

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Gainesville Regional Utilities Authority v. City of Gainesville,
Florida, and Kim A. Barton

No. 1D2025-2062 · No. 1D2025-2062 · Decided August 25, 2025

SUMMARY

The First District Court of Appeal of Florida dismissed Gainesville Regional Utilities Authority’s petition for a writ of injunction. The court held that the alleged effect of a proposed Gainesville charter amendment and special election on a separate pending appeal was speculative and did not demonstrate the significant, immediate, and ascertainable harm required for extraordinary injunctive relief.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Winokur, J.; Tanenbaum, J.; Treadwell, J.
JURISDICTION	First District Court of Appeal of Florida
DECIDED	August 25, 2025
DOCKET	1D2025-2062
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original proceeding on a petition for a writ of injunction seeking interim relief while the court considered GRUA's separate appeal in Case No. 1D2025-1364.
STANDARD OF REVIEW	The court required a showing of a significant and immediate need for the extraordinary writ, including impending harm that is real and ascertainable rather than speculative, doubtful, eventual, or contingent.
PRECEDENTIAL VALUE	Published per curiam decision of the First District Court of Appeal of Florida; no reporter citation appears in the source.
PARTIES	Gainesville Regional Utilities Authority v. City of Gainesville, Florida, Kim A. Barton, in her official capacity as the Supervisor of Elections for Alachua County, Florida

TOPICS

- writ of certiorari
- appellate jurisdiction
- mootness
- appellate procedure
- equitable relief

PRACTICE AREAS

appellate procedure

municipal law

election law

equitable relief

QUESTIONS PRESENTED

1. Whether GRUA demonstrated a significant and immediate need for an extraordinary writ of injunction to preserve the status quo and aid the court's jurisdiction over a separate appeal.
2. Whether the possibility that a future charter amendment might moot the separate appeal constituted impending harm that was real and ascertainable.

HOLDINGS

1. An appellate court may issue a writ of injunction to preserve the status quo and aid in the exercise of its jurisdiction, but the extraordinary writ is issued only rarely and requires a significant and immediate need.
2. GRUA failed to establish the significant and immediate need required for a writ of injunction because the alleged effect of the proposed charter amendment on the court's jurisdiction was speculative and did not constitute impending harm that was real and ascertainable.

KEY QUOTATIONS

“An appellate court has at its disposal a writ of injunction to preserve the status quo and aid in the exercise of its jurisdiction.”

“Rather than speculative future harm, GRUA must demonstrate impending harm that is “real and ascertainable” if the writ is not given.”

FACTUAL BACKGROUND

The City of Gainesville scheduled a special election for November 4, 2025, to approve a proposed charter amendment in Ordinance No. 2025-416. GRUA asserted that, if approved, the amendment could be implemented to dissolve GRUA and could moot GRUA's separate appeal concerning a final order.

PROCEDURAL HISTORY

GRUA petitioned the First District Court of Appeal for an injunction preventing the City of Gainesville from holding a November 4, 2025, special election concerning Ordinance No. 2025-416 or from implementing the proposed charter amendment and dissolving GRUA. GRUA argued that without interim relief, its separate appeal could become moot. The court dismissed the petition because the asserted harm was speculative rather than impending.

DISPOSITION

dismissed

CASES CITED

- Cohen v. L’Engle, 5 So. 235, 239 (Fla. 1888)
- Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc., 339 So. 3d 1070, 1075 (Fla. 1st DCA 2022)
- Wal-Mart Stores E., L.P. v. Endicott, 81 So. 3d 486, 490 (Fla. 1st DCA 2011)
- Shivery v. Streeper, 3 So. 865, 867 (Fla. 1888)

OPINION

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA
 _____ No. 1D2025-2062 _____

GAINESVILLE REGIONAL UTILITIES AUTHORITY, Petitioner, v. CITY OF GAINESVILLE, FLORIDA, and KIM A. BARTON, in her official capacity as the Supervisor of Elections for Alachua County, Florida, Respondents. _____ Petition for Writ of Injunction—Original Proceeding.

August 25, 2025 PER CURIAM. The court considers the petition as one for a writ of injunction. The Florida Constitution authorizes us to give “writs necessary to the complete exercise of [our] jurisdiction.” Art. V, § 4(b)(3), Fla. Const. Gainesville Regional Utilities Authority (“GRUA”) asserts that the writ is immediately necessary to preserve the status quo while this court considers the appeal GRUA filed in Case No. 1D2025-1364.

According to GRUA, if we do not issue the writ to the City of Gainesville and enjoin it either from holding a special election set for November 4, 2025, to approve the proposed charter amendment set forth in the City’s Ordinance No. 2025-416 or from implementing that amendment if it is approved and dissolving GRUA; the legal challenge to the final order on review in that appeal will become moot. * An appellate court has at its disposal a writ of injunction to preserve the status quo and aid in the exercise of its jurisdiction.

See Cohen v. L’Engle, 5 So. 235, 239 (Fla. 1888); cf. Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc., 339 So. 3d 1070, 1075 (Fla. 1st DCA 2022) (explaining that the “constitutional writ of injunction... functions only to give interim procedural relief” to maintain the status quo, which “is not the same as a remedy”). Any effect GRUA asserts the charter amendment might have on our ability to fully exercise our jurisdiction to decide the appeal in Case No. 1D2025-1364—if it even passes in November—is, at this point, clearly speculative.

The writ it seeks, though, is extraordinary and issued only rarely; GRUA must demonstrate a significant and immediate need for the writ. Rather than speculative future harm, GRUA must demonstrate impending harm that is “real and ascertainable” if the writ is not given. Wal– Mart Stores E., L.P. v. Endicott, 81 So.3d 486, 490 (Fla. 1st DCA 2011); cf. Shivery v. Streeper, 3 So.

865, 867 (Fla. 1888) (“If the injury be doubtful, eventual, or contingent, equity will not enjoin....” (internal quotation and citation omitted)). On its face, the current petition fails to make out the required showing of need. DISMISSED. WINOKUR, TANENBAUM, and TREADWELL, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App.

P. 9.330 or 9.331. _____ * GRUA could have sought the interim writ by motion filed in that pending appeal. This procedural distinction, though, makes no difference in how we consider the request. 2 David A. Theriaque, S. Brent Spain, and Benjamin R. Kelley of Theriaque & Spain, Tallahassee; S. Scott Walker, Kiersten N. Ballou, and Danielle C. Adams of Folds Walker, LLC, Gainesville; Leonard E. Ireland, Jr. of Clayton-Johnston, P.A., Gainesville; Derek D. Perry of Gainesville Regional Utilities, Gainesville, for Petitioner.

No appearance for Respondents. 3