

## CHAPTER 80

## QUO WARRANTO

- 80.01 Quo warranto; refusal of Attorney General to institute.
- 80.02 Quo warranto; control of Attorney General over certain proceedings.
- 80.031 Procedure.
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**80.01 Quo warranto; refusal of Attorney General to institute.**—Any person claiming title to an office which is exercised by another has the right, on refusal by the Attorney General to commence an action in the name of the state upon the claimant's relation, or on the Attorney General's refusal to file a petition setting forth the claimant's name as the person rightfully entitled to the office, to file an action in the name of the state against the person exercising the office, setting up his or her own claim. The court shall determine the right of the claimant to the office, if the claimant so desires. No person shall be adjudged entitled to hold an office except upon full proof of the person's title to the office in any action of this character.

**History.**—s. 2, ch. 1874, 1872; RS 1782; GS 2259; RGS 3582; CGL 5447; s. 30, ch. 67-254; s. 419, ch. 95-147.

**80.02 Quo warranto; control of Attorney General over certain proceedings.**—When the Attorney General commences an action setting forth the name of the person rightfully entitled, or when petition is filed upon the relation of a party claiming title, the Attorney General

shall not dismiss the action without the consent of the claimant, but the court shall investigate the claim and determine the right, if so desired by the person on whose relation the petition is filed, and the claimant may have counsel of his or her choice to control the action in the claimant's behalf.

**History.**—s. 4, ch. 1874, 1872; RS 1784; GS 2261; RGS 3584; CGL 5449; s. 30, ch. 67-254; s. 420, ch. 95-147.

**80.031 Procedure.**—The rules about pleading and procedure in mandamus apply to actions for quo warranto as near as may be.

**History.**—s. 30, ch. 67-254.

**80.032 Judgment of ouster.**—When any petition is well-founded, a judgment of ouster may issue without further amendments to the extent that the petition is well-founded.

**History.**—s. 30, ch. 67-254.

**80.04 Quo warranto; effect of judgment.**—When an individual institutes an action without the consent of the Attorney General, the judgment is conclusive as between the parties other than the state. The judgment is not a bar to any quo warranto by the state nor shall a judgment instituted by the Attorney General be a bar to actions by any claimant other than the parties thereto. The party receiving judgment shall be entitled to exercise the office until removed by quo warranto or until his or her rights thereto shall otherwise cease.

**History.**—s. 3, ch. 1874, 1872; RS 1783; GS 2260; RGS 3583; CGL 5448; s. 30, ch. 67-254; s. 421, ch. 95-147.