

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2011

SCHOOL BOARD OF ORANGE COUNTY,

Appellant,

v.

Case No. 5D10-1872

FLORIDA POWER CORPORATION,

Appellee.

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Opinion filed August 5, 2011

Appeal from the Circuit Court
for Orange County,
Stan Strickland, Judge.

Bernard F. Daley, Jr., of The Daley Law
Office, P.A., Tallahassee, for Appellant.

Stephen H. Grimes, Elizabeth L. Bevington
and Matthew Mears, of Holland & Knight
LLP, Tallahassee, for Appellee.

PER CURIAM.

We find no error and affirm. We specifically reject appellant's contention that the trial court was bound to declare whether the School Board was excluded from the terms of the Apopka city ordinance and that the trial court acted in excess of its jurisdiction in concluding that the terms of the ordinance did not control the billing of the franchise fees to its customers.

AFFIRMED.

GRIFFIN, SAWAYA and COHEN, JJ., concur.