

**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

