

**VILLAGE OF NORTH PALM BEACH
VILLAGE ATTORNEY'S OFFICE**

TO: Honorable Mayor and Council

THRU: Chuck Huff, Village Manager

FROM: Leonard G. Rubin, Village Attorney

DATE: September 11, 2025

SUBJECT: **RESOLUTION** – Approval of participation in lawsuit challenging Senate Bill 180 and retention of the Weiss Serota law firm

At its August 28, 2025, meeting, the Village Council discussed participation in a proposed lawsuit challenging Senate Bill 180 ("SB 180"). As indicated previously, SB 180 essentially preempts counties and municipalities throughout the State of Florida from exercising their home rule authority over land use and zoning regulations retroactive to August 1, 2024, through October 1, 2027. Specifically, SB 180 prohibits all local government-initiated ordinances that impose "more restrictive or burdensome" comprehensive plan amendments, land development regulations, or procedures concerning review, approval, or issuance of site plan, and development permits.

The law firm of Weiss Serota Helfman Cole + Bierman ("Weiss Serota") will be filing a lawsuit alleging that SB 180 is unconstitutional and invalid because, among other things, it: (1) embraces more than one subject matter; (2) includes a defective title; (3) requires local governments to spend an amount that exceeds an insignificant fiscal impact without including a finding that the law fulfills an important state interest; and (4) constitutes a sweeping intrusion on home rule authority, threatening local ability to enact land use, zoning, flood-resiliency, and environmental protections. As the Council is well aware, Florida Commerce recently declared the Village's EAR-based comprehensive plan amendments as null and void pursuant to SB 180, thereby requiring the Village to expend significant funds to restart the entire process.

As of September 3, 2025, eight municipalities and two counties have joined in the lawsuit; consequently, the condition that at least ten local governments participate has already been satisfied and the firm anticipates that the lawsuit will be filed mid-September. The attached Resolution authorizes the Village to participate in the lawsuit and retains the Weiss Serota firm to represent the Village for a flat fee of \$10,000 to be paid within ten days of the Council's adoption of the Resolution. If there is an appeal to the District Court of Appeal, the Village will be required to pay an additional \$5,000, as well as an additional \$5,000 if there is an appeal to the Florida Supreme Court.

The attached Resolution has been prepared and/or reviewed for legal sufficiency by the Village Attorney.

Account Information:

Fund	Department	Account Number	Account Description	Amount
General Fund	Village Attorney	A5105-33112	Special Legal Services	\$10,000.00

Recommendation:

Village Staff requests Council consideration of the attached Resolution approving participation in lawsuit challenging Senate Bill 180 and retaining the law firm of Weiss Serota Helfman Cole + Bierman to represent the Village at an initial cost of \$10,000, with funds expended from Account No. A5105-33112 (Village Attorney – Contractual Services), in accordance with Village policies and procedures.