

Bond Case Briefs

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STORMWATER UTILITY FEES - FLORIDA

School Board of Miami-Dade County, Florida v. City of Miami Beach, Florida

District Court of Appeal of Florida, Third District - February 24, 2021 - So.3d - 2021 WL 709763

City sued county school board to demand that school board pay municipal stormwater utility fees.

The Circuit Court denied school board's motion to dismiss which was based on sovereign immunity. School board appealed the non-final order.

The District Court of Appeal held that school board was protected by sovereign immunity from paying municipal stormwater utility fees.

County school board, which owned ten developed properties that operated as public schools in the city, was protected by sovereign immunity from paying municipal stormwater utility fees; there was no written contract between school board and city to collect stormwater utility fees, and repealed statute stating that city could charge reasonable assessments to those who benefited from city's drains and sewers was not a clear and unequivocal legislative expression of intent needed to waive sovereign immunity, despite additional statute saying that the repeal did not prevent municipalities from exercising all powers previously conferred.