Filing # 242701526 E-Filed 02/27/2026 09:56:56 AM

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

CITY OF DESTIN, *et al.*, *Plaintiffs*, v. **The Honorable J. Alex Kelly, Secretary of Commerce, State of Florida, *et al.*,** *Defendants*, **FLORIDA HOME BUILDERS ASSOCIATION, *et al.*,** *Intervenor-Defendants*.	Case No. 2025 CA 1876
1000 Friends of Florida, Inc., a Florida not for Profit Corporation, *et al.*, *Plaintiffs*, v. **The Honorable J. Alex Kelly, Secretary of Commerce, State of Florida, *et al.*,** *Defendants*. **FLORIDA HOME BUILDERS ASSOCIATION, *et al.*,** *Intervenor-Defendants*.	Case No. 2025 CA 1952

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS THE PUBLIC PLAINTIFFS' AMENDED COMPLAINT IN PART

In this Consolidated Action, the Plaintiffs, a combination of 28 counties and municipalities (the "Public Plaintiffs"), challenge the constitutionality of SB 180. (See generally Am. Compl. for Declaratory and Inj. Relief (the "Public Plaintiffs' Amended Complaint" or "Am. Compl.")). The

agency Defendants, four executive officers sued in their official capacities,[1] moved to dismiss the Public Plaintiffs' Complaint. (See generally Defs.' Omnibus Mot. to Dismiss the Public Pls' Am. Compl. and Resp. to their Expedited Mot. for Preliminary Inj. (the "Motion to Dismiss" or "MTD")). The Public Plaintiffs responded in opposition to the Motion to Dismiss. (See generally Public Pls' Resp. to Defs' Omnibus Mot. to Dismiss the Public Pls' Am. Compl. and Resp. to their Expedited Mot. for Preliminary Inj. (the "Response")). Florida Home Builders Association and Alton Lister intervened ("Intervenor-Defendants") and adopted the arguments made in Defendants' Motion to Dismiss. The Court held argument on the Motion to Dismiss—as well as the Public Plaintiffs' Expedited Motion for Preliminary Injunction—on December 19, 2025, where the parties, represented by counsel, appeared and stated their positions on the record. The Court denied the preliminary injunction motion at the hearing and entered an order finding that the Plaintiffs didn't meet their burden to show irreparable injury because the Plaintiffs' harm was "merely 'doubtful, eventual or contingent,' and, therefore, insufficient." (quoting State, Dep't of Health v. Bayfront HMA Med. Ctr., LLC, 236 So. 3d 466, 475 (Fla. 1st DCA 2018)). The Court reserved ruling on the Motion to Dismiss pending submission of proposed orders.[2]

Having reviewed and considered the Public Plaintiffs' Amended Complaint, the Motion to Dismiss, the Response, the parties' oral arguments, and the applicable law, the Court hereby GRANTS the Motion to Dismiss and DISMISSES WITH PREJUDICE the Public Plaintiffs' Amended Complaint all Counts except Count 4 – Unfunded Mandate. For the other counts, the Court finds that the Public Plaintiffs lack standing and have failed to state a cause of action. The Court explains more fully below.

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[1] These are: J. Alex Kelly, Secretary, Florida Commerce; Kevin Guthrie, Director, Florida Division of Emergency Management; Jim Zingale, Director, Florida Department of Revenue; and Blaise Ingoglia, Chief Financial Officer, State of Florida.

[2] Proposed orders were originally due on January 16, 2026, but that deadline was extended until January 23, 2026.

THE FACTS

For the purposes of this Order, the Court presumes as true the well-pled, factual allegations in the Public Plaintiffs' Amended Complaint. The Public Plaintiffs bring this action for declaratory relief under Chapter 86, Florida Statutes. (See Am. Compl. ¶ 1).

A. The Public Plaintiffs

The Public Plaintiffs, 28 local governments, (See Id. ¶¶ 3a–3bb) all claim that they are "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 damages 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," (Id. ¶ 4).

B. Summary of the Challenged Law, SB 180 and the focus on Sections 18 and 28

a. Summary of SB 180

These facts are taken from the Amended Complaint and the Court's Judicial Notice of Chapter 2025-190, SB 180. See § 90.201(1), Fla. Stat.; see also Wyatt v. State, 270 So. 2d 47 (Fla. 4th DCA 1972). In 2025, the Florida Legislature enacted Chapter 2025-190 - i.e., S.B. 180 - the target of this Consolidated Action. SB 180 is an overhaul of Florida's emergency-management statutes. Its aim is to regulate preparedness, response, recovery, and mitigation efforts in the wake of emergencies, particularly hurricanes. SB 180 amends (and creates) numerous provisions across the Florida Statutes. These include, for example, changes to laws governing tenant rights in casualty-damaged properties (§ 83.63, Fla. Stat.), homestead-tax assessments for repairs (§

193.155, Fla. Stat.), impact-fee restrictions on reconstructions (§ 163.31801, Fla. Stat.), and public-hurricane shelter funding (§ 215.559, Fla. Stat.).

It also changes the Division of Emergency Management's responsibilities under § 252.35, Fla. Stat., by requiring updates to the state comprehensive emergency-management plan, mandatory training programs, annual hurricane readiness sessions, and interagency collaboration on natural hazards. Additional measures include mandates for local governments to develop post-storm permitting plans and recovery guides (§ 252.381, Fla. Stat.), prohibitions on post-disaster fee increases, streamlined federal aid distribution (§ 252.37, Fla. Stat.), and specialized provisions for the Florida Keys, such as building permit allocations to reduce evacuation times (§ 380.0552, Fla. Stat.).

b. The Plaintiffs focus on Sections 18 and 28

Though both sets of plaintiffs seek to have *all* of SB 180 declared unconstitutional and have its enforcement enjoined, both primarily take issue with Sections 18 and 28. To that end, the Court summarizes those two provisions in more detail.

Section 18 of SB 180 creates Section 252.422, Florida Statutes, which imposes restrictions on "impacted local governments." Chapter 2025-190, §18. An "impacted local government" is defined as a county, or municipality within such counties, which are "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." Id. An impacted local government may not propose or adopt: i) moratoriums on construction, reconstruction, or redevelopment; ii) more burdensome comprehensive plan or land development regulation amendments; or iii) heightened procedures for site plans, development permits, or orders, for one-year post-landfall. See Id. Section 18 is enforced through private lawsuits for declaratory and injunctive relief, with provisions for preliminary injunctions, attorneys' fees for

prevailing plaintiffs, and summary procedures under Section 51.011, Florida Statutes. See Id.

Section 28 of SB 180 is a standalone, uncodified provision applicable to local governments "listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834)." Chapter 2025-190, §28. Those local governments "may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Fla. Stat., before October 1, 2027[.]" Id. Further, "any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio." Id. Section 28 "applies retroactively to August 1, 2024." Id.

Like Section 18, Section 28 is enforced through private litigation "for declaratory and injunctive relief against the county or municipality[.]" Id. Also, like Section 18, prevailing plaintiffs are entitled to attorneys' fees, provided they sent the required pre-litigation notice informing the local government of the violation and provided the local government did not "withdraw[ ] the proposed" action "within 14 days" or repeal an already adopted action within that same time. Id.

C. The Public Plaintiffs' alleged harm

The Public Plaintiffs allege that because of SB 180, particularly Section 28, they "have begun undertaking the task of reviewing comprehensive plan and land development changes and review and approval procedures enacted after August 1, 2024, despite that such changes and procedures were constitutional and not violative of Florida law when they were enacted." (Am. Compl. ¶ 32). They also allege that some of them have either hired consultants (Id. ¶ 33), to review

their comprehensive plans, and that others have undergone efforts to revert or pause changes to their comprehensive plans (Id. ¶¶ 34, 41–43). They also allege that "some" of them have received "letters from Florida Commerce advising them that certain Planning and Zoning Regulations are in direct conflict with Section 28." (Id. ¶¶ 35–39).

Traveling under the private-enforcement mechanisms of Sections 18 and 28, the Public Plaintiffs also allege that "private actors who are empowered by Section 28 to bring causes of action for non-compliance with SB 180 have already done so against some of the Local Governments." (Id. ¶¶ 44–46, 48). In particular, the Public Plaintiffs claim that they "have been forced to defend themselves from these lawsuits" and, therefore, have had to "expend public funds" and will have to expend additional funds should a judgment be entered against them. (Id. ¶ 47).

"Sections 18 and 28," the Public Plaintiffs continue, "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[.]" (Id. ¶¶ 49–50).

D. The Public Plaintiffs' Six Claims

Together, the Public Plaintiffs raise *six* claims against the constitutionality of SB 180: Count I — that SB 180 violates the Single Subject rule; Count II — that SB 180 violates the title provision within the Single Subject rule; Count III —that SB 180 violates the Reasonable Classification provision; Count IV — that SB 180 violates the Unfunded Mandate provision; Count V — that SB 180 conflicts with the Community Planning act, and; Count VI — that SB 180 violates Home Rule Powers. For each of these claims, the Public Plaintiffs ask the Court to declare that SB 180 is invalid as violative of the Florida Constitution and enjoin its enforcement.

THE LAW

A complaint must be dismissed if it "fail[s] to state a cause of action." Fla. R. Civ. P. 1.140(b)(6). "To survive a motion to dismiss, a complaint must allege a prima facie case." Alvarez

v. E. & A Produce Corp., 708 So. 2d 997, 999–1000 (Fla. 3d DCA 1998). On the other hand, a complaint that merely "plead[s] opinions, theories, legal conclusions or argument" does not establish a cause of action. Barrett v. City of Margate, 743 So. 2d 1160, 1163 (Fla. 4th DCA 1999).

Further, where a complaint does not demonstrate the plaintiff's entitlement to bring the action altogether - i.e., that he lacks standing to bring the action - the complaint must be dismissed *even* if it would otherwise state a cause of action. See Fla. Soc'y of Ophthalmology v. State, Dep't of Prof'l Regul., 532 So. 2d 1278, 1279 (Fla. 1st DCA 1988) ("As the present complaint does not allege an actual controversy, we must affirm the dismissal."). There "are three requirements that constitute the irreducible constitutional minimum for standing." State v. J.P., 907 So. 2d 1101, 1113 n.4 (Fla. 2004). First, "a plaintiff must demonstrate an 'injury in fact,' which is 'concrete,' 'distinct and palpable,' and 'actual or imminent.'" Id. Second, "a plaintiff must establish 'a causal connection between the injury and the conduct complained of.'" Id. (cleaned up). Third, "a plaintiff must show a substantial likelihood that the requested relief will remedy the alleged injury in fact." Id. (cleaned up). See also DeSantis v. Fla. Educ. Ass'n, 306 So. 3d 1202, 1214 (Fla. 1st DCA 2020) (citing J.P. and dismissing constitutional challenge for lack of standing).

ANALYSIS

I. The Public Plaintiffs lack standing on most counts.

The Public Plaintiffs lack standing for two reasons. First, as political subdivisions of the State of Florida, they must presume SB 180 is valid and cannot initiate a lawsuit to determine that it is unlawful. Second, the Public Plaintiffs do not meet any of the three required standing elements: injury, causation, or redressability. Twenty-six of the Public Plaintiffs allege only speculative threats of future litigation. While two Public Plaintiffs have identified lawsuits against them, they cannot show that the agency Defendants here caused their injuries because Sections 18 and 28 are enforced exclusively by *private* litigants. For this same reason, any prospective relief

from this Court would do nothing to redress claimed injuries flowing from lawsuits brought by private litigants—who, notably, are not before this Court (and thus cannot be enjoined by it).

a. Most of the Public Plaintiffs' claims are barred by Florida's Public Official Standing doctrine.

The Public Plaintiffs are barred from pursuing most of their claims here under Florida's Public Official Standing doctrine. "State officers and agencies must presume legislation affecting their duties to be valid, and do not have standing to initiate litigation for the purpose of determining otherwise." Dep't of Educ. v. Lewis, 416 So. 2d 455, 458 (Fla. 1982). It applies with just as much force when the entities seeking to challenge the law are political subdivisions, like the Public Plaintiffs here. See Sch. Dist. of Escambia Cnty. v. Santa Rosa Dunes Owners Ass'n, 274 So. 3d 492, 494 (Fla. 1st DCA 2019) ("[G]rounded in the separation of powers," the doctrine makes it so "that public officials are obligated to obey the legislature's duly enacted statute[s] until the judiciary passes on [their] constitutionality."); see also Sch. Bd. of Collier Cnty. v. Fla. Dep't of Educ., 279 So. 3d 281, 289 (Fla. 1st DCA 2019) (same). "For that reason, a public official's" or political subdivision's "disagreement with a constitutional or statutory duty, or the means by which it is to be carried out, ***does not create a justiciable controversy*** or provide an occasion to give an advisory judicial opinion." Escambia Cnty., 274 So. 3d at 494 (citing Dep't of Revenue of State of Fla. v. Markham, 396 So. 2d 1120, 1121 (Fla. 1981) (cleaned up & emphasis added)). This remains so even when county and city plaintiffs claim "that the threat of civil liability gives them standing to contest the constitutionality" of the statute, as the Public Plaintiffs argue here. See Fla. Dep't of Agric. & Consumer Servs. v. Miami-Dade Cnty., 790 So. 2d 555, 556–58 (Fla. 3d DCA 2001). The doctrine nonetheless applies.

Notably, none of the authorities the Public Plaintiffs rely on truly support their position here. Many of them, for instance, involve public officials raising constitutional challenges in a *defensive* posture. See Arnold v. Shumpert, 217 So. 2d 116 (Fla. 1968); Kaulakis v. Boyd, 138 So.

2d 505 (Fla. 1962); Fla. Pharm. Ass'n, Inc. v. Lindner, 645 So. 2d 1030 (Fla. 1st DCA 1994). This makes these cases wholly inapplicable as the doctrine prevents public officials from initiating *affirmative* challenges—as the Public Plaintiffs have done here—rather than defensive ones. Cf. Miami-Dade Cnty., 790 So. 2d at 558 ("[T]he only time that a public officer or agency may raise the constitutionality of a state statute is in a *defensive* posture." (citing Lewis, 416 So.2d at 458)).

At bottom, the Public Plaintiffs "must presume legislation affecting their duties to be valid, and do not have standing to initiate litigation for the purpose of determining otherwise." Lewis, 416 So. 2d at 458 (Fla. 1982); see also Miami-Dade Cnty., 790 So. 2d at 558 (reversing because "neither the County nor City ha[d] standing to bring an action challenging the constitutionality" of a statute); Students for Justice in Palestine at Univ. of Florida v. Rodrigues, 2024 WL 374543, at *2 (N.D. Fla. Jan. 31, 2024) ("[I]f a plaintiff cannot 'establish a likelihood of success on the merits,' this Court "need not consider the remaining conditions prerequisite to injunctive relief. And because standing is always 'an indispensable part of the plaintiff's case,' this Court begins its merits analysis with standing." (internal citations omitted)); Schultz v. Alabama, 42 F.4th 1298, 1313 (11th Cir. 2022) ("[W]ithout standing or a viable legal claim, a litigant is not entitled to a preliminary injunction.").

Additionally, the remaining authorities the Public Plaintiffs rely on involved statutes that required the direct expenditure (or prevented the collection) of *specific* funds, thus invoking an exception that may apply here. See Sch. Bd. of Collier Cnty. v. Fla. Dep't of Educ., 279 So. 3d 281, 291–92 (Fla. 1st DCA 2019) (Summary Judgment granted where at-issue bills expressly stated, in one, that "the department *shall* . . . allocate state funds" and, for the other, that "school districts *shall* provide any remaining [federal] funds" (emphasis added)); Branca v. City of Miramar, 634 So. 2d 604, 606 (Fla. 1994) ("This statute *mandates* that cities provide a retirement benefit of half pay for an elected official who voluntarily retires and who has held office in the city

for a period of twenty consecutive years."); Green v. City of Pensacola, 108 So. 2d 897, 901 (Fla. 1st DCA 1959) (state "Comptroller was legally entitled to question the constitutionality of the special act which purports to exempt the City of Pensacola from the payment of gross receipts tax as required by general law," thus "directly affect[ing] public funds and the Comptroller's duty to collect, control and disburse the same").

However, the public official standing doctrine does not apply under various exceptions, one of which is supported under the Amended Complaint's allegations, which must be taken as true at this stage of the litigation. Local government plaintiffs do have standing under the public funds exception. As the Florida Supreme Court put it,

> [T]here is, of course, an exception to this rule [the public official standing doctrine]—and that is, when the public may be affected in a very important particular, its pocket-book. In such case, the necessity of protecting the public funds, is of paramount importance, and the rule denying to ministerial officers the right to question the validity of the Act must give way to a matter of more urgent and vital public interest.

Barr vs. Watts, 70 So. 2d 347, 351 (Fla. 1953). The Public Plaintiffs allege that SB 180 has, and will, require them to expend public funds. (See, e.g., Am. Compl. ¶¶ 4, 20.b., 21.b., 23, 24, 30, 33-34, 41, 44, 47, 48, 52-54, and 112 – 120). Additionally, Plaintiffs allege that SB 180 lacks a finding that it fulfills an important state interest. See Lewis v. Leon Cnty., 15 So. 3d 777 (Fla. 1st DCA 2009). These allegations must be taken as true, and prevent dismissal based upon the public official standing doctrine. Similar to Sch. Bd. of Collier Cnty. v. Fla. Dep't of Educ., 279 So. 3d 281, this Court recognizes that the public funds exception may apply to certain counts and not others. Id. at 290. In this case, the Public Plaintiffs have alleged sufficient facts that the public funds exception applies to the Plaintiffs' unfunded mandate count. See Am. Compl. ¶¶ 112–120.

b. The Public Plaintiffs lack traditional standing as well on most counts.

In assessing standing, "Florida courts, look to three familiar concepts—[1] injury, [2] causation, and [3] redressability—to assess a plaintiff's standing." Cmty. Power Network Corp. v.

JEA, 327 So. 3d 412, 415 (Fla. 1st DCA 2021) (brackets added). And "[a]t its core, standing exists when a plaintiff can identify an injury caused by the defendant's conduct that the court can remedy." Id.; see also DeSantis, 306 So. 3d at 1213. The Public Plaintiffs satisfy none of these mandatory elements.

Notably, only *two* of the 28 Public Plaintiffs claim to have been sued under SB 180, specifically Section 28. The rest allege no more than the mere "threat of suit," or that they believe it is possible they may at some point be sued. (See Am. Compl. ¶¶ 46, 53). Neither of these speculative and generalized threats of litigation is enough for demonstrating a sufficient ***injury*** to confer standing. See Miami-Dade Cnty., 790 So. 2d 555, 556–58 ("the threat of suit, without more, does not give public officers or agencies a 'sufficiently substantial interest or special injury to allow the court to hear the challenge.'") (quoting Lewis, 416 So. 2d at 458); see also McCall v. Scott, 199 So. 3d 359, 366 (Fla. 1st DCA 2016) (explaining that speculative and conclusory allegations of harm cannot confer standing); Fla. Home Builders Ass'n v. City of Tallahassee, 15 So. 3d 612, 613 (Fla. 1st DCA 2009) (holding that speculative possibilities do not create the necessary standing for declaratory or injunctive relief).

That leaves only two municipal parties - Orange and Manatee County - who allege to have been sued because of SB 180, specifically under Section 28. (See Am. Compl. ¶¶ 45). However, they also lack standing.

To be sure, the injuries identified by the Public Plaintiffs flow from the enforcement of Sections 18 and 28, including those flowing from the lawsuits brought under them against Orange and Manatee County specifically. But those lawsuits, as the Defendants rightly point out, are brought by *private* "residents" and "business" owners for whom the Bill confers the right to "bring a civil action for declaratory and injunctive relief against the county or municipality for a violation of this section." Chapter 2025-190, § 28(3)(a); see Chapter 2025-190, § 18(4)(a). Sections 18 and

28, in other words, are "enforce[d]" by "private" litigants - *not* the agency Defendants - as the Public Plaintiffs elsewhere recognized in their filings. (See Pls.' Mot. [Dkt. No. 16] at 3); (see also Am. Compl. ¶ 53 ("SB 180 places the Local Governments in reasonable fear of enforcement" by a "private plaintiff" under "Sections 18 or 28"), ¶ 152 ("Section 28 creates a private cause of action" that "allow[s] landowners to pursue their grievances"), ¶ 45 ("Orange County is currently defending itself from two lawsuits brought by private plaintiffs pursuant to Section 28" and "Manatee County is also defending itself from such a lawsuit")).

The Orange County lawsuit identified by the Public Plaintiffs illustrates this point: Lake Pickett North LLC, et al., v. Orange Cnty. Fla., Case No. 2025-CA-007326-O (9th Jud. Cir. Ct.). There, three private litigants - Lake Pickett North LLC, Rolling R Ranch, Ltd., and Mary Rybolt Lamar - have sued Orange County for allegedly passing an ordinance that violates Section 28 of SB 180. As the style of this case should make plain, the agency Defendants are ***not*** the parties who sued Orange County under Section 28. Therefore, even if the Court were to assume that the Lake Pickett lawsuit concretely injured Orange County, the agency Defendants could not be responsible for having ***caused*** that injury.[3] It is precisely for that reason that Defendants cannot, for purposes of standing, be deemed the ***cause*** of the injuries that flow from the *private* enforcement of Section 28 or 18. The Public Plaintiffs conceded this point themselves. (See Dec. 19, 2025, Hr'g Tr. at 112:24–123:1) ("And then as to the irreparable harm, they say we admit that it wasn't caused by the Defendant. Well, that's, that is true."); (see also Resp. at 55) ("[A]lthough Defendants may not be the cause, they are defending the law (SB 180) that is causing such harm.").

[3] The Public Plaintiffs here, in effect, attempt to circumvent the very lawsuits identified in their Complaint and have this Court enjoin SB 180 and declare it invalid in its entirety. The Court, mindful of its own jurisdiction, cannot find that such alleged lawsuits mean that the agency Defendants have caused them any injury. The Court further observes that, if Public Plaintiffs wish to challenge SB 180 in lawsuits brought by private litigants, they offer no convincing reasons why they would be unable to do so in the active cases they have already identified rather than attempting to do so here.

Additionally, in denying the Public Plaintiffs' Expedited Motion for Preliminary Injunction, the Court already found that the Plaintiffs didn't meet their burden to show irreparable injury because the Plaintiffs' harm was "merely 'doubtful, eventual or contingent,' and, therefore, insufficient." Order Denying the Public Plaintiffs' Expedited Motion for Preliminary Injunction [Dkt. No. 42] (quoting State, Dep't of Health v. Bayfront HMA Med. Ctr., LLC, 236 So. 3d 466, 475 (Fla. 1st DCA 2018)).

For these reasons as well, enjoining the Defendants against filing lawsuits they have not brought (and indeed cannot bring) would not ***redress*** the Public Plaintiffs' (purported) injuries. Sections 18 and 28 do not refer to any of the agency Defendants; their plain terms show that the only way a violation of either Section may be enforced is through civil actions brought by *private* litigants, not agency action. See Chapter 2025-190, § 28(3)(a); Chapter 2025-190, § 18(4)(a). (See also Pls.' Mot. [Dkt. No. 16] at 3) (observing that Sections 18 and 28 are "enforce[d]" by "private" litigants, not the Defendants). This means that neither the injunction nor the declaratory relief that the Public Plaintiffs seek against the Defendants would redress their alleged injuries here. See DeSantis v. Fla. Educ. Ass'n, 306 So. 3d 1202, 1214 (Fla. 1st DCA 2020) ("Appellees failed to show how the [declaratory] relief they request would redress their alleged injury" given "an order declaring the Emergency Order unconstitutional and enjoining its enforcement [would not] force any school district to close schools[] [n]or would it prevent school districts from requiring teachers and staff to return to the classroom."); see also Hartford Accident & Indem. Co. v. Richter Constr. Co., 433 So. 2d 606, 607 (Fla. 4th DCA 1983) ("An injunction can lie only when its scope is limited in effect to the rights of parties before the court."); Sun State Utils., Inc. v. Destin Water Users, Inc., 696 So. 2d 944, 945 n.1 (Fla. 1st DCA 1997) (holding that to have standing, a plaintiff must have "a personal stake in the outcome of the proceeding, such as an injury that may be redressed by the suit").

Injury, causation and redressability are threshold requirements under Florida law. None are met here. The Court thus grants the Defendants' MTD on Counts one, two, three, five and six and dismisses those Public Plaintiffs' counts with prejudice as they cannot amend to overcome these fundamental deficiencies. See Affordable Homes, Inc. v. Devil's Run, Ltd., 408 So. 2d 679, 680 (Fla. 1st DCA 1982) (concluding that leave to amend is inappropriate where "the complaint shows on its face that there is a deficiency which cannot be cured by amendment").

II. The Public Plaintiffs have not stated a cause of action for five of their six claims.

Because this Court's holding is primarily based on the Public Plaintiffs' lack of standing, it only briefly addresses why the Amended Complaint is subject to dismissal for failure to state a claim on five of Plaintiffs' six counts. Each of Counts I–VI is taken in turn.

a. Count I — Violation of the Single-Subject Clause

The Public Plaintiffs allege that SB 180 violates Article III, Section 6, of the Florida Constitution, known as the "Single Subject Rule," because "Sections 18 and 28 are not limited to emergencies, which is the subject that SB 180 purports to embrace." (Am. Compl. ¶¶ 63–74).

The Single-Subject Clause of the Florida Constitution provides as follows: "Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title." Art. III, § 6, Fla. Const. Breaking this clause down to its component parts, the Florida Supreme Court observed: "[T]he single subject clause contains three requirements. First, each law shall 'embrace' only 'one subject.' Second, the law may include any matter that is 'properly connected' with the subject. The third requirement, related to the first, is that the subject shall be 'briefly expressed in the title.'" Franklin v. State, 887 So. 2d 1063, 1072 (Fla. 2004). Whenever "courts are called upon to assess legislation for compliance with [the Single-Subject Clause], the standard of review is *highly deferential*." Id. at 1073 (emphasis added). "The general disposition of the courts is to construe the constitutional provision liberally[.]" Id. (cleaned up). Any doubts as to whether an act violates the Single Subject are resolved with the

"presumption" of "constitutionality." Id. So much so that "[t]o overcome the presumption, the invalidity must appear beyond reasonable doubt, as to avoid unconstitutionality and to remove grave doubts on that score." Id. (internal quotation and citation omitted). The Public Plaintiffs have not overcome this burden.

SB 180's subject is taken from the short title of the bill - "an act relating to *emergencies*." See Id. at 1075 (holding that a law's single subject is derived from the short title). The next step is to determine whether SB 180's provisions are "properly connected" with the subject of emergencies. Id. at 1076–77. The Court finds that each of the sections within SB 180 is "properly connected" with the subject of emergencies because, as the Defendants point out, (see MTD at 22 – 26), each provision is either (1) naturally or logically connected to emergencies, or (2) there is a reasonable explanation for how the provision "is (a) necessary to the subject or (b) tends to make effective or promote the objects and purposes of legislation included in the subject." Id. at 1078. The Amended Complaint *itself* makes this plain. (See, e.g., Am. Compl. ¶¶ 16–25) (highlighting that each of the sections are properly connected to emergencies, even if not narrowly tailored in the way the Public Plaintiffs insist).

In particular, the Court is left with no doubt that Sections 18 and Section 28 - the sections the Public Plaintiffs take the most issues with - are naturally and logically connected to emergencies in full.

That Section 18 applies only to "impacted local government[s]" - which is defined by a reference to a county "listed in a federal disaster declaration" that must be "located entirely or partially within 100 miles of the track of a storm declared to be a hurricane" - provides the logical and natural connection to emergencies. Also, as SB 180 prohibits more restrictive regulations that would encumber the development, repair, or construction of property after a hurricane are naturally and logically related to emergencies.

Section 28 is also properly connected with emergencies. It again applies to counties and municipalities under a specific definition: those counties "listed in the Federal Disaster Declaration for Hurricane Debby [ ], Hurricane Helene [ ], or Hurricane Milton [ ], and each municipality within one of those counties[.]" Chapter 2025-190, § 28. It prohibits actions that would otherwise slow remediation efforts in counties on that federal disaster declaration list for those three hurricanes. The result, then, is that the Public Plaintiffs have not satisfied their high burden under Franklin's framework for Single-Subject challenges. Count I, therefore, must be dismissed.

b. Count II — Violation of the Title Provision

Still relying on the Single Subject Clause, the Public Plaintiffs also allege that because Section 28's title provision says that it applies to "certain counties" it is "misleading because, in fact, the text of Section 28 applies to *all* (not just *certain*)" counties and municipalities. (Am. Compl. ¶¶ 83–84). This fails right out of the gate because SB 180, and its reference to federal disaster declarations, affords adequate notice of the counties and municipalities affected.

To resolve this claim, the "proper test is whether the title is worded so as to not mislead a person of average intelligence as to the scope of the law and whether it is sufficient to put that person on notice and cause him to inquire into the body of the statute itself." Alterman Transp. Lines, Inc. v. State, 405 So. 2d 456, 461 (Fla. 1st DCA 1981). Not only do the title provisions of Section 28 (reproduced below) more than do that—because anyone reading them would immediately wonder whether that *certain* county it talks about includes *their* county, leading them to "inquire into the body of the statute itself" - but anyone of "average intelligence" immediately knows that the term "certain" is non-exclusive of "all." That is the primary problem for the Public Plaintiffs' argument that Section 28's title provisions are misleading: that *certain* counties are included, as a matter of logic, can still mean that *all* of them are included. In any event, that all counties are included has less to do with the language of Section 28 itself and more to do with how

a third party, the Federal Government, has determined what gets included on a federal disaster declaration list. (See Am. Compl. ¶ 25) (reproducing Section 28).

The Public Plaintiffs further allege that Section 28's title provisions are misleading because Section 28 impacts *municipalities* as well as counties, though they only mention "counties." (See Am. Compl. ¶ 84). The issue here is that the Public Plaintiffs only travel under *one* of Section 28's title provisions. Taking *all* the Section 28 title provisions together forecloses their position. Here is the full title set at issue:

> prohibiting certain counties from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe; declaring that such moratoriums, amendments, or procedures are null and void; providing for retroactive application; authorizing the enforcement of certain amendments, plans, permits, and orders under certain circumstances; *authorizing certain residents and business owners to bring a civil action for declaratory and injunctive relief against a county or municipality that violates specified provisions*; providing for reasonable attorney fees and costs under specified circumstances; providing for future expiration[.]

Chapter 2025-190 (emphasis added). The full set reveals that Section 28's title provisions *do* put the reader on notice the municipalities are regulated by Section 28 because they expressly say that a private party may sue a "county or a municipality that violates" Section 28.

The Public Plaintiffs also take issue with the length of the full title. (See Am. Compl. ¶¶ 80–81). Franklin made clear that the length of a *full* title is seldom, if ever, problematic so long as the *short* title is briefly stated given the deference owed to the Florida Legislature to decide for itself what counts as brevity. See Franklin, 887 So. 2d at 1074 ("[W]e have remained deferential to the Legislature's choice to craft a title to an act with few words or many. Indeed, we noted as early as 1905 that although a lengthy full title may be 'unduly drawn out . . . cumbersome, and awkwardly worded,' *its length alone will not invalidate an act under the single subject clause.*") (quoting State ex rel. Moodie v. Bryan, 39 So. 929, 962 (1905) (emphasis added)). This is one of those typical circumstances where the short title is sufficient. The Court accordingly defers to the

Legislature's short title in SB 180 and finds no issue with the length of the full title. Count II, therefore, fails to state a claim.

c. Count III — Violation of the Reasonable Classification Provision

The *third* Count alleges that Sections 18 and 28 are provisions of a general law that classify counties and municipalities on a basis not reasonably related to the subject of the law. (See Am. Compl. ¶¶ 88–111). "General laws may apply to specific areas if their classification is permissibly and reasonably related to the purpose of the statute." State, Dep't of Nat. Res. v. Leavins, 599 So. 2d 1326, 1336 (Fla. 1st DCA 1992). Here, each of the classifications they take issue with - i.e., when it is that a county or municipality will come under the purview of SB 180 - are proper because those classifications reasonably relate to emergencies and emergency mitigation. Both Sections 18 and 28 require that a county (and the municipalities within that county) be listed on a federal disaster declaration before they take effect. And they each limit their application to either known hurricanes (Section 28) or future hurricanes (Section 18). See Chapter 2025-190, §§ 18, 28. Each, therefore, properly includes in their classification only those counties which meet the necessary, emergency-connected criteria. Cf. Ocala Breeders' Sales Co. v. Fla. Gaming Ctrs., Inc., 731 So. 2d 21, 25 (1999) ("[The First Circuit] has explained that '[u]niformity of operation does not require that a law operate upon every person in the state, but that every person brought within the circumstances provided for is fairly and equally affected by the law,' and that '[g]eneral laws may apply to specific areas if their classification is permissibly and reasonably related to the purpose of the statute.'") (quoting State, Dep't of Nat. Res. v. Leavins, 599 So. 2d 1326 (Fla. 1st DCA 1992)). Therefore, Count III fails to state a claim.

d. Count IV — Violation of the Unfunded Mandate Provision

In Count IV, the Public Plaintiffs allege that because SB 180 will cause them to spend funds, SB 180 violates the Unfunded Mandate Provision. (See Am. Compl. ¶¶ 112–120). For the reasons discussed supra § I.a, the Public Plaintiffs have met their pleading burden in demonstrating

a violation of the Unfunded Mandate provision. Therefore, the Motion to Dismiss must be denied as to Count IV.

e. Count V — Conflict with the Community Planning Act

The Public Plaintiffs also allege that Sections 18 and 28 conflict with Florida's Community Planning Act. (See Am. Compl. ¶¶ 121–142). Their theory is that because the Community Planning Act imposes various obligations on the Public Plaintiffs to review, amend, maintain, and update their comprehensive plans, they cannot both respect those obligations and SB 180's requirement that they do not pass more restrictive or burdensome amendments. (See Id. ¶ 138) ("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 imposed under the Act.").

But there is no conflict. The Amended Complaint does not foreclose the Public Plaintiffs compliance with both the Community Planning Act and SB 180 by regulating in a manner that is *less* restrictive than before or, even, *just as* restrictive as before. In other words, the Public Plaintiffs have assumed that *every* plan action they take *must* be more restrictive or burdensome than what existed before. Seeing no requirement, allegation, or reason to support this, the Court finds no conflict. Therefore, Count V should be dismissed as well.

f. Count VI — Violation of Home Rule Powers

The *sixth*, and final, challenge the Public Plaintiffs bring is that Sections 18 and 28 intrude on Home Rule Powers. (Am. Compl. ¶¶ 143–169). Given the supremacy of general laws over any alleged conflict with Home Rule Powers, see, e.g., Florida Retail Fed'n, Inc. v. City of Coral Gables, 282 So. 3d 889, 893 (Fla. 3d DCA 2019) ("[A]lthough Florida municipalities are given broad authority to enact ordinances, municipal ordinances must yield to state statutes."), Count VI would fail because none of the allegations in the Amended Complaint work to overcome the deference given to general laws over Home Rule Powers. Further, whenever "any doubt exists as

to the extent of a power attempted to be exercised which may affect the operation of a state statute, the doubt is to be resolved against the ordinance and in favor of the statute." Rinzler v. Carson, 262 So. 2d 661, 668 (Fla. 1972). Additionally, "[w]henever the legislature acts to supersede a local government's authority to enforce its ordinances, the effect is immediate and applies to both future and pending proceedings and present and past offenses." Metro. Dade Cnty. v. Chase Fed. Hous. Corp., 737 So. 2d 494, 504 (Fla. 1999) (collecting cases); see also State ex rel. Baker v. McCarthy, 166 So. 280 (Fla. 1936) (subsequent conflicting state law renders prior ordinance void to extent of direct conflict).

The Public Plaintiffs' allegations that SB 180 "is ambiguous and indefinite," (see Am. Compl. ¶¶ 156–162) fare no better. See State v. Barnes, 686 So. 2d 633, 636 (Fla. 2d DCA 1996) ("[G]iven the strong presumption of constitutionality which the law affords a legislative act, a statute is not automatically invalidated as vague simply because difficulty is found in determining whether certain marginal offenses fall within [its] language.") (cleaned up); Surit-Garcias v. State, 391 So. 3d 921, 933 (Fla. 4th DCA 2024) ("We conclude that the Criminal Punishment Code's victim injury categories of 'severe,' 'moderate,' and 'slight' are not void for vagueness, even though these terms are not defined in the statute. 'Severe,' 'moderate,' and 'slight' are common English words. They must be construed in their plain and ordinary sense."); State v. Manfredonia, 649 So. 2d 1388, 1390 (Fla. 1995) ("We . . . agree that the statute is not a paradigm of legislative drafting. Nevertheless, as the United States Supreme Court has instructed, this reason alone cannot justify invalidating the statute.") (collecting cases); Fraternal Ord. of Police, Mia. Lodge 20 v. City of Miami, 243 So. 3d 894, 898 (Fla. 2018) ("[I]t seems that the legislature purposely declined to define the term in order to defer to PERC's expertise. Based on our precedent, that is permissible, as it would be impossible to draft legislation that could adequately cover every instance where a public employer may need to invoke the statute. While the union may not agree with PERC's

definition of the term, that does not render the statute unconstitutional."). Accordingly, Count VI also fails to state a claim.

CONCLUSION

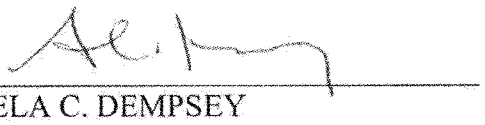
For all the above reasons, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Defendants' Omnibus Motion to Dismiss the Public Plaintiffs' Amended Complaint and Response to their Expedited Motion for Preliminary Injunction is **GRANTED** for all counts, except Count four;

2. Counts one through three, five and six of the Amended Complaint for Declaratory and Injunctive Relief are **DISMISSED WITH PREJUDICE**;

3. Count four of the Public Plaintiff's Complaint remains pending. Defendants shall file an Answer to Count 4 within **30 days** of the date of this order.

DONE AND ORDERED in Leon County, Florida on February 27, 2026.



ANGELA C. DEMPSEY
CIRCUIT JUDGE

Copies furnished to:
All Counsel of Record