

FLORIDA DISTRICT COURT OF APPEAL, FIRST DISTRICT

Alachua County Board of County Commissioners and Alachua  
County Supervisor of Elections v. Keith Perry, Kimberly Hord, Jose  
Lopez, and Sharla Head

No. 1D2024-2604 · No. 1D2024-2604 · Decided October 15, 2025

SUMMARY

The Florida First District Court of Appeal reversed an order declaring unlawful a 2024 Alachua County referendum proposing a return to at-large county commission elections. The court held that Florida Statutes section 124.011(10) governs a return from single-member districts to at-large voting and does not require use of the ballot language specified in section 124.011(9)(a).

CASE DETAILS

|                       |                                                                                                                                                                                                                                                          |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Florida District Court of Appeal, First District                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Lewis, J.; Ray, J.; Tanenbaum, J.                                                                                                                                                                                                                        |
| JURISDICTION          | Florida First District Court of Appeal                                                                                                                                                                                                                   |
| DECIDED               | October 15, 2025                                                                                                                                                                                                                                         |
| DOCKET                | 1D2024-2604                                                                                                                                                                                                                                              |
| DISPOSITION           | reversed                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Appellants appealed a final order declaring unlawful a referendum proposing to amend the Alachua County Charter to restore at-large elections for county commissioners because the ballot language allegedly violated section 124.011, Florida Statutes. |
| STANDARD OF REVIEW    | Statutory construction is a question of law.                                                                                                                                                                                                             |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                |
| PARTIES               | Alachua County Board of County Commissioners, Alachua County Supervisor of Elections v. Keith Perry, Kimberly Hord, Jose Lopez, Sharla Head                                                                                                              |

TOPICS

- election law
- election administration
- statutory interpretation
- plain meaning rule
- appellate procedure

## PRACTICE AREAS

election law

statutory interpretation

municipal law

appellate procedure

## QUESTIONS PRESENTED

1. Whether section 124.011 required a referendum proposing a return from single-member districts to at-large county-commissioner elections to use the specific ballot language prescribed in section 124.011(9)(a).
2. Whether the 2024 referendum ballot language violated section 124.011.

## HOLDINGS

1. No. Section 124.011(10), which governs a county's return to the procedures otherwise provided by law, applies to a referendum returning from single-member districts to at-large voting. Because subsection (10) references only the procedure in subsection (3), and subsection (3) does not prescribe ballot wording, subsection (9)(a)'s specific wording is not required.
2. The ballot language did not violate section 124.011, and the trial court erred in declaring the referendum unlawful.

## KEY QUOTATIONS

*“To ascertain legislative intent, a court must first look to the plain and obvious meaning of the statute’s text.”*  
(4)

*“Had the Legislature wished to include specific language that must be included on the ballot for a return to at-large voting in section 124.011 or elsewhere, it could have done so.”* (9)

## FACTUAL BACKGROUND

In 2022, Alachua County voters approved changing county-commissioner elections from an at-large system to a single-member-district system. In 2024, the County Board adopted an ordinance proposing a charter amendment to return to at-large elections and placed a ballot question asking whether the five commissioners should be elected by all county electors. Four county residents challenged the ballot language under section 124.011, Florida Statutes, and the voters later approved the referendum.

## PROCEDURAL HISTORY

Four Alachua County residents petitioned the circuit court for injunctive and declaratory relief against the proposed referendum. The trial court denied a temporary injunction but declared the referendum unlawful for failing to use the ballot language specified in section 124.011(9)(a). County voters subsequently approved the referendum, and the County Board and Supervisor of Elections appealed. The First District reversed.

## DISPOSITION

reversed

## CASES CITED

- State v. Rogers, 391 So. 3d 661 (Fla. 1st DCA 2024)
- Ham v. Portfolio Recovery Assocs., LLC, 308 So. 3d 942 (Fla. 2020)
- Univ. of Fla. Bd. of Trs. v. Browning, 387 So. 3d 371 (Fla. 1st DCA 2024)

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