

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR FLAGLER COUNTY, FLORIDA**

MICHAEL NORRIS, Mayor of
the City of Palm Coast,
Plaintiff,

vs.

CASE NO: 2025-CA-269

CITY OF PALM COAST,
THE SUPERVISOR
OF ELECTIONS of FLAGLER COUNTY,
and CHARLES GAMBARO,
City Council Member District 4 of
The City of Palm Coast,
Defendants.

MOTION FOR REHEARING

Plaintiff MICHAEL NORRIS, pursuant to Florida Rule of Civil Procedure 1.530, moves this Court for a re-hearing of the Final Order dated July 10, 2025, and states:

1. On July 10, 2025, the Court issued a Final Order denying the relief sought by Plaintiff.
2. Among the Court's findings, this Court generally found that Plaintiff lacked standing. This Court did not address why or how it found that Plaintiff lacked standing under Florida's broadly construed *Declaratory Judgment Act*.
3. The Florida Declaratory Judgment Act, codified in Chapter 86 of the Florida Statutes, is intended to provide relief from insecurity and uncertainty regarding legal rights, status, and relations. Section 86.011 of the Florida Statutes grants courts jurisdiction to declare rights, status, and other legal relations, whether or not further relief is sought. The statute explicitly allows declarations regarding the existence or nonexistence of any "immunity, power, privilege, or right" and extends to future rights or

obligations (§ 86.011). Section 86.101 further underscores the remedial nature of the Act, stating that it is to be "liberally administered and construed" (§ 86.101).

4. In Florida, to have standing in a declaratory judgment action, a plaintiff must demonstrate an actual, present, adverse, and antagonistic interest in the subject matter. *Coalition for Adequacy and Fairness in School Funding, Inc. v. Chiles*, 680 So. 2d 400, 404 (Fla. 1996). It is undisputed that Plaintiff demonstrated these four elements; in fact, Defendants, at the July 3, 2025, final hearing, did not argue that Plaintiff lacked standing under Florida's Declaratory Judgment Act; instead, they argued that Plaintiff lacked standing to bring an action for *quo warranto*.

5. The Court's reliance on the exclusivity of *quo warranto* as a remedy overlooked the alternatively argued legal avenue of declaratory relief, which is appropriate where the legality of a public official's appointment is in question.

6. For the reasons stated above, the Plaintiff respectfully requests that this Court grant a rehearing to reconsider the issues of standing under the Declaratory Judgment Act.

7. A motion for rehearing shall be served not later than 15 days after the return of the date of filing of the judgment. If a motion for rehearing is timely served, the trial court should consider its merits. *Randall v. Griffin*, 204 So. 3d 965 (Fla. 5th DCA 2016).

WHEREFORE, Plaintiff Norris respectfully requests that this Court grant this Motion for Rehearing, vacate the Final Order entered on July 10, 2025, and provide such other and further relief as the Court deems just and proper.

DATED: July 24, 2025.

/s/ Anthony F. Sabatini
ANTHONY F. SABATINI, ESQ.

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CERTIFICATE OF SERVICE

I hereby certify that a copy hereof has been filed with the Florida Court E-filing Portal to all parties of record on July 24, 2025.

/s/ Anthony F. Sabatini