



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 3, 2025

Originating Department: Town Attorney

Agenda Title: Resolution 62-09-25 – Senate Bill 180 Lawsuit

Agenda Category (i.e., Consent, New Business, etc.):

Approved by Town Manager: _____ **Date:** _____

Cost of Item: \$20,000 **Funding Source:** _____

Account Number: _____ **Finance Signature:** _____

Advertised:

Date: _____ **Newspaper:** _____

Attachments: Resolution

Please initial one:

Yes I have notified everyone

N/A Not applicable in this case

Summary Explanation/Background:

Town Attorney Baird is requesting the Town Commission to consider, discuss and provide input/direction on proceeding/participating in a lawsuit to declare that Senate Bill 180 is an imposition (blanket statewide prohibition) on the Town's exercise of its Home Rule authority pertaining to Comprehensive Plan land use objectives policies and Land Development Regulations. This proposed lawsuit outlines that this bill is unconstitutional and that Section 28 of Senate Bill 180 prohibits municipalities from enacting Land Use and Zoning Regulations for the entire state of Florida retroactively from August 1, 2024, through October 1, 2027, without any rational justification.

Senate Bill 180's vague prohibitions on moratoria on construction, reconstruction, and redevelopment of properties and Land Use and Zoning Regulations that are "more restrictive or burdensome," and other ambiguous provisions render Senate Bill 180 incomprehensible, create uncertainty, chill local governance,

and encourage preemptive, potentially frivolous, litigation to force local governments into repealing legislation, even if it might otherwise be a valid exercise of home rule authority.

The proposed Resolution would authorize the Town Manager to retain the Law Firm of Weiss Serota Helfman Cole and Bierman, PL to prosecute the lawsuit on behalf of the Town and other municipalities.

Weiss Serota Helfman Cole and Bierman, PL (the "Firm") would represent the Town in the Lawsuit, at both the trial and appellate levels. The Firm will charge a flat fee, inclusive of attorneys' fees and costs, of \$10,000 to represent the Town in the Lawsuit in the trial court, which shall be payable within ten days of the effective date of this Resolution. The Town would also agree to pay \$5,000 to the Firm to represent it in any appeal filed at the District Court of Appeal within 30 days of the filing of such appeal, and an additional \$5,000 should there be an appeal filed at the Florida Supreme Court within 30 days of the filing of such appeal.

Recommended Motion:

The Town Commission consider, discuss and provide input/direction on proceeding with proceeding/participating in a lawsuit to declare that Senate Bill 180.