

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.

OPINION

Gainesville Regional Utilities Authority v. City of Gainesville, Florida, Barton

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