

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

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