

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JAMES UTTERBACK,
Petitioner,

v.

SCHOOL BOARD OF PALM BEACH COUNTY,
Respondent.

No. 4D17-163

[May 24, 2017]

Petition for writ of certiorari to the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Martin H. Colin, Judge; L.T. Case No. 2016CA006125XXXXMB.

Isidro M. Garcia of Garcia Law Firm, P.A., West Palm Beach, for petitioner.

Jean Marie Middleton, West Palm Beach, for respondent.

PER CURIAM.

The petition is denied. *See Luster v. W. Palm Beach Hous. Auth.*, 801 So. 2d 122, 123 (Fla. 4th DCA 2001) (holding that section 112.3187(9)(f), Florida Statutes, requires temporary reinstatement pending trial of a Whistle Blower's suit only when an employee has been "discharged," allegedly in retaliation for a protected disclosure, but also holding that where an employee has been simply transferred or demoted, there is no statutory right to temporary reinstatement); *see also Metro. Dade Cty. v. Milton*, 707 So. 2d 913, 914–15 (Fla. 3d DCA 1998).

Petition denied.

MAY, GERBER and FORST, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.s