

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850) 488-6151

September 10, 2021

CASE NO.: 1D21-2685
L.T. No.: 2021-CA-1382

Governor Ron DeSantis, in his
official capacity as Governor of the
State of Florida; Richard Corcoran,
in his official capacity as Florida
Commissioner of Education; et al.

v.

Allison Scott, individually and on
behalf of W.S., a minor; Lesley
Abravanel and Magnus Andersson,
individually and on behalf of S.A.
and A.A., minors; Kristen
Thompson, individually etc. et al.;

Appellant / Petitioner(s),

Appellee / Respondent(s)

BY ORDER OF THE COURT:

The appellants ask that we quash the trial court's vacatur of the automatic stay imposed by Florida Rule of Appellate Procedure 9.310(b)(2). When a public officer or agency seeks appellate review, which is the case here, there is a presumption under the rule in favor of a stay, and the stay should be vacated only for the most compelling of reasons. *See Fla. Dep't of Health v. People United for Med. Marijuana*, 250 So. 3d 825, 828 (Fla. 1st DCA 2018). Upon our review of the trial court's final judgment and the operative pleadings, we have serious doubts about standing, jurisdiction, and other threshold matters. These doubts significantly militate against the likelihood of the appellees' ultimate success in this appeal. Given the presumption against vacating the automatic stay, the stay should have been left in place pending appellate review. Accordingly, we grant the appellants' motion, quash the trial court's order vacating the automatic stay, and reinstate the stay required by Florida Rule of Appellate Procedure 9.310(b)(2). A written order explaining this disposition will follow.

RAY, JAY, and TANENBAUM, JJ., concur.

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Charles R. Gallagher III
Craig A. Whisenhunt
Elizabeth Burchell
Erin K. Barnett
James Uthmeier, GC

Charles W. Dodson
Daniel K. Bean
Erin E. Woolums
Jacqueline A. Van Laningham
Jared J Burns

Joshua G. Sheridan
Martha E. Aristizabel
Matthew H. Mears, GC
Natalie Paskiewicz
Hon. Gwen Marshall, Clerk

Maria G. Pitelis
Mary Louise Miller Wagstaff
Michael A. Abel
Tracey L. Sticco

ds


KRISTINA SAMUELS, CLERK

