TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL REGULAR MEETING MINUTES
TOWN HALL COUNCIL CHAMBERS – 155 F. Road, Loxahatchee Groves, FL 33470
Tuesday, October 7, 2025

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

Mayor Kane called the meeting to order at 6:00 PM

PLEDGE ALLEGIANCE AND MOMENT OF SILENCE

Mayor Kane led the pledge of allegiance and moment of silence.

ROLL CALL

Mayor Anita Kane, Vice Mayor Margaret Herzog, Councilmember Paul Coleman, Councilmember Lisa El-Ramey, Councilmember Todd McLendon, Town Manager Francine Ramaglia, Town Attorney Jeff Kurtz, Public Works Director Richard Gallant, and Town Clerk Valerie Oakes.

ADDITIONS, DELETIONS, AND MODIFICATIONS

The presentation by Kim Lancaster was pulled to the November Town Council meeting. The presentation will be replaced by Darla Sauers from PBSO. There was also a trails PSA from Seminole Ride students that was added as first to the agenda. Item No. 5 was pulled off the agenda by Staff. Councilmember Lisa El-Ramey pulled Item No. 2 & 6 from the consent agenda.

MOTION: COUNCILMEMBER HERZOG/COUNCILMEMBER COLEMAN MOVED TO APPROVE THE AGENDA WITH MODIFICATIONS. THE MOTION PASSES (5-0).

MOTION: COUNCILMEMBER EL-RAMEY/ COUNCILMEMBER COLEMAN MOVED TO APPROVE THE CONSENT AGENDA PULLING ITEM NO. 2 AND ITEM NO. 6 FROM THE CONSENT AGENDA AND DISCUSSING THEM AFTER ITEM NO. 8. MOTION PASSED (5-0).

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There was a comment from Virginia Standish.

PRESENTATIONS

1. Presentation By Kim Lancaster, Dean of Palm Beach State College

   There was no presentation by Kim Lancaster.

   Instead, there was a presentation by Seminole Ridge High School student Tasmin Lee who completed an equestrian safety PSA for the Town.

   The PSA was then followed by a presentation by Darla Sauers from PBSO. Sauers discussed traffic patterns and the Red Speed program with the Town Council.

CONSENT AGENDA

2. Consideration of Approval on ***Resolution No. 2025-76***: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DIRECTING THE TOWN STAFF TO NEGOTIATE CONTINUING CONTRACTS WITH THOSE FIRMS SELECTED BY THE EVALUATION COMMITTEE REVIEWING THE REQUEST FOR QUALIFICATIONS FOR GENERAL PLANNNING, DEVELOPMENT ENGINEERING AND BUILDING SERVICES FOR PRESENTATION AND APPROVAL TO THE TOWN COUNCIL AT A FUTURE COUNCIL MEETING; AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE SUCH ACTIONS AS ARE NECESSARY TO IMPLEMENT THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

   Item No. 2 was discussed after Item No. 8

   Town Clerk Oakes read resolution No.2025-76 into the record.

   There was a public comment from Lisa Tropepe of Engenuity Group.

   MOTION: COUNCILMEMBER MCLENDON/ COUNCILMEMBER EL-RAMEY MOVED TO APPROVE RESOLUTION 2025-76 REMOVING 2 AND 7 OF THE RESOLUTION.

   MOTION AMENDMENT: COUNCILMEMBER MCLENDON REINSTATED HIS MOTION TO REMOVE 2 AND 6 OF THE RESOLUTION. COUNCILMEMBER EL-RAMEY SECONDED THE MOTION. MOTION PASSES (3-2). MAYOR KANE AND VICE MAYOR HERZOG DISSENTING.

3. Consideration of Approval on ***Resolution No. 2025-77***: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING THE PAYMENT OF INVOICES RECEIVED FROM TORCIVIA, DONLON, GODDEAU & RUBIN, P.A. FOR LEGAL SERVICES RENDERED DURING THE MONTH OF AUGUST 2025; AND PROVIDING AN EFFECTIVE DATE.
4. Consideration of Approval on **Resolution No. 2025-78**: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AUTHORIZING AN AGREEMENT WITH RONALD L. BOOK, P.A., AND THE PITTMAN LAW GROUP FOR LOBBYING SERVICES; AND PROVIDING AN EFFECTIVE DATE.
5. Consideration of Approval on **Resolution No. 2025-79**: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DESIGNATING THE ACTING TOWN MANAGER AS CONTEMPLATED IN SECTION 4(3)(C) OF THE TOWN CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.
6. Consideration of Approval on **Resolution No. 2025-80**: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING A PIGGYBACK AGREEMENT UNDER THE CITY OF FORT LAUDERDALE CONTRACT WITH ADVANCED ATA SOLUTIONS, INC. FOR DOCUMENT AND MEDIA SCANNING, INDEXING, IMAGING, AND MEDIA CONVERSION SERVICES; AUTHORIZING EXECUTION OF THE AGREEMENT, INCLUDING LICENSING AND IMPLEMENTATION OF THE LASERFICHE® CLOUD SOLUTION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

   Item No.6 was discussed after Item No.2

   MOTION: COUNCILMEMBER COLEMAN/ COUNCILMEMBER EL-RAMEY MOVED TO APPROVE RESOLUTION NO. 2025-80 AS A BEST INTEREST CONTRACT FOR TWO YEARS FROM THE DATE. MOTION PASSED (5-0).

PUBLIC HEARING

7. Consideration of Approval on **Ordinance No. 2025-10** on Second Reading: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ARTICLE 87 " NATIVE TREE PRESERVATION AND INVASIVE EXOTIC REMOVAL" OF PART III "SUPPLEMENTAL REGULATIONS" OF THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVLEOPMENT CODE (ULDC) BY ENACTING SECTION 87-065 " TREE MITIGATION TRUST FUND" TO PROVIDE THE PURPOSES FOR WHICH THE TREE MITIGATION TRUST FUND CAN BE ALLOCATED AND EXPENDED; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Community Standards Director Gardner – Young presented Item No.7.

MOTION: COUNCILMEMBER MCLENDON/ VICE MAYOR HERZOG MOVED TO APPROVE ORDINANCE NO. 2025-10 ADDING ON TO NO. 13 THAT THE TREE GIVEAWAY IS TO LANDOWNERS IN LOXAHATCHEE GROVES. MOTION PASSES (5-0).

8. Consideration of Approval on ***Ordinance No. 2025-09*** on Second Reading: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, REORGANIZING AND AMENDING CHAPTER 14 "CODE ENFORCEMENT", BY ADDING ARTICLE I "IN GENERAL" AND ARTICLE II "LIEN REDUCTIONS AND RELEASES"; AMENDING SECTION 14-4 "APPLICATION FOR RELIEF FROM CODE ENFORCEMENT LIEN" TO PROVIDE GENERAL PROVISIONS APPLICABLE TO LIEN/FINE REDUCTIONS AND RELEASES; TO ADOPT SECTION 14-5 "SPECIAL MAGISTRATE LIEN REDUCTIONS AND RELEASES" TO ADDRESS REDUCTIONS BY SPECIAL MAGISTRATE; TO ADOPT SECTION 14-6 "OTHER LIEN RELEASES" TO ADDRESS PARTIAL RELEASES OF LIENS AND RELEASES OF UNENFORCEABLE LIENS AND FOR OTHER PURPOSES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

   Item No. 8 was continued to the November 4th, 2025, meeting.

   MOTION: COUNCILMEMBER MCLENDON/ COUNCILMEMBER COLEMAN MOVED TO CONTINUE ITEM NO. 8 AT THE NOVEMBER 4TH MEETING. MOTION PASSED (5-0).

REGULAR AGENDA

9. Approval of Local Bill regarding Fireworks Legislation

   Town Attorney Kurtz presented Item No. 9 to the Town Council.

   MOTION: COUNCILMEMBER MCLENDON/COUNCILMEMBER COLEMAN MOVED TO RECEIVE AND FILE A DOCUMENT FROM A LAWSUIT BY WEISS SEROTA. MOTION PASSES (5-0). (*Exhibit 1)*

   Sam Peltier of the Pittman Law Group joined via zoom to provide some clarification over the local bill.

   MOTION: COUNCILMEMBER MCLENDON/ COUNCILMEMBER COLEMAN MOVED TO APPROVE THE ACT AS DRAFTED AND TO MOVE FORWARD AND FILE THE LOCAL BILL WITH THE LOCAL DELEGATION OFFICE.

10. Report on Opioid Settlement from Town Attorney Kurtz

    Town Attorney Kurtz presented Item No. 10.

MOTION: COUNCILMEMBER COLEMAN/ VICE MAYOR HERZOG MOVED TO APPROVE TOWN ATTORNEY KURTZ CURRENT PROGRESS ON SETTLEMENTS FROM THE TOWN.

11. Review of CivicPlus Master Agreement, Sub-Contracts, and Related Services

Item No.11 was presented by Town Attorney Kurtz and Town Clerk Oakes.

MOTION: COUNCILMEMBER COLEMAN/ COUNCILMEMBER MCLENDON MOVED TO APPROVE RESOLUTION 2025-81. MOTION PASSES (4-1). COUNCILMEMBER EL-RAMEY DISSENTING.

DISCUSSION

12. Discussion on Town Council Rules of Procedures on Public Comments

Consensus: Town Council discussed procedural inquiries regarding public comments that come through the Town Clerks office. Council consensus was to move all community concerns and discussion periods to the Town Council workshop meetings. Regular meetings will not have a community discussion but rather will have the allotted three minutes of time for public comments on agenda items.

Public comment received from Cassie Suchy.

13. Discussion on Town Council Workshop Meetings Protocol

Consensus: There will be limited staff at the meeting, they will be there only for technical purposes. Town Council will sit around the table in the room. The meeting will be livestreamed and interactive. There will be no minutes, the meetings will have action items from council that can be referred to as minutes.

14. Discussion on Update regarding the Palm Beach County Sherriff's Office Contract

Town Attorney Kurtz presented Item No.14 and gave updates regarding Palm Beach County Sherriff's office contract.

TOWN STAFF COMMENTS

Town Manager Francine L. Ramaglia had no report.
Town Attorney Jeffrey S. Kurtz, Esq. brought light to a current issue with a previous ordinance regarding checks where the current ordinance in place only requires one signature from Councilmembers. Whereas best practice is to require two signatures. Attorney Kurtz agreed to provide an ordinance in a later meeting to solidify this practice and reject the old ordinance.
Town Clerk Valerie Oakes announced the Veterans Day event/ parade that will be held at Loxahatchee Groves Park on November 8th. The Founders will also be recognized at the parade. Town Clerk Oakes also announced that election qualifying period will begin November 12th till November 18th during regular business hours. There are two seats that are open and more

information is on the Towns website.
Community Standards Director Caryn Gardner-Young had no report.
Public Works Director Richard Gallant announced the start of the Red speed program will begin enforcement October 8th. More information regarding the speed limit can be found on the website.

TOWN COUNCIL COMMENTS

Councilmember Todd McLendon (Seat 1) introduced the idea of large bins for recycling within the Town.
Councilmember Lisa El-Ramey (Seat 2) brought attention to calls received about 161st Terr N and asked for an update regarding the project. Councilmember El-Ramey also mentioned a previous Charter Review Committee meeting where supermajority within the charter was discussed. She noted that in future Town Council meetings she would like to limit presentations during budget meetings.
Councilmember Paul T. Coleman II (Seat 4) echoed concerns about 161st Terr N as well.
Vice Mayor Marge Herzog (Seat 5) expressed concern over easements that are pending signature. She also stated that she is glad to see the trails committees progress in past meetings.
Mayor Anita Kane (Seat 3) echoed similar concerns as Councilmember El-Ramey and Coleman over 161st Terr N.

ADJOURNMENT

Councilmember McLendon/ Vice Mayor Herzog motioned to adjourn the meeting at 9:20 PM.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Signed by:
Valerie Oakes
06E744C2F37F4A4...
Town Clerk

Signed by:
Anita Kane
F5AB3D69FF41435...
Mayor Anita Kane, Seat 3

Signed by:
Margaret Herzog
69ECD57738A5448...
Vice Mayor Margaret Herzog, Seat 5

Signed by:
6EF0CA7DB4EB49F...
Councilmember Todd McLendon, Seat 1

Signed by:
07066C50661A4B9...
Councilmember Lisa El-Ramey, Seat 2

Signed by:
2B235D3F5E51430...
Councilmember Paul Coleman II, Seat 4

Filing # 232540167 E-Filed 09/29/2025 01:27:43 PM

EXHIBIT 1

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

CASE NO.

City of Destin, Florida;
City of Lake Alfred, Florida;
Town of Windermere, Florida;
City of Delray Beach, Florida;
City of Deltona, Florida;
City of Weston, Florida;
City of Alachua, Florida;
City of Stuart, Florida;
Orange County, Florida;
Manatee County, Florida;
Town of Mulberry, Florida;
City of Naples, Florida;
Miami Shores Village, Florida;
Town of Lake Park, Florida;
City of Fort Lauderdale, Florida;
Town of Jupiter, Florida;
City of Edgewater, Florida;
City of Pompano Beach, Florida;
Town of Dundee, Florida;
Town of Cutler Bay, Florida;
Village of North Palm Beach, Florida;
Village of Pinecrest, Florida;
City of Margate, Florida;
Town of Palm Beach, Florida; and
City of Homestead, Florida,

Plaintiffs,

v.

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.
_____/

JURIDICTION AND VENUE

1. The Court has jurisdiction over this action for declaratory relief. *See* § 86.011, Fla. Stat.; *Martinez v. Scanlan*, 582 So. 2d 1167, 1170 (Fla. 1991).

2. Venue is proper in Leon County, which is the official residence of both Defendants.

THE PARTIES

3. The Local Governments are all municipalities or counties existing under the laws of the State of Florida, and consist of:

a. The City of Destin, Florida, is a Florida municipality located in Okaloosa County, Florida;

b. The City of Lake Alfred, Florida, is a Florida municipality located in Polk County, Florida;

c. The Town of Windermere, Florida, is a Florida municipality located in Orange County, Florida;

d. The City of Delray Beach, Florida, is a Florida municipality located in Palm Beach County, Florida;

e. The City of Deltona, Florida, is a Florida municipality located in Volusia County, Florida;

f. The City of Weston, Florida, is a Florida municipality located in Broward County, Florida;

g. The City of Alachua, Florida, is a Florida municipality located in Alachua County, Florida;

h. The City of Stuart, Florida, is a Florida municipality located in Martin County, Florida;

i. Orange County, Florida, is a Florida charter County;

j. Manatee County, Florida is Florida non-charter County;

k. The Town of Mulberry, Florida, is a Florida municipality located in Polk County, Florida;

4. As more fully set forth below, each of the Local Governments is subject to and must comply with the provisions of Chapters 163, Florida Statutes, and will be adversely affected by SB 180 because SB 180:

a. requires each of the Local Governments to take certain actions;

b. prohibits each of the Local Governments from taking certain actions;

c. will result in substantial financial damage since each of the Local Governments will be required to expend a material amount of funds (or to take actions requiring the expenditure of a material amount of funds) and reduces the authority and ability of each of the Local Governments to raise revenues.

5. The Honorable J. Alex Kelly is the Secretary of Commerce of the State of Florida and is sued in his official capacity. Florida's Department of Commerce ("Florida Commerce") is administering and enforcing SB 180 or portions thereof, and has rejected some proposed comprehensive plan amendments and/or land use regulations from Local Governments (and other unnamed counties and municipalities) because it concluded that the proposed changes violate Section 28 of SB 180.

6. 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 on emergencies of all kinds. FDEM is responsible for administering, enforcing, and overseeing SB 180 or portions thereof.

7. The Honorable Wilton Simpson is the Commissioner of Agriculture of the State of Florida and is sued in his official capacity. Florida's Department of Agriculture and Consumer Services is administering and enforcing SB180 or portions thereof, including Section 1 regarding landlord/tenant subjects, a field over which, generally, Florida's Department of Agriculture and Consumer Services oversees.

14. The final version of SB 180 is titled "Emergencies" on the Florida Senate website. Similar to its first version, the bill's title constitutes a long list (now seven-and-a-half-pages) purporting to summarize each of the bill's provisions, beginning with, "[a]n act related to emergencies."

15. SB 180 was signed into law by the Governor on June 26, 2025, and in relevant part, became effective immediately. SB 180 can be found in Chapter 2025-190, Laws of Florida.

B. The Substance of SB 180

16. SB 180, through statutory and non-statutory provisions, imposes new obligations on the Local Governments under the auspice of being related to emergencies, even though such provisions far exceed, and do not apply only to, emergencies and their aftermath. SB 180 also imposes new obligations on and limits the independent action of municipalities and counties across the entire State of Florida, including each of the Local Governments.

17. Specifically, Section 1 of SB 180 amends Section 83.63, Florida Statutes, to ensure that tenants are provided an opportunity to recover belongings from a premises rendered unusable by casualty. While a property casualty could be caused by an emergency, property casualties are also frequently caused by other non-emergencies. Thus, the scope of this addition is not limited to emergencies.

18. Section 2 creates Section 163.31795, Florida Statutes, which affects participation in the National Flood Insurance Program by providing that a local government cannot adopt a cumulative substantial improvement period for purposes of determining whether compliance with flood elevation requirements is required. This Section is not intrinsically triggered by emergency events but rather is a prohibition on certain requirements that buildings be improved with flood resistant development after being damaged or improved (regardless of whether the damage is the

will perform key roles in state and local post-disaster response and recovery efforts, by adding new requirements:

a. minimum number of training hours that must be satisfied by county or municipal administrators or managers, emergency management directors, and public works directors or other officials responsible for construction and maintenance of public infrastructure;

b. The new training requirement must now be completed biannually.

In this manner, Section 7 requires each of the Local Governments to expend public funds.

22. Section 16 creates Section 252.381, Florida Statutes, which imposes numerous new pre- and post-storm event recovery requirements, all of which require significant initial expenditures and impose continuing expenditure obligations on counties and municipalities, including the Local Governments. To wit, Section 16 requires all counties and municipalities to:

a. post on their websites frequently asked questions about natural emergency preparedness, supply and emergency shelter lists, information regarding flood zones, and other preparedness related items; and

b. create and implement a "poststorm permitting plan," which must:

(i) Provide for sufficient personnel to expedite post-disaster inspections, permitting, and enforcement, even if it must be accomplished by mutual aid agreements and private sector contracting;

(ii) Create and operate training programs and protocols to implement expedited inspection, permitting, and enforcement programs;

(iii) Establish multiple or alternative building permit service locations to implement the plan in-person;

(iv) Operate permitting offices for at least 40 hours per week during post-storm recovery; and

(v) Prepare and publish post-storm event recovery permitting guides.

In this manner, Section 16 requires each of the Local Governments to expend public funds.

25. Section 24 amends Section 403.7071, Florida Statutes, to mandate that all counties and municipalities apply for and maintain an approved debris management site, which creates initial and ongoing expenditure obligations in order to operate and maintain. In this manner, Section 24 requires each of the Local Governments to expend public funds.

26. Section 28 neither creates nor amends any section of Florida Statutes. It 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 siteplan, 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.

27. As the text makes clear, Section 28 not only applies retroactively, but purports to declare "null and void *ab initio*" any prohibited actions taken back to August 1, 2024.

28. And although Section 28 forbids amendments to comprehensive plans or land development regulations, or the adoption of procedures that ate "more restrictive or burdensome," SB 180 does not purport to define those terms or explain (a) more restrictive or burdensome than what? or (b) more restrictive or burdensome to whom?

29. Although Section 28 purports to limit its applicability only to certain counties (and all municipalities therein) listed in one of three Federal Disaster Declarations arising from certain past hurricanes, it effectively applies to all counties and cities in the State of Florida because ***every single county in the State of Florida (and thus every municipality) is listed in at least one of the three Federal Disaster Declarations.***

an ordinance as a result of Section 28. Additionally, Lake Park, Jupiter, and Jupiter Island expended public funds to analyze the impact of SB 180 on Planning and Zoning Regulations.

36. Some of the Local Governments have received letters from Florida Commerce advising them that certain Planning and Zoning Regulations are in direct conflict with Section 28.

37. For example, Orange County received such a letter on July 18, 2025, regarding the comprehensive plan amendment that it submitted for review based on the State's review process mandated in Section 163.3184, Fla. Stat., stating that it is null and void *ab initio* because is "more restrictive or burdensome"—without purporting to identify *what* it was more restrictive or burdensome than, or to whom it was more restrictive or burdensome.

38. Manatee County also received such a letter on April 15, 2025, regarding two proposed comprehensive plan amendments, in which Florida Commerce states it previously declared the proposed comprehensive plan amendments "null and void" and that Mantee County, nonetheless, thereafter continued to move toward final adoption. The letter states the proposed ordinances *may* be violative of Section 28 for being a "restrictive or burdensome" procedure for obtaining a development permit after a disaster—without purporting to identify *what* it was more restrictive or burdensome than, or to whom it was more restrictive or burdensome. The letter also states the proposed amendments may violate Section 3 of SB 180 regarding impact fees.

39. Some of the Local Governments have also had to pause moving forward with Planning and Zoning Regulations that have been years in development even if those regulations are unrelated to emergencies or rebuilding after emergencies, amounting to a waste of the public funds expended in effort to pass said regulations and expanding the reach of SB 180 past emergencies.

46. The same expenditure of public funds for litigation is required for potential lawsuits arising from the cause of action created by Section 18, including the Local Governments' defense costs and statutorily mandated payment of attorneys' fees and costs to prevailing plaintiffs.

47. Sections 18 and 28, individually and in conjunction, strip all municipalities and counties of the long-existing and codified Home Rule Powers granted thereto by nullifying and voiding their ability to enact Planning and Zoning Regulations, a cornerstone Home Rule power and one of their core functions as legal entities in service to their constituents.

48. Sections 18 and 28 impede the Local Governments' ability to exercise the very functions they are constitutionally vested the right to exercise by the Florida Constitution.

49. Likewise, Section 28's retroactive application deeming any such Planning and Zoning Regulation "null and void *ab initio*" ignores that when such regulations were enacted, the Local Governments possessed the constitutional authority to enact same based on their Home Rule Powers, further emphasizing and stripping the Local Governments of their constitutionally vested functions.

50. Additionally, the Local Governments now must comply with all other provisions of SB 180, including:

- Being unable to "adopt or enforce" a cumulative substantial improvement period if it wants to continue its participation in the National Flood Insurance Program;
- Being unable to assess or increase certain impact fees, thereby reducing available public funds;
- Increasing the homestead exemption, thereby reducing available public funds;
- Providing additional training and participating in annual conferences, which requires the expenditure of public funds;
- Providing additional emergency resources, which requires the expenditure of public funds;

55. Additionally, pursuant to the cause of action created in Section 28, counties and municipalities, including certain of the Local Governments, are currently being forced to defend lawsuits relating to Planning and Zoning Regulations that were legal when enacted, solely because Section 28 provides that such regulations are "null and void *ab initio*."

56. From this, the constitutionality of this act must be decided in an expedited manner before counties and municipalities, including the Local Governments, continue to expend public funds in defense of such suits, judgments are rendered in pending lawsuits (triggering additional expenditure of public funds), additional lawsuits are filed, Planning and Zoning Regulations that were valid when enacted are repealed, and development permits are issued based upon the assumption that certain Planning and Zoning Regulations are void under SB 180.

57. Likewise, pursuant to the cause of action created under Section 18, counties and municipalities face the same risk of expending funds, including for costs and attorneys' fees, following the landfall of the first hurricane (and all subsequent hurricanes) applicable thereto. Section 18 further provides such a suit is subject to summary procedure, which accelerates the timeline of a case, further emphasizing and exacerbating the need for expedited review in this case.

58. Upon the date of the filing of this lawsuit, the Local Governments—and the entire global region, including the State of Florida—are in the midst of hurricane season, meaning that with the imminent and impending risk of hurricanes comes the immediate implication of all the new obligations imposed onto the Local Governments that arise from storms (*e.g.*, Section 18 and certain portions of Section 16), the constitutionality of which must be determined in an expedited manner before a potential storm, or set of storms, triggers these obligations.

is passed near the end of the legislative session. All of these indicators occurred with the enactment of SB 180.

65. Here, while SB 180 purports to be "[a]n act relating to emergencies", SB 180 is not limited to the single subject of "emergencies" and matters properly connected therewith.

66. Section 1 regarding tenants' right to recover is related to casualty losses and is not limited nor primarily related to losses caused by emergencies.

67. Section 2 regarding the National Flood Insurance Program affects cumulative substantial improvements, even when such improvements are not the result of repairing damages caused by emergencies.

68. Section 3 limits the ability to assess or raise impact fees, and impact fees have no relation to emergencies.

69. Section 4 increases the thresholds that trigger reassessments of homestead property values due to changes, additions, or improvements that replace all or a portion of a homestead property, even in situations unrelated to emergencies.

70. Sections 18 and 28 are also not limited to emergencies because they prohibit all "more restrictive or burdensome" Planning and Zoning Regulations regardless of whether those regulations, or the properties being regulated, relate in any way to emergencies.

71. Therefore, SB 180 addresses multiple subjects beyond the single subject of emergencies, some of which were improperly combined in the last moments of the legislative session, a classic example of "logrolling." This amounts to a clear violation of the single subject provision of the Florida Constitution.

72. All elements necessary to support a cause of action for declaratory relief are present:

76. "This provision imposes two related but distinct requirements. First, the title of the bill should be fair notice of its contents. Second, the various provisions of the bill must be germane to the subject as expressed in the title." *Alterman Transp. Lines, Inc. v. State*, 405 So. 2d 456, 461 (Fla. 1st DCA 1981).

77. "These requirements are designed to prevent surprise or fraud that would spring from hidden provisions not indicated in the title." *Id.*

78. SB 180's title is a seven-and-a-half-page list summarizing each provision therein, beginning with the purported single subject, "[a]n act relating to emergencies."

79. Although the Constitution requires that the single subject be "briefly expressed in the title," the title of SB180 is certainly not "brief," and instead constitutes a table-of-contents-type summary of the Bill's 28 Sections (which themselves are not limited to one subject).

80. SB 180 is not limited to one subject, and thus it cannot be contained within a briefly expressed title of one subject.

81. Even more, the title does not provide fair notice of the contents of Section 28 of SB 180. The portion of the title of SB 180 relating to Section 28 advises the public that it applies to "certain counties":

> "prohibiting certain *counties* from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe."

82. The statement that Section 28 applies only to "certain counties" is misleading because, in fact, the text of Section 28 applies to *all* (not just *certain*) 67 counties *and* 411 municipalities in Florida. Strikingly, municipalities were not referenced in the title. Thus, the title hides the ball and misleads the public.

> In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

Art. III, sec. 11(b), Fla. Const.

88. Notably, "other subjects" here refers to 21 enumerated subjects outlined in Article III, Section 11(a). SB 180 does not trigger any of the kinds of laws in subsection (a). Thus, SB 180 falls under subsection (b) and therefore it is subject to the restriction that it must not classify political subdivisions of other governmental entities on any basis other than one reasonably related to the subject law.

89. "The legislature may set classifications within a general law, but any such classification must bear a reasonable relationship to the primary purpose of the law." *Ocala Breeders' Sales Co., Inc. v. Florida Gaming Centers, Inc.*, 731 So. 2d 21, 26 (Fla. 1st DCA 1999), *aff'd*, 793 So. 2d 899 (Fla. 2001). "A statutory criterion is not valid merely because it appears to promote the objective of the law." *Id.*

90. Further, the Florida Supreme Court has made clear that "[s]tatutes that employ arbitrary classification schemes are not valid as general laws." *Dep't of Bus. Regulation v. Classic Mile, Inc.*, 541 So. 2d 1155, 1157 (Fla. 1989); *License Acquisitions, LLC v. Debary Real Estate Holdings, LLC*, 155 So. 3d 1137, 1143 (Fla. 2014).

91. SB 180 is a general law that makes unreasonable classifications in multiple provisions, including in Sections 18 and 28.

92. Section 18, albeit not retroactive like Section 28, creates the term "impacted local government," which is "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 or a municipality located within such a county."

a storm could track 90 miles north of Palm Beach County. The arbitrary classification system of Section 18 would classify the southern-most Palm Beach County municipality (Boca Raton) as an "impacted local government" (because the northern part of Palm Beach Count is within 100 miles of the track), but would classify its neighbor to the south (Deerfield Beach, the northernmost Broward County municipality) as not being an "impacted local government" (because the storm did not track within 100 miles of Broward County). But, most likely, as neighboring municipalities, Boca Raton and Deerfield Beach would have suffered roughly the same amount of impacts from the storm. Storms do not recognize county boundaries and thus the use of such lines to classify counties and municipalities is wholly arbitrary.

97. The classification of counties and municipalities created by Section 18 is clearly unreasonable because in some instances it will not include counties and municipalities that should be included (because they were, in fact, impacted), and in other instances will include some counties and municipalities that should not be included (because they were, in fact, not impacted).

98. For a classification to be reasonable, it must treat similarly situated counties and municipalities the same. The classification of counties and municipalities in Section 18 fails that basic test.

99. Section 18 also creates an unreasonable classification by failing to properly define the methodologies for determining which counties (and the municipalities therein) will be categorized this way because "track of the storm" and the "100 mile" terms are ambiguous, not defined, and open to multiple interpretations.

100. Notably, Section 18 fails to define how the 100-mile designation is calculated or applied. For example, is 100 miles calculated in all directions from the track of a hurricane, in effect creating a 200-mile diameter? Or is the 100-mile designation meant to be the limits of a

Milton began on October 5, 2024. It is arbitrary to classify all counties and municipalities in one class subject to the August 1, 2024, date if only some were impacted by a subject storm on that date but others were not. There is also no explanation as to why Section 28 applies prospectively to October 1, 2027.

108. In all, Sections 18 and 28 amount to clear violations of the unreasonable classification provision of the Florida Constitution.

109. All elements necessary to support a cause of action for declaratory relief are present:

a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. III, § 11(b) of the Florida Constitution.

b. The declaration sought deals with a present controversy as to an ascertainable set of facts.

c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.

d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.

e. The antagonistic and adverse interests are all before this Court.

f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

A. Declaring the enactment of SB 180 violated Art. III, § 11(b) of the Florida Constitution;

B. Enjoining the enforcement of SB 180; and

C. Granting such other relief as this Court deems just and proper.

by $0.10; for the fiscal year 2025-26, this is estimated to be approximately $2.4 million.[1] This amount is determined on an aggregate basis for all municipalities and counties in the state.[2]

113. Article VII, Section 18 was added to the Florida Constitution to protect counties and municipalities from unfunded mandates after the Florida Legislature repeatedly adopted general laws that imposed costly requirements on local governments without providing funds for, or methods for funding, compliance with said requirements.

114. Sections 7, 16, 18, 24, and 28 of SB 180 require the expenditure of public funds, as previously set forth above. The aggregate amount of these forced expenditures for all municipalities and counties in the state will far exceed $2.4 million.

115. Importantly, nowhere in ***SB 180 is there a finding that the law fulfills an important state interest***. Even if SB 180 does, in fact, fulfill an important state interest (which would be contested), the failure to expressly make that determination within the four corners of SB 180 is fatal to its constitutionality.

116. This is true despite that SB 180 was approved by a 2/3rd vote of each house of the legislature because SB 180 does not contain the constitutionally required finding that that the law fulfills an important state interest.

117. Thus, SB 180 is an unfunded mandate in violation of Article VII, Section 18 of the Florida Constitution.

118. All elements necessary to support a cause of action for declaratory relief are present:

a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. VII, § 18 of the Florida Constitution.

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[1] https://www.flsenate.gov/Session/Bill/2025/176/Analyses/2025s00176.ap.PDF at page 10.
[2] https://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf at page 2.

121. The 1975 Act was strengthened in 1985, and Chapter 163 was given a more expansive and descriptive name: "The Comprehensive Planning and Land Development Regulation Act", popularly known as the Growth Management Act. This iteration sought to ensure that the comprehensive planning process would enable counties and municipalities to do more than just plan.

122. In 2011, Chapter 163 Part II was again rewritten and renamed, this time as the "Community Planning Act".

123. Florida's Community Planning Act (the "Act") is enshrined in Florida law as Sections 163.3161 through 163.3248, Florida Statutes. The Legislature clearly stated its multi-prong intentions and purposes of the Act:

> (2) It is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to ***guide and manage future development*** consistent with the proper role of local government.
>
> . . . .
>
> (4) It is 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***. Through the process of comprehensive planning, it is intended that units of local government can 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.
>
> . . . .
>
> (8) The provisions of this act in their interpretation and application are declared 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

125. In furtherance of this responsibility, the Act also mandates that every seven years, each local government shall evaluate its comprehensive plan to update data and analysis on which it was based, and based on that data and analysis determine if amendments are necessary to reflect certain statutory requirements or changed conditions, and if such a determination is made then such changes must be made within one year. § 163.3191, Fla. Stat. In turn, such plans are subject to the review process detailed in Section 163.3184, Florida Statutes.

126. Further, ***within one year*** after submission of a comprehensive plan, the counties and municipalities must adopt or amend their local land development regulations to ensure they are consistent with the comprehensive plan. § 163.3202, Fla. Stat.

127. Likewise, the Act also mandates that if a land development regulation is inconsistent with the comprehensive plan, the land development regulation must be brought in conformance with the comprehensive plan. § 163.3194, Fla. Stat.

128. Critically, the Act also makes clear that in the event the Act conflicts with any other provision of law related to land use regulations, it is the Act that shall prevail:

> Where this act may be in conflict with any other provision or provisions of law relating to local governments having authority to regulate the development of land, ***the provisions of this act shall govern*** unless the provisions of this act are met or exceeded by such other provision or provisions of law relating to local government[.]

§ 163.3211, Fla. Stat. (emphasis added).

129. The Act, in its current and all prior forms, outlines the 50-year history of Florida's municipalities and counties having the constitutional and statutory power and mandate to adopt and enforce their own Planning and Zoning Regulations. It is the sole statutory basis for the comprehensive planning process and is therefore superior to any other enactment related to that process.

132. To wit, the Act is definitive in its declaration that the rights, authority, and responsibilities conferred upon counties and municipalities under the Act supersede any other conflicting provisions of law.

133. SB 180 directly conflicts with the Act, and thus the Act makes clear that upon such a conflict, the Act governs. One way in which this conflict exists is due to the statutorily mandated review to occur every seven years, a period which could fall at any point in the preclusion for one year after a hurricane pursuant to Section 18 or at any point in the preclusion between August 1, 2024, and October 1, 2027, pursuant to Section 28. For the same reasons, the one-year deadline to amend local land development regulations after the submission of a comprehensive plan is also affected.

134. In furtherance of this responsibility, the Act also mandates that every seven years, each local government shall evaluate its comprehensive plan to update data and analysis on which it was based, and based on that data and analysis determine if amendments are necessary to reflect certain statutory requirements or changed conditions, and if such a determination is made then such changes must be made within one year. § 163.3191, Fla. Stat. In turn, such plans are subject to the review process detailed in Section 163.3184, Florida Statutes.

135. Further, ***within one year*** after submission of a comprehensive plan, the counties and municipalities must adopt or amend their local land development regulations to ensure they are consistent with the comprehensive plan. § 163.3202, Fla. Stat.

136. The conflict between the Act and SB 180 arises from Sections 18 and 28, the latter of which is a non-statutory provision set to expire in 2027. The restriction on the comprehensive planning and land development regulation authority and responsibility of counties and municipalities contained in SB 180 is incompatible with the authority granted and obligations

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

A. Declaring that portions of SB 180 conflict with the Community Planning Act, and that conflict cannot be harmonized;

B. Enjoining the enforcement of those portions of SB 180 that in any way conflict with the Act or restrict the powers and authority of counties or municipalities relating to the adoption and enforcement of comprehensive plan and land development regulations amendments to the fullest extent as granted under the Act; and

C. Granting such other relief as this Court deems just and proper.

COUNT VI – VIOLATION OF HOME RULE POWERS

141. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

142. As to counties, Article VIII, Section 1 of the Florida Constitution provides:

> (f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.
>
> (g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

Art. VIII, § 1(f), (g), Fla. Const.

143. As to municipalities, Article VIII, Section 2(b) of the Florida Constitution provides:

express preemption—that is, by a statutory provision stating that a *particular subject* is preempted by state law or that local ordinances on a *particular subject* are precluded."); *Hillsborough County v. Florida Restaurant Ass'n, Inc.*, 603 So. 2d 587 (Fla. 2d DCA) ("To find a subject matter expressly preempted to the state, the express preemption language must be a specific statement; express preemption cannot be implied or inferred.").

148. In this way, SB 180 violates the Florida Constitution in two ways: (1) Section 28 is an impermissible express preemption, purporting to declare void *ab initio* prior actions of Local Governments taken under their (at the time not preempted) Constitutional home rule authority; and (2) the purported express preemptions under Sections 18 and 28 are impermissible because they are vague and ambiguous as to the particular subject and scope. For these reasons, Sections 18 and 28 attempt to vitiate the Home Rule Authority granted under Sections 1 and 2(b) of Article VIII of the Florida Constitution and further codified at law.

SB 180 is an impermissible express preemption of past regulations that the Local Governments had authority to propose and adopt when proposed and adopted.

149. The Florida Legislature impermissibly enacted the express preemption provided under Section 28 because it attempts to render ordinances "null and void ***ab initio***" even if they were duly enacted at a time when the Local Governments were not preempted.

150. The Local Governments enacted Planning and Zoning Regulations between August 1, 2024, and the enactment date of SB 180 pursuant to a clear grant of constitutional and/or statutory Home Rule Authority. By retroactively rendering legally enacted Planning and Zoning Regulations "null and void *ab initio*" (thereby invalidating the very enactment of such regulations and implementation while valid), Section 28 violates the plain meaning of the Florida Constitution because it removes the grant of Home Rule Power that existed at the time of the regulation's enactment pursuant to Sections 1 and 2(b) of Article VIII of the Florida Constitution, as applicable.

profitable) building and it was too late to change the plans, SB 180 was enacted, meaning that the ordinance that resulted in the municipality's denial of the 120 foot high building was void at the time the 120 foot high building was denied. It is unclear what the implication of this would mean, but it could potentially result in municipal liability or other consequences.

153. Thus, SB 180 could result in chaos or liability for projects that were considered under Planning and Zoning Regulations that were valid when applied but were later declared "void ab initio" by SB 180.

154. There is no language in the Florida Constitution or precedent in other statutory preemptions enacted by the legislature for local regulations to be declared "void ab initio," and thus the law should be declared invalid.

SB 180 is an impermissible express preemption because it is ambiguous and vague.

155. Sections 18 and 28 of SB 180 violate the Florida Constitution because they attempt to preempt Planning and Zoning Regulations that are "more restrictive or burdensome," but fail to clearly and unambiguously articulate the particular subject that is preempted.

156. The vague and undefined "more restrictive or burdensome standard" will wreak havoc with many of the modern planning tools that the Local Governments now lawfully employ because the Local Governments have no way of determining whether a Planning and Zoning Regulation is "more burdensome or restrictive." SB 180 simply does not purport to define the terms or explain: (a) "more burdensome or restrictive" than what? and (b) "more burdensome or restrictive" to whom?

157. For example, in determining whether Planning and Zoning Regulations increasing a setback requirement, should Local Governments determine whether the regulation is "more burdensome or restrictive" based on its impact on neighboring properties? Or is a Planning and

"more restrictive or burdensome" even though the overall density remains the same, with some uses being increased and others decreased?

159. More generally, with no definition, there is no understanding as to who and what the Planning and Zoning Regulation cannot restrict or burden.

160. The "more restrictive or burdensome" language is hopelessly vague and unworkable and could be creatively applied to almost any change because it is an undefined term. It is of note that when the legislature adopted The Bert J. Harris, Jr. Private Property Rights Protection Act which uses the term "inordinate burden" to trigger compensation under certain circumstances, it included a two-paragraph definition of the term including an analysis of investment backed expectations. It also provided for a process to determine whether such a burden existed, which process required the services of appraisers. A similar definition was necessary with SB 180, however, there is none; rather, the triggering term "more restrictive or burdensome" appears with no explanation, no context, and no commonly understood meaning.

161. This undefined term improperly preempts the Constitutional powers of the Local Governments with a standard that has no meaning.

SB 180 unlawfully infringes on the Home Rule Authority of the Local Governments.

162. Sections 18 and 28 preempt the Local Governments from exercising Home Rule Authority in one of the most fundamental functions of local government: planning and zoning. Sections 18 and 28 are the largest infringement of Home Rule Power in the history of Florida and strip the Local Governments' ability to enact the very Powers they have been empowered with under the Florida Constitution and statutory law. In doing so, the Florida Legislature circumvents and renders meaningless the grants of Home Rule Authority provided in the Florida Constitution by legislative act.

167. For the foregoing reasons, Sections 18 and 28 of SB 180 represent a violation of the Home Rule Authority provided under Sections 1 and 2(b) of Article VIII of the Florida Constitution and further codified at law.

168. All elements necessary to support a cause of action for declaratory relief are present:

a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. VIII, §§1(f), 1(g), 2(b) of the Florida Constitution, and all Florida Statutes codifying home rule powers.

b. The declaration sought deals with a present controversy as to an ascertainable set of facts.

c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.

d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.

e. The antagonistic and adverse interests are all before this Court.

f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

A. Declaring the enactment of SB 180 violated Art. VIII, §§1(f), 1(g), 2(b) of the Florida Constitution and all Florida Statutes codifying Home Rule Powers;

B. In addition or in the alternative, declaring the purported preemptions in SB 180 invalid as impermissibly vague.

C. Enjoining the enforcement of SB 180; and

D. Granting such other relief as this Court deems just and proper.