

2025-2026 John M. DeGrove Webinar Series

PLANNING UNDER PRESSURE

Understanding the Impacts of Senate Bill 180



October 15, 2025

1000FOF.ORG



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May 4, 1924 – April 13, 2012



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Florida and across the nation

Co-founder of 1000 Friends of Florida

To find out more, please visit:
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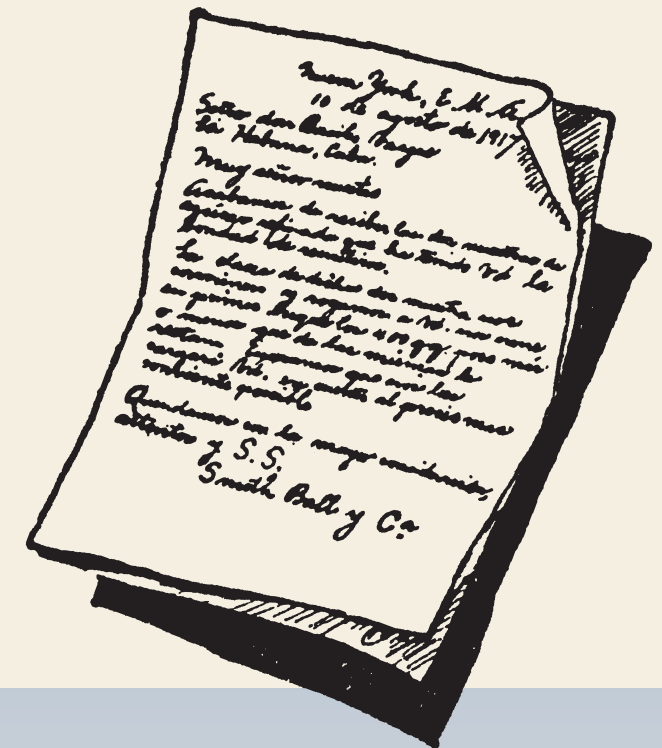
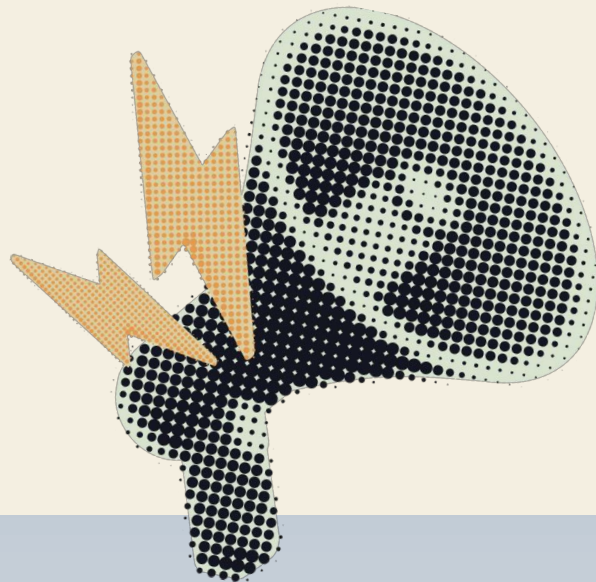
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Join the Sign-On Letter Opposing SB 180

50 ORGANIZATIONS TO THE FL LEGISLATURE: "FIX SENATE BILL 180!"



*If your organization or business is interested, please email
hbusch@1000fof.org to sign on to the letter by noon, October 22*

Your Community Impacted by SB 180?

LET US KNOW:



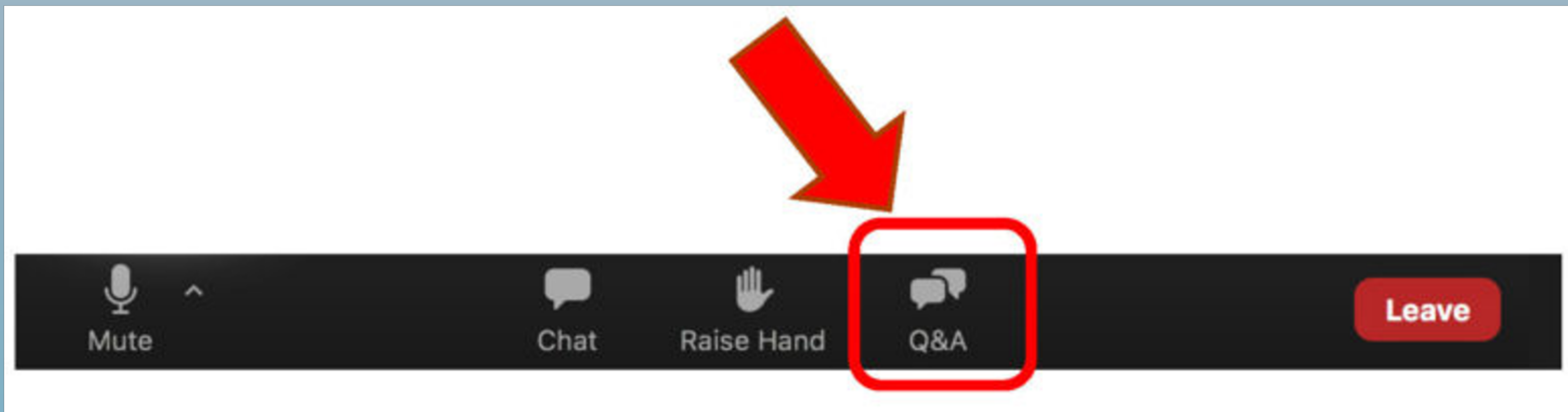
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**Richard Grosso,
Esq.**



**Susan Trevarthen,
JD, FAICP**



**Dori Howington -
Deltona, District 4**

Richard Grosso, Esq.



Richard, currently President of Richard Grosso, P.A., is an accomplished lawyer and advocate with over 35 years of experience as a lawyer in environmental, land use, constitutional, and property rights law. He has worked extensively on the Comprehensive Everglades Restoration Plan, “carrying capacity” land use planning in the Florida Keys, climate and sea level rise sustainability issues in south Florida, and more. Mr. Grosso is a former Law Professor at the Shepard Broad College of Law at Nova Southeastern University in Ft. Lauderdale, Florida and was the former Executive Director and General Counsel of the Everglades Law Center, Inc. He is also a former Legal Director for 1000 Friends of Florida, and attorney for the Florida Departments of Community Affairs and Environmental Regulation. Mr. Grosso has been widely recognized for his work on behalf of Florida's environment, including Audubon Florida's 2021 Everglades Champion Award, Lifetime Achievement Award (2010 Fla. Bar, Environmental and Land Use Law Section's Public Interest Environmental Conference), and more.

Commissioner Dori Howington – Deltona, District 4



Commissioner Dori Howington brings over 20 years of professional experience in budgeting, forecasting, and financial management to her role on the Deltona City Commission. Holding both a bachelor's and master's degree, she has dedicated her career to ensuring responsible, results-driven governance. In her time with the City of Deltona, Commissioner Howington has been a strong advocate for mitigating flooding, promoting resilient infrastructure, and supporting responsible development that protects both residents and natural resources. Her focus remains on building a stronger, more sustainable Deltona for generations to come.

Susan Trevarthen, JD, FAICP



Susan Trevarthen, an attorney with Weiss Serota Helfman Cole & Bierman, PL, specializes in land use, planning, and zoning for governments and serves as a municipal attorney. She negotiates development agreements, drafts municipal codes, advises staff and officials, defends municipal decisions, and advocates on legislative issues. As chair of the firm's Public Land Use and Zoning Group, she oversees land use matters for municipal clients and serves as special counsel statewide. Recognized as a top land use attorney by Florida Trend Magazine and SuperLawyers with an AV rating from Martindale Hubbell, Susan is a Fellow of the American Institute of Certified Planners and Board Certified in City, County, and Local Government Law by The Florida Bar. She speaks and publishes frequently on planning and zoning, has held leadership roles in Florida Bar sections, serves as Chair of 1000 Friends of Florida's Board of Directors, serves on the Legislative Policy Committee of APA Florida, and is on the Board of Citizens for a Scenic Florida. A Boca Raton native, she earned her master's in planning and juris doctor degrees from the University of North Carolina at Chapel Hill.

Understanding SB 180: Legal Foundations & Vulnerabilities

Presented by Richard Grosso

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What SB 180 Does

- Enacted under the banner of hurricane preparedness and recovery.
- Arbitrarily freezes local comprehensive planning across Fla. whenever hurricanes make landfall.
- Based on landfall of Hurricanes Debbie, Helene and Milton, retroactively invalidates “more restrictive or burdensome” plan and code amendments adopted after **July 31, 2024**, and prohibits new ones until **October 1, 2027**.
- Prohibits “more restrictive or burdensome” rules by any County (and its cities) identified in a fed. disaster declaration that is even just partially within 100 miles of the hurricane track for 1 year after future hurricane landfall.



What SB 180 Does

- Applies County – wide and state - wide, regardless of impacts.
- Prohibition not limited to storm damage build – back of existing buildings.
- Prohibits changes to anything in a Comp Plan or Code on any issue.
- Prohibits changes to rules governing future new development – not just reconstruction of existing buildings.



What SB 180 Does

- Whenever future hurricane makes landfall, prohibition kicks in anew for a year.
- Given history and predicted future of hurricanes, will recur annually & indefinitely.
- Given time it takes to change Plans & Codes, effectively prohibits any changes.
- Broad standing & atty fees encourage lawsuits and threats of lawsuits.
- Based on breadth of impact, unlikely most understood its implications before voting to approve.
- Allows “any person” to sue – no ownership, residency or impact required.
- Plaintiff gets attorney fees & costs, but not the prevailing local government.

Big Picture Impacts

Prohibits Plan / Code changes needed to protect public safety, improve resilience, reduce property damage and public clean-up and recovery costs

Dangerous policy in the most hurricane / SLR – vulnerable state in the US.

Prohibits ability to meet evolving challenges and react to changed conditions.

Freezes in place water quality, environmental, rural land and other standards in a state where those resources face increased threats and require improved protection.

Greatest threat to state's ability to plan for its future in decades.



Substantive and Legal Problems

- **Unconstitutionally Vague:**
 - What's "more restrictive or burdensome?"
 - How to measure?
 - Is different allowed?
 - Is a comprehensive suite of changes allowed if some are more and some are less restrictive? Does the challenger get to pick and choose?
 - What is the law now?; One law (Ch. 163) requires certain amendments, but another (SB 180) prohibits them. Can't comply with both.
 - Who has the burden of proof in a legal challenge?

Substantive and Legal Problems

Unconstitutionally arbitrary:

- prohibition triggered by hurricane landfall but precludes new rules unrelated to hurricanes
- freezes existing standards in place in a state with massive and increasing exposure to sea level rise, hurricanes, erosion, flooding and other changes.
- goes beyond allowing build-backs under prior rules; precludes updated standards for new development.

Violates “Single – Subject” Rule - Art III, Section 6, Fla. Const.

“Every law shall embrace but one subject and matter properly connected therewith”

The various matters included in a law must have a **natural and logical connection**. *Board of Public Instruction of Broward Co. v. Doran*, 224 So.2d 693 (Fla.1969). In *State v. Thompson*, 750 So. 2d 643 (Fla. 1999).

Rule designed to prevent log-rolling.

SB 180 affects every issue addressed in comp plans under guide of an emergency management bill.

Looking Ahead... Legal Outlook and Path Forward

- **1000 Friends of Fla. / Hildebrand Suit (Filed Oct. 7)**
 - Ms. Hildebrand's property loses protections as a result of SB 180
 - 1000 Friends' members impacted by Dept. of Commerce invalidations under SB 180.

Suit **raises constitutional issues described above** as well as a violation of the Natural Resources clause in **Art. II, Section 7a Fla Const:**

“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.”



SB 180's Local Impacts: A Ground-Level Perspective Deltona, Florida

Presented by Commissioner Dori Howington – District 4



City of Deltona, Official Website

How SB 180 is Affecting Local Decision-Making

- Planning updates delayed or abandoned due to legal uncertainty
- Fear of lawsuits under SB 180's "any person" challenge provision
- Chilling effect on proactive, responsible planning and resilience efforts



Weaponizing SB 180: The Live Local Act Challenge

- Local housing policy (Live Local Act implementation) challenged under SB 180
- Demonstrates how law is being used in contexts unrelated to hurricanes or disaster recovery
- Adds liability risk and resource strain for local governments



A housing development in Kissimmee, (Joe Raedle/Getty Images)

Leadership, Public Trust, and Citizen Concerns

- Divisive impacts—crosses traditional political lines
- Community frustration and confusion about local authority
- Personal reflection: public scrutiny, ethics complaints, resilience of leadership
- The need for clarity, fairness, and restored local control

Moving Forward: Guidance for Local Governments

Presented by Susan Trevarthen, Esq., FAICP



Why this Moment Matters

- SB 180 represents the most sweeping erosion of home rule in decades
- The path forward depends on collaboration and citizen engagement
- “Florida’s future depends on restoring the ability of local communities to plan responsibly.”
- Numerous prior efforts to avoid this outcome failed, leaving no choice but to pursue challenges:
 - Lobbying in session by local government interests that successfully staved off the worst excesses of SB 180 til the last day
 - Efforts to get this addressed in extended session
 - Veto letter campaign

Local Governments Challenging SB 180

- *City of Destin, et al (26+ govts) v. Secretary of Commerce, et al* – Filed September 29, 2025 in Leon County Circuit Court
 - Single subject, title, unreasonable classification of local governments, unfunded mandates, conflict with Community Planning Act, violation of home rule powers
 - Seeking to declare SB 180 unconstitutional/invalid, and enjoin enforcement
- SB 180 strikes at the core of municipal home rule powers created by the voters as part of the 1968 Florida Constitution
 - Contemporaneous records show that land use and zoning were considered the preeminent powers that justified home rule
 - Even in 1968, leaders were concluding that it was impossible to micromanage such a large and diverse state from Tallahassee - even more true today



Local Governments Challenging SB 180

- What does it mean to have the power to regulate if you can only say yes?
 - Not applicable if proposed by property owner for own property – so property owners now possess the police power to regulate?
 - Codes and plans are full of tradeoffs: if property owners can cherry pick and challenge only those details that are more burdensome while taking the benefit of those that are not, the regulatory effort cannot be effective as envisioned
- Ability to avoid attorneys' fees in a challenge may be ephemeral
 - Not possible to legally amend a plan or code in 28 days (Section 28)
 - Lack of awareness of/consideration for competing mandates in state law that local governments must follow

Statewide Impacts of SB 180

- Freezes progress on resilience, housing, infrastructure, and environmental planning initiatives that are more restrictive or burdensome
- Chills a broader range of initiatives
 - SB 180 lacks definition as Richard explained
 - Compare Harris Act – far more precise as to what an inordinate burden is, yet has still had a chilling effect far beyond actual inordinate burdens
- Creates uncertainty in development review and permitting processes
 - Is different more restrictive or burdensome?
- Limits ability to update comprehensive plans in order to maintain compliance with state law
 - EAR process
 - Code updates to implement plan amendments

Practical Steps for Navigating SB 180

- Uphold and implement existing comprehensive plans and codes responsibly
 - SB 180 does not negate existing requirements, however strict
 - Gaps/overlap between Section 18 and 28 (and SB 250 for those affected on west coast) can create a highly complex situation
- Maintain transparency and public engagement
 - Where there is desire for change, important to help public to understand how local governments hands have been tied

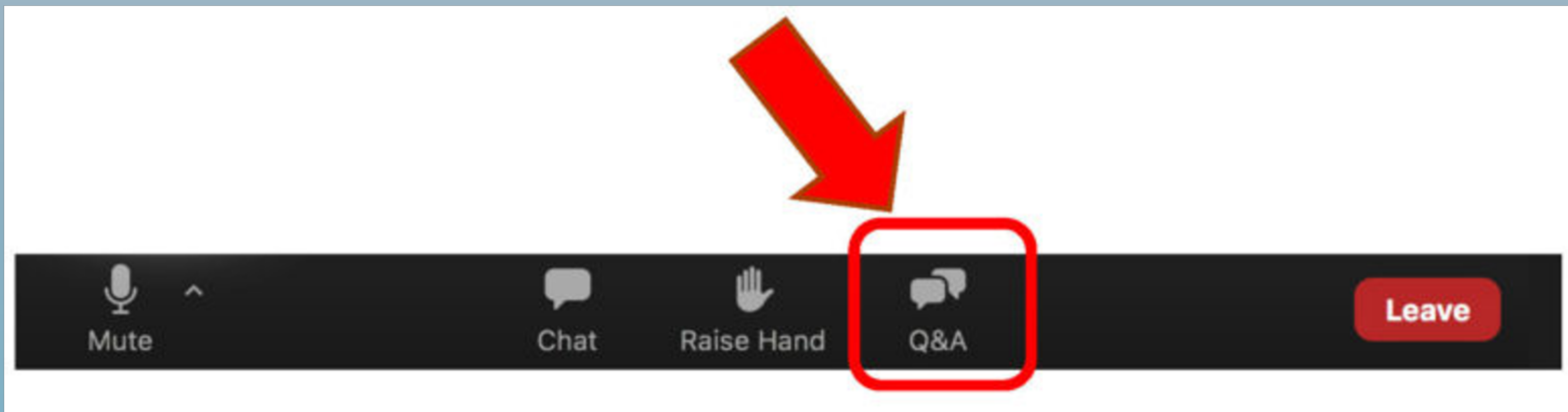
Practical Steps for Navigating SB 180

- Coordinate among attorneys, planners, and elected officials to find ways to accomplish local goals within the new framework
- Document local impacts for future legislative or legal relief
 - Stories matter – examples that show the diverse impacts of harmful legislation can sometimes move the needle in the Legislature
 - Reporting shows the legislative intent was to help storm damaged properties – so focus on all the other impacts
- 1000 Friends of Florida's legislative strategy: repeal or amend Sections 18 and 28 with support from local governments and citizen advocates. Legislative solution is most complete, durable and best.

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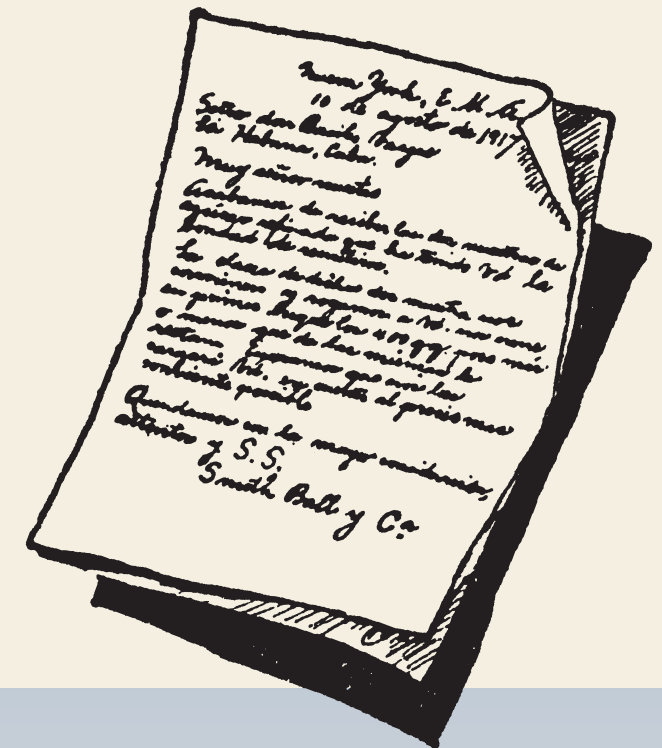
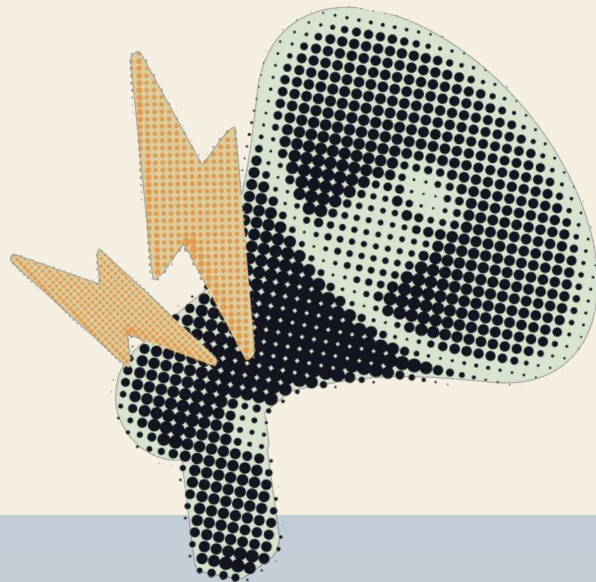
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