

Court asked to force Scott to pick lt. governor

Contributed by GARY FINEOUT
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TALLAHASSEE,

Fla. (AP) - Florida Gov. Rick Scott is being sued over his decision to leave the post of lieutenant governor vacant for nearly nine months. A Tallahassee lobbyist and political activist on Monday asked the Florida Supreme Court to force Scott to appoint a lieutenant governor within 30 days.

Jennifer Carroll abruptly resigned last March after she was interviewed by law-enforcement authorities about work she once did for a charity that was a front for a widespread gambling ring. She has not been accused of any wrongdoing.

She later said that she was forced to resign.

In her lawsuit Barbara DeVane contends that Scott is breaking a state law that requires him to appoint a lieutenant governor.

"I just think it's time he does his job," DeVane told The Associated Press. "It's been nine months. A woman could have conceived and delivered a baby in that time."

The governor's office did not immediately respond to a request for comment.

DeVane, who is registered to lobby for the Florida National Organization for Women, has a long-standing history of being a political activist for many causes linked to Democrats. The lawsuit is being handled by Don Hinkle, a well-known attorney who has already donated money to the campaign of Charlie Crist. Crist, who is now a Democrat, is running against Scott.

"Of course everything these days is political, but I'm not doing

this for any political party," DeVane said. "I'm just doing it because I'm a citizen and a taxpayer who thinks the governor should follow the law and do his job."

Florida went nearly 100 years without the post of lieutenant governor until it was revived in 1968. The job, which pays nearly \$125,000, has no real defined responsibilities besides replacing the governor if he leaves office or dies.

That has happened twice, for brief periods. In January 1987, Wayne Mixson was governor for three days when Bob Graham resigned to be sworn in as a U.S. senator. In December 1998, Buddy MacKay became governor when Lawton Chiles died of a heart attack less than a month before his term was over.

If something happened to Scott before he picked a lieutenant governor, Attorney General Pam Bondi would take over.

Back in August, Scott said he does not plan to remain without a lieutenant governor indefinitely. "Florida laws make it clear that our state has a lieutenant governor," Scott said in a statement at the time.

But while Florida law requires that the position be filled, it is silent on how quickly the governor must act.

Scott initially said that he planned to wait until after the 2013 session before he would begin looking for a new lieutenant governor. He also said that he planned to put his chief-of-staff, Adam Hollingsworth, in charge of the search.

Since that time, various names have surfaced in connection with the position. A public records request shows that Hillsborough County Commissioner Sandy Murman texted Hollingsworth on Nov. 8 to thank him for the interview and that she was "honored to be considered for the governor's dynamic team."

The lawsuit states that Scott has "defied the Legislature's directive" by failing to name a lieutenant governor.

It goes on to say that his actions have "upset the order of succession" and that a constitutional crisis could occur if Scott were physically or mentally incapacitated or impeached since the law envisions the lieutenant governor taking over in those instances.

Scott, who is running for re-election, is required to tap someone as his running-mate two months before the November elections. Scott, however, is under no obligation to appoint that person to the position before the election.

Some Florida constitutional scholars have previously said it would be unlikely that a court would order the governor to act to name a lieutenant governor since there is no deadline or enforcement provision in the law.