ANALYSIS OF 2025's SENATE BILL 180

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August 7, 2025

INTRODUCTION

Senate Bill 180, recently passed by the Florida Legislature and signed into law by Governor DeSantis, has an immediate and drastic impact on the authority of local governments to amend their comprehensive plans and land development regulations, or issue development orders with conditions opposed by any person or entity. This new law, which went into effect on July 1, 2025, is extremely limiting. Section 28 of the law, citing federal disaster declarations for Florida counties from Hurricanes Debby, Helene and Milton, immediately renders "more restrictive or burdensome" comprehensive plan and land development code changes adopted by every local government in the state of Florida after July 31, 2024, subject to judicial invalidation, and precludes local governments from adopting such measures until October 1, 2027.[1] 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's boundaries, or are affected at all by the regulations they dislike, and are entitled to attorney's fees and costs if successful.

Looking forward, Section 18 of the law prohibits all counties (and all cities therein) listed in a federal disaster declaration for a future storm that are located entirely or partially within 100 miles of the track of a hurricane from proposing or adopting "more restrictive or burdensome" amendments to their comprehensive plans or land development regulations for one year after the hurricane makes landfall. Additionally, Section 18 provides the same exceptionally and unprecedentedly broad standing for "any person" to enforce its restrictions and receive attorney's fees and costs if they succeed.

The enormous breadth and scope of the law's prohibitions on local planning and zoning authority suggests that many, even perhaps most, legislators did not understand its

[1] While the Section 28 restrictions on land use and zoning regulation purport only to affect those communities impacted by Hurricanes Debby (DR-4806), Helene (DR- 4828), or Milton (DR-4834), a review of those hurricane declarations reveals that together they actually cover every inch of the state of Florida. Anecdotally, some members of the Legislature have expressed surprise at the meaning of the bill, revealing that they had no idea of its impact when being asked to vote on it on the afternoon of the last day of the 2025 Legislative Session as part of a blizzard of last-minute actions amid the collapse of the state budget negotiations.

implications. A review of the FEMA website reveals that all 67 of Florida's counties were identified in a federal disaster declaration for at least one of Hurricanes Debby, Helene and Milton. Each of those 67 counties, and every City within every County, is subject to the Section 28 prohibition.

Going forward, whenever a future hurricane makes landfall, the law's prohibition on new substantive restrictions or procedures that are more restrictive or burdensome will kick in for any counties within 100 miles of the track of the storm (and their cities) and last for a year. The geographical scope of the restriction is somewhat uncertain to the extent there is a lack of precise agreement as to the exact geographic location of the track of any hurricane as delineated by the National Hurricane Center.

Next, the law's description of the type of comprehensive plan, land development code and development order provisions that are now prohibited is as far-reaching as its temporal and geographic scope. The law categorically prohibits **"**more restrictive or burdensome" substantive rules and procedures. Its scope is not limited to any particular subject matter or issue but is across the board for the land use and zoning related actions described therein. While the preemption in Section 28 of moratoria on construction, reconstruction, or redevelopment is limited to the impacts on "any property damaged by such hurricanes," its other prohibitions are not so limited. In all other respects, both Section 18 and Section 28 strip communities of their home-rule powers regardless of whether they experienced any impact from the referenced storms. Thus, this law goes far beyond the restrictions of SB 250, the original legislation of this variety passed in 2023, which was limited by both the 100-mile distance and the impact on storm-damaged properties of any moratoria. In short, it is not limited to changes intended to remedy identified deficiencies related to hurricane damage-related issues but applies to any development standards that are arguably more restrictive or burdensome on property anywhere within the affected local governments. It allows lawyers for landowners to claim that **any change that reduces any current options or adds any new standards for development is "more restrictive or burdensome**." Under this law, local governments may be precluded from enacting a coordinated set of planning or regulatory changes that include some of that benefit development interests and some that could be argued in isolation are more restrictive or burdensome. Seemingly, a person can sue to void the things they dislike and keep the ones they like. The law removes the authority to weigh and balance planning approaches from local elected officials and gives it to "any person", as broadly defined by the statute.

This law is unworkable, confusing and overly restrictive. It ignores the reality that major economic and population shifts, new industries or practices, natural disasters and all manner of other situations change, sometimes suddenly, requiring communities to revise their planning and regulatory approaches. But this law ties the hands of local governments, prohibiting them from reacting to the real world – which is dynamic, not static. As with the Harris Act, the greatest impact from such legislation is frequently the chilling effect that it creates with unclear

draftingand uncertainty as to meaning, so that local governments are motivated to steer far from any action that arguably triggers liability.[2]

Given the realities about the expected future of hurricanes in the southeastern United States, our state is likely to be impacted by hurricanes annually; this law effectively prohibits any future changes to local government plans or regulations – other than those that weaken development standards. **It is, in essence, a repeal of Florida's land-use planning laws.**

DETAILED ANALYSIS OF SB 180

PROHIBITS "MORE RESTRICTIVE OR BURDENSOME" DEVELOPMENT STANDARDS OR PROCEDURES

In this document, development standards refer to local government comprehensive plans, land development regulations, and development orders. Sections 18 and 28 have the most direct and greatest impact on local governments' ability to enact comprehensive plan amendments and require the most extensive analysis.

SECTION 18

Section 18 **creates a new section within Florida's *"State Emergency Management Act"*.** Section 252.422, Florida Statutes ("Restrictions on county or municipal regulations after a hurricane") which makes the following changes to Florida law:

1. First, 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 …" (p. 35, lines 1010 – 1015).

   This prohibition also applies to a municipality located within such a county, even though in a large county such as Palm Beach, this means that the statutory 100-mile distance from a Gulf Coast storm might only clip the southwest corner of the County, without having any actual storm impacts on the County, and the law would still apply these limitations to the northeastern Town of Jupiter, over 50 miles away.

[2] Evangeline Linkous and Thomas Skuzinski, "Land use decision-making in the wake of state property rights legislation: Examining the institutional response to Florida's Harris Act," *Land Use Policy,* Volume 77, September 2018, Pages 603-612.

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 …."

There might be some uncertainty as to whether a local government meets these criteria. The first question concerns exactly what the Act means by "listed in the Federal Disaster Declaration". As can be seen in the "Florida Disaster Declaration" information on the Federal Emergency Management Administration's website, that Agency's disaster declarations identify by name and via a map delineation, the specific counties to which the designation applies. While there are different types of services and funding available to local governments identified in a federal disaster declaration and not all counties are within the same category (i.e., whether they qualify for Individual Assistance (IA), Public Assistance (PA) or both, the statutory phrase "**listed in a federal disaster declaration" appears categorical and makes no further distinction. As described below, the expanse of Florida counties named in a federal disaster declaration for hurricanes can be vast. In 2024, the federal disaster declaration for Hurricane Debby identified 61 of Florida's 67 counties.**

The second criteria regarding the geographic scope of the preemption may introduce an element of some uncertainty. The definition of "impacted local government" goes beyond those that are "**listed in a federal disaster declaration**". In order to be covered by this new law, the local government must also be:

> "located entirely or partially within 100 miles of the track of a storm declared to be a hurricane."

Determining the exact geographic area that was "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** …" **may be subject to imprecise determinations.**

For example, if the hurricane is 80 miles in diameter, does one measure from the center of the storm track or from its edge? If there is light rain along the outer edges of the storm, does that area count as part of the storm for purposes of measuring the 100 miles? Given Florida's history and predicted future occurrences of hurricanes, this will recur annually and indefinitely. And for communities frequently under storm declarations, their land use and zoning powers will unpredictably disappear from one day to the next based on storm declarations, making effective long-range planning nearly impossible.

The geographic area deemed to be the "track" of a hurricane throughout the entire time it was "was categorized as a hurricane" is shown 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, The new law 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. Also, the determination of the precise location of the track line and thus the scope of the specific areas within 100 miles of the track may be subject to differing determinations by relevant professionals, although those differences are less likely to be the difference between a county being partially or wholly within 100 miles of a hurricane track or being outside of that defined area.

2. Second, 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. (p. 36, lines 1016 – 1025)

This will create **substantial uncertainty due to the use of the subjective and broad term "more restrictive or burdensome". It should be assumed that lawyers for landowners may claim that any change that reduces any current options or adds any new standards for development is "more restrictive or burdensome**." Changes that alter how certain results may be accomplished will be challenged as more burdensome or restrictive if any person simply does not like them. Local governments will tend to avoid making any changes out of concern for litigation exposure and other consequences of potentially violating the restrictions in this law.

What's more, unlike the preceding SB 250 from 2023 and Section 28 of this law, **the restriction is not limited to changes intended to remedy identified deficiencies related to hurricane damage-related issues and to damaged properties, but to any development standards on any issue anywhere within the affected local governments**.

3. Third, Section 18 **exempts from the prohibition, and allows the enforcement of, three types of comprehensive plan or land development regulation amendments and development orders:**

(a) Those **applied for by a private party where the property is owned by the initiating private party**;

(b) Proposed **comprehensive plan amendments submitted to reviewing agencies** pursuant to s. 163.3184 **before landfall**; and

(c) **Comprehensive plan and land development regulation amendments approved by the state land planning agency** pursuant to s. 380.05. (p. 36, lines 1026 – 1040).

The exemption for privately initiated plan or code changes will not apply once the original applicant sells the subject property to another person.

The latter exemption for Areas of Critical State Concern appears to completely exempt comprehensive plan and land development regulation amendments for local governments in these areas from this prohibition. However, as discussed below, the Bill's Section 28 subjects those same amendments to the identical prohibitions through October 1, 2027; there is no exception for the ACSC in Section 28.

4. Fourth, Section 18 **allows "any person" to sue to enforce its prohibitions.** (p. 36, lines 1041 – 1043)

The statute allows any "person" to sue to overturn any comprehensive plan or land development code provision they deem more restrictive or burdensome. Under Florida law, the word "person includes 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. It does not limit standing to sue to persons adversely impacted by the challenged plan amendment or regulation of development orders. It doesn't require that the person own land, operate a business, or live in the jurisdiction of the local government.

This is exceptionally and unprecedentedly broad standing. Existing Florida laws on the enforcement of comprehensive plans and land development regulations, on the other hand, are limited.

The law requires a pre-suit notice to the local government as a prerequisite to bringing suit. Upon receipt of such notice, the local government has only 14 days to revoke or declare the challenged action void, a period of time which is literally impossible to meet since ordinances are statutorily required to revoke comprehensive plan amendments and amendments to land development regulations. And, by law, ordinances require two readings and approval by the governing body, and many smaller communities meet only once a month. Even if a local commission meets more often, the statutory requirements for the readings requires a minimum separation between the two readings, the length of which depends on which type of action it is (See 166.041(3) and 163.3164(42) and 163.3184(11)(b), Fla. Stat., which have to be read together and do not quite mesh). Without a meeting, the Sunshine Law prevents the administrations or attorneys of these communities from polling the individual members of their governing bodies, so local government lawyers and other responsible staff will not be able to get direction on this issue from their governing bodies. They won't know whether to concede or fight. So special meetings will need to be called in order to get direction on whether to "declare" themselves neutered by this statute, but in order to meet statutorily required notice periods to actually enact ordinances, they may not be able to act as quickly

as needed. Moreover, many communities do not have their governing body serve as the local planning agency, so a third meeting of that body needs to be promptly scheduled for the plan amendment or code change to be statutorily legal. If that notice comes in the day after the last summer meeting, before the elected officials go on break or scatter for vacations, or on December 20, **compliance with all governing laws will not be possible.** By law, unlike most state and regional entities, local governments continue to be required to meet in person. That means, per the opinions of Attorney General Moody during COVID, that at least three must be in person for a five-member body, before the remaining two can attend remotely. **The law created a supremely unworkable situation for local governments.**

The statute entitles a Plaintiff to a preliminary injunction, provides for summary proceedings to resolve such suits, and provides for prevailing plaintiff attorneys' fees. (p. 36, line 1041 – p. 37, line 1066).

Unlike Section 28, the law specifically authorizes local government to seek declarations that their actions are not limited by Section 18: "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." However, the need for this provision, and the meaning of this omission from Section 28, is unclear, as under current law, local governments may seek such relief at any time pursuant to Chapter 86, the Florida Declaratory Judgment Act.

SECTION 28

Section 28 of the Bill includes **additional limitations of local government planning and regulatory amendments, purportedly limited only relative to hurricanes Debby** (DR-4806), **Helene** (DR-4828), **or Milton.** (p. 46, line 1321 – p. 48, line 1373)

1. First, Section 28 **enacts the same prohibition on moratoria, as in the preceding SB 250, limited to damaged properties, and the same prohibition on more restrictive or burdensome comprehensive plan or land development regulation amendments, and development approval procedures as set forth in section 18.**

2. Second, a review of the FEMA website reveals that **all of Florida's 67 counties were identified** in a federal disaster declaration for at least one of those three hurricanes. Thus, every Florida County and every City within each County, is subject to the specific preemption relative to hurricanes Debby (DR-4806), Helene (DR-4828), or Milton (DR-4834).

There may be a question as to whether Areas of Critical State Concern, like the Florida Keys, are exempted from this restriction. The argument that they are exempt would be that the specific exemption in Section 21 for Critical Areas controls over the more general restriction

in Section 28.[3] On the one hand, potentially conflicting statutes, and especially potentially conflicting sections of a single piece of legislation, must be read to harmonize their effect so as to resolve a conflict.[4] Under this doctrine, one could argue that the Legislature intended the prohibitions in SB 180 to apply everywhere except designated Areas of Critical State Concern. Alternatively, one could harmonize them by pointing to the temporary nature of Section 28 and inferring that the Legislature wanted to create an exemption only from the permanent aspects of the law.

On the other hand, courts have held that where a law specifically provides a rule in one context and excludes it in another, the omission should be interpreted to be intentional. Therefore, the fact that the bill included a specific ACSC exemption from the Section 18 preemption applicable to future hurricanes, and did not include that same exemption in the Section 28 preemption regarding Hurricanes Debby, Helene, and Milton, **most likely will be interpreted by the courts to reflect a legislative decision that the Keys and other ACSC governments are exempt from the Section 18 prohibition relative to future hurricanes** (by virtue of Section 21), **but not from the Section 28 prohibition relative to hurricanes Debby, Helene, and Milton.** (effectively the entire state).

3. Third, the preemption in Section 28 is **retroactive to August 1, 2024, and ends on October 1, 2027, which means that any Plan or Code changes enacted since August 1, 2024, are invalidated under this law.**

Any new requirements or procedures are deemed null and void ab initio.

4. Fourth, as in the Section 18 prohibition for future hurricanes, Section 28 of the law **exempts from this preemption any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order that was or is in the future initiated by a private party for their own property.**

5. Fifth, Section 28 creates a cause of action for **any resident of or the owner of a business in a county or municipality** to sue to invalidate and enjoin, including **a preliminary injunction,** any such requirement, and requires the court to grant the Plaintiff their **attorney's fees and costs. Unlike Section 18, it does not authorize a grant of attorney's fees and costs in favor of a local government that wins any such lawsuit.** This uneven playing field creates an inappropriate incentive for a broad array of people or entities to force a repeal of local development standards through the leveraged threat of litigation.

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[3] "When reconciling statutes that may appear to conflict, the rules of statutory construction provide that a specific statute will control over a general statute…." *Florida Virtual Sch. v. K12, Inc.,* 148 So. 3d 97, 102 (Fla. 2014).

[4] *Heart of Adoptions, Inc., v. J.A.*, 963 So. 2d 189, 199 (Fla. 2007); *State ex rel. City of St. Petersburg v. Noel*, 154 So. 219, 221 (Fla. 1934).

6. Sixth, Section 28 **states that attorney's fees and costs and damages may not be awarded if the resident or business owner provides the county or city written notice** that regulatory action violates this prohibition and the **county or city withdraw**s the action, or notices an intent to repeal it, **within 14 days.**

> **This provision is confusing** and may be the result of inartful drafting. Unlike section 18, it does not specifically make a pre-suit, 14-day, notice a prerequisite for bringing a lawsuit. So, it can be read to avoid an attorney's fees and costs award against the local government if the written notice is given and the challenged action is withdrawn *after the lawsuit is filed*. Yet, since the attorney's fees provision is set forth in the subsection creating the cause of action for the lawsuit, no attorney's fees and costs under the statute would be incurred unless and until such a suit was brought. Typically, as in Section 18, and as is currently provided in Florida's *Bert J. Harris Private Property Rights Act*, statutes like this seek to avoid lawsuits by requiring a pre-suit notice and encouraging local governments to withdraw or modify the challenged action before a suit is filed.

7. Finally, Section 28 expires **June 30, 2028, although the preemption ends on October 1, 2027.**

> While somewhat unclear, this **probably means that, while the prohibition of relevant local government actions ends on October 1, 2027, Plaintiffs can bring suit to challenge any such actions taken in violation of the Act up to June 30, 2028.**

THREATENS THE ABILITY OF LOCAL MUNICIPAL GOVERNMENTS TO ENFORCE MINIMUM FEDERAL NATIONAL FLOOD INSURANCE PROGRAM (NFIP) STANDARDS

SECTION 2

Section 2 creates a new section in Florida law 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." As reported by the Florida Floodplain Managers Association, "cumulative substantial improvement" ordinances are an effective and widely used (122 local governments have such an ordinance) approach to gradually bringing older structures into compliance with modern flood protection standards – thus limiting a community's ability to manage risk and address buildings that experience repetitive flooding, and to reduce its ability to secure flood insurance discounts for its citizens under the National Flood Insurance Program's Community Rating System (CRS). When precluding such discounts, this provision will raise flood insurance costs for Floridians.

INCREASES DEVELOPMENT ALLOWANCES IN THE FLORIDA KEYS AREAS OF CRITICAL CONCERN

SECTION 21

1. As it relates to **Areas of Critical State Concern**, Section 21 **increases 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.** (p. 41, lines 1161 – 1164).

SECTION 22

1. Section 22 further implements Section 21 by requiring the Department of Commerce to determine the amount of additional development capacity available under this expanded evacuation time, requires the resulting units to be allocated over at least 10 years among all the Keys' local governments based on the number of vacant buildable lots and each jurisdiction, be **capped at 900, and be "prioritize[d]" for "owner-occupied residences, affordable housing, and workforce housing".** (Section 22, p. 41, lines 1145 – 1188)

REQUIRES STUDIES OF IMPEDIMENTS TO REBUILDING

Beyond prohibiting more stringent development standards and procedures, the law makes the following changes to the statutes intended to ultimately repeal existing standards and procedures deemed to be impediments to post-storm rebuilding:

1. Section 18 requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to study and make recommendations **by December 1, 2025,** 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**." (p. 37, line 1067 – p. 38, line 1084).

2. Section 27 **adds an additional requirement for a study of this type**, requiring that the Division of Emergency Management consult with local governments, the Department of Business and Professional Regulation, the Department of Environmental Protection, and any other appropriate agencies to develop recommendations for statutory changes necessary **to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies"** and provide a **report of its recommendations by July 1, 2026.** (p. 46, lines 1311 – 1320.

3. 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** by May 1, 2026 (and to update the plan annually) **to expedite recovery and rebuilding** by providing for special building permit and inspection procedures after a hurricane or tropical storm." These plans must ensure the availability of adequate personnel to "expeditiously manage post disaster building inspection,

permitting, and enforcement", "[a]ccount for multiple or alternate locations where building permit services may be offered", "[s]pecify a protocol to expedite permitting procedures and, if practicable, for the waiver or reduction of applicable fees"

In connection with this plan, each local government must publish on its website a hurricane and tropical storm recovery permitting guide for residential and commercial property owners. As "soon as practicable" following a hurricane or tropical storm, a county or municipality within an area for which a state of emergency was declared shall update its website to include information specific to such storm. (Section 16, p. 30, line 868 - p. 32, line 924). This is an "unfunded mandate", in violation of art. VII, § 18 of the Florida Constitution.

This change to the law essentially requires local governments to expedite permitting for rebuilding in hurricane-impacted areas.

4. Section 16 **prohibits local governments from increasing building permit or inspection fees** for 180 days after a state of emergency is declared. (p. 32, line 925 – p. 33, line 929).

This discourages local governments from enacting any increases to fees that might be deemed as inhibiting rebuilding, even if those fees would otherwise be due for increases to keep up with costs of enforcement."

5. 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. (Section 4, p. 10, lines 285 – 290). The previous figures were 110% and 1,500 square feet.

This change removes a potential disincentive for property owners to rebuild larger structures in hurricane-impacted areas.

CONCLUSION

This new law is devastating to the ability of all local governments to make changes to their plans or codes needed to protect public safety, improve community resilience, or reduce property damage and public clean-up and recovery costs, or for any other issue. Governments that exercise their planning authority in any manner that is arguably more restrictive or burdensome are likely to face legal challenges, and potentially, liability for fees and costs. It is the opposite of what most land use and emergency preparedness and recovery professionals would believe is needed in Florida. It is one of the most dangerous and ill-conceived pieces of planning-related legislation adopted in modern times in Florida. Given the geographic scope and frequency of

federal disaster declarations and hurricane tracks in Florida, the law could perpetually freeze all comprehensive plans and land development codes in place and forever preclude any improvement to development standards, regardless of their importance to public safety or other compelling issues. A concerted effort will be required to bring the breadth of this new law's restrictions to the attention of the Florida Legislature and urge the passage of amendments that allow local governments to continue to engage in responsible and necessary land use and development planning and regulation without unduly restricting the ability of citizens to rebuild hurricane-damaged structures.

Absent a legislative fix, local governments that have identified currently allowable uses, densities or intensities, or development standards that are inadequate to protect public safety or health or ecological health would be well-advised to begin preparations to enact necessary changes to the Comprehensive Plan or Development Code immediately upon the expiration of the preemptions set forth in SB 180, and enact them through all required procedures prior to the landfall of the next hurricane that would then freeze the existing rules in place for another year.

Alternatively, local governments could prepare and adopt planning and regulatory changes that alter existing standards and procedures in a manner that is *different (*that may achieve the planning or regulatory objective in another way) but not "more restrictive or burdensome", while establishing a clear basis for why this is the case. It is recognized, however, that the cost and burden of having to defend such measures in court may dissuade many local governments from even attempting to improve their plan and code. That of course is the troubling impact of this ill-conceived law.

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 have to wonder if they can continue to move forward – as a future hurricane could completely derail and waste their efforts.

Florida is widely known to be the state most at risk of hurricane damage, rising seas, unaffordable insurance and other threats of a changing world. Confoundedly, Senate Bill 180 removes our ability to meet those challenges. Our state's economic future depends upon a repeal or substantial rewrite of this very ill-conceived law. **To find out more, please visit 1000fof.org/priorities/restorecommunityplanning**.