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NINTH JUDICIAL CIRCUIT  
ORANGE AND OSCEOLA COUNTY, FLORIDA

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October 11, 2016

To: All interested individuals

From: State Attorney Jeffrey L. Ashton

Re: Winter Park Library Bond Validation Lawsuit

My office has received inquiries regarding the State Attorney's role in Winter Park's plans to finance the construction of a new library and events center. People have asked why state prosecutors are involved in their city's plans. This open letter is intended to inform Winter Park residents and others as to the State Attorney's role and position in the bond validation process.

While my office's primary mission is to investigate and prosecute criminal cases in the state courts, Florida law also assigns me the duty to become involved when any governmental unit in Orange County or Osceola County seeks to issue investment bonds to finance government projects and those bonds need validation by a judge. Statute §75.05 requires the city to serve a copy of its complaint on the State Attorney and mandates the State Attorney to defend against that complaint if it appears or there is reason to believe the complaint is defective, insufficient, untrue or has not been duly authorized. Historically, this office routinely examines and, where appropriate, challenges governmental units seeking judicial bond validation.

My role in the process is to represent the State of Florida. I will not weigh in on matters of local political controversy. My office is not siding with any particular persons or groups, no matter what you may have heard. My office has met with representatives of both the city's government as well as from a citizen's group opposed to the new center's proposed location in order to hear their respective concerns. No one from either group has influenced my stated legal position in the upcoming court proceedings.

**A court hearing on the bond validation is scheduled for October 20, 2016 at 3:30 p.m. before the Hon. Margaret H. Schreiber (Circuit Judge) at the Orange County Courthouse, 425 N. Orange Ave., Orlando 32801. The hearing will occur in open court and the public can attend.**

In summary, the state's position is as follows:

1. The state does **not** oppose the validation of municipal bonds in an amount approved by voters in the March referendum.
2. The state has no interest or concern as to the location of any city structure(s) financed by the bonds. Those are matters for local elected officials and, if necessary, the courts to determine.
3. The state will take the position in court that hearing testimony and taking evidence regarding the designation of the location of any city structure(s) financed by the bonds is not relevant and is immaterial to the judicial bond validation process, since neither the referendum authorization ordinance nor the referendum ballot language contained any location designation.
4. Whether the location of the structure is the proper subject of the judge's validation order will be determined by the court.

I am aware that the state's objection will be opposed by the city and the judge may allow testimony and evidence in court regarding the location of future city structures over the state's objection. Should that occur, my office will **not** take the lead in presenting testimony or evidence as to the preferred location.

**This letter should place everyone so interested on notice that a) Florida law allows any property owner, taxpayer, citizen or interested person to intervene in bond validation court proceedings (Statute §75.07) and b) if you intervene, then you should be prepared at that time to present your case in court.** You may consult with an attorney if you have questions or seek guidance as my office and I are prohibited from giving legal advice to private parties.