



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#25-0857

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: D'Wayne M. Spence, Interim City Attorney

DATE: September 3, 2025

TITLE: Resolution Authorizing and Directing the City to Participate in a Lawsuit Seeking, Among Other Things, to Declare that Senate Bill 180's Imposition of a Blanket Statewide Prohibition on the Exercise of Home Rule Authority Over Land Use and Zoning Regulations, is Unconstitutional and Should be Enjoined, Retain Weiss Serota Helfman Cole & Bierman, P.L. to Prosecute the Lawsuit at the Prescribed Flat Fee for Compensation, and Execute a Retainer Agreement - **(Commission Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission adopt a resolution authorizing and directing the City to participate in a lawsuit and retain Weiss Serota Helfman Cole & Bierman, P.L. ("Firm") to prosecute the lawsuit which seeks to declare Senate Bill 180's ("SB 180") imposition of a blanket statewide prohibition on the exercise of home rule authority over land use and zoning regulations, is unconstitutional and should be enjoined. The Firm prescribed a flat fee (inclusive of attorneys' fees and costs) as included in the attached resolution. If the City Commission is inclined to adopt this resolution and join the litigation, it is recommended that the Interim City Attorney be authorized to execute a retainer agreement containing terms acceptable to the Interim City Attorney.

Background

Section 4.10 of the Charter of the City of Fort Lauderdale, Florida, provides, in part, that "[t]he city commission may, by resolution, authorize one (1) or more special counsel to be retained for the purpose of performing such legal duties as may be prescribed by said resolution. Each such resolution shall further prescribe the compensation to be paid the special counsel."

Section 28 of 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 plans, development permits, or development orders (collectively, "Land Use and Zoning Regulations") for the period commencing retroactively from August 1, 2024, through October 1, 2027, even if such amendments, regulations or procedures are in no way

related to any hurricane or other emergency and even if such amendments, regulations, or procedures were duly enacted prior to the enactment of SB 180.

Resource Impact

Funds for this agreement are available in the FY 2025 Budget in the account listed below:

<i>Funds available as of August 27, 2025</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE / SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
10-001-1202-514-30-3119	City Attorney	Services & Materials/ Legal Services	\$1,250.248.00	\$238,380.00	\$20,000.00
			TOTAL AMOUNT ►		\$20,000.00

Attachment

Exhibit 1 – Resolution

Prepared by: Gabrielle Bush, Assistant City Attorney

Charter Officer: D'Wayne M. Spence, Interim City Attorney