

IN THE SUPREME COURT OF FLORIDA

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Case No.: SC16-1007  
L.T. No.: 1D15-2916; 2011-CA-2367

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CHRIS JONES, as Property Appraiser for  
Escambia County, Florida; JANET HOLLEY, as  
Tax Collector for Escambia County, Florida,

Petitioners,

v.

ISLAND RESORTS INVESTMENTS, INC.,

Respondent.

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RESPONDENT'S CONSENT TO PETITIONERS'  
MOTION TO STAY EFFECT OF MANDATE

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Respondent, ISLAND RESORTS INVESTMENTS, INC., consents and responds to "Petitioners' Motion to Stay Effect of Mandate" and states:

1. As previously stated by this Court, "[g]enerally speaking, this Court prefers that the motion for stay [of a mandate issued by the district court] be filed in the district court of appeal because at that stage of the case the district court ordinarily will be better informed concerning the case and thereby better able to predict the likelihood of this Court's accepting jurisdiction." State v. Roberts, 661 So. 2d 821, 822 (Fla. 1995)

2. The First DCA issued its mandate on May 27, 2016. No motion was made before that court to stay its mandate – even though Petitioners made clear their intent to seek Florida Supreme Court review when they filed their request for the First District to reconsider its decision or, in the alternative, to certify to this Court a question of great public importance. Following denial of the motion for rehearing on May 11, 2016, no attempt was made to have the mandate stayed in the 16 days prior to the issuance of the mandate on May 27, 2016.

3. Instead, some 25 days after the mandate was issued and 6 days after Petitioners filed their jurisdictional brief, Petitioners filed a seven (7) page motion consisting almost exclusively of argument as to why this Court should accept jurisdictional review.

4. Petitioners filed the motion even though in the nearly 30 days since the mandate was issued, Respondent has made no attempt to request the trial court take any action in response to the mandate.

5. Furthermore, Petitioners made no attempt to obtain Respondent's consent to staying the mandate prior to filing its motion. Had they done so, there would have been no need to burden the Court with this motion.

Respondent does not object to a stay of the mandate while this Court disposes of Petitioners' jurisdiction argument, and requests the Court take whatever action it deems appropriate in response to Petitioners' motion.

/s/ Edward P. Fleming  
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Attorneys for Respondent

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and accurate copy of this Consent has been furnished to the following on this 24<sup>th</sup> day of June, 2016, via e-mail transmission:

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/s/ Edward P. Fleming