

IN THE SUPREME COURT OF FLORIDA

Case No. SC2026-0985

KEVIN EMAS,

Petitioner,

vs.

**RON DeSANTIS,
as Governor of Florida,**

Respondent.

PETITIONER'S REPLY

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Judge Emas does not dispute that the particular relief he sought is now moot after Governor DeSantis’s appointment of Judge Rebúll, 25 days late. The Governor did not bother to explain—to either the public or this Court—his illegal delay. Nor did he explain why, once someone went to court to force him to fulfil his duty, he chose to wait until the day his response to the petition was due before acting.

The constitutional deadline for filling judgeships is not ambiguous. It is not hard to understand. Nor is it hard to comply with. Yet this Governor has repeatedly shown he is unwilling to respect our Constitution’s simple mandates.¹

His pattern of behavior is a slap in the face to the judiciary, twice over. In the first instance, because it deprives the courts of a full bench to fulfill *their* duties to “be open to every person for redress of any injury” and to administer justice “without sale, denial or delay.” Fla. Const. art. I, § 21. And secondly, because it clogs the

¹ See, e.g., *Garcia v. DeSantis*, No. SC2025-959 (Governor failed to fill Second Circuit vacancy by constitutional deadline, and only made the appointment after this Court ordered him to respond to a mandamus petition); Petition at 7 n.2 (describing delays in filling another Second Circuit vacancy in 2023).

courts with mandamus petitions like this one that would be unnecessary if the Governor would simply follow the law.

The Governor's website indicates he has already missed the constitutional deadline to appoint *six more* judges.² Must someone go to court over each one? Respect for the Constitution and a co-equal branch of government demands more.³

It may be too late to convince the current Governor of the importance of following the Constitution's simple requirements like

² The deadline to fill two Fifteenth Circuit vacancies passed on July 5. The deadlines to fill a Twentieth Circuit vacancy and a Lee County Court vacancy passed on July 7. The deadline to fill a Second Circuit vacancy passed on July 11. The deadline to fill a Clay County Court vacancy passed on July 13. *Judicial Appointments*, Executive Office of the Governor, <https://www.flgov.com/eog/info/judicial/appointments> (last visited July 14, 2026).

³ Governor DeSantis has flouted analogous ministerial duties in other contexts, too. For example, he has been taken to court *six times* for failing to call legislative and congressional special elections as required by law. *McCleave v. DeSantis*, No. 2025 CA 10326 (Fla. 15th Jud. Cir. Ct. Oct. 7, 2025), *Lippe v. DeSantis*, No. 2025 CA 1856 (Fla. 2d Jud. Cir. Ct. Sep. 30, 2025), *Laimont v. DeSantis*, No. 2025 CA 33 (Fla. 2d Jud. Cir. Ct. Jan. 9, 2025), *Zamora v. DeSantis*, No. 2023 CA 1857 (Fla. 2d Jud. Cir. Ct. July 14, 2023), *Staples v. DeSantis*, No. 2021 CA 1781 (Fla. 2d Jud. Cir. Ct. Oct. 15, 2021), *Dowling v. DeSantis*, No. 9:21-cv-80796 (S.D. Fla. Apr. 29, 2021).

In each case, the Governor did not defend his inaction in court, but rather called the election after a lawsuit was filed, wasting the courts' time and undermining a co-equal branch of government, as here.

the deadline to fill judicial vacancies, but candidates to succeed him are listening. As this Court unanimously declared decades ago, “the Governor is bound by the Florida Constitution to appoint a nominee from the JNC’s certified list, within sixty days of that certification. There is no exception to that mandate.” *Pleus v. Crist*, 14 So. 3d 941, 946 (Fla. 2009). Judge Emas respectfully requests that this Court reiterate the importance of following the law.

Respectfully submitted July 14, 2026,

/s/ Nicholas L.V. Warren

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CERTIFICATE OF SERVICE

I certify that on July 14, 2026, this document has been furnished to counsel for all parties by email via the E-Filing Portal.

/s/ Nicholas L.V. Warren
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Counsel for Petitioner

CERTIFICATE OF COMPLIANCE

I certify that this document contains 593 words and complies with the applicable word-count and font requirements of Fla. R. App. P. 9.100(k) and 9.045(b).

/s/ Nicholas L.V. Warren
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