

## Press Release

# Akerman Secures Writ of Mandamus in Fight Between Florida County Commissioners and School Board

August 15, 2024

Akerman obtained a rare court decision last week, forcing Florida's Hillsborough County Commission to put a tax referendum supporting schools on the November ballot.

Representing Hillsborough County School Board, Akerman attorneys filed an emergency mandamus action with Florida's Thirteenth Judicial Circuit, which Judge Emily Peacock granted on August 2. Considered a rare action used to remedy exceptional circumstances, an emergency mandamus action compels government officials to take immediate action. In this case, the court ordered the county commissioners to meet no later than August 13 to adopt a resolution placing a tax referendum requested by the school board on the November ballot.

Our team was led by Akerman Partner [Jim Porter](#) and included Litigation partners [Jason Margolin](#) and [Kristen Fiore](#), CFS+ Partner [Nancy Wallace](#), and Litigation Associate [Keenan Molaskey](#).

Florida General Statute 1011.73 entitles local school boards to direct their county commissioners to call a public election for the approval of a property tax millage. Facing growing teacher and staffing shortages, the Hillsborough school board directed county commissioners in April to add the

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referendum to the upcoming ballot. Commissioners ignored the directive for two months until voting on July 17 to delay the referendum indefinitely.

With just three weeks to go before the August 20 deadline to submit all ballot items to the Supervisor of Elections, the school board filed the writ of mandamus. In her decision, Judge Peacock concluded the school board decides when to call an election under section 1011.73, and the county has no discretion to usurp that decision.

The Hillsborough County Commission voted this week to place the referendum on the November ballot but are also appealing the court's ruling.

### **About Akerman**

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