

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

DELANEY REYNOLDS; et. al.

Plaintiffs,

v.

CASE NO. 2018-CA-819

CIRCUIT CIVIL

THE STATE OF FLORIDA;

RON DESANTIS, in his official capacity

As Governor of the State of Florida; et. al.

Defendants.

ORDER GRANTING MOTIONS TO DISMISS WITH PREJUDICE

THIS MATTER came before the Court for hearing on June 1, 2020 on the Defendants several Motions to Dismiss the First Amended Complaint. This court, having reviewed the file and pleadings to date, the cited authorities, the submissions of the parties, and having heard argument of counsel, and being otherwise fully advised in the premises, finds as follows:

1. Plaintiffs, 8 young Floridians, brought this complaint seeking Declaratory and Injunctive Relief, asserting injury because of “*Defendants’ deliberate indifference to their fundamental rights of life, liberty and property, and the pursuit of happiness, which includes a stable climate system, in violation of Florida common-law and the Florida Constitution*”. The complaint further asserts that the “Fossil Fuel Energy System” created and operated by the Defendants does not, and cannot, ensure that the plaintiffs will grow to adulthood safely, and enjoying the same rights, benefits and privileges of earlier-born generations of Floridians. The complaint purports to seek declaratory relief and an injunction compelling Defendants to develop and implement a comprehensive plan to bring its Energy System into constitutional compliance.

2. The various Defendants have filed motions to dismiss the amended complaint asserting numerous grounds including nonproper party, failure to state a cause of action, (including separation of powers doctrine and political question doctrine) and other grounds.

3. Having reviewed the extensive materials submitted and heard argument of counsel, the Court finds that the motions to dismiss should be, and hereby are, GRANTED. Simply put, this Court finds that it lacks the authority to grant the relief requested due to the Separation of Powers Clause of the Florida Constitution. See Art.II, 3, Fla. Const. and Citizens for Strong Schools v. Fla. State Board of Education, 262 So.3d 127 (Fla. 2019). This Court finds that the Plaintiff’s claims are nonjusticiable. The claims are inherently political questions that must be resolved by the political branches of government. Further, because this Court has found that the relief requested involves non-justiciable political questions and separation of powers, the Complaint’s flaws cannot be corrected by amendment and therefore the amended complaint should be, and hereby is, DISMISSED WITH PREJUDICE.

4. Having arrived at its conclusions as set forth in paragraph 3 above, this court does not address the motions to dismiss to the extent that they concern the status of any defendant as a proper party to this litigation, or as to any other grounds. Such determination is unnecessary, in light of the ruling above.

DONE AND ORDERED, in Chambers, in Tallahassee, Leon County, Florida this ninth day of June, 2020.


KEVIN J. CARROLL, Circuit Judge

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