

MEMORANDUM

Agenda Item No. 11(A)(15)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: December 2, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact
legislation amending chapter
2025-190, Laws of Florida
(Senate Bill 180) to eliminate
or narrow its restrictions on
the authority of local
governments to propose and
adopt local planning and land
use regulations and
procedures, at least in part to
facilitate and provide greater
certainty related to proposed
increases in educational
facility impact fees

Resolution No. R-1183-25

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: December 2, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(15)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(15)
12-2-25

RESOLUTION NO. R-1183-25

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION AMENDING CHAPTER 2025-190, LAWS OF FLORIDA (SENATE BILL 180) TO ELIMINATE OR NARROW ITS RESTRICTIONS ON THE AUTHORITY OF LOCAL GOVERNMENTS TO PROPOSE AND ADOPT LOCAL PLANNING AND LAND USE REGULATIONS AND PROCEDURES, AT LEAST IN PART TO FACILITATE AND PROVIDE GREATER CERTAINTY RELATED TO PROPOSED INCREASES IN EDUCATIONAL FACILITY IMPACT FEES

WHEREAS, during the 2025 session, the Florida Legislature enacted Senate Bill (SB) 180, which the Governor approved as chapter 2025-190, Laws of Florida; and

WHEREAS, this bill is mainly related to state and local government preparation and response activities when hurricanes and other emergencies impact the state; and

WHEREAS, however, some provisions in SB 180 are not tailored to address the impacts of hurricanes or other emergencies and have had much broader effects on local governments; and

WHEREAS, of particular significance to Miami-Dade County, sections 18 and 28 of SB 180 include broad restrictions related to construction and redevelopment regulations and moratoria, comprehensive plan amendments, land development regulations, and review procedures for approval and issuance of site plans and development permits and orders; and

WHEREAS, specifically, for one year after a hurricane makes landfall, section 18 prohibits certain local governments from proposing or adopting any “moratorium on construction, reconstruction, or redevelopment of any property,” any “more restrictive or burdensome amendment to its comprehensive plan or land development regulations,” or any “more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order”; and

WHEREAS, this section 18 prohibition applies to any 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; and

WHEREAS, section 28 of SB 180 provides that each county listed in the Federal Disaster Declaration for Hurricane Debby, Hurricane Helene, or Hurricane Milton, and each municipality within 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 site plan, development permit, or development order”; and

WHEREAS, as written, section 28 currently applies to every county and city within Florida, including Miami-Dade County, regardless of whether these counties and cities sustained significant hurricane damage and are still recovering from such damage; and

WHEREAS, the provisions of section 28 apply until October 1, 2027 and are applied retroactively to August 1, 2024; and

WHEREAS, if the provisions of section 18 or section 28 of SB 180 are not followed, the bill provides a procedure for a person to file a lawsuit against a local government for declaratory and injunctive relief and entitles a prevailing plaintiff to reasonable attorney fees and costs; and

WHEREAS, although the language of SB 180 links its applicability to natural disasters, in effect, the scope of SB 180 covers the entire state of Florida, and the applicability of SB 180 is not limited to areas that either sustained significant hurricane damage or are still recovering from hurricane damage; and

WHEREAS, there is currently litigation elsewhere in the State of Florida that was filed pursuant to SB 180, related to the respective local government's decision to increase certain impact fees; and

WHEREAS, in that pending court case, it has been alleged that by increasing impact fees, the respective local government violated the provisions of SB 180, and specifically the prohibition in section 28 of SB 180 on proposing or adopting more restrictive or burdensome land development regulations; and

WHEREAS, other local governments in Florida, including Miami-Dade County, have an interest in ensuring that the impacts of development are appropriately accounted for and mitigated, and impact fees, such as educational facility impact fees, are an appropriate means of doing so; and

WHEREAS, educational facility impact fees provide critical funding for the construction and expansion of hardened facilities that will serve as emergency hurricane shelters in areas where new developments are being built, where new families are moving, and where such shelters are lacking; and

WHEREAS, such facilities strengthen community resilience, enhance public safety for families, and ensure that state and local governments can adequately prepare for and respond to future hurricanes, natural disasters, and other emergencies; and

WHEREAS, eliminating, or in the alternative, narrowing the scope of the restrictions in SB 180 could facilitate and provide greater certainty as to proposed increases in educational facility impact fees, among other important matters; and

WHEREAS, this Board wishes to advocate for the amendment of SB 180 due to its broad and retroactive requirements and its constraints on the authority of local governments, particularly SB 180's limitations on the County's authority to adopt reasonable local planning and land use regulations and procedures,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation amending chapter 2025-190, Laws of Florida (SB 180) to eliminate, or alternatively, narrow the scope of its restrictions on the authority of local governments, particularly SB 180's limitations on the authority to adopt reasonable local planning and land use regulations and procedures, at least in part to facilitate and provide greater certainty as to proposed increases in educational facility impact fees, among other important matters.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2026 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Sen. René García	aye	Oliver G. Gilbert, III	aye
Roberto J. Gonzalez	absent	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Vicki L. Lopez	aye
Natalie Milian Orbis	aye	Raquel A. Regalado	aye
Micky Steinberg	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of December, 2025. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Cristina M. Rabionet