

# Supreme Court of Florida

FRIDAY, JUNE 3, 2016

CASE NO.: SC16-783

GREGG S. LERMAN, ET AL.                      vs.      RICK SCOTT, GOVERNOR, ET AL.

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Petitioner(s)

Respondent(s)

The petition for writ of quo warranto is hereby granted. The term “quo warranto” means “by what authority,” and the writ is the proper means for inquiring into whether a particular individual has improperly exercised a power or right derived from the State. See Fla. House of Reps. v. Crist, 999 So. 2d 601, 607 (Fla. 2008); Martinez v. Martinez, 545 So. 2d 1338, 1339 (Fla. 1989).

We grant this petition for writ of quo warranto because this Court’s precedent has specifically determined that section 99.012, Florida Statutes, is an exception to the Governor’s power of appointment in the context of judicial vacancies. See In re Advisory Op. to Governor, 276 So. 2d 25, 26 (Fla. 1973); Spector v. Glisson, 305 So. 2d 777, 782-83 (Fla. 1974) (noting that section 99.012 is a restriction on the Governor’s power of appointment); see also In re Advisory Op. of Governor Request of September 6, 1974, 301 So. 2d 4, 6-7 (Fla. 1974) (noting section 99.012 as an exception to the appointment process because “the effective date of the vacancy coincided with the commencement of the terms of other judicial officers elected during the same elective process”). While it is true that the Constitution has been amended in some respects since those decisions were rendered, the logic of those decisions still controls.

The Respondents are directed to fill the office of Palm Beach County Court Judge, Fifteenth Judicial Circuit, Group 11 through the 2016 election process. The Respondents shall direct that the Palm Beach County Supervisor of Elections reinstate the election for this judicial office and accept candidates seeking to qualify for this judicial office between noon on June 6, 2016, and noon on June 10,

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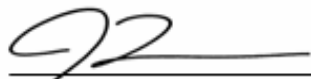
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2016. The Governor shall not utilize the Fifteenth Judicial Circuit Judicial Nominating Commission to perform any functions related to nominating candidates for this judicial office. No motions for rehearing will be entertained.

LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, and PERRY, JJ., concur.  
CANADY and POLSTON, JJ., concur in result.

A True Copy

Test:



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John A. Tomasino  
Clerk, Supreme Court



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Served:

RONALD GUSTAV MEYER  
LYNN COLBY HEARN  
LEONARD SCOTT FEUER  
JASON BRENT GONZALEZ  
ADAM SCOTT TANENBAUM  
WILLIAM SPICOLA  
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