

Status of SWU Fee Litigation in Florida

This discussion is to summarize the status of precedents that have or have not been set on the issue of payment of SWU fees by schools and agencies throughout Florida after the loss of the City of West Palm Beach’s appeal at the Fourth District Court of Appeal on January 23, 2019. It is very important to remember that the decisions have been rendered by District Courts of Appeal, not all of the DCAs have issued opinions and two of the DCAs have issued PCAs or “Per Curiam Affirmed.”

A PCA decision is issued by one of the five intermediate appellate courts in Florida – the District Courts of Appeal. A PCA decision is one where a District Court has affirmed the trial court’s ruling without providing an explanation. PCA decisions set no precedential value and are binding only on the parties to the litigation.

Appellate decisions have been issued in four of Florida’s five DCAs. Two have been formal, written opinions and two were PCAs. None preclude a city and school district from entering into a voluntary agreement to pay SWU fees prospectively. See below map.

