



POSITION STATEMENT

RESTORE COMMUNITY PLANNING: FIX SB 180

1000 FRIENDS OF FLORIDA CALLS FOR REPEAL OF DAMAGING PROVISIONS OF SB 180 IN 2026

August 7, 2025

1000 Friends of Florida is calling on the 2026 Florida Legislature to repeal the draconian provisions in Senate Bill 180 as soon as possible. With this legislation, the state has stripped away all local government home-rule authority to plan for the future and stolen the rights of citizens to help shape their communities through planning. These rights have been foundational to Florida's planning process since 1985. We are also calling on all Floridians to demand that SB 180 be fixed to restore community planning.

SB 180, which just went into effect on July 1, 2025, decimates the ability of every county and municipal government in Florida and their citizens to implement new policies to address myriad critical community issues including identifying appropriate locations, standards, and densities for new development, protecting sensitive natural and agricultural lands, managing water quality and supply (including stormwater), enhancing community resilience to lessen impacts from and costs of natural disasters, and more. To add insult to injury, it even reaches back in time to invalidate prior plans and laws that were properly adopted in accordance with the law before SB 180.

1000 Friends has retained noted Florida land-use attorney Richard Grosso, PA, to conduct a detailed analysis of the impacts of the legislation. This document summarizes his major observations:

- SB 180 is, in essence, a repeal of Florida's land-use planning laws.
- The enormous breadth and scope of SB 180's prohibitions on local planning and zoning authority suggests that many, even perhaps most, legislators did not understand its implications.
- It has an immediate and drastic impact on the authority of every local government in Florida to amend its comprehensive plans and land development regulations, if they could be perceived as "more restrictive or burdensome." The law fails to define this vague and unworkable standard.
- Section 28 of SB 180 makes all local government moratoria for damaged properties, changes to comprehensive plans and land development code regulations adopted from July 1, 2024, to October 1, 2027, subject to legal challenge, and renders them void ab initio if they are "more restrictive or burdensome". That means that they are wiped out completely.

Therefore, on October 2, 2027, the local government would need to reenact them if it continues to believe that they are the right approach to planning and development in their community.

- Section 18 provides for a similar stripping of power in response to future storm declarations, even beyond October 1, 2027, contingent upon an extremely broad definition of when the community is within 100 miles of a hurricane, even if they don't suffer any impacts.
- Residents, business owners and a broad array of entities are given rights to challenge local government actions they do not favor, even if they are not impacted by them, and are entitled to attorney's fees and costs if successful.
- The greatest impact from legislation such as SB 180 is the chilling effect that it creates with unclear drafting and uncertainty as to meaning, so that local governments are motivated to steer far from any action that arguably triggers liability.

A summary of Richard Grosso's analysis is included on the following pages, with the full analysis and other information available at 1000fof.org/priorities/restorecommunityplanning.

MAJOR DAMAGING PROVISIONS OF SB 180

By Richard Grosso, P.A.
on behalf of 1000 Friends of Florida
August 7, 2025

PROHIBITS “MORE RESTRICTIVE OR BURDENSOME” PLANNING, ZONING AND DEVELOPMENT REQUIREMENTS

SECTION 18

Section 18 creates a new section within Florida’s “*State Emergency Management Act*” making the following changes to Florida law:

- Limits the ability of “impacted local government[s]” to enact planning and regulatory restrictions, with an impacted government 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 ...”
- Prohibits “impacted local government[s]” from proposing or adopting the following measures for one year after a hurricane makes landfall:
 - A moratorium on construction, reconstruction, or redevelopment of any property;
 - A more restrictive or burdensome amendment to its comprehensive plan or land development regulations; or
 - A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order.

These restrictions are not limited to changes intended to remedy identified deficiencies related to hurricane damage-related issues and to damaged properties, but to any development standards (comprehensive plans, land development regulations, or development orders) on any issue anywhere within the affected local governments.

- Delegates the regulatory power of government to developers by allowing them to exempt from the prohibition, and allow the enforcement of, comprehensive plan or land development regulation amendments and development orders applied for by a private party where the property is owned by the initiating private party. It also exempts:
- Proposed comprehensive plan amendments submitted to reviewing agencies pursuant to s. 163.3184 before a hurricane’s landfall; and
- Comprehensive plan and land development regulation amendments approved by the state land planning agency pursuant to s. 380.05.

- Allows “any person” to sue to enforce its prohibitions.

This does not limit the right [standing] to sue persons adversely impacted by the challenged development standards or procedures as did previous Florida law. It does not require that the person own land, operate a business, or even live in the jurisdiction of the local government. This is exceptionally and unprecedentedly broad, and it should be assumed that lawyers may claim that any change that reduces any current options or adds any new standards for development is “more restrictive or burdensome.” This will have a chilling effect on local government action due to concerns about potential legal challenges. Existing Florida laws allowing citizens to enforce comprehensive plans and land development regulations, on the other hand, are much more limited.

SECTION 28

Section 28 includes additional limitations of local government planning and regulatory amendments, purportedly limited only relative to Hurricanes Debby, Helene, or Milton.

- Enacts the same prohibition on moratoria, 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.

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 this preemption.

- This preemption is retroactive to August 1, 2024, and ends on October 1, 2027, except for changes initiated by a private party for their own property.

Any comprehensive plan, land development regulation, and/or development order changes that can be deemed “more restrictive or burdensome” enacted since August 1, 2024, are invalidated under this law, even though they were proper under the rules at the time they were adopted.

- 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 fees and costs. Unlike Section 18, it does not authorize a grant of attorney 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.

- Specifies that attorney 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 withdraws the action, or notices an intent to repeal it, within 14 days.

This provision is confusing, difficult to implement, and may be the result of inartful drafting.

- 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 CERTAIN FEDERAL NATIONAL FLOOD INSURANCE PROGRAM (NFIP) STANDARDS

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,” which is a creditable activity in the Federal Community Rating System, a valuable program that most Florida governments participate in and which benefits all property owners by reducing flood insurance premiums.

This limits a community's ability to manage risk and address buildings that experience repetitive flooding, thereby reducing its ability to secure flood insurance discounts for its citizens under the National Flood Insurance Program's Community Rating System (CRS). participating in the federal National Flood Insurance Program, a valuable program that most Florida governments participate in and which benefits all property owners by reducing flood insurance premiums.

INCREASES DEVELOPMENT ALLOWANCES IN THE FLORIDA KEYS AREAS OF CRITICAL 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.

SECTION 22

- Requires the Department of Commerce to determine the amount of additional development capacity in the various Keys communities that will be available under this expanded evacuation time over the next decade.

REQUIRES STUDIES OF IMPEDIMENTS TO REBUILDING

VARIOUS SECTIONS

SB 180 makes a number of changes that will ultimately repeal existing standards and procedures intended to enhance community resilience but instead will likely be deemed to be impediments to post-storm rebuilding.

- Section 18 requires that by December 1, 2025, the Office of Program Policy Analysis and Government Accountability (OPPAGA) 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.”
- Section 27 requires that by July 1, 2026, the Division of Emergency Management, in consultation with local governments and appropriate agencies, recommend statutory changes to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies.”
- Section 16 creates section 252.381(9(a), Fla. Stat. to essentially require local governments to expedite permitting for rebuilding in hurricane-impacted areas.
- Section 16 also prohibits local governments from increasing building permit or inspection fees for 180 days after a state of emergency is declared.
- Section 4 prohibits an increase in ad valorem assessments of homesteads for expansions of a certain size.

To find out more, please visit 1000fof.org/priorities/restorecommunityplanning