

Bond Case Briefs

Municipal Finance Law Since 1971

MUNICIPAL CORPORATIONS - FLORIDA

Town of Gulf Stream v. Palm Beach County

District Court of Appeal of Florida, Fourth District - December 21, 2016 - 206 So.3d 721

Municipalities that were subject to office of inspector general program as established by referendum and implemented by county ordinance, and that were required by the ordinance to contribute to the funding of this program, brought action for declaratory relief against county, seeking a judgment declaring that the municipalities were not required to pay the expenses of the program and that all expenses of the program would be paid for solely by county.

The Circuit Court entered final judgment in favor of county and denied municipalities' motion for rehearing. Municipalities appealed.

The District Court of Appeal held that:

- Sovereign immunity barred county from requiring municipalities to fund officer of inspector general program;
- Referendum establishing the program was a local law, not a general law, and thus did not waive the municipalities' sovereign immunity; and
- Referendum establishing the program did not give rise to a contract for funding between municipalities and county and, thus, did not waive the municipalities' sovereign immunity.