# FIRST DISTRICT COURT OF APPEAL
# STATE OF FLORIDA

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No. 1D19-1089

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COUNTY OF VOLUSIA, PHILIP T. FLEUCHAUS, and T. WAYNE BAILEY,

Appellants/Cross-Appellees,

v.

RON DESANTIS, Governor of the State of Florida; LAUREL M. LEE, Secretary of State of the State of Florida; FLORIDA TAX COLLECTORS ASSOCIATION; and FLORIDA ASSOCIATION OF COURT CLERKS, INC.,

Appellees/Cross-Appellants.

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

August 17, 2020

KELSEY, J.

Florida home-rule counties used to be able to adopt charter provisions governing the selection and functions of their county constitutional officers: sheriffs, tax collectors, property appraisers, supervisors of elections, and clerks of circuit court. That changed in the November 2018 general election, when Florida voters

approved a constitutional amendment, part of a revision the 2017–18 Constitution Revision Commission proposed, eliminating that previously authorized home-rule power. Volusia County had opted for the local approach in 1970, adopting charter provisions establishing a county council and county departments whose heads performed the duties of these offices. The county council appointed the head of the department that replaced the tax collector, and county voters elected the heads of the other departments.

After the 2018 election, the County sued for declaratory and injunctive relief, seeking a declaration that the 2018 amendment did not affect the County's pre-existing methods of selection, performance, and management of the duties of the County's constitutional officers. The County named Florida's Governor and Secretary of State as defendants. The County asserted that these officers were proper defendants because each has the legal duty to sign the commissions of county constitutional officers. Both the Governor and Secretary of State asserted they were not proper defendants. The Florida Association of Court Clerks, Inc., and The Florida Tax Collectors, Inc., were granted leave to intervene as defendants.

In the final summary judgment on appeal, the trial court ruled that the County must comply with the 2018 amendment, and that both the Governor and Secretary of State were proper parties to the lawsuit. The County appeals the merits ruling, and the Governor and Secretary of State cross-appeal as to their party status. Our standard of review is de novo as to both sets of issues. *See Lewis v. Leon Cty.*, 73 So. 3d 151, 153 (Fla. 2011) (applying de novo review of constitutional interpretation issues); *cf. Reynolds v. Nationstar Loan Servs., LLC*, 190 So. 3d 219, 221 (Fla. 4th DCA 2016) (applying de novo standard to determine proper party status). We affirm the trial court's ruling on the merits, reverse the determination that the Governor was a proper defendant, and affirm that the Secretary of State was a proper defendant in light of the substantive provisions of the amendment.

***The Amendment.***

The 2018 amendment to article VIII of the Florida Constitution provided as follows (indicating deleted text as ~~stricken through~~ and added text as underlined):

> SECTION 1. Counties.-
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> (d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; ~~except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office~~. Unless ~~When not~~ otherwise provided by ~~county charter or~~ special law approved by vote of the electors or pursuant to Article V, section 16, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds. Notwithstanding subsection 6(e) of this article, a county charter may not abolish the office of a sheriff, a tax collector, a property appraiser, a supervisor of elections, or a clerk of the circuit court; transfer the duties of those officers to another officer or office: change the length of the four-year term of office; or establish any manner of selection other than by election by the electors of the county.
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> . . . .
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> SECTION 6. Schedule to Article VIII.-
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> . . . .
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> (g) SELECTION AND DUTIES OF COUNTY OFFICERS.-

> (1) Except as provided in this subsection, the amendment to Section 1 of this article, relating to the selection and duties of county officers, shall take effect January 5, 2021, but shall govern with respect to the qualifying for and the holding of the primary and general elections for county constitutional officers in 2020.
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> (2) For Miami-Dade County and Broward County, the amendment to Section 1 of this article, relating to the selection and duties of county officers, shall take effect January 7, 2025, but shall govern with respect to the qualifying for and the holding of the primary and general elections for county constitutional officers in 2024.

The ballot summary for this amendment described its legal effect as follows: "Ensures election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all counties; removes county charters' ability to abolish, change term, transfer duties, or eliminate election of these offices." *See Cty. of Volusia v. Detzner*, 253 So. 3d 507, 509 (Fla. 2018). The schedule for the amendment provided that it "shall take effect January 5, 2021, but shall govern with respect to the qualifying for and the holding of the primary and general elections for county constitutional officers in 2020." *See id.* at 510; *see also* Art. VIII, § 6(g)(1), Fla. Const. The Florida Supreme Court approved the amendment for ballot placement, finding that the ballot summary accurately described the chief purpose and legal effect of the amendment. *Detzner,* 253 So. 3d at 511. The supreme court declined to consider how the amendment would affect Volusia's county structure, leaving that decision to a post-election action such as this. *Id.* at 513.

***"Retroactivity."***

The County argues here, as it did below, that it is not subject to the new amendment because retroactive application would be impermissible. Put another way, the County argues that its 1970 charter amendments were "grandfathered in," and remain in effect despite passage of the amendment. We reject the County's argument and affirm the circuit court's ruling on this issue.

This amendment is not "retroactive" in the sense of reaching back in time to invalidate what went before or to attach new legal consequences to actions already completed. *See Metro. Dade Cty. v. Chase Fed. Hous. Corp.*, 737 So. 2d 494, 499 (Fla. 1999) (defining retroactive operation as occurring when amendment "attaches new legal consequences to events completed before its enactment") (quoting *Landgraf v. USI Film Prods.*, 511 U.S. 244, 270 (1994)); *see also Tejada v. In re Forfeiture of The Following Described Prop.: $406,626.11 In U.S. Currency*, 820 So. 2d 385, 389 (Fla. 3d DCA 2002) (recognizing statute does not operate retrospectively just because it applies to conduct that occurred before enactment of the statute or changes expectations arising from previous law).

This amendment effected a prospective change, giving the County a deadline of January 5, 2021 to comply, expressly beginning "with respect to the qualifying for and the holding of the primary and general elections for county constitutional officers in 2020."[*] The amendment required the County only to alter its future structure for county constitutional offices, which makes the amendment prospective and not retroactive. The amendment attaches no new legal consequences to the County's 1970 charter amendments or its past actions or operations consistent with those provisions. The amendment requires that the County's old charter provisions "will simply have to give way." *See In re Advisory Opinion to Atty. Gen., Limitation of Non-Econ. Damages in Civil Actions*, 520 So. 2d 284, 287 (Fla. 1988) ("The committee correctly observes that statutes and jury instructions which are inconsistent with the constitution, if it is amended, will simply have to give way.").

In a related argument, the County contends that this amendment violates the pre-existing constitutional provision prohibiting amendment of a county charter except by vote of the county's electorate. *See* Art. VIII, § 1(c), Fla. Const. ("Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon

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[*] We understand that the County has taken all necessary steps to comply with the new amendment for the upcoming November 2020 election.

vote of the electors of the county in a special election called for that purpose."). This amendment, however, expressly amended article VIII, section 1 of the constitution. The new amendment prevails over the old language. The Florida Supreme Court recognized as much in approving the amendment's ballot language as "clearly explain[ing] that charters will be prohibited from taking certain actions" if the amendment passed, and that voters "will draw the logical conclusion that they will not be permitted to amend their charter in a manner inconsistent with the amendment." *Detzner*, 253 So. 3d at 512. In the event of a conflict between a county charter and the Florida Constitution, the charter must yield. *See Limitation of Non-Econ. Damages*, 520 So. 2d at 287.

***Proper Defendant – Secretary of State.***

Both the Governor and the Secretary of State cross-appeal the circuit court's determination that each was a proper party to the County's lawsuit. A state official is a proper party in a declaratory-judgment action if the official is charged with enforcing the legal provision at issue in the litigation. *See Scott v. Francati*, 214 So. 3d 742, 745–46 (Fla. 1st DCA 2017). If so, the analysis ends, and the official is a proper party. *See id.* If not, then this Court must consider "(1) whether the action involves a broad constitutional duty of the state implicating specific responsibilities of the state official; and (2) whether the state official has an actual, cognizable interest in the challenged action." *Id.* at 746.

We conclude that the Secretary of State was a proper defendant, but not because of the duty to sign the commissions of elected county constitutional officers, as the County argued. Rather, the Secretary of State was a proper defendant because of the legal effect of this amendment and the Secretary's statutory obligation to enforce it. The Secretary of State is obligated to ensure uniformity in election laws statewide and to ensure that the County's supervisor of elections, along with all other county supervisors of elections, includes all county constitutional officers on the ballot beginning in the November 2020, election. *See* § 97.012(1), Fla. Stat. (2018) ("The Secretary of State is the chief election officer of the state, and it is his or her responsibility to: (1) Obtain and maintain uniformity in the interpretation and implementation of the election laws."). The key operative effect of

the amendment is to require *all* counties to elect their county constitutional officers, which implicates the Secretary's statutory obligation to ensure uniformity under section 97.012(1).

The Secretary also has the obligation and the power to "[b]ring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections." § 97.012(14), Fla. Stat. The very impetus of the litigation below was the County's attempt *not* to comply with the new amendment. The County's litigation position thus triggered the Secretary's obligation to enforce the obligation of the County's supervisor of elections to comply with the amendment.

Further, the Secretary is charged with ensuring that local supervisors of elections properly qualify candidates and place them on the ballot, and then the Secretary must certify the results of those elections. *See* § 99.121, Fla. Stat. (requiring Department of State to certify nominations for local offices, and requiring the local supervisors of elections to print ballots accordingly); §§ 100.051, 101.2512, Fla. Stat. (requiring local supervisors of elections to print candidate names on ballots in compliance with the Election Code). The Secretary of State is the officer with statutory authority to enforce the election-related obligations of the County's supervisor of elections, including obligations to implement the 2018 amendment at issue.

These statutory provisions make the Secretary of State the official charged with enforcing the legal provision at issue in the litigation. The Secretary is thus a proper party defendant to the County's lawsuit, and we need go no further to affirm the trial court's ruling on this issue. *See Francati*, 214 So. 3d at 745–46. Although it is possible that the Secretary of State is not the *exclusive* proper defendant, we need not identify all potentially proper defendants.

Because we conclude that the Secretary of State was a proper defendant, we need not find any other proper party to support the trial court's exercise of subject-matter jurisdiction—a problem our dissenting colleague must solve upon concluding that the Secretary was not a proper defendant. The dissent argues that the intervenors were admitted to the litigation as equal participants and not in subordination to the named parties, and thus provided

the requisite adversity to create subject-matter jurisdiction. While such a non-subordinate status is possible under Florida Rule of Civil Procedure 1.230, the rule specifies that intervention "shall be in subordination to, and in recognition of, the propriety of the main proceeding, unless otherwise ordered by the court in its discretion." We read the plain language of this rule as focusing on an express ruling by the trial court, and not leaving the issue to an analysis of the intervenors' level of participation as the dissent argues. The rule on its face contemplates that the trial court will include language in the order granting intervention that expressly orders that intervention is not subordinate. Here, however, neither order included any such language, but rather generically granted each motion.

The Court Clerks' Motion to Intervene cited rule 1.230 and did not address an intervenor's subordinate status vis–a–vis the originally named parties under that rule. The trial court granted the Court Clerks' motion to intervene with an order stating, "[Movant], having moved to intervene as a defendant, and there being no objection from the parties of record, it is: ORDERED that the motion to intervene is GRANTED." The Tax Collectors argued in support of their Motion to Intervene that they should not be subordinate to the parties. The trial court granted the Tax Collectors' motion with an order stating, "This cause having come before this Court on [Movant's] Motion to Intervene and the Court having heard the argument of counsel, and it appearing that good cause exists for the granting of such motion it is hereby ordered and adjudged that the [Movant's] Motion is GRANTED."

Neither order granting intervention expressly addressed the intervenors' status in the litigation. We have noted that the default limited role of an intervenor under rule 1.230 is expanded where the trial court's order *clearly* so indicates. *See Smith v. Atl. Boat Builder Co.*, 356 So. 2d 359, 362 (Fla. 1st DCA 1978) ("Although the court's order did not specifically provide that the intervention of the Bank would not be in subordination to the main proceeding, the recitations in the order and its conclusion clearly indicate the court's purpose."). No such clear indication was present here. We do not find it sufficient that the order merely grants a motion that argues against subordination, as did the Tax Collectors' motion; and we certainly do not find it sufficient as to a motion that is silent

on the question as was the Court Clerks' motion. Each intervenor, aware of the language of the rule, could have ensured that this specific issue was addressed and expressly ruled upon, but did not do so.

### ***Improper Defendant – Governor.***

Although we affirm the circuit court's ruling that the Secretary was a proper defendant, we reach the opposite result as to the Governor's party status. The County argued that the Governor was a proper defendant because Florida's Governor is the state's chief executive and has the legal responsibility to sign the commissions of each county's constitutional officers. We have previously rejected the reasoning of the first argument, finding the Governor's position as chief executive officer too broad to support defendant status merely because a state law is at issue. *See Francati*, 214 So. 3d at 747 ("It is absurd to conclude that the Governor's general executive power under the Florida Constitution is sufficient to make him a proper defendant whenever a party seeks a declaration regarding the constitutionality of a state law."). We likewise reject the second argument, because the Governor's duty to sign commissions falls far short of any duty to enforce the constitutional amendment governing the County's powers and obligations. The Governor has no direct cognizable interest in the litigation. *See id.* We therefore reverse the circuit court's determination that the Governor was a proper defendant.

AFFIRMED in part and REVERSED in part.

RAY, C.J., concurs; MAKAR, J., concurs in part and dissents in part with opinion.

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

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MAKAR, J., concurring in part, dissenting in part.

At issue is whether Volusia County may retain its existing structure of government after the passage of an amendment in 2018 (dubbed Revision 10) to article VIII of the Florida Constitution that eliminated the authority of counties to abolish, change terms, transfer duties, or eliminate the election of county constitutional officers. Volusia County (and two county officials) sued two state officials, the Governor and the Secretary of State, seeking a declaration that the County need not alter the structure of its current governance, which in 1970 had abolished the offices of sheriff, tax collector, property appraiser, and supervisor of elections, making them county departments (three of the four department heads are popularly elected and one is appointed).

The trial court granted the relief sought by the two private associations that intervened as defendants, the Florida Association of Court Clerks and the Florida Tax Collectors Association, ruling against the County, which had sought a declaration that Revision 10 applied prospectively only and did not affect the County's existing structure of government. I agree that the trial court was correct to enter final summary judgment in favor of the intervenors/defendants and against the County; I also agree that the trial court erred in holding that the Governor was a proper party-defendant. I disagree, however, that the Secretary of State was a proper party-defendant; I also disagree that the two private associations—who intervened and exclusively led and controlled the defense—were not proper parties to the litigation.

I.

Starting with the Secretary's status, the sole basis in the County's complaint for suing the Secretary was her statutory duty to "countersign the commissions of elected county officers" and "record such commissions" pursuant to sections 113.051 and 113.06, Florida Statutes, following the 2020 general election. The statutory duty to sign and record commissions, however, is not at issue in this litigation and the duty arises only *after* a county election has occurred (no election has occurred here); it has nothing to do with the issues of county governance under Revision 10 that are disputed in this litigation. The mere fact that local officials

elected in 2020 (or whenever) must have their commissions signed and recorded by the Secretary (which is ministerial in nature) is far too slender a reed upon which to hale the Secretary into court and require that she stake out a position on matters of purely local governance and structure.

After the Secretary moved to dismiss, the County filed a laconic response, amounting to one page of text, repeating its argument that the counter-signature statute made the Secretary a proper party-defendant, which—as just discussed—is meritless. Without elaboration or explanation, in a single sentence, it also paraphrased the language from section 97.102, Florida Statutes, seemingly to suggest that the Secretary can be sued whenever a disputed matter of local governance arises simply because she is Florida's chief elections officer, which is grasping at straws.

The Secretary, of course, has a statutory responsibility to "[o]btain and maintain uniformity in the interpretation and implementation of the *election laws*" by "adopt[ing] by rule uniform standards for the proper and equitable interpretation and implementation of the requirements of *chapters 97 through 102 and 105 of the Election Code*." § 97.012(1), Fla. Stat. (2020) (emphases added). The Secretary also has the responsibility to "[b]ring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections or any official performing duties with respect to *chapters 97 through 102 and 105* or to enforce compliance with a rule of the Department of State adopted to interpret or implement *any of those chapters*." *Id.* § 97.012(14) (emphasis added). But these two statutory responsibilities relate solely to the performance of *election-related* duties with respect to only "chapters 97 through 102 and 105 of the Election Code," none of which are at issue here.

As is apparent, the central issue in this litigation is the County's governance and structure as to constitutional officers, which does not involve enforcement or interpretation of elections laws or the duties set forth in the designated election law chapters highlighted above. Neither the state constitution nor state election statutes make the Secretary an enforcer, arbiter, or interpreter of the challenged provisions of article VII. If it is "absurd" to make

the Governor a defendant whenever a plaintiff "seeks a declaration regarding the constitutionality of a state law," *Scott v. Francati*, 214 So. 3d 742, 747 (Fla. 1st DCA 2017) , it is equally inappropriate to require the Secretary to defend a case such as this one, where no election has occurred, no election laws are implicated, and the Secretary has no authority or responsibilities as to the challenged constitutional provision. Far better to allow this litigation to occur between local government interests, or the private associations who intervened and successfully litigated the case. Qualification for local constitutional officers is done by the local supervisors of elections, not the Florida Division of Elections, making the Secretary's role in a case such as this one even more attenuated. As all seem to agree, the supervisor of elections for Volusia County is the proper governmental party-defendant, not the Secretary.

A state official, even if not the enforcing authority, may be a proper party-defendant if (a) the "action involves a broad constitutional duty of the state implicating specific responsibilities of the state official," and (b) the "state official has an actual, cognizable interest in the challenged action." *Francati*, 214 So. 3d at 746. Neither of these factors are met as to the Secretary.

Keep in mind that the constitutional amendment at issue revised article VII of the state constitution, which is entitled "Local Government," and that its sole purpose and effect is to eventually make the structure of all county governments in Florida consistent as to constitutional officers by 2025 (when Miami-Dade and Broward must comply). Nothing in the 2018 amendment implicates an "election" law, and the amendment did not change or implicate article VI of the state constitution, entitled "Suffrage and Elections," in any way. No "election" law—as traditionally understood—is at issue in this litigation, which relates only to the structure of county governance in Volusia County under article VIII of the state constitution.

Moreover, the Secretary is not charged with enforcing the challenged provisions of Revision 10. *Francati*, 214 So. 3d at 745 (state official charged with enforcing a challenged statute is a proper party-defendant). She has no legal duty to enforce the amended provisions of article VIII, section 6, which preclude the abolition of certain county constitutional officers, and she has no

legal responsibility to weigh in on matters of a county's governance and structure generally. Simply stated, the Secretary has no "actual, cognizable interest" in this local governance litigation; indeed, she has no interest in the merits of this litigation whatsoever.

To hold otherwise, and to dragoon the Secretary into court whenever some action or inaction of a local government precedes a vote of the electorate, would be unwarranted and unprecedented. Imagine if powers of local government were to be exercised under article VIII such as (a) consolidation of county and municipal powers, (b) transfers of local powers (such as fire/rescue); or (c) local options as to sale of intoxicating liquors, each of which requires an election under the constitution. Would the Secretary, who has no legal duty or interest in such local issues, be a proper defendant if a legal challenge on these topics were filed? Of course not. The same is true of other portions of the constitution dealing with taxes, bonds, consolidation of school boards, appointed superintendents of schools, and so on.

Finally, the County points to cases where the Secretary has been a defendant, such as *Brown v. Firestone*, 382 So. 2d 654 (Fla. 1980), *Plante v. Smathers*, 372 So. 2d 933 (Fla. 1979), and *Smith v. Smathers*, 372 So. 2d 427 (Fla. 1979). In each of those cases, however, the Secretary was merely a nominal party whose sole purpose was to enforce a court-ordered remedy, *Brown*, 382 So. 2d at 657 (holding that the Secretary of State was merely "[n]ominal respondent[]" who would expunge a veto if ordered to do so); *Plante*, 372 So. 2d at 938 (finding that the Secretary of State, as a remedial defendant, would "decline to accept the candidate's qualifying papers" if required to do so), or the case involved a genuine election-related matter, *Smith*, 372 So. 2d at 428 (discussing issue involving constitutionality of abolition of write-in candidacies in revised election code). The Secretary's traditional role in ballot title and summary challenges falls in this latter category. *See Cty. of Volusia v. Detzner*, 253 So. 3d 507 (Fla. 2018). Here, the Secretary is unnecessary as a remedial defendant (i.e., one required to effectuate the declaratory relief) and the case involves no election-related matter, so these cases are inapplicable. For all these reasons, the Secretary is not a proper party-defendant.

II.

That neither the Governor nor the Secretary are proper party-defendants doesn't affect the validity of the final judgment because the two private associations—who intervened as party-defendants—were themselves proper parties. The Florida Association of Court Clerks and the Florida Tax Collectors Association—both with keen interests in the outcome of the litigation—intervened as party-defendants and took over full and exclusive control of the defense throughout. Participation of these private associations as party-defendants was in no way subordinate to the state officials, the latter seeking to extricate themselves from the case; taking no position on the merits of the County's legal arguments in the trial court; and watching from the sidelines as the private associations conducted the entire defense of the case.

Soon after the filing of the County's complaint, the clerk's association was added as a party-defendant without opposition, while the tax collector's association was added as a party-defendant a month later over the County's objection. The motion of the tax collector's association requested that the association be allowed to "intervene in this suit as a party-Defendant *not subordinate to* the Secretary or Governor pursuant to Fla. R. Civ. P. 1.230 to defend Article VIII, § 1(d) of the Florida Constitution." (Emphasis added).[*] The motion was granted in full *without limitation*, and the private associations immediately took charge *exclusively* in litigating the merits of the defense.

As such, the private associations were neither subordinated to nor even on equal footing with the state officials; instead, they had *primary* status because they *led and controlled the entire defense* of the case through final judgment. The trial court clearly understood and permitted the private associations to play the *sole and primary* role as party-defendants, placing no limitations upon

[*] Florida Rule of Civil Procedure 1.230 provides that "intervention shall be in subordination to, and in recognition of, the propriety of the main proceeding, *unless otherwise ordered by the court in its discretion*." (Emphasis added).

them. How the private associations could be considered to play only a subordinate (i.e., secondary) role when they were the exclusive and primary defenders against the County is a head-scratcher.

Punctuating this point is that both of the private associations answered the County's complaint and the case was resolved on cross-motions for summary judgment, one by the plaintiff-County and the other by the defendant-tax association (joined by the clerk's association). In sharp contrast, neither the Governor nor Secretary filed an answer or a motion for summary judgment, nor did they join either the County's or the associations' competing summary judgment motions; instead, both state officials moved to be dismissed from the action and thereafter were merely spectators.

In the final summary judgment itself, the trial court mentions *only* the private associations, making no mention of the Governor or Secretary, other than in the style of the case. Its first sentence sets the stage: "This matter was heard on cross-motions for summary judgment filed by Plaintiffs *and Intervenor-Defendant, Florida Association of Court Clerks, Inc. ("FACC"). Intervenor-Defendant Florida Tax Collectors Association, Inc. joined in FACC's motion for summary judgment*." Therein, the trial court granted the summary judgment motion of the private associations, denied the County's motion, and entered a final summary judgment upholding the amendment's application to the restructuring of the County's governance.

Given all this, it rings hollow to claim that the intervenors played a subordinate role and lacked party status. Notably, after the tax association's motion to intervene as "a party-Defendant *not subordinate to* the Secretary or Governor" was granted, it acted consistent with the relief sought in its motion, but the County never sought to clarify or alter the intervention order; instead, it acceded to the intervenors' participation, engaged in cross-motions on the merits with them, and agrees on appeal that the intervenors have proper party status for purposes of reviewing the final judgment.

As a final point, the trial court was not required to include language in the intervention order under Rule 1.230 saying that intervention was plenary when that was the relief the tax association sought and obtained; the County unsuccessfully sought subordination but failed. Ordinarily, the grant of a motion without limitation—as occurred here—is an implicit denial of an objection seeking to impose a limitation. Most importantly, such language is not mandatory under Rule 1.230 where the record shows that the intervenors were not subordinate in their participation, as is the case here. *See, e.g.*, *Smith v. Atl. Boat Builder Co.*, 356 So. 2d 359, 362 (Fla. 1st DCA 1978) (finding that the trial court's order clearly established that intervenors were not subordinate, such that the case was "removed from the ambit of Rule 1.230" under the "qualifying clause" of the rule). Notably, in *Smith* this Court held that although the trial court's order "did not specifically provide that the intervention of the [defendant-intervenor] would not be in subordination to the main proceeding, the recitations in the order and its conclusion *clearly indicate the court's purpose*." *Id.* (Emphasis added). Here, it is beyond obvious that the trial court's intent and purpose was to allow full, unsubordinated participation by the private associations. Under these circumstances, where the record unequivocally supports that the intervenors were proper party-defendants (indeed, the *only* defendants to litigate the merits of the case), it's a jurisprudential fumble to conclude otherwise.

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For all these reasons, the order on appeal should be affirmed, and the relief sought in the cross-appeals of the Governor and Secretary should be granted.

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William Kevin Bledsoe, Deputy County Attorney, DeLand, for Appellants/Cross-Appellees.

Ashley Moody, Attorney General, Amit Agarwal, Solicitor General, Edward M. Wenger, Chief Deputy Solicitor General, and Blaine H.

Winship, Special Counsel, Tallahassee, for Appellee/Cross-Appellant Ron DeSantis, Governor of Florida; Bradley R. McVay, Interim General Counsel, and Ashley E. Davis, Deputy General Counsel, Tallahassee, for Appellee/Cross-Appellant Laurel M. Lee, Secretary of State; Timothy R. Qualls of Young Qualls, P.A., Tallahassee, for Appellee/Cross-Appellant Florida Tax Collectors Association; Barry Richard of Greenberg Traurig, P.A., Tallahassee, for Appellee/Cross-Appellant Florida Association of Court Clerks, Inc.