

Supreme Court of Florida

No. 66,492

SCHOOL BOARD OF PINELLAS COUNTY,
Petitioner,

vs.

DISTRICT COURT OF APPEAL, SECOND,
et al., Respondents.

[March 14, 1985]

OVERTON, Acting Chief Justice.

The School Board of Pinellas County petitions this Court for a writ of mandamus directing the Second District Court of Appeal to write an opinion replacing its decision in School Board of Pinellas County v. Enterprise Building Corp., No. 84-117 (Fla. 2d DCA Nov. 16, 1984). The district court, in reviewing a summary judgment entered by the circuit court, rendered the following decision:

Affirmed on the authority of Kelly v. School Board of Seminole County, 435 So. 2d 804 (Fla. 1983), and Havatampa Corp. v. McElvy, Jennewein, Stefany & Howard, Architect/Planners, Inc., 417 So. 2d 703 (Fla. 2d DCA 1982).

We find no authority for this Court to require a written opinion. We note the reason and necessity for district courts to render summary decisions are explained in Whipple v. State, 431 So. 2d 1011 (Fla. 2d DCA 1983).

The school board also requests that we take jurisdiction of this cause on the ground that the decision affects a class of constitutional officers. Article V, section 3(b)(3), of the

Florida Constitution allows this Court to take jurisdiction of a cause in which the district court opinion "expressly affects a class of constitutional officers." The term "expressly," in this context, means within the written district court opinion.

Jenkins v. State, 385 So. 2d 1356 (Fla. 1980). Clearly, there is nothing in the instant district court decision that affects other school board members as constitutional officers.

For the reasons expressed, the petition for writ of mandamus and for discretionary review is denied.

It is so ordered.

ALDERMAN, McDONALD, EHRLICH and SHAW, JJ., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Original Proceeding - Mandamus

B. Edwin Johnson, General Counsel, Clearwater,
for Petitioner

No Appearance,
for Respondent