

**IN THE SUPREME COURT OF FLORIDA**

Case No. 2025-\_\_\_\_\_

\_\_\_\_\_  
**REPRESENTATIVE ANA ESKAMANI, REPRESENTATIVE ANGELA  
NIXON, REPRESENTATIVE MICHELE RAYNER, SENATOR  
CARLOS G. SMITH AND SENATOR SHEVRIN JONES,**

*Petitioners,*

vs.

**RONALD DION DESANTIS,  
AS GOVERNOR OF FLORIDA AND KEVIN GUTHRIE AS  
DIRECTOR OF THE FLORIDA DEPARTMENT OF EMERGENCY  
MANAGEMENT,**

*Respondents.*

**VERIFIED, TIME-SENSITIVE, NON-ROUTINE  
PETITION FOR WRIT OF QUO WARRANTO**

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**I. NATURE OF THE CASE AND RELIEF SOUGHT**

This is an action seeking a writ quo warranto to compel the Respondent Governor Ron DeSantis and Respondent Director Guthrie to provide statutorily-sanctioned, unannounced access to all of the facilities recently built at the Dade-Collier Training & Transition Airport - dubbed the “Alligator Alcatraz<sup>1</sup>” detention center

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<sup>1</sup>DeSantis, Ronald Dion (@govrondesantis), X (July 2, 2025, 9:42 p.m.), [https://x.com/GovRonDeSantis/status/1940224524378870152?t=u\\_vl-orPca9F8m5NO\\_VEjw&s=19](https://x.com/GovRonDeSantis/status/1940224524378870152?t=u_vl-orPca9F8m5NO_VEjw&s=19) (last visited July 9, 2025); Desantis, Ronald Dion (@govrondesantis), X (June 27, 2025, 9:20 a.m.), <https://x.com/GovRonDeSantis/status/1938588190450872598?t=6ZfzkLL6ImaqO11PMveIJw&s=19> (last visited July 9, 2025); Uthmeier, James (@jamesuthmeier), X (July 3, 2025, 2:08 p.m.) [https://x.com/JamesUthmeierFL/status/1940835115652821398?t=u\\_vl-orPca9F8m5NO\\_VEjw&s=19](https://x.com/JamesUthmeierFL/status/1940835115652821398?t=u_vl-orPca9F8m5NO_VEjw&s=19) (last visited July 9, 2025); Uthmeier, James (@jamesuthmeier), X (June 30, 2025, 9:39 p.m.)

- to the Petitioners, all of whom are members of the Florida Legislature, pursuant to Florida Statutes 944.23 and 951.225. A quo warranto writ is an extraordinary writ used to challenge a defendant's ability to exercise a power or right derived from the state.<sup>2</sup> The denial of the Petitioners' access to the facility is a direct violation of current Florida statutes and threatens to erode the powers enumerated to members of a co-equal branch of the government. Respondents Governor DeSantis and Guthrie have exercised the Governor's emergency powers beyond their authority. Petitioners seek a writ quo warranto to compel the Respondent Governor DeSantis and Respondent Guthrie to provide immediate, unannounced access to the Petitioners to the Dade-Collier Training & Transition Airport site of the proclaimed "Alligator Alcatraz" detention facility.

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<https://x.com/AGJamesUthmeier/status/1939861347031720404?t=Se8Fi27POxgZ5C-S1uh1Q&s=19> (last visited July 9, 2025).

<sup>2</sup> Petition for Writ of Quo Warranto at 3, *League of Women Voters*, 232 So. 3d 264, 2 (No. SC17-1122).

## **II. STATEMENT OF FACTS**

On or about January 6, 2023, Governor Ron DeSantis issued Executive Order 23-03<sup>3</sup> (the “Order”) declaring a state of emergency regarding “illegal immigration” based on the alleged premise that it was “due to the mass migration of illegal aliens to Florida.”<sup>4</sup> This Order extended to state agencies, inclusive of the Florida Department of Emergency Management, to take “necessary action” to effectuate the goals of the declared state of emergency.

On or about February 13, 2025, during the third special session of the 2025 Legislative session, convened by the Governor, the Florida Legislature passed Senate Bill (SB) 2C. The bill appropriated to the Governor \$700,000 in recurring funding, and \$250 million non-recurring funding, to address the “immigration state of emergency.”

In addition, the Florida Legislature created the new title of Chief

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<sup>3</sup>Fla. Exec. Order No. 23-03 (Jan. 6, 2023).

<sup>4</sup>*Id.*

Immigration Officer, granting the sole power to declare a state of emergency on immigration to the Governor. This legislation was signed into law on or about February 14, 2025.<sup>5</sup> Since the initial declaration of a state of emergency for “illegal immigration,” the Governor has issued fifteen (15) additional executive orders to extend Executive Order 23-03; the most recent Order expiring on August 1, 2025.<sup>6</sup>

The Governor, as Chief Immigration Officer, has utilized his emergency powers in various ways, including but not limited to, spending an additional \$250 million of the appropriated amount of taxpayer funds, totaling \$450 million, to commandeer the Dade-Collier Training & Transition Airport near Ochopee from Miami-Dade County and convert it into “Alligator Alcatraz,” a temporary

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<sup>5</sup> Fla. S.B. 2C (2025C).

<sup>6</sup> Fla. Exec. Order No. 24-269 (Feb. 7, 2024); Fla. Exec. Order No. 25-120 (June 2, 2025).

migrant detention facility. Notably, the name Alcatraz is used to publicly invoke the reputation of the notorious prison, formerly operated by California.

Exercising his emergency powers and utilizing funding granted by the Legislature, the Governor expedited construction of the “Alligator Alcatraz” detention facility, bypassing customary procurement, environmental, and permitting procedures.<sup>7</sup> The facility was largely constructed in approximately eight (8) days in June 2025. The Dade-

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<sup>7</sup>See WGPU, Governor DeSantis is building 'Alligator Alcatraz' with little oversight (July 2, 2025), <https://www.wgcu.org/section/immigration/2025-07-02/governor-desantis-is-building-alligator-alcatraz-with-little-oversight-big-campaign-donor-is-set-to-reap-millions-from-it> (last visited July 9, 2025); WLRN, DeSantis fast-tracks building immigrant detention center in Everglades (June 24, 2025), <https://www.wlrn.org/government-politics/2025-06-24/alligator-alcatraz-desantis-everglades-detention-center> (last visited July 9, 2025); Florida Trident, Governor DeSantis is building 'Alligator Alcatraz' with little oversight—and this big campaign donor is set to reap millions from it (July 2, 2025), <https://floridatrident.org/governor-desantis-is-building-alligator-alcatraz-with-little-oversight-and-this-big-campaign-donor-is-set-to-reap-millions-from-it/> (last visited July 9, 2025).

Collier Training and Transition Airport location, now “Alligator Alcatraz” detention facility, is a state facility. The federal government has unambiguously stated it has not provided funding nor sanctioned the erection of the detention facility.<sup>8</sup> Counsel for Florida Division of Emergency Management Executive Director, Kevin Guthrie, testified under penalty of perjury to the specific ownership of the “Alligator Alcatraz” detention facility in a federal court proceeding in *Friends of the Everglades, Inc. v. Noem*, emphasizing that the State of Florida owns and operates the subject detention facility.<sup>9</sup> Further, counsel for the DeSantis Administration asserted

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<sup>8</sup>WUSF Public Media, Environmental groups say Florida and feds are partners in Everglades detention center for immigrants (July 8, 2025), <https://www.wusf.org/courts-law/2025-07-08/environmental-groups-say-florida-and-feds-are-partners-in-everglades-detention-center-for-immigrants> (last visited July 9, 2025); Florida Democratic Party, Florida Democratic Lawmakers Denied Entry to “Alligator Alcatraz” (July 4, 2025), <https://www.floridadems.org/2025/07/03/florida-democratic-lawmakers-denied-entry-to-alligator-alcatraz/> (last visited July 9, 2025).

<sup>9</sup> *Friends of the Everglades, Inc. v. Noem*, 1:25-cv-22896, (S.D. Fla. 2025)

that the “establishment of a temporary detention and deportation facility in the Everglades was “*a State of Florida decision*” (emphasis added).<sup>10</sup> The Governor contends in the filings the following:

- 1) “The State is currently funding the construction and operation of the facility,” and there is no guarantee of reimbursement from the federal government.<sup>11</sup>
- 2) The facility “was approved by the *State* and is being built by the *State*.”
- 3) “After all, the State—not DHS— is the primary driver of the project.<sup>12</sup>

Additionally, in an accompanying affidavit, Florida Division of Emergency Management Executive Deputy Executive Director Keith Pruett provided a sworn statement to the ownership and nature of the facility. He stated, “The ***State of Florida*** is funding the construction and operation of a temporary detention facility at the Dade-Coller Training and Transition Airport . . . ***Florida*** plans to

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<sup>10</sup>Defendant Kevin Guthrie’s Opposition to Plaintiffs’ Motion for a Temporary Restraining Order, *Friends of the Everglades, Inc. v. Noem*, No. 1:25-cv-22896-JEM, 1 (S.D. Fla. June 30, 2025).

<sup>11</sup> *Id.* at 5.

<sup>12</sup>*Id.* at 8 (emphasis in original).

seek reimbursement of its expenses from the federal government. But **Florida** has yet to receive any such reimbursement and the precise source and amount of any such reimbursement is unknown (emphasis added).”<sup>13</sup>

On or about July 3, 2025, the Petitioners, State Senator Shevrin Jones (“Petitioner Jones”), State Senator Carlos G. Smith (“Petitioner Smith”), State Representative Dr. Anna E. Eskamani (“Petitioner Eskamani”), State Representative Angela Nixon (“Petitioner Nixon”), and State Representative Michele K. Rayner, Esq. (“Petitioner Rayner”), attempted to conduct a statutorily-sanctioned, unannounced visit to the state-owned, state-funded, and state-operated “Alligator Alcatraz” detention facility pursuant to Florida Statutes 944.25 and 951.225. It was heavily reported that the facility

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<sup>13</sup>Declaration of Kevin Guthrie ¶ 3, *Friends of the Everglades, Inc. v. Noem*, No. 1:25-cv-22896-JEM (S.D. Fla. June 30, 2025).

was flooding due to recent rains and the swift construction.<sup>14</sup> At the time, the Petitioners did not have further substantiated information about the conditions of the facility. The Petitioners sole purpose was to inspect the state detention facility, evaluate the use of taxpayer funds, and assess safety pursuant to Florida statutory guidelines. The Petitioners attempted to arrive unannounced so that they could observe the unadulterated conditions of the facility. The unannounced inspection of the facility falls squarely within the

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<sup>14</sup>See David Selig, A Day After Grand Opening, Flooding Concerns Grow at ‘Alligator Alcatraz’, NBC 6 South Florida (July 2, 2025), <https://www.nbcmiami.com/news/local/a-day-after-grand-opening-flooding-concerns-grow-at-alligator-alcatraz/3650757/> (last visited July 9, 2025); Kate Aronoff, Trump’s Alligator Alcatraz Is Already Flooding, The New Republic (July 2, 2025), <https://newrepublic.com/post/197552/trump-alligator-alcatraz-flood> (last visited July 9, 2025); Nicole Linsalata, Olivia DiVenti, Kevin Boulandier, Alligator Alcatraz Met With Flooding Concerns, Environmental Lawsuit as It Awaits Arrival of Migrants, WSVN 7News Miami (July 2, 2025), <https://wsvn.com/news/local/miami-dade/alligator-alcatraz-met-with-flooding-concerns-environmental-lawsuit-as-it-awaits-arrival-of-migrants/> (last visited July 9, 2025).

Petitioners' purview and oversight duties as State officers and members of the Florida Legislature.

Upon arrival, the Petitioners were immediately denied access to the "Alligator Alcatraz" detention facility without a stated legal basis by two employees, an employee of the Florida Department of Law Enforcement Emergency Preparedness Unit (EPU) and an employee of the Department of Financial Services Criminal Investigations Division, Bureau of Insurance Fraud. After waiting for approximately an hour, the Petitioners were denied access to the facility by the EPU employee due to alleged "safety concerns" that were never identified. The Petitioners were told they could schedule a tour in the future.

The EPU employee directed the Petitioners to call the Legislative Affairs Director, Meigs Lamb. In response to a voicemail left by Petitioner Eskamani, Mr. Lamb informed the Petitioner that she and the other Petitioners were unable to enter due to "safety reasons," but

no legal basis was provided. He also stated that they could schedule a tour at an undetermined time in the future. Petitioner Rayner provided Mr. Lamb the statutory references they relied upon to conduct the official visit for inspection of the “Alligator Alcatraz” detention facility. They were advised that the General Counsel for Florida Department of Emergency Management, Stephanie Houp, Esq., would contact them.

General Counsel, Stephanie Houp, Esq., called Petitioner Rayner denying entry to the subject detention facility due to safety reasons. Again, Petitioner Rayner provided the statutory basis for the visit. She was advised that the statute was not applicable without further explanation.

The Petitioners left the detention facility after repeated denials to their official request to enter and inspect.

### **III. JURISDICTION**

This Court has original jurisdiction to issue writs of quo warranto to the Governor (a state officer) pursuant to Article V, Section 3(b)(8) of the Florida Constitution and Florida Rules of Appellate Procedure 9.030(a)(3) and 9.100. “Quo warranto is used ‘to determine whether a state officer or agency has improperly exercised a power or right derived from the State.’”<sup>15</sup> The Petitioners are all duly elected and current members of the Florida State Senate and the Florida State House of Representatives. “Petitions for relief in quo warranto are properly filed only after a public official has acted.”<sup>16</sup> This Court’s authority to issue writs of quo warrant is discretionary and concurrent with other state courts.

#### **IV. ARGUMENT**

##### **A. The Dade-Collier Training and Transition Airport, now “Alligator Alcatraz” is a detention facility under Florida law.**

###### **1. Florida Statute defines detention facilities.**

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<sup>15</sup> *Israel v. DeSantis*, 269 So.3d 491, 494 (Fla. 2019) (quoting *League of Women Voters of Fla. v. Scott*, 232 So.3d 264, 265 (Fla. 2017)).

<sup>16</sup> *League of Women Voters of Fla. v. Scott*, 232 So. 3d 264, 265 (Fla. 2017).

Florida Statute 951.23, defines “county detention facility” and “city detention facility” as used in section Florida Statute 951.225 very broadly:

§ 951.23(1)(a): “County detention facility” means a county jail, a county stockade, a county work camp, a county residential probation center, and any other place except a municipal detention facility used by a county or county officer for the detention of persons charged with or convicted of a felony or a misdemeanor, regardless of whether such facility is operated by a board of county commissioners, a sheriff, or any other entity.

§ 951.23(1)(d): “Municipal detention facility” means a city jail, a city stockade, a city prison camp, and any other place except a county detention facility used by a municipality or municipal officer for the detention of persons charged with or convicted of violation of municipal laws or ordinances, regardless of whether such facility is operated by a city or any other entity.

Further, Florida Statute 944.02(8), defines a state correctional institution as:

[A]ny prison, road camp, prison industry, prison forestry camp, or any prison camp or prison farm or other correctional facility, temporary or permanent, in which prisoners are housed, worked, or maintained, under the custody and jurisdiction of the department.

The statutory language is clear and unambiguous. Thus judicial interpretation of whether the agency that runs the facility—or any

other interpretation by the Respondents to suggest that “Alligator Alcatraz” is not a detention facility—is absurd and disingenuous at best.<sup>17</sup>

Prior to 2023, private prisons were similarly under the management and oversight of the Florida Department of Management Services (DMS). While the facilities were prisons in name and operation, the Florida Department of Corrections was not responsible for oversight of private prisons until 2023. Legislators routinely made unannounced visits to conduct inspections and oversight in adherence to their legal, statutory authority.<sup>18</sup> In essence, the

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<sup>17</sup> *T.R. v. State*, 677 So. 2d 270, 271 (Fla. 1996), (“Where the language of a statute is plain and unambiguous, there is no need for judicial interpretation.”). *Sch. Bd. Of Palm Beach Cnty. V. Survivors Charter Schs., Inc.*, 3 So.3d 1220, 1235 (Fla. 2009), (“We are not required to abandon either our common sense or principles of logic in statutory interpretation.”).

<sup>18</sup> See Michael Moline, The private prison industry in FL is now changing. The state is taking more control, Florida Phoenix (Oct. 18, 2023), <https://floridaphoenix.com/2023/10/18/the-private-prison-industry-in-fl-is-now-changing-the-state-is-taking-more-control/> (last visited July 9, 2025).

oversight of any particular agency does not negate the designation of a facility being a detention center or prison.

## **2. The State of Florida owns the “Alligator Alcatraz” detention facility.**

The Governor’s ability to declare a state of emergency is a power granted by the Legislature, the relevant part of Fla. Stat. § 252.32(1)(b) (2024) states: “To confer upon the Governor, the Division of Emergency Management, and the governing body of each political subdivision of the state the emergency powers provided herein.”<sup>19</sup>

The monies used to fund and build “Alligator Alcatraz” detention facility were appropriated by the Legislature.<sup>20</sup> Fla. Stat. § 252.3711 (2024) states:

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<sup>19</sup> Fla. Stat. § 252.32(1)(b) (2024).

<sup>20</sup> See First immigration detainees arrive at ‘Alligator Alcatraz’ in Florida Everglades, PBS NewsHour (July 4, 2025), <https://www.pbs.org/newshour/nation/first-immigration-detainees-arrive-at-alligator-alcatraz-in-florida-everglades> (last visited July 9, 2025); A Dedicated FEMA Fund Will Pay for 'Alligator Alcatraz', FactCheck.org (July 2, 2025), <https://www.factcheck.org/2025/07/a-dedicated-fema-fund-will-pay-for-alligator-alcatraz/> (last visited July 9, 2025).

Fla. Stat. § 252.3711(1): The Emergency Preparedness and Response Fund is created within the Executive Office of the Governor.

Fla. Stat. § 252.3711(2): The fund is established for use as a depository for monies specifically transferred or appropriated to the fund. The monies deposited in the fund are available as a primary funding source for the Governor for purposes of preparing or responding to a disaster declared by the Governor as a state of emergency that exceeds regularly appropriated funding sources.<sup>21</sup>

The State of Florida Immigration Enforcement Operations Plan plainly outlines that the “Alligator Alcatraz” detention facility is overseen and managed by the Florida Department of Emergency Management and that it is a State detention facility.<sup>22</sup> The state specifically relies on the following statutes and rules:

- I. Chapter 908, Florida Statutes - Federal Immigration Enforcement.
- II. Chapter 23, Part I, Florida Statutes - Florida Mutual Aid Act.
- III. Section 943.03, Florida Statutes - Department of Law Enforcement.
- IV. State Comprehensive Emergency Management Plan, 2024.

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<sup>21</sup>Fla. Stat. § 252.3711(1) (2024); Fla. Stat. § 252.3711(2) (2024).

<sup>22</sup>Immigration Enforcement Operations Plan, Ex. A, State of Florida v. United States, No. 1:25-cv-22896-JEM, Doc. 24-1 (S.D. Fla. July 3, 2025) (redacted).

- V. State Comprehensive Emergency Management Plan, Appendix XVI: Emergency Support Function 16 – Law Enforcement and Security.
- VI. The Florida Mutual Aid Plan for Law Enforcement; Guidelines for Emergency Response.
- VII. Annex to the State Comprehensive Emergency Management Plan: Mass Immigration.<sup>23</sup>

**3. The name “Alcatraz” is synonymous with prison.**

As legislators, elected officials, appointed officials, and governmental employees, the Petitioners do not abandon common sense when we assume our roles. In fact, the Petitioners are tasked to embrace it to be more effective as public servants. The use of the name Alcatraz is used to invoke the colloquial association and understanding that the subject detention facility is akin to the notorious prison. The selection of the name was likely in response to President Trump’s stated desire to re-open the original Alcatraz prison because it is “a symbol of law and order.”<sup>24</sup> For historical reference, Alcatraz was an infamous

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<sup>23</sup> *Id.*

<sup>24</sup> Scott Neuman, Alcatraz Prison Island, Trump, and Pelicans, NPR (May 7, 2025), <https://www.npr.org/2025/05/07/nx-s1-5388377/alcatraz-prison-island-trump-pelicans> (last visited July 9, 2025).

prison operated from 1934 to 1963 in California. This prison was intended for the “worst of the worst.”<sup>25</sup> For practical purposes, “Alligator Alcatraz” detention facility is a prison. Accordingly, Fla. Stat. § 944.23 (2024) provides that Legislators shall be authorized to visit, at their pleasure, to visit state correctional facilities.<sup>26</sup>

**B. Florida Statutes 944.23 and 951.225 are applicable to legislators' authority to inspect the Alligator Alcatraz detention facility.**

**1. The Florida constitution created three co-equal branches of government.**

The Florida Constitution created three co-equal branches of government in Article II, Section 3. The three branches are executive headed by the governor, the bicameral legislature, and the judiciary

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<sup>25</sup>Alcatraz: The “Worst of the Worst” Doing Hard Time on the Rock, Golden Gate Nat’l Parks Conservancy (Mar. 19, 2007), <https://www.parksconservancy.org/content/alcatraz-worst-worst-doing-hard-time-rock> (last visited July 9, 2025).

<sup>26</sup>Orlando Sentinel, DACA Recipient from Orange County Among Those at ‘Alligator Alcatraz,’ Attorney Says (July 9, 2025), <https://www.orlandosentinel.com/2025/07/09/daca-recipient-from-orange-county-among-those-at-alligator-alcatraz-attorney-says/> (last visited July 9, 2025).

headed by the Supreme Court.<sup>27</sup> It states: "**Branches of government.**—The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein."<sup>28</sup>

The second sentence in Art. 2, Sec. 3, is the crux of the instant case. That sentence directly restricts exercising powers appertaining to either of the other branches. In other words, one branch may not restrict the powers of either of the other branches. The executive branch, directly or by proxy via its executive agencies, is restricting the Legislature's powers as an independent branch of our government. The denial of the Petitioners access to the "Alligator Alcatraz" detention facility was an unconstitutional executive overreach because it prevented the duly elected members of the

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<sup>27</sup>Art. II, § II, Fla. Const.

<sup>28</sup> Art. II, § III, Fla. Const.

Florida Legislature from exercising their powers. The Petitioners' denial of entry and access restricted the legislature's independence as a co-equal branch of government.

The mere existence of statutes is evidence of the separation of powers between the legislative and the executive branches. We operate with checks and balances; as illustrated in the Governor's ability to veto bills passed by the legislature and the legislature's ability to override the veto. Our government is designed to prevent an authoritarian regime of isolated power. The implementation of the system of checks and balances was evident as recently as the 2025 Special Session B, where the legislature voted to override vetoes issued by the Governor and reinstate them.<sup>29</sup> Each branch of government exercising powers

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<sup>29</sup> Fla. H.R. House Session, recording of proceedings, at 00:00-13:54 (Jan. 27, 2025, 10:50 AM), <https://thefloridachannel.org/videos/1-27-25-house-session-1050-am-2/> (vote to override Governor DeSantis' vetoes).

granted by our state constitution, neither branch exercising or *restricting* powers of either of the other branches.

**C. Petitioners properly cited Florida Statutes 944.23 and 951.225 to gain entry to the “Alligator Alcatraz” detention facility.**

During the Petitioners visit to the “Alligator Alcatraz” detention facility, Petitioner Rayner repeatedly cited Florida Statutes 944.23 and 951.225 to various agency employees, including General Counsel for the Florida Department of Emergency Management, to gain lawful entry for inspecting the subject detention facility. They were denied by at least four (4) employees of various agencies. Florida Statute 944.23 states:

The following persons shall be authorized to visit at their pleasure all state correctional institutions: The Governor, all Cabinet members, members of the Legislature, judges of state courts, state attorneys, public defenders, and authorized representatives of the commission. No other person not otherwise authorized by law shall be permitted to enter a state correctional institution except under such regulations as the department may prescribe. Permission shall not be unreasonably withheld from those who give sufficient evidence to the department that they are bona fide reporters or writers.

Further, Florida Statute 951.225 states:

**Persons authorized to visit county and municipal detention facilities.**—The following persons who are elected or appointed to serve the county or municipality in which the county or municipal detention facility is located may visit such facility at their pleasure:

- (1) Members of the governing body of the county or municipality.
- (2) Members of the Legislature.
- (3) State court judges.
- (4) The state attorney.
- (5) The public defender.
- (6) The regional counsel.

Again, there is no ambiguity with the plain meaning of the statutes.

Members of the Florida Legislature, the Petitioners, have the right to visit the “Alligator Alcatraz” detention facility at their pleasure. “At their pleasure” means that the statutes grant permitted persons broad access. This is particularly important because the Petitioners are entitled to exercise these rights unannounced so that they can inspect and observe the conditions of the facility. The Petitioners provided the aforementioned statutes upon arrival to establish they were exercising their legislative powers and were denied. Not only

were they denied by the employees of the various agencies, they were directed to schedule a tour.

**D. Governor DeSantis’ state of emergency does not permit denial of entry to “Alligator Alcatraz.”**

The purpose of quo warranto writ is to determine whether a state actor has “improperly exercised a right or power from the State.”<sup>30</sup>

Pursuant to Florida Statute 252.36, while operating under a state of emergency, Governor DeSantis has broad powers to respond to the declared emergency. This broad power includes, “Suspend[ing] the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of any state agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in

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<sup>30</sup> *League of Women Voters of Fla. v. Scott*, 232 So. 3d 264, 265 (Fla. 2017), (Quo warranto is “the proper means to inquire into whether a state officer or agency has improperly exercised a power or right derived from the State.”).

coping with the emergency.”<sup>31</sup> The Petitioners’ attempt to exercise their right to access the facility in no way prevented, hindered, or delayed the Respondents’ necessary action in coping with the emergency. This “emergency” has been longstanding since Executive Order 23-03. The legislative intent of the State Emergency Management Act is to provide a mechanism for coordination between emergency management and enable oversight in emergency situations.<sup>32</sup> Emergency powers are not intended to allow the Governor to suspend the powers of state legislators where exercising such statutory powers do not hinder, delay, or prevent the Governor from coping with the emergency at hand. This is especially the case where the Petitioners sought to gain access to the facility for the benefit of transparency to the public. If interpreted otherwise, this would permit the Respondents to operate in extended emergency

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<sup>31</sup> Fla. Stat. § 252.36(5)(a) (2024).

<sup>32</sup> Fla. Stat. § 252.311 (2024).

situations with unfettered oversight - undermining the legislative intent of the State Emergency Management Act: “It is further the intent of the Legislature that all aspects of emergency preparedness, response, and recovery be made transparent to the public to the greatest extent possible.”<sup>33</sup>

**E. Petitioners denied access to “Alligator Alcatraz” violated the Florida Constitution and Florida Statutes.**

The denial of unannounced access to the “Alligator Alcatraz” was blatantly unconstitutional. The Petitioners’ rights under the separation of powers doctrine and Florida Statutes 944.23 and 951.225 were violated. A legal basis for their denial was not provided, as none exists. As previously stated, the fact that the “Alligator Alcatraz” detention facility was not operated by the Florida Department of Corrections is not relevant to the applicability of Florida Statute 951.225.

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<sup>33</sup> Fla. Stat. § 252.311(d) (2024).

On July 7, 2025, in an email response to an inquiry to the Petitioners' denial of entry, FDEM Deputy Director of Communications stated, "The legal authority cited by the legislature does not extend to this facility in the manner requested."

## **V. CONCLUSION**

The rule of law must be upheld. Our Constitution does not coronate a king. It is not hyperbolic to contend that the Governor's actions, directly or indirectly through the actions of agency directors and their employees, could become more far reaching into the third branch of our government. Conjecture is not necessary at this moment because the distinctive and autonomous power of the legislative branch has and is being challenged by and through the executive branch. The blatant, illegal, and cavalier nature of violation of the Florida Constitution and statutory authority puts members of the legislative and judicial branches at risk if we, those sworn to protect and defend the Constitution and rule of law, do not speak out loudly and boldly

against its trespasses and transgressors. What makes our state court system, the third and co-equal branch of government safe from erosion if the Governor should become displeased with a decision or ruling? He has shown he is willing to defy the rule of law when it suits his political whims and ambitions.

For all these reasons, this Court should grant this Petition and issue a writ quo warranto directing the Governor Ronald Dion DeSantis and Kevin Guthrie, as Florida Department of Emergency Management Director, to immediately allow the Petitioners statutorily sanctioned unannounced access to Dade-Collier Training & Transition Airport —dubbed “Alligator Alcatraz” detention facility.

Respectfully submitted July 10, 2025,

/s/ Ashley V. Gantt

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**CERTIFICATE OF SERVICE**

I certify that on July 10, 2025, this document has been furnished to Respondent Governor Ron DeSantis by email to Ryan Newman, General Counsel, Executive Office of the Governor, [ryan.newman@eog.myflorida.com](mailto:ryan.newman@eog.myflorida.com), and will be furnished by delivery to the Executive Office of the Governor, The Capitol, Tallahassee, FL 32399.

/s/ Ashley V. Gantt  
Ashley V. Gantt

*Counsel for Petitioners*

**CERTIFICATE OF COMPLIANCE**

I certify that this document contains 4,159 words and complies with the applicable word-count and font requirements of Fla. R. App. P. 9.100(g) and 9.045(b).

/s/ Ashley V. Gantt  
Ashley V. Gantt

*Counsel for Petitioners*

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