

IN THE SUPREME COURT OF FLORIDA

WILLIAM S. ABRAMSON
PETITIONER,

CASE NO.: 20-SC-646

v

RONALD D. DESANTIS,
As Governor of the State of Florida,
RESPONDENT.

REPLY

PETITIONER, hereby files this reply. In support of his position, Petitioner alleges the following:

STANDING

Needless to say, Petitioner disagrees with Respondent. As previously alleged, the claims presented in the writ demonstrate that Petitioner has established standing. It is for this Court, and this Court alone, to decide whether the merits should be addressed.

**RESPONDENT HAS NO AUTHORITY TO ISSUE ANY EXECUTIVE ORDERS UNDER
THE CURRENT CIRCUMSTANCES**

Respondents' claim that the current "natural emergency" is novel is preposterous. First of all, this is not major disaster. A virus, cannot and never will, be a disaster. A "disaster" is defined as a "sudden calamitous event bringing great damage, loss, or destruction. Merriam-Webster Dictionary. There is no great damage, loss, or destruction, except to our economy and our freedom. A virus is not listed anywhere in Florida Statute 252(8). A virus is not a natural

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event. Hurricanes, floods, wave action, etc. are natural events. The damage is tangible and affects everyone equally. There is a beginning and an end to a natural disaster. Respondent cannot pinpoint with any certainty when this virus became a “threat” nor when the “threat” will end. It is not possible to disagree as to the occurrence of a disaster. It can be seen, felt, smelled, and fixed. None of these apply to a virus. Viruses are apart of our lives and occur on a yearly basis. No governor in the history of the State of Florida has ever responded in this manner. There is absolutely no evidence that this is the Passover of viruses. (i.e. different than any other).

As stated in the original filing, no prior planning ever took place in the event that major disaster of this nature were to materialize. In fact, the courts recognized that a pandemic could occur and acted accordingly. See https://www.flcourts.org/content/download/218173/1974984/pandemic_benchguide.pdf The Supreme Court has the power to issue pandemic guidelines as the courts are autonomous. The enforcement of the Court’s order affects everyone equally. Therefore, had Respondent, or any previous governor or state legislator contemplated the use of Florida Statute 252 be used in this manner, a plan of action would exist. The public would have been allowed to be heard prior to its enforcement. A very specific and lengthy plan for a hurricane does, in fact, exist. As previously stated, Respondent is making arbitrary decisions without any regard to the consequences nor the efficacy of his orders. An order that arbitrarily decides who can open, what can open, which counties can open, how many people can be present, and how far apart they must be is ludicrous. You can buy beer at a convenience store, but not a bar. In fact, it is far easier to enforce “social distancing” in a bar than at a convenience

store. As previously stated, Respondent is winging it. While it appears that Petitioner is attacking Respondent's judgment, it is his authority that is at issue. Petitioner makes reference to Respondent's order only to illuminate why his actions are not authorized nor contemplated under Florida Statute 252. The original and subsequent executive orders are not only arbitrary, but entirely random and unenforceable. The situation has deteriorated to the point that citizens are being arrested for going to the beach. It is time for this Court to act.

CONCLUSION

Respondent is given great authority to act as the chief executive of our state. That authority also comes with responsibilities and is not without limit. Respondent is not acting in a manner consistent with well defined limits pursuant to a clearly defined crisis. Respondent changes his course of action and modifies his orders far too often for this to be contemplated by our constitution and Florida law. The precedent this sets is frightening. Who is to say the next time we have a virus, or any undefined "crisis", a future Governor won't start rounding people up and placing them in camps "for their own safety and the safety of others." Life is fraught with risks. We, as Floridians, and Americans, have a system of government that limits the power of government and places liberty above all else. Currently, this is not the case. Government cannot protect us from the fact that "the future is uncertain and the end is always near." James Morrison, Melbourne, Florida. Quite frankly, and in all candor, this Court would be doing Respondent a great service by granting this writ. A new crisis is clearly developing and will take many years to correct and get Florida on the right course moving forward. By granting this writ, Respondent will be able to focus all of his energy on this daunting task. Petitioner moves

this Court to grant his writ and quash Executive Order 20-111, 20-112 and all subsequent orders that have or may be issued in response to this alleged natural disaster.

Respectfully Submitted,

_____/S/_____

William S. Abramson
Petitioner
1204 S. Lake Drive, Apt 10
Lantana, FL 33462
(561)714-8625
billabramson1776@gmail.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via e-portal to:
joe.Jacquot@eog.myflorida.com; nicholas.Primrose@eog.myflorida.com;
joshua.Pratt@eog.myflorida.com; Executive Office of the Governor, The Capitol, PL-05,
Tallahassee, Florida 32399-0001; this 20th day of May, 2020

_____/S/_____

William S. Abramson
Petitioner
1204 South Lake Drive, Apt 10
Lantana, FL 33462
(561)714-8625
billabramson1776@gmail.com