

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA  
CIRCUIT CIVIL DIVISION

FLORIDA EDUCATION ASSOCIATION; STEFANIE )  
BETH MILLER; LADARA ROYAL; MINDY )  
FESTGE; VICTORIA DUBLINO-HENJES; ANDRES )  
HENJES; NATIONAL ASSOCIATION FOR THE )  
ADVANCEMENT OF COLORED PEOPLE, INC., and )  
NAACP FLORIDA STATE CONFERENCE, )

Case No. 2020 CA 001450

Plaintiffs, )

vs. )

RON DESANTIS, in his official capacity as Governor )  
of the State of Florida; RICHARD CORCORAN, in his )  
official capacity as Florida Commissioner of Education; )  
FLORIDA DEPARTMENT OF EDUCATION; and )  
FLORIDA BOARD OF EDUCATION; )

Defendants. )

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MONIQUE BELLEFLUER, individually and on behalf )  
of D.B. Jr., M.B., and D.B.; KATHRYN HAMMOND; )  
ASHLEY MONROE, and JAMES LIS )

Case No. 2020 CA 001467

Plaintiffs, )

vs. )

RON DESANTIS, Governor of Florida, in his official )  
capacity as Chief Executive Officer of the State of )  
Florida; ANDY TUCK, in his official capacity as the )  
chair of the State Board of Education; STATE BOARD )  
OF EDUCATION; RICHARD CORCORAN, in his )  
official capacity as Commissioner of the Florida )  
Department of Education; FLORIDA DEPARTMENT )  
OF EDUCATION; JACOB OLIVA, in in his official )  
capacity as Chancellor, Division of Public Schools; )

Defendants. )

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**ORDER VACATING AUTOMATIC STAY**

On August 25, 2020, Plaintiffs filed a Joint Emergency Motion to Vacate Automatic Stay. The Court has considered the motion, Defendants' response in opposition, the evidence produced during the hearing on the motion for temporary injunction, and the applicable law. Based upon those considerations, the Court enters this order vacating the automatic stay.

Defendants' response is primarily a re-argument of its case presented in the hearing. For the reasons stated in the order of August 24, 2020 granting the motion for temporary injunction, there exists a clear evidentiary basis demonstrating compelling circumstances to warrant vacating the automatic stay provided when the State Defendants appealed. The equities are overwhelmingly tilted against maintaining the automatic stay.

Defendants' response, in summary, drastically misstates what the temporary injunction order did and did not do. It did not order that Florida's schools statewide be closed. This Court does not have authority to enter such an order. What the order did, for the reasons stated, is require that local school districts be given authority under their individual circumstances to open or close the local schools, based on local conditions.

Plaintiffs (1) the Florida Education Association, (2) the National Association for the Advancement of Colored People, Inc., (3) NAACP Florida State Conference, (4) several individual teachers and (5) several individual parents face irreparable injury if the Emergency Order (2020-EO-06) this Court ruled unconstitutional and enjoined parts of, is permitted to remain in effect during the pendency of the State's appeal.

Potential irreparable injury will be suffered by hundreds of thousands of school children, many teachers, and the community at large if the temporary injunction order is stayed. The

evidence before the Court plainly demonstrates that as a result of Defendants' unconstitutional action requiring the statewide reopening of schools during the month of August 2020, without local school boards being permitted the opportunity to determine whether it is safe to do so, places people in harm's way. Teachers are resigning or retiring due to the risk of exposure to COVID-19. Young students are being exposed to the virus while there is uncertainty as to the long-term effects of the virus and whether children can transmit the disease to adults. The record reflects that medical determinations must be made at the local level to determine if and when it is safe to reopen a county's brick and mortar schools.

The Court finds that the harm which would arise if the automatic stay is permitted to remain in place is irreparable and incapable of being remedied through money damages. On the other hand, any injury to Defendants would be negligible if the temporary injunction remains in effect during the pendency of further proceedings.

Plaintiffs' Joint Emergency Motion to Vacate Automatic Stay is GRANTED. The provisions of this Court's temporary injunction order entered on August 24, 2020, shall take full force and effect.

The Court, by separate order, will set an evidentiary hearing on Plaintiffs' bond requirement under Rule 1.610(b).

DONE and ORDERED in Chambers at Tallahassee, Leon County, Florida, this 27<sup>th</sup> day of August, 2020.



Hon. Charles Dodson  
Circuit Judge

Copies furnished to all parties via E-Portal and email: