

IN THE DISTRICT COURT OF APPEAL
THIRD DISTRICT, STATE OF FLORIDA

Third District Court of Appeal Case No. 2025-2156
L.T. Case No. 2025-019608-CA-01

ON APPEAL FROM THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

DISTRICT BOARD OF TRUSTEES OF MIAMI DADE COLLEGE,

Appellant,

v.

DR. MARVIN DUNN,

Appellee.

AMICUS CURIAE BRIEF OF FLORIDA CHIEF FINANCIAL OFFICER
BLAISE INGOGLIA AND THE DEPARTMENT OF FINANCIAL
SERVICES SUPPORTING APPELLANT

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PRELIMINARY STATEMENT

Appellant, the District Board of Trustees of Miami Dade College, is referred to as “MDC Board.” Appellee, Dr. Marvin Dunn, is referred to as “Appellee.” The Florida Chief Financial Officer is referred to as the “CFO” and, together with the Florida Department of Financial Services, as “Amicus Curiae.” The 2.63-acre land parcel in downtown Miami that is the subject of the present appeal is referred to as the “Property.” References to the Appellant’s Initial Brief Appendix are cited as “App’x ___.”

STATEMENT OF INTEREST

The CFO’s interest in this matter is twofold. First, the CFO has a strong interest in the Florida Government in the Sunshine Act (“Sunshine Act”), chapter 286, Florida Statutes, due to his multifaceted role within Florida’s government. The CFO serves as the head of the Florida Department of Financial Services, which is primarily responsible for the implementation and operation of the Florida Planning, Accounting, and Ledger Management (“Florida PALM”) Project and contains several boards subject to the Sunshine Act. The CFO serves on and makes appointments to various boards created by Florida statutes.

Second, the CFO, as Florida's chief fiscal officer and State Treasurer, has the constitutional and statutory responsibility to ensure all funds appropriated by the Legislature, including funds appropriated to and obligated by the MDC Board, represent valid obligations of the state of Florida.

Accordingly, the CFO has a strong interest in this appeal because its outcome of could permanently impact Florida's finances and the integrity of government accountability and transparency mandated by the Sunshine Act. The CFO is dedicated to ensuring compliance with the Sunshine Act results in fiscally sound policies that effectively safeguard taxpayer funds.

SUMMARY OF THE ARGUMENT

The issue on appeal is whether the lower Court's order granting a temporary injunction, enjoining Appellant from conveying the Property to the State of Florida due to an alleged violation of the Sunshine Act, was proper.

The temporary injunction breaks from established precedent on Sunshine Act compliance by requiring a public meeting notice provide information beyond the reasonable notice contemplated by the plain text of the statute, to include specific and detailed subject

matter to be considered. By deviating from established law, the court's ruling results in increased costs, decreased efficiency, and confusion for Florida's government. Further, the temporary injunction has caused and continues to cause monetary harm to the State of Florida under the CFO's authority.

The trial court erred in granting the temporary injunction for two primary reasons: first, the Appellee failed to meet his burden to demonstrate that an injunction was warranted; and second, the trial court's order is legally insufficient. While this Amicus Curiae contends that Appellee failed to establish all four elements required for a temporary injunction, this Amicus Curiae specifically addresses Appellee's failure to show that the injunction would serve the public interest and the unavailability of an adequate remedy at law.

Because Appellee did not meet his burden for a temporary injunction and the trial court's order categorically does not contain legally sufficient findings supporting the grant of a temporary injunction, the temporary injunction must be overturned.

STANDARD OF REVIEW

This matter is an appeal of a nonfinal order granting a temporary injunction. "The standard of review of trial court orders on

requests for temporary injunctions is a hybrid. To the extent the trial court's order is based on factual findings, we will not reverse unless the trial court abused its discretion; however, any legal conclusions are subject to de novo review.” *Law Offices of Kravitz & Guerra, P.A. v. Brannon*, 338 So. 3d 1022, 1023 (Fla. 3d DCA 2022) (quoting *Quirch Foods LLC v. Broce*, 314 So. 3d 327, 337 (Fla. 3d DCA 2020)). As the trial court’s order granting the temporary injunction was a legal conclusion that the public meeting notice did not constitute reasonable notice, the appropriate standard of review for this Court is de novo. However, even under the abuse of discretion standard of review, this Court should overturn the grant of the temporary injunction.

ARGUMENT

I. The temporary injunction breaks from established precedent and causes monetary harm to the State of Florida.

A. The temporary injunction breaks from established precedent on Sunshine Act compliance, resulting in increased costs, decreased efficiency, and confusion.

1. Amicus Curiae’s Role

As a member of boards and commissions established by law, in addition to his responsibilities as a member of the Florida Cabinet

and head of the Florida Department of Financial Services, the CFO frequently participates in public meetings. Thus, the CFO is responsible for, or substantially affected by, providing reasonable notice for said meetings in compliance with the Sunshine Act. Oftentimes, due to the nature of the responsibilities of his office, the CFO and Department lead boards or committees that influence every single Florida state agency.

One of those unique committees that affects every state agency is the Florida PALM Executive Steering Committee (“ESC”). The CFO is the Chair of the ESC, overseeing the project to replace Florida’s statewide accounting system (Florida Accounting Information Resource Subsystem or “FLAIR”) and Cash Management Subsystem (“CMS”).¹ See Ch. 2016-62, § 79, at 57-58, Laws of Fla. FLAIR is the system that every state agency uses to submit a voucher or invoice to the Amicus Curiae for review, in order to get a warrant for payment

¹ Since 2012, the Legislature has appropriated approximately \$379.4 million to replace FLAIR. See Fla. H.R. Comm. on Budget, HB 5201 (2025) Post-Meeting (Apr. 2, 2025), <https://www.flsenate.gov/Session/Bill/2025/5201/Analyses/h5201a.BUC.PDF>.

with the according disbursement of funds. *See* § 215.422; *see also* Fla. Admin. Code R. 69I-24.001, *et seq.*

Due to the sweeping impact of the Florida PALM project, the ESC is made up of members from the Florida Department of Financial Services, the Executive Office of the Governor, the Florida Department of Revenue, the Florida Department of Management Services, the Florida Department of Transportation, the Florida Department of Environmental Protection, the Florida Digital Service, the Florida Department of Business and Professional Regulation, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Education, and the Florida Agency for Healthcare Administration. As Chair of the ESC, the CFO is responsible for providing reasonable notice of the ESC's public meetings.²

As the Florida State Fire Marshal, the CFO also ensures reasonable notice is provided for public meetings of the Florida Fire Code Advisory Council; the Florida Fire Safety Board; the Fire and Emergency Incident Information System Technical Advisory

² Between July 25, 2018, and October 22, 2025, the ESC held 108 public meetings. *Executive Steering Committee Meetings*, Florida PALM, <https://myfloridacfo.com/floridapalm/oversight> (last visited Nov. 10, 2025, 2:35 PM).

Panel; and the Firefighters Employment, Standards, and Training Council. See §§ 633.136, 633.204, 633.302, 633.402, Fla. Stat. These entities collectively review, advise on, and make recommendations regarding the Florida Fire Prevention Code; uniform fire safety standards; the training and certification standards for firefighters³; professional, technical, and safety standards for firefighters; the system for reporting and tracking fire and emergency incidents; and other matters relevant to the public safety at large.⁴ Beyond affecting every state agency using a building, these meetings have a profound effect on the public regarding the requirements of current buildings and the requirements of new construction.

Moreover, as head of the Florida Department of Financial Services, the CFO ensures reasonable notice is provided for public meetings of the Board of Funeral, Cemetery, and Consumer Services

³ The Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Standards and Training certifies Florida fire service members to ensure they meet industry-based standards. See § 633.402(9)(c), Fla. Stat.

⁴ See State Fire Marshal, <https://myfloridacfo.com/division/sfm/home> (last visited November 10, 2025).

and public meetings pertaining to rulemaking and competitive procurements of the Florida Department of Financial Services. See, §§ 120.525, 120.54, 497.101, Fla. Stat. This is in addition to notices regarding meetings for competitive procurements. § 287.057, Fla. Stat.

2. The Sunshine Law and effect on the role of the Amicus Curiae

Even if Florida law required that reasonable notice to the public include information about the “general subject matter to be considered” at a public meeting, the trial court’s order imposing the temporary injunction goes a step further: it finds that it is necessary to include more specific information about the subject matter to be discussed at public meetings. App’x 401-03. This is a significant break from established law regarding what constitutes reasonable notice.

Requiring public meeting notices to include specific information regarding the subject matter to be considered, or even information about the general subject matter, would add burdensome requirements to government entities attempting to provide reasonable notice of matters to be discussed at public meetings.

Boards and commissions would essentially be required to create and publish itemized agendas in the form of a meeting notice where no such requirement previously existed under the Sunshine Act. This will increase the financial costs and administrative time associated with public meeting notices. This increase stems from the need to publish longer, more detailed meeting notices, consequently reducing the capacity of boards and commissions to conduct business efficiently, including the costs of publishing and advertising lengthier and more detailed meeting notices.

Even more significantly, these new requirements will increase the administrative time required to create meeting notices, decreasing the ability of boards and commissions to conduct business efficiently. As Chair of the Florida PALM ESC, this means that requiring the CFO to conduct business less efficiently will also decrease the efficiency of the rest of the ten other agencies who are members represented in the ESC.

Perhaps most importantly, requiring public meeting notices to include specific information, or even general information regarding the subject matter to be considered, will inevitably require frequent rescheduling or postponement of specific topics if a matter arises that

is outside the scope of the published meeting notice but is not identified. This further slows the ability of government to address the needs of its citizens.

After all, this Court recognized this concept, stating “the necessity of items to appear on an agenda before they could be heard at a meeting would foreclose easy access to such meeting to members of the general public who wish to bring specific issues before the governmental body.” *Hough v. Stembridge*, 278 So. 2d 288, 291 (Fla. 3d DCA 1973).

The trial court’s break with established precedent will also cause confusion with the standard for reasonable notice, inevitably leading to an increase in litigation, and threats of litigation. These additional hostilities will push government entities toward paralysis, requiring more consultation with legal counsel before addressing issues not otherwise noticed, either generally or specifically.

The increase in litigation will also compel government entities to expend taxpayer funds to defend themselves in court. By reading a requirement into the Sunshine Act that is not present, the trial court has upset the careful balance between government efficiency and transparency. This is no better typified than the CFO’s

responsibilities with the ESC, and the various fire boards mentioned above. Such a holding would paralyze those boards and have profound ripple effects for every state agency, and the public at-large.

B. The temporary injunction has resulted in and continues to cause monetary harm to the State of Florida under the CFO's authority.

1. The CFO as chief fiscal officer and Treasurer

The CFO, as the chief fiscal officer of the state, “shall settle and approve accounts against the state, and shall keep all state funds and securities.” Art. IV, § 4(c), Fla. Const.; *see also* § 17.001, Fla. Stat.; Art. XII, § 24(a), Fla. Const. (creating the office of the CFO). The CFO possesses broad statutory authority, articulated throughout Florida Statutes. Section 20.121, Florida Statutes, specifically designates the CFO as both the head of the Department of Financial Services and the State Treasurer. Section 17.04, Florida Statutes, addresses the CFO's responsibility for accounts and those indebted to the State.

As the chief fiscal officer and Treasurer of the state, the CFO administers the State Treasury. *See* Art. IV, § 4(c), Fla. Const.; § 20.121(1), Fla. Stat. The CFO is “charged with the coordination and supervision of procedures providing for the efficient handling of

financial assets under the control of the State Treasury and each of the various state agencies, and of the judicial branch.” § 17.57(6), Fla. Stat. Once appropriated, the CFO is responsible for keeping the funds. Art. IV, § 4(c), Fla. Const.

Pursuant to the authority granted to the CFO in section 17.03, Florida Statutes, upon receipt of an invoice and supporting documentation, payment will be issued if such invoice has been deemed correct and verifiable by the CFO. Once the CFO determines the invoice is correct and verifiable, the CFO will issue a state warrant for payment of the invoice. §§ 17.075, .08, Fla. Stat.

It is the CFO’s statutory and constitutional authority to ensure all payments represent valid obligations of the state of Florida. §§ 17.03, .04, Fla. Stat.; Art. IV, § 4(c), Fla. Const. Indeed, the CFO can require someone in possession of state property, to “yield [it] up” in satisfaction of a debt. § 17.04, Fla. Stat.

The temporary injunction restraining the transfer of property will increase Miami Dade College’s operational expenditures associated with the ownership of property in downtown Miami, as opposed to the Property being privately owned and maintained.

To be sure, while not all the funds appropriated to Miami Dade College would be expended on the Property at issue, undoubtedly some of the appropriated funds would be used in the operation and maintenance of the Property.

The CFO will have to continue to expend resources and incur an administrative burden by reviewing invoices and the supporting documentation, and then ensuring the warrants are paid appropriately, all for a property that would otherwise be out of the State's financial purview and responsibility. Specifically, recurring expenditures typically include maintenance, utilities, security, insurance, and other liabilities. See App'x 286-90, 293-96 (discussing the potential duplication of real estate transaction expenses caused by the injunction).

In addition, an increase in Miami Dade College's expenditures will impact the amount invested in the Treasury Investment Fund by Miami Dade College, under the CFO's authority. The proceeds from assessments made on participants are "deposited in the Treasury Administrative and Investment Trust Fund" and "shall be used by the [CFO] to defray the expense of his or her office in the discharge of the administrative and investment powers and duties prescribed by this

section and this chapter, including the maintaining of an office and necessary supplies therefor, essential equipment and other materials, salaries and expenses of required personnel, and all other legitimate expenses relating to the administrative and investment powers and duties imposed upon and charged to the [CFO] under this section and this chapter.” § 17.61(4)(b), (c), Fla. Stat.

Changes to Miami Dade College’s investments will, in turn, affect the CFO by changing the assessment collected by and for the CFO from the Treasury Investment Pool. *See* § 17.61(4)(b), Fla. Stat. Therefore, the potential increase of expenditures by Miami Dade College attributable to continuing to own the Property may have a direct negative impact on the CFO due to the reduced assessment collected. Underscoring all of this is that the moneys from the funds are to be used to defray administrative costs, precisely the kind that will have to be maintained if the Property is not otherwise conveyed into private ownership.

II. The trial court’s entry of the temporary injunction was in error because the Appellee failed to meet his burden to prove that an injunction was warranted, and the order is legally insufficient.

A. Appellant failed to prove the required elements of a temporary injunction.

To obtain a preliminary injunction, a plaintiff must show “(1) a substantial likelihood of success on the merits, (2) the unavailability of an adequate remedy at law, (3) irreparable harm absent entry of an injunction, and (4) that the injunction would serve the public interest.” *Florida Dep’t of Health v. Florigrown, LLC*, 317 So. 3d 1101, 1110 (Fla. 2021). Failure to establish any one of these elements requires the court to deny the injunction. *See id.* at 1111. The temporary injunction is inappropriate both because it does not serve the public interest and because Appellee has an alternative remedy at law.⁵

⁵ This Amicus Curiae contends Appellee failed to demonstrate all four elements but focus on the second and fourth elements in this brief due to the CFO’s interest and expertise.

1. The temporary injunction does not serve the public interest and perpetuates harm to the State of Florida.

“[T]he party seeking an injunction must satisfy each element with competent, substantial evidence.” *Telemundo Media, LLC v. Mintz*, 194 So. 3d 434, 436 (Fla. 3d DCA 2016); *see also Hamad v. Sarsour*, 406 So. 3d 334, 337 (Fla. 3d DCA 2025). Not only has Appellee failed to show competent, substantial evidence that the injunction would serve the public interest, but in fact the injunction causes harm to other parties, including the Amicus Curiae. As discussed in Part I *supra*, the temporary injunction causes confusion by departing from established precedent, decreases the efficiency of Sunshine Act compliance, and causes monetary harm to the State of Florida.

A party seeking the extraordinary remedy of a temporary injunction bears the burden of proving to the trial court that granting the temporary injunction will not disserve the public interest. *See City of Miami Beach v. Kuoni Destination Mgmt.*, 81 So. 3d 530, 532 (Fla. 3d DCA 2012). Examples of injunctions that do not serve the public interest include those seeking to enjoin an impact window

upgrade project designed to protect against catastrophic loss that was significantly underway. *VME Group Int'l, LLC v. Grand Condo. Ass'n, Inc.*, 305 So. 3d 30, 33 (Fla. 3d DCA 2019). Examples of injunctions serving the public interest include those protecting and enforcing contractual rights in reasonable covenants not to compete. *See Family Heritage Life Ins. Co. of Am. v. Combined Ins. Co. of Am.*, 319 So. 3d 680, 685 (Fla. 3d DCA 2021).

As discussed in Part I *supra*, granting the temporary injunction disserves the public interest because it adds burdensome requirements to government entities attempting to provide reasonable notice of matters to be discussed at public meetings. This will lead to increased financial costs associated with public meetings, including the costs of publishing, advertising, and legal defense. The public interest is not served by this increased demand on taxpayer funds.

In addition to increasing the financial costs of Sunshine Act compliance, these new requirements will increase the administrative time and effort required to create reasonable notices for public meetings, decreasing the ability of boards and commissions to conduct business efficiently. This further slows the ability of

government to address the needs of its citizens, which is against public interest.

Plaintiff did not meet his burden to establish that granting the temporary injunction would not disserve the public interest; in fact, granting the temporary injunction does a great disservice to the public interest. Therefore, this Court should overturn the trial court's grant of the temporary injunction under the de novo review standard.

2. A temporary injunction is inappropriate because the Sunshine Act provides an adequate remedy at law.

A party seeking the extraordinary remedy of a temporary injunction bears the burden of proving to the trial court the unavailability of an adequate remedy at law. *See City of Miami Beach v. Kuoni Destination Mgmt.*, 81 So. 3d at 532. Plaintiff did not meet this burden, as the Sunshine Act itself provides an adequate remedy to address his purported grievance. Section 286.011, Florida Statutes, provides that remedies for violations of the Sunshine Act include a declaration that a wrongful action is void *ab initio* and reasonable attorney fees. *Dascott v. Palm Beach Cnty.*, 988 So. 2d 47, 49 (Fla. 4th DCA 2008). If the trial court ultimately finds the MDC Board violated the Sunshine Act, the court could enjoin transfer of

the Property at that time by declaring it void. The possibility that adequate corrective relief will be available at a later date, in the ordinary course of litigation, weighs heavily against granting a temporary injunction. See *VME Group Int'l, LLC v. Grand Condo. Ass'n, Inc.*, 305 So. 3d at 33.

B. The trial court's order granting the temporary injunction is legally insufficient.

When granting a request for a temporary injunction, “[c]lear, definite, and unequivocally sufficient factual findings must support each of the four conclusions necessary to justify entry of a preliminary injunction.” *Walker v. Cape Food Props., LLC*, 390 So. 3d 761, 761 (Fla. 1st DCA 2024) (quoting *Lusby v. Canevari*, 363 So. 3d 233, 235 (Fla. 6th DCA 2023)). The findings in the trial court’s order granting the temporary injunction were not unequivocally sufficient because Appellee did not meet his burden to prove all four elements justifying the temporary injunction. See App’x 399-405.

Additionally, it is an abuse of discretion to grant a temporary injunction based on an expansive reading of the law that is contrary to established precedent. See *Lusby v. Canevari*, 363 So. 3d at 235 (finding error in granting temporary injunction where the order failed

to address the unavailability of an adequate remedy at law and where the trial court failed to conduct an evidentiary hearing on the amount of the injunction bond); *cf. Alsaloussi v. Drummond*, 404 So. 3d 560, 561 (Fla. 3d DCA 2025) (temporary injunction properly granted because the trial court properly applied the law).

If a trial court is unable to provide sufficient factual findings to support any element necessary to grant a temporary injunction, then it *must* enter an order denying the motion for temporary injunction. *Walker*, 390 So. 3d at 761; *see also Lusby*, 363 So. 3d at 235 (reversing an injunction order for failure to sufficiently address one of the four elements, even where evidence was presented at the hearing to establish it).

As discussed in Part II.A., *supra*, Appellee did not meet his burden to present factual evidence demonstrating he met all four elements necessary for a temporary injunction. Primarily, the injunction does not serve the public interest, as discussed above; the Order is notably silent on this analysis and does not even consider it. The Order does not adequately address why the remedy at law is somehow insufficient. Nor does it distinguish how a temporal factor justifies the issuance of an injunction in the face of an adequate legal

remedy. Therefore, the trial court's order did not have a sufficient basis to support its ruling. See App'x 399-405. Because the trial court's order categorically does not contain legally sufficient findings supporting the grant of a temporary injunction, it must be overturned.

CONCLUSION

Amicus Curiae respectfully request this Court overturn the trial court's grant of a temporary injunction.

Respectfully submitted this 17th day of November, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Curiae Brief has been furnished via the E-filing Portal to all counsel of record this 17th day of November, 2025.

s/ Francis Carbone
Francis A. Carbone II, B.C.S.

CERTIFICATE OF COMPLIANCE

I hereby certify that the type and style of this document complies with the applicable font and word count limit requirements of Florida Rules of Appellate Procedure 9.045, 9.210, and 9.370.

s/ Francis Carbone
Francis A. Carbone II, B.C.S.