

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

FLORIDA EDUCATION ASSOCIATION;  
STEFANIE BETH MILLER; LADARA ROYAL;  
MINDY FESTGE; VICTORIA DUBLINO-  
HENJES; ANDRES HENJES; NATIONAL  
ASSOCIATION FOR THE ADVANCEMENT OF  
COLORED PEOPLE, INC.; NAACP FLORIDA  
STATE CONFERENCE,<sup>1</sup>

Plaintiffs,

v.

Case No.: 2020-CA-001450

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; FLORIDA  
BOARD OF EDUCATION; CARLOS GIMENEZ,  
in his official capacity as Mayor of Miami-Dade  
County,

Defendants.

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**NOTICE OF APPEAL OF NON-FINAL ORDER**

PLEASE TAKE NOTICE that, pursuant to Florida Rules of Appellate Procedure 9.030(b), 9.130(a)(3)(B), and 9.310(b)(2), Defendants Ron DeSantis, in his official capacity as Governor of the State of Florida; Richard Corcoran, in his official capacity as Commissioner of Education; Florida Department of Education; and the Florida Board of Education (collectively, the “Defendants”), hereby appeal to Florida’s First District Court of Appeal this Court’s Order,

<sup>1</sup> Carlos Gimenez, in his official capacity as Mayor of Miami-Dade County, was voluntarily dismissed from the lawsuit on August 7, 2020.

rendered August 24, 2020, granting Plaintiff's Expedited Motion for Temporary Injunction. A copy of the Order is attached as Exhibit A.

This order is appealable as a non-final order granting an injunction under Florida Rule of Appellate Procedure 9.130(a)(3)(B). Further, the filing of this Notice triggers an automatic stay pending review. Fla. R. App. P. 9.310(b)(2); *see also Reform Party of Florida v. Black*, 885 So.2d 303 (Fla. 2004) (automatically operate as a stay pending review, except in criminal cases, when . . . any public officer in an official capacity . . . seeks review . . . .") (quoting Fla. R. App. P. 9.310(b)(2)); *Citizens Property Ins. Corp. v. Admiralty House, Inc.*, 66 So.3d 342, 345 (Fla. 2d DCA 2011) ("The timely filing of a notice shall automatically operate as a stay pending review . . . when the state, any public officer in an official capacity, board, commission, or other public body seeks review").

Respectfully submitted,

**GUNSTER, YOAKLEY & STEWART, P.A.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 24, 2020, the foregoing was electronically filed using the E-filing Portal System, and a copy was furnished by email on the following Service List:

By: /s/ David M. Wells

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