitive flooding, and reduces the

ability to secure flood insurance discounts for its citizens under the National Flood Insurance Program's Community Rating System (CRS).

40. Section 3 amends the "Florida Impact Fee Act" to add to section 163.31801, Florida Statutes, regarding impact fees for the reconstruction or replacement of previously existing structures.

41. Section 4 prohibits an increase in ad valorem assessments of homesteads for expansions of a certain size. The law prohibits an increase in the ad valorem assessment beyond the assessed value "immediately before the date on which" a homesteaded residential structure is "damaged or destroyed by misfortune or calamity" as long as the home is not expanded beyond 130% of the square footage prior to the improvement or increased beyond 2,000 square feet. The previous figures were 110% and 1,500 square feet.

42. Section 5 amends Florida's Hurricane Loss Mitigation Program regarding funding to construct or retrofit facilities used as public hurricane shelters.

43. Section 6 amends section 250.375, Florida Statutes regarding persons authorized to provide medical care during an emergency or declared disaster.

44. Section 7 amends the "State Emergency Management Act" regarding emergency management planning and capabilities of the state and its political subdivisions, including training for emergency managers.

45. Section 8 amends section 252.355, Fla. Stat. regarding emergency shelters for persons with special needs.

46. Section 9 amends section 252.3611, Fla. Stat. regarding audits of state contracts executed following declared states of emergency.

47. Section 10 amends section 252.363, Fla. Stat. regarding tolling and extension of permits and other authorizations during and after emergency declarations.

48. Section 11 amends section 252.365, Fla. Stat. regarding the annual designation of agency emergency coordination officers.

49. Section 12 amends Section 252.3655, Fla. Stat. regarding an interagency working group for natural disasters.

50. Section 13 amends section 252.37, Fla. Stat. to require notification of the Legislature by the Florida Division of

Emergency Management regarding the acceptance of certain Federal assistance funds.

51. Section 14 amends section 252.373, Fla. Stat. regarding the allocation of emergency management funds by the Florida Division of Emergency Management.

52. Section 15 amends section 252.38, Fla. Stat. regarding the designation of local government emergency contacts.

53. Section 16 creates section 252.381(9(a), Fla. Stat. to require local governments to include within their post disaster recovery plans "a post storm permitting plan … to expedite recovery and rebuilding by providing for special building permit and inspection procedures after a hurricane or tropical storm."

54. Section 16 amends Section 252.381, Fla. Stat. regarding public information related to natural emergencies and post – storm permitting and rebuilding procedures, and to prohibit local governments from increasing building permit or inspection fees for 180 days after a state of emergency is declared.

55. Section 17 amends section 252.385, Fla. Stat. regarding emergency shelters.

56. Section 18 creates Section 252.422, Fla. Stat. ("Restrictions on county or municipal regulations after a hurricane") within Florida's *"State Emergency Management Act"*.

57. Section 18 limits the planning and regulatory restrictions of "impacted local government[s]", defined as 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 …."

58. If these criteria are met, by the language of the statute, the entire County is deemed an "impacted local government", and the statute's prohibitions apply throughout the County (and any city within its borders), including geographic areas outside of "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 …."

59. Section 18 prohibits "impacted local government[s]" from proposing or adopting the following measures for one year after a hurricane makes landfall:

> (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; or

> (c) A **more restrictive or burdensome procedure** concerning review, approval, or issuance of a site plan, development permit, or development order. (emphasis added)

60. Section 18 provides exceptionally and unprecedentedly broad standing, allowing "any person" to sue to invalidate a plan amendment, regulation or development order without needing to show that they are impacted by it in any way, and to receive attorney's fees and costs if they succeed. Residents, business owners and a broad array of entities are given rights to challenge such actions, whether or not they live or own land in the affected local government - or anywhere within the state of Florida - or are affected at all by the regulations they dislike, and are entitled to reasonable attorney's fees and costs if successful.

61. Florida law defines "person" to include "individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations." Section 1.01 (3), Fla. Stat.

62. The statute entitles a plaintiff to a preliminary injunction, provides for summary proceedings to resolve such suits, and provides for prevailing plaintiff attorney's fees.

63. Upon receipt of a pre-suit notice, the local government has only 14 days to revoke or declare the challenged action void, a period of time which is unreasonable given the process for enactment or modification of ordinances concerning amendments to comprehensive plans and land development regulations.

64. Section 18 also requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to study and 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."

65. Section 19 creates section 252.505, Fla. Stat. regarding breaches of contract by state vendors during natural emergency recovery periods.

66. Section 20 creates section 373.423, Fla. Stat. to require the Florida Department of Environmental Protection to prepare a Flood Inventory and Restoration Report regarding flood management infrastructure in Federal Emergency Management Agency - identified flood zones.

67. Section 21 amends section 380.0552, Fla. Stat. – the Florida Keys Area Protection Act - to increase the amount of permanent residential units that can be built in the Florida Keys Area of Critical Concern and the Key West Area of Critical State Concern from that which can be evacuated in 24 hours or less to that which can be evacuated in 24.5 hours or less.

68. Section 22 requires the Department of Commerce to conduct a study to determine the number of building permit allocations to be distributed in the Florida Keys Area based upon the hurricane evacuation clearance time established in Section 21.

69. Section 23 amends section 400.063, Fla. Stat. regarding the funding for the removal of patients from nursing homes and related health care facilities during emergencies or evacuations.

70. Section 24 amends section 403.7071, Fla. regarding the management of storm-generated debris.

71. Section 25 creates section 489.1132 regarding the regulation of hoisting equipment used in construction, demolition, or excavation work during a hurricane.

72. Section 26 amends section 553.902**,** Fla. Stat. to amend the Florida Thermal Efficiency Code regarding alterations of buildings

after a natural disaster that is the subject of a state emergency declaration.

73. Section 27 requires the Division of Emergency Management to recommend statutory changes necessary to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies.

74. Section 28 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 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**." (emphasis added).

75. All 67 of Florida's counties were identified in a Federal Disaster Declaration for at least one of the three hurricanes identified in Section 28. Each of those 67 counties, and every city within every

county, is subject to Section 28, which applies retroactively and declares "null and void ab initio" any prohibited actions taken back to August 1, 2024.

IV. CLAIMS FOR RELIEF

A. COUNT ONE: SB 180 IS ARBITRARY AND CAPRICIOUS

76. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint as though fully set forth herein

77. This action challenges the constitutionality of SB 180 as being arbitrary and capricious, in violation of the *substantive due process* clause in Article I, Section 9 of the *Florida Constitution* ("Due Process"), *Florida Constitution*, which reads:

> "No person shall be deprived of life, liberty or property without due process of law …."

78. Sections 18 and 28 of SB 180 are invalid because they are discriminatory, arbitrary, capricious and oppressive. Given the history and projected future of hurricanes in Florida, and the statutory procedural requirements and required timeframes for the proposal and adoption of changes to local government comprehensive plans and land development regulations, Sections 18 and 28 effectively preclude future changes to local government

plans or regulations – other than those that weaken plans, development standards, and processes.

79. Sections 18 and 28 of SB 180 have no rational relationship to the emergency management and rebuilding objectives of SB 180, because they restrict the land use planning and development regulation authority of municipalities that experienced no impacts of a hurricane just because any part of the county in which the city lies was within 100 miles of the track of a storm declared to be a hurricane.

80. SB 180 contains various matters that are not connected to and are unrelated to emergencies, including the total ban in Sections 18 and 28 on any "more restrictive or burdensome" land-use and zoning regulations, and Section 18's prohibition on moratoria on construction, reconstruction, and redevelopment of property, even if the property is intact and was not damaged by a hurricane or other emergency. This is particularly arbitrary as applied to counties with a large geographic area, and as it applies to the ability of all cities and counties to plan for and regulate all future growth and development – as opposed to the repair and rebuilding of existing development.

81. The approach SB 180 takes – a complete prohibition on stricter or more burdensome development standards governing future development on any issue addressed in a comprehensive plan or land development code (including issues wholly unrelated to rebuilding damaged structures or property after hurricanes) – is arbitrary and capricious.

82. It is arbitrary to prohibit local governments from enacting zoning and land-use regulations on every issue governed by comprehensive plans, regardless of any impact on rebuilding after storm damage, whenever a hurricane track intrudes into any part of a County.

83. Sections 18 and 28 are arbitrary and capricious because their prohibitions are triggered by random past and future hurricane-landfall events regardless of the actual impact of the hurricane relative to structural or property damage on the properties and jurisdictions affected by these laws.

84. Section 28 arbitrarily and capriciously prohibits local governments throughout the entire state from enacting zoning and land-use regulations retroactively from August 1, 2024, and prospectively through October 1, 2027, without any rational

justification, and invalidates previously enacted Plan and Code provisions without any rational justification.

85. Plaintiffs are entitled to a declaratory judgment that SB 180 is unconstitutional as arbitrary and capricious under the Substantive Due Process clause of the Florida Constitution.

B. COUNT TWO SB 180 IS VOID FOR VAGUENESS

86. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint as though fully set forth herein

87. Sections 18 and 28 are "void-for-vagueness" because they forbid actions in terms so vague that men of common intelligence must necessarily guess at their meaning and differ as to their application.

88. Sections 18 and 28 create uncertainty as to whether a local government is an "impacted local government". They are unclear as to what it means for a local government to be "located entirely or partially within 100 miles of the track of a storm declared to be a hurricane."

89. Section 18 of SB 180 refers to federal disaster declarations. Section 28 refers to "the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or

Hurricane Milton (DR-4834).” The geographic area deemed to be the “track” of a hurricane throughout the entire time it “was categorized as a hurricane” is depicted in the Tropical Cyclone Report for each hurricane published by the National Hurricane Center. However, the NHC publishes both a **projected** hurricane track, as the storm approaches and remains active, and then a subsequent **actual** track, approximately 60 – 90 days after landfall. SB 180 is silent as to which track is to be used for purposes of determining the geographic scope of its prohibitions on new development standards and procedures. For hurricanes which actually tracked differently from what was projected, this has the potential to impact whether a given county meets the definition of an “impacted local government” under this law.

90. The substance of the actions the law prohibits is unconstitutionally vague. The prohibitions on “more restrictive or burdensome” moratoria, planning and zoning regulations in sections 18 and 28 of SB 180, and other ambiguous provisions, render the law incomprehensible and create substantial uncertainty as to what kinds of measures will be invalid.

91. The lack of a definition of the overly broad phrase "more restrictive or burdensome" renders the law unconstitutionally vague. The Law does not allow local governments or their citizens to know, among other things, (1) against what standard "more restrictive or burdensome" is to be measured (2) for whom the measure (e.g., the local government, its citizenry, regulated entities only) must "more restrictive or burdensome" in order to be null and void; (3) whether a planning and regulatory change that is different, but not objectively more restrictive, is null and void; (4) if the proposal or adoption of a comprehensive set of changes, some reducing existing restrictions and some increasing others, are now void or prohibited; (5) whether the governing standards are qualitative or quantitative, or both; (6) whether the increase in restriction or burden is to be measured by economic impact, or spatial coverage of a development standard, or some other measure, and what to do if multiple measures lead to different results; (7) whether measures that might require additional information or analysis only, without changing substantive standards, are now void or prohibited.

92. SB 180's broad sweep makes it virtually impossible to know what local governments must do, may do, or are prohibited from doing, given the myriad requirements in the *Community Planning Act* for local governments to enact plan or code provisions that accomplish certain legislative objectives.

93. The Act was enacted to require local government comprehensive planning throughout the state, with a stated intent to "utilize and strengthen … the powers of local governments" in the field of comprehensive planning and growth management. Section 163.3161, Fla. Stat. The Legislature recognized the "broad statutory and constitutional powers" of local government "to plan for and regulate the use of land". Section 163.3161 (9), Fla. Stat.

94. Section 163.3161 (4), Fla. Stat. states:

> "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." (emphasis added)

95. The Act is also intended to allow local governments to:

> "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." Id. (emphasis added)

96. Section 163.3161 (8), Fla. Stat. declares the Act's provisions 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." (emphasis added)

97. Section 163.3167 (Scope of act) states:

> (1) The several incorporated municipalities and counties shall have power and **responsibility:**
> (a) To **plan for their future development** and **growth.**
> (b) To **adopt and amend comprehensive plans**, or elements or portions thereof, to guide their future development and growth.
> (c) To **implement** adopted or amended **comprehensive plans by the adoption** of appropriate **land development regulations** or elements thereof.
> (d) To establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of this act." (emphasis added)

98. Section 163.3191, Fla. Stat. **requires local governments to regularly and continuously evaluate and update their comprehensive plans** – at least once every seven years - to meet

the needs created by “changes in local conditions”. This “Evaluation and Appraisal” process requires local governments to promptly amend their comprehensive and the implementing land development regulations consistent with their evaluation and appraisal reports.

99. Section 163.3202(1), Fla. Stat. mandates that, within one year of enacting a comprehensive plan amendment, local governments adopt amendments to their land development regulations to implement that plan amendment. But under SB 180, for an arbitrary three-year period under Section 28 and depending on the timing of a hurricane making landfall under Section 18, a local government may be precluded from complying with that requirement.

100. Section 163.3202(2)(g), Fla. Stat. requires that local governments regularly amend their land development regulations and capital improvements to ensure that public facilities needed to serve approved development are available when needed for the development.

101. Section 163.3202 (2), Fla. Stat. requires local governments to adopt and maintain land development regulations to implement

the adopted comprehensive plan and which address a broad array of issues having no logical connection to emergency management, including:

> (a) Regulate the subdivision of land.
> (b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space.
> (c) Provide for protection of potable water wellfields.
> (d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.
> (e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan.
> (f) Regulate signage.
> (g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. A local government may not issue a development order or permit that results in a reduction in the level of services for the affected public facilities below the level of services provided in the local government's comprehensive plan.
> (h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking.
> (i) Maintain the existing density of residential properties or recreational vehicle parks if the properties are intended for residential use and are located in the unincorporated areas that have sufficient infrastructure, as determined by a local governing authority, and are not located within a coastal high-hazard area under s. 163.3178."

102. **The Legislature elevated the *Community Planning Act* over any contrary statute or regulation.** Section 163.3211, Fla. Stat. states that the *Community Planning Act* "shall govern" where it is "in conflict with any other … law relating to local governments … authority to regulate the development of land…."

103. **As a result of SB 180, local governments, landowners and residents cannot know what the law is.** On one hand, SB 180 prohibits "more restrictive or burdensome" development standards. On the other, Chapter 163 **requires** local governments to, among other things:

a. Adopt and amend comprehensive plans and land development regulations. (§163.3167, Fla. Stat.)

b. Evaluate and update their comprehensive plans and land development codes, at least every 7 years, based on changes in local conditions. (§163.3191, Fla. Stat.)

c. Amend their codes to implement any plan amendments. (§163.3202, Fla. Stat.)

d. Amend the plans to include mass-transit provisions when a local government's population hits certain population levels. (§163.3177 (6)(b), Fla. Stat.)

e. Update their sanitary sewer elements by July 1, 2024, and as needed thereafter to account for future developments. (§163.3177(6)(c), Fla. Stat.)

f. Review and amend their capital improvements element annually, to coordinate with the applicable metropolitan planning organization's long-range transportation plan, include projects necessary to ensure that adopted level-of-service standards are achieved and maintained for a 5-year period, and projects necessary to achieve the pollutant load reductions in a basin management action plan pursuant to s. 403.067(7). (§163.3177(3)(a), Fla. Stat.)

104. As mandated by Chapter 163, comprehensive plans and land development codes are living documents which must be amended at regular intervals. Section 28 of SB 180, on the other hand, retroactively nullifies unspecified and vaguely defined "**more restrictive or burdensome" amendments** to comprehensive plans or land development regulations, and Section 18 prohibits future comprehensive plan and land development regulation amendments that are deemed "**more restrictive or burdensome procedure[s] for development approval."**

105. SB 180 prohibits the future adoption of such unexplained planning, development or procedural standards whenever future hurricanes make landfall.

106. As a result, local governments, their citizens and landowners, cannot reasonably know what previously enacted standards and procedures – enacted in compliance with statutory mandates – are void and which are in effect or which can be adopted in the future.

107. SB 180 creates uncertainty regarding the effect of section 171.062, Fla. Stat., which requires a city to adopt a plan amendment to include newly annexed land into the city's future land use map when the city's comprehensive plan and development regulations are arguably more burdensome than those of the county.

108. SB 180 does not allow a reasonable person to know what the law is relative to a local government's authority and responsibility relative to comprehensive planning and land development regulations.

109. Planning and regulation decisions are made with adequate public notice, stakeholder dialogue, studies, and eventual

adoption of the approach that is best for a community. It can take years from concept to final legal adoption, and local governments and their constituents are constantly at some point in that process. Yet under this law, months and perhaps years of effort by local staff, citizens, regulated interests and elected officials, can come to a halt as regulatory power can disappear from one day to the next. Plan or Code changes adopted after hard-gained consensus can be voided by one person who deems them more restrictive or burdensome. Local governments that adopted plan amendments that are not prohibited by the new law may find themselves unable to adopt the more detailed land development code changes needed to implement those plan amendments – although they are required by law to do so within one year of the adoption of the plan changes. Exactly what state law must be followed is unclear. Local governments currently at any stage of preparing plan or code amendments cannot know if they can continue to move forward – as a future hurricane could completely enjoin and waste their efforts, along with the public dollars that have been expended to carry them out.

110. Plaintiffs are entitled to a declaration that SB 180 sections 18 and 28 are void for vagueness and thus violate the Due Process Clause in Art. I, Section 9, *Florida Constitution*.

C. COUNT THREE: DECLARATORY JUDGMENT: VIOLATION OF SINGLE SUBJECT RULE

111. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint as though fully set forth herein.

112. This action challenges the constitutionality of SB 180 based on the "*single subject rule*" set forth in Article III, Section 6, *Florida Constitution*, which states:

> *Laws.—Every law shall embrace but one subject and matter properly connected therewith ...."*

113. SB 180 violates Article III, Section 6 of the *Florida Constitution* because the Law contains more than a single subject. SB 180 purports to be "[a]n act relating to emergencies", but is not limited to the single subject of "emergencies" and matters properly connected therewith. It invalidates both past and future comprehensive plan and land-development code measures that have no logical connection to the main purpose of the Act, emergency management. It changes the law regarding post-storm

rebuilding and emergency management, but also changes the substantive law concerning every single issue that is addressed in a local government comprehensive plan and land-development regulation, including dozens of issues wholly unrelated in any way to emergency management and post-storm rebuilding of structures damaged by storms.

114. Most of the subjects that are governed by local government Comprehensive Plans and Land Development Regulations and now subject to have no logical connection to emergency management. For example, the *Community Planning* Act mandates that comprehensive plans include individual elements that address:

a. Capital Improvements Element, to ensure that public facilities and services are available to serve planned development (Section 163.3177 (3)(a), Fla. Stat.);

b. Future Land Use Element, to determine the distribution, location, and extent of all future land uses and public facilities, and to protect rural, environmental and coastal lands. (Section 163.3177 (6)(a), Fla. Stat.);

c. A Transportation Element, to locate roads, mass transit and other facilities. (Section 163.3177 (6)(b), Fla. Stat.);

d. A Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element, to ensure adequate provision of those facilities and protect floodplains and groundwater. (Section 163.3177 (6)(c), Fla. Stat.)

e. A Conservation Element, to protect natural resources. (Section 163.3177 (6)(d), Fla. Stat.)

f. A Recreation and Open Space Element. (Section 163.3177 (6)(e), Fla. Stat.)

g. A Housing Element, to address all housing needs, including the provision of affordable housing. (Section 163.3177 (6)(f), Fla. Stat.)

h. A Coastal Management Element, to protect coastal resources and protect human life and built structures from hurricanes and other coastal hazards. (Sections 163.3177 (6)(g), and 163. 3178, Fla. Stat.)

115. SB 180 prohibits amendments to comprehensive plans on all of these issues, whenever a local government is within the stated range of the track of a hurricane that makes landfall in the state

and any person anywhere deems the amendment more restrictive or burdensome as to any issue for any reason.

116. The matters addressed by SB 180 are separate and dissociated, unconnected by any discernable legislative intent to implement comprehensive legislation to address a single problem or issue.

117. There is no logical relationship or oneness of purpose between and of, inter alia, the Law's multiple provisions regarding emergency management and natural disasters (including emergency management planning and training, tenants' rights, the National Flood Insurance Program, post – disaster recovery, debris removal, structural repair and rebuilding and ad valorem assessments, hurricane shelters, emergency medical care, state contracting) on one hand, and local government planning and regulatory authority over future development (on issues as varied, for example, as affordable housing, environmental protection, and public facilities) on the other.

118. Neither are SB 180's provisions increasing the amount of development in the Florida Keys and City of Key West Areas of Critical Concern logically connected to SB 180's primary purpose of emergency management, as the Area of Critical State Concern

Law regulated development in the Florida Keys and Key West for myriad reasons unrelated to hurricane evacuation, including protection of the natural environment, conserving the community character of the Florida Keys, adequate public facilities, affordable housing. See, Section 380.0552, Fla. Stat.

119. Plaintiffs are entitled to a declaration that SB 180 is unconstitutional as a violation of the Single Subject Requirement of Art. III, Section 6, Florida Constitution.

D. COUNT FOUR: VIOLATION OF THE "NATURAL RESOURCES" CLAUSE IN THE FLORIDA CONSTITUTION

120. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint as though fully set forth herein.

121. Sections 18 and 28 of SB 180 violate the Natural Resources clause in Article II, Section 7a of the Florida Constitution, which reads:

> "It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise and for the conservation and protection of natural resources."

122. Sections 18 and 28 of SB 180, by precluding local governments from enacting changes to their Comprehensive Plans and Codes that may be necessary to conserve and protect their natural resources and scenic beauty, or abate air or water pollution, excessive and unnecessary noise, or conserve and protect natural resources, violate this constitutional requirement.

COUNT FIVE: TEMPORARY AND PERMANENT INJUNCTION

123. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint as though fully set forth herein.

124. Based on the allegations above, Plaintiffs are entitled to a temporary and permanent injunction against the legal effect and enforcement of SB 180, as a result of its violation of the Florida Constitution.

V. PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully request that the Court enter judgment in their favor and:

A. Declare that SB 180 is invalid in its entirety because it violates the constitutional "single – subject" rule in Article III, Section 6, Florida Constitution.

B. Declare that Sections 18 and 28 of SB 180 are invalid because they violate the substantive due process clause (Article I, Section 9) and the "natural resources" clause (Article II, Section 7a) of the Florida Constitution.

C. Enjoin the legal effect, application and enforcement of SB 180 in its entirety.

Dated this 7th day of October 2025.

/s/ Richard Grosso
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