

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D22-2034

STATE OF FLORIDA, et al.,

Appellants,

v.

PLANNED PARENTHOOD OF
SOUTHWEST AND CENTRAL
FLORIDA, et al.,

Appellees.

On appeal from the Circuit Court for Leon County.
John C. Cooper, Judge.

August 24, 2022

B.L. THOMAS, J.

On July 21, 2022, the Court “direct[ed] the parties within fifteen days to provide any further briefing or arguments for our consideration, before the court disposes of the appeal of the non-final order granting the temporary injunction.” *State v. Planned Parenthood of Sw. & Cent. Fla.*, 47 Fla. L. Weekly D1572e, 2022 WL 2865900, at *4 (Fla. 1st DCA July 21, 2022). The parties have failed to provide further briefing or argument. Accordingly, the non-final order granting the temporary injunction is reversed as Appellees could not assert irreparable harm on behalf of persons not appearing below. *See id.*

RAY, J., concurs; KELSEY, J., dissents with opinion.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

KELSEY, J., dissenting.

I dissent on the merits for the reasons expressed in my dissent from this Court's July 21, 2022, Order Denying Motion to Vacate Automatic Stay and Rejecting Suggestion for Certification.

Ashley Moody, Attorney General, Bilal Ahmed Faruqui, Assistant Attorney General, John Guard, Chief Deputy Attorney General, Natalie P. Christmas, Assistant Attorney General, James H. Percival, Deputy Attorney General, Tallahassee; Henry Charles Whitaker, Solicitor General, Daniel W. Bell, Chief Deputy Solicitor, Tallahassee, for Appellants.

Jordan E. Pratt and Christine K. Pratt, First Liberty Institute, Washington, D.C., for Amicus Curiae First Liberty Institute; Christopher Mills, Spero Law, LLC, Charleston, South Carolina, and Chad Mizelle, Tampa, for Amici Curiae Florida Pregnancy Centers, in support of Appellants.

Benjamin James Stevenson, ACLU Foundation of Florida, Pensacola; Daniel Boaz Tilley, ACLU Foundation of Florida, Miami; Nicholas L. Warren, ACLU Foundation of Florida, Tallahassee; Jennifer Dalven, Whitney White, and Johanna Zacarias, ACLU Foundation of New York, New York, New York; Autumn Katz and Caroline Sacerdote, Center for Reproductive Rights, New York, New York; Tassity Johnson, Jenner & Block LLP, Washington, D.C.; Shoba Pillay and April A. Otterberg, Jenner & Block LLP, Chicago, Illinois; Jennifer Sandman, Planned

Parenthood Federation of America, New York, New York, for Appellees.