

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA**

**LEAGUE OF WOMEN VOTERS OF
FLORIDA, INC., PATRICIA BRIGHAM,**
individually, and as President of the League of
Women Voters of Florida, Inc., and
SHAWN BARTELT, individually, and as
Second Vice President of the League of
Women Voters of Florida, Inc.,

Plaintiffs,

vs.

authority to authorize new public schools in the first instance. (Dghgpfcpvøu Ctquu-Motion 14-15, 17-18). Yet Defendant argues that the failure of the ballot title and description for Revision 8 to clearly disclose this intention in terms an ordinary voter could understand is not fatal. In fact, because these intentions are not clearly and unambiguously communicated to voters, Revision 8 must be removed from the ballot.

1. CRC Discussion and Debates are Highly Relevant

Au c vjtgujqnf ocwvgt, Dghgpfcpvøu eqpvgpvkqp vjcv vjku Cqwtv should not consider the

allow charter schools to be authorized by outside groups ó

õvtwg o gcpki, cpf tco khkecvkqpu.ö *Florida State Conf. of NAACP Branches*, 43 So. 2d at 667.

Defendant

gnk o kpcvg vjg uejqqn dqctfuø gzenwukxg cwvjqtkv{ vq cwvjqtg|g pgy rwdnke uejqqu, kpenwfkpi
charter schools, and to allow such schools to be authorized by some new, undefined entity. As
explained more fully kp Pnckpvkhuø Mqvqap hqt Sw o oct{ Judgment, this omission renders the
dcnnqv uw o o # Pk ç kp

Under either view, Revision 8 would constitute a significant change which voters must understand in order to make an informed vote. If local school boards are deemed *not* to have the authority to establish, operate, control and supervise all charter schools in the state. If, on the other hand, local school boards are deemed to have exclusive authority to establish all public schools, including charter schools, then Revision 8 obliquely eliminates that exclusive authority and opens the door for some other unspecified entity to establish new public schools, including charter schools. Neither of these two possible effects is clearly communicated to voters, and worse yet, there is no place voters can go for an answer as to which effect will occur because no answer exists under current law.

In sum, the use of the phrase "the State shall have the authority to establish, operate, control and supervise all charter schools in the state" renders it impossible for voters to know the effect of the revision, and calls for the revision to be stricken from the ballot. (Sgg Pnckpvkhuø MSJ 15) (ekvki *Advisory Op. to the Atty. Gen. re Amendment to Bar Govt. from Treating People Differently*, 778 So. 2d 888, 898-99 (Fla.

wpkhqt o, ghhkekpv, uchg, ugewtg cpf jki j swcnkv{ u{uvgo qh htgg rwdnke uejqquö kp Fnqtkfc. (Def. Cross-Motion 16).

But this is not a well-founded assumption, as the revision itself is silent on what entity will be given the authority to operate, control and supervise schools not established by the school board. And the discussion and debate of the CRC make clear that it quite intentionally *did not* urgekh{ vjcv kv yqwnf dg ðvjg uvcvgö that would undertake the duties of the school board, in order to allow a diverse range of possible overseers. Specifically, the sponsor, Commissioner Donalds

state oversight in the ballot summary adopted by the CRC suffers from the same problem. Because it affirmatively misleads voters by telling them the state will oversee schools no longer overseen by school boards, the revision must be stricken.

6. Logrolling

Finally, this Court must reject Defendant's implicit contention that no amount of logrolling by the Constitution Revision Commission could ever render a revision defective. (Def. Cross-Motion 24). Plaintiffs do not contend that the Florida Constitution imposes a single subject requirement on proposals by the CRC. However, Plaintiffs do contend that where, as here, the logrolling rises to the level of rendering the ballot summary deceptive, this violates the single subject requirement applicable to CRC revisions.

The Florida Supreme Court has held that the Florida Constitution imposes a single subject requirement, and the other methods of amending the Florida Constitution are the legislative process for the amendment of the Florida Constitution. *Fine v. Firestone*, 448 So. 2d 984, 988 (Fla. 1984). In *Fine v. Firestone*, the Florida Supreme Court held that the legislative process for the amendment of the Florida Constitution . . . all afford an opportunity for public hearing and debate not only on the merits of the proposed amendment but also on the propriety of the amendment. *Id.* According to the Florida Supreme Court, the single subject requirement is imposed because this process embodies adequate safeguards to protect against logrolling and deception.

CONCLUSION

Fqt vjg tgcuppu ugv hqtvj jgtgkp cu ygnn cu vjqug kp Pnckpvkhuø Mqvkqp hqt Sw o oct{
Judgment, Plaintiffs respectfully submit that they have demonstrated they are entitled to
judgment as a matter of law that Revision 8 fails to comply with Article XI, Section 5 of the
Florida Constitution, and therefore must be removed from the ballot for the 2018 General
Election.

/s/Lynn C. Hearn

LYNN C. HEARN ESQUIRE

On Behalf of Attorneys for Plaintiffs:

RONALD G. MEYER

Florida Bar No. 0148248

Email: rmeyer@meyerbrookslaw.com

LYNN C. HEARN

Florida Bar No. 0123633

Email: lhearn@meyerbrookslaw.com

CERTIFICATE OF SERVICE

Pursuant to Rules 2.516(b)(1) and (f) of the Florida Rules of Judicial Administration, I certify that the foregoing document has been furnished to Blaine Winship (blaine.winship@myfloridalegal.com), The Capital, Office of Attorney General, 400 South Monroe Street, Suite PL-01, Tallahassee, FL 32399-6536, by email via the Florida Courts e-filing Portal this 13th day of August, 2018.

/s/Lynn C. Hearn
Attorney