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2/14/2005	0	City Commission	Approved as Recommended	Pass

CITY OF GAINESVILLE, FLORIDA V. STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION; LEON COUNTY CIRCUIT COURT; CASE NO.: 2004-CA-2564 (B)

The City Commission authorize the City Attorney's Office to file an appeal to the First District Court of Appeal.

On June 14, 2004, the City of Gainesville filed suit in Alachua County against the Florida Department of Transportation ("FDOT") to recover unpaid stormwater utility fees. Subsequently, the case was moved to Leon County, and the FDOT filed a Motion to Dismiss. After a hearing held on January 10, 2005, the Circuit Court entered an Order dismissing the Complaint with prejudice based on sovereign immunity grounds. The City Attorney's Office believes that the state legislature has enacted a statutory waiver of sovereign immunity allowing municipalities to sue state agencies to collect unpaid utility fees.