

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **UTILITIES - FLORIDA**

### **Corrections Corporation of America, Inc. v. City of Pembroke Pines**

**District Court of Appeal of Florida, Fourth District - April 12, 2017 - So.3d - 2017 WL 1364016**

City brought action seeking declaratory judgment that it had no obligation to provide water and sewer services to private jail facility that was located in adjacent town.

The Circuit Court entered judgment in city's favor. Facility owner appealed.

On rehearing, the District Court of Appeal held that the conduct exception to the general rule of no municipal duty to supply water and sewer services to areas outside municipal boundaries applied.

The conduct exception to the general rule of no municipal duty to supply water and sewer services to areas outside municipal boundaries applied to require city to provide services to private jail facility in adjacent town, where city and town entered into interlocal agreements (ILA) in which city stated that it would approve a water/waste water agreement to provide such service at facility, city provided services to all surrounding sites, city agreed in an ILA concerning roadways that it would not interfere with the development and/or operation of facility, and city commission passed a motion to direct facility owner to limit its request for water and sewer services to a 1,500-bed facility.