

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, AUTHORIZING PARTICIPATION 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, AND RETAINING WEISS SEROTA HELFMAN COLE + BIERMAN, PL TO PROSECUTE THE LAWSUIT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution provides that municipalities “shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services,” and authorizes municipalities to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, pursuant to Section 2(b) of Article VIII of the Florida Constitution and Chapters 163 and 166, Florida Statutes, municipalities have broad authority to adopt comprehensive plans, enact land development regulations, issue development permits, and impose temporary moratoria in furtherance of local public health, safety, and welfare, including for purposes of orderly growth, environmental protection, disaster recovery, and community resiliency; and

WHEREAS, on June 26, 2025, Senate Bill 180 (“SB 180”), titled “Emergencies,” was signed into law and became effective immediately as Chapter 2025-190, Florida Statutes; and

WHEREAS, among other things, 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; and

WHEREAS, Section 28 of SB 180 also bans local moratoria on construction, reconstruction, or redevelopment of property damaged by a hurricane during the same timeframe; and

WHEREAS, Section 18 of SB 180 further prohibits local governments that are located in counties that are entirely or partially within 100 miles of the track of any future hurricane from

enacting “more restrictive or burdensome” Land Use and Zoning Regulations, and moratoria on construction, reconstruction, or redevelopment of any property, damaged or not, for a period of one year after the storm makes landfall; and

WHEREAS, SB 180 is unconstitutional and invalid because, among other things, it:

- (a) embraces more than one subject and matter properly connected therewith in violation of Article III, Section 6 of the Florida Constitution;
- (b) includes a defective title in violation of Article III, Section 6 of the Florida Constitution;
- (c) requires municipalities and counties to spend in the aggregate an amount that exceeds an insignificant fiscal impact without including a finding that the law fulfills an important state interest as required by Article VII, Section 18 of the Florida Constitution;
- (d) constitutes a sweeping intrusion on home-rule authority, threatening local ability to enact land use, zoning, flood-resiliency, and environmental protections, contrary to Article VIII, Section 2(b) of the Florida Constitution to a degree that renders the constitutional provision hollow; and
- (e) contains provisions that classify political subdivisions on a basis that is not reasonably related to the subject of the law in violation of Art. III, Section 11(b) of the Florida Constitution; and

WHEREAS, the City Council of the City of Port St. Lucie, Florida (the “City”) desires to authorize the City’s participation in a lawsuit seeking declaratory, injunctive, and other appropriate relief from the provisions of SB 180, which impose a blanket statewide prohibition on the exercise of home rule authority relating to Land Use and Zoning Regulations, based upon the any appropriate legal theories, including, without limitation, those set forth herein, subject to the participation of at least ten local governments (the “Lawsuit”); and

WHEREAS, it is in the best interest of the City to participate in the Lawsuit and to urge other local governments to join as plaintiffs; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Port St. Lucie, Florida, as follows:

Section 1. Recitals. The above-stated recitals are hereby adopted and confirmed.

Section 2. Authorization to Participate in Lawsuit. The City Council hereby authorizes the City’s participation in the Lawsuit, subject to participation of at least ten local governments.

Section 3. Legal Representation and Fee Structure. Weiss Serota Helfman Cole +

Bierman, PL (the "Firm") is retained to represent the City 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 City in the Lawsuit in the trial court, which shall be payable within ten (10) days of the effective date of this Resolution. The City shall also pay \$5,000 to the Firm to represent it in any appeal related to the Lawsuit that is filed at the District Court of Appeal within thirty (30) days of the filing of such appeal, and \$5,000 to the Firm to represent it in any appeal that is filed at the Florida Supreme Court within thirty (30) days of the filing of such appeal. The City acknowledges that the Firm will be representing other local governments in the Lawsuit and waives any conflicts related to such representation for the limited purposes of the Lawsuit. The City also acknowledges that the Firm may represent other entities, private or public, at the City and that the representation of the City in this Lawsuit alone, because it is part of a coalition, will not constitute a conflict of interest and, to the extent it does, specifically waives such conflict of interest.

Section 4. Encouragement of Participation. The City invites and encourages other local governments impacted by SB 180 to join as plaintiffs in the Lawsuit and to coordinate their efforts with the City.

Section 5. Transmittal. The City Manager is directed to distribute this Resolution to all local governments in St. Lucie County, as well as to the Firm, through the City Clerk.

Section 6. Implementation. The City Attorney is authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

Section 7. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 8. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 9. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this
___ day of _____, 2025.

CITY COUNCIL
CITY OF PORT ST. LUCIE

Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios, City Attorney