IN THE SUPREME COURT OF FLORIDA

CITIZENS FOR STRONG SCHOOLS, INC., et al.,

Petitioners,

Case No. SC18-67
L.T. No. 1D16-2862

v.

FLORIDA STATE BOARD OF EDUCATION, et al.,

Respondents,

and

CELESTE JOHNSON, et al.,

Intervenors/Respondents.
_____/

BRIEF OF AMICUS CURIAE EDUCATION LAW CENTER IN SUPPORT OF CITIZENS FOR STRONG SCHOOLS, INC.

THE MILLS FIRM, P.A.

Courtney Brewer
Florida Bar No. 0890901
The Mills Firm, P.A.
The Bowen House
325 N. Calhoun St.
Tallahassee, Florida 32301
(850) 765-0897
(850) 270-2474 facsimile
Counsel for Education Law Center

TABLE OF CONTENTS

TABLE OF CITATIONS

CASES

STATUTES, CONSTITUTIONAL PROVISIONS, AND RULES OF COURT

STATEMENT OF IDENTITY AND INTEREST OF AMICUS

Education Law Center ("ELC") is a non-profit organization that advocates on behalf of public school children for equal and adequate educational opportunity under state and federal laws through policy initiatives, research, public education and legal action. ELC is counsel for the plaintiff school children in the landmark *Abbott v. Burke* case, which presented claims of inadequate educational opportunity similar to those in the case before this Court. In *Abbott*, the New Jersey Supreme Court accepted plaintiffs' claims as justiciable and, following a trial and ruling on the merits, ELC secured remedial measures to ensure disadvantaged school children a constitutional "thorough and efficient" education. *Abbott v. Burke*, 575 A.2d 359 (N.J. 1990). ELC continues to advocate for effective implementation of the *Abbott* remedies, which the New Jersey Supreme Court concluded have "enabled children in [urban] districts to show measurable educational improvement." *Abbott v. Burke*, 971 A.2d 989, 995 (N.J. 2009) (internal citation omitted).

In states across the nation, ELC advances children's opportunities to learn and succeed in school, assisting advocates and attorneys working to promote such opportunities. ELC provides research and analyses related to education cost and fair school funding, high quality preschool, and other proven education programs; assists parent and community organizations, school districts, and state policy

makers in gaining the expertise needed to improve outcomes for disadvantaged children; and supports litigation and other efforts to bridge resource gaps, especially in the nation's high-need and high-poverty public schools. To this end, ELC has participated as *amicus curiae* or as counsel in state education rights and opportunity cases in California, Colorado, Connecticut, Indiana, Pennsylvania, Nevada, New York, South Carolina, Delaware, Minnesota, Michigan and Texas.

SUMMARY OF THE ARGUMENT

The constitutional challenge to Florida's inadequate education system is justiciable, based on the text of the education article itself and supported by the weight of precedent in the overwhelming majority of state courts. It is essential that this Court, like courts across the country, fulfill its duty as the judicial branch to determine whether the State has met its constitutionally mandated obligation to make adequate provision for the education of all its children.

The robust text of Florida's education article contains substantive, judicially manageable standards. The vast majority of sister state supreme courts have ruled that challenges to inadequate education under their respective constitutional provisions are justiciable, rejecting the arguments cited by the First District. And the nearly twenty-year-old Pennsylvania case relied upon by the First District in concluding that education article challenges are non-justiciable has been repudiated by that state's highest court.

Upon finding such claims of constitutional deprivation justiciable, sister state courts have proceeded to adjudicate them on the merits, particularly for at-risk students. These decisions underscore the essential role of judicial interpretation and enforcement of state constitution education articles to secure the adequate provision of educational opportunities for all public school children.

ARGUMENT

I. PETITIONERS' CLAIMS ARE JUSTICIABLE.

The education article of Florida's Constitution, located at article IX, section 1, contains substantive language and standards that Florida courts can use and interpret to adjudicate claims under that provision. Other state courts, faced with similar constitutional challenges, have concluded that such claims are capable of judicial branch adjudication. The First District relied heavily on Pennsylvania precedent in concluding that the educational opportunity claims in this case were not justiciable, but the Pennsylvania Supreme Court had, even before the First District's decision, rejected its earlier ruling and embraced the judicial branch role of adjudicating such claims.

A. The Plain Language of Florida's Education Article Contains Substantive, Judicially Manageable Standards.

The education article of Florida's Constitution contains substantive terms prescribing the state's duty to provide Florida school children with the opportunity for a constitutionally adequate education. In fact, Florida's Constitution boasts one of the most detailed education articles of all fifty state constitutions. This Court, like the courts of other states, can use the terms of the education article as substantive standards to manage adjudication of the claims of inadequate education in this case.

Article IX of the Florida Constitution states, in relevant part:

> The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education … .

Art. IX, § 1(a), Fla. Const. The lower court decisions in this case acknowledged that several of the terms in this provision are justiciable. For instance, the trial court pronounced that the terms in Article IX relating to " 'safe' and 'secure'… are subject to judicially manageable standards*." Citizens for Strong Sch., Inc. v. Fla. State Bd. of Educ.*, 232 So. 3d 1163, 1167 n.3 (Fla. 1st DCA 2017). Moreover, the First District acknowledged that this Court "has interpreted the term 'uniform' under Article IX." *Id*. at 1173 (citing *Bush v. Holmes*, 919 So. 2d 392 (Fla. 2006)). The other terms of Florida's education article are equally amenable to judicial interpretation.

The Washington Constitution's education article, which has been declared justiciable by that state's courts, shares much of the robust language found in the Florida Constitution, though Florida's terms are even more substantive. Washington's Constitution sets forth that "[i]t is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex." Wash. Const. art. IX, § 1. The Washington and Florida constitutions are identical—and unmatched by other states—in elevating public education to a "paramount duty of

the state," and the Washington Supreme Court has defined and applied the term "paramount" in education article cases. *E.g.*, *McCleary v. State*, 269 P.3d 227, 248-49 (Wash. 2012). That court also gave practical meaning to the word "all," in reference to "all children residing within its borders," another term shared with the Florida education article. *Id.*at 249.

The court reasoned that "[t]he judiciary has the primary responsibility for interpreting article IX, section 1 to give it meaning and legal effect," *id.* at 246, and that the legislature must "augment the broad educational concepts under [the education article] by providing the specific details of the constitutionally required 'education,' " *id.* at 247. "Consistent with this responsibility," the Washington Supreme Court has "adopted broad guidelines defining the meaning of the words 'ample,' 'provision,' and 'education,' " *id.* at 246 (citing *Seattle Sch. Dist. No. 1 v. State*, 585 P.2d 71, 93-94 (Wash. 1978) (internal quotation marks omitted)), and used them to adjudicate claims of inadequate educational resources and opportunities, *id.* at 253.

The First District concluded that "the terms 'adequate,' 'efficient,' and 'high quality' as used in Article IX, section 1(a) lack judicially discoverable or manageable standards that would allow for meaningful judicial interpretation." *Citizens for Strong Sch.*, 232 So. 3d at 1168. But many courts have successfully adjudicated claims of inadequate education under similar constitutional provisions.

See, e.g., *Abbott v. Burke*, 575 A.2d 359 (N.J. 1990) (adjudicating claims under constitutional requirement for "thorough" and "efficient" education). Even education articles "that employ qualitative language—*i.e.*, that which is amenable to interpretation … by and large have been treated as justiciable." *William Penn Sch. Dist. v. Pennsylvania Dep't of Educ.*, 170 A.3d 414, 453 (Pa. 2017). The Pennsylvania Supreme Court noted that "various requirements of 'liberal,' 'quality,' 'adequate,' 'general,' 'thorough,' 'common,' and/or 'uniform' education systems have been treated as justiciable." *Id.* at 453 n.60 (collecting cases). There is no reason that Florida's qualitative language—more clear and detailed than most—should not be treated the same way by its courts.

This Court can look to the text of its education article for substantive standards to be applied in determining claims of constitutional inadequacy of its public education system. Numerous other state courts have employed similar or identical terms in adjudicating claims of inadequate educational opportunities under their own education articles.

B. Other States Have Long Held That Education Adequacy Challenges Are Justiciable.

Dozens of state high courts have reaffirmed their own role in vindicating constitutional education guarantees to their public school children. These decisions all conclude that courts are not only capable, but also duty-bound, to determine

whether the public education system meets constitutional standards.[1] The Kentucky Supreme Court put it aptly: "Courts may, should and have involved themselves in defining the standards of a constitutionally mandated educational system." *Rose v. Council for Better Educ., Inc.*, 790 S.W.2d 186, 210 (Ky. 1989).

These decisions from sister state courts make it clear that courts have the "final obligation to guard, enforce, and protect" their states' constitutional education requirements. *Columbia Falls Elementary Sch. Dist. No. 6 v. State*, 109 P.3d 257, 261 (Mont. 2005) (internal quotation marks omitted). To find otherwise,

---

[1] Numerous states have declared education article claims justiciable, including: Arkansas, *Lake View Sch. Dist. No. 25 v. Huckabee*, 91 S.W.3d 472 (Ark. 2002); Colorado, *Lobato v. People*, 218 P.3d 358 (Colo. 2009); Connecticut, *Conn. Coal. for Justice in Educ. Funding, Inc. v. Rell*, 990 A.2d 206 (Conn. 2010); Idaho, *Idaho Schs. for Equal Educ. Opportunity v. State*, 976 P.2d 913 (Idaho 1998); Kansas, *Gannon v. State*, 319 P.3d 1196 (Kan. 2014); Kentucky, *Rose v. Council for Better Educ., Inc.*, 790 S.W.2d 186 (Ky. 1989); Maryland, *Hornbeck v. Somerset Cty. Bd. of Educ.*, 458 A.2d 758 (Md. 1983); Massachusetts, *McDuffy v. Sec'y of the Exec. Office of Educ.*, 615 N.E.2d 516 (Mass. 1993); Montana, *Columbia Falls Elementary Sch. Dist. No. 6 v. State*, 109 P.3d 257 (Mont. 2005); New Hampshire, *Claremont Sch. Dist. v. Governor*, 703 A.2d 1353 (N.H. 1997) (Claremont II); New Jersey, *Robinson v. Cahill*, 303 A.2d 273 (N.J. 1973); New York, *Hussein v. State*, 973 N.E.2d 752, (N.Y. 2012); North Carolina, *Leandro v. State*, 488 S.E.2d 249 (N.C. 1997); Ohio, *DeRolph v. State*, 677 N.E.2d 733 (Ohio 1997); Tennessee, *Tenn. Small Sch. Sys. v. McWherter*, 851 S.W.2d 139 (Tenn. 1993); Texas, *Neeley v. W. Orange-Cove Consol. Indep. Sch. Dist.*, 176 S.W.3d 746 (Tex. 2005); Vermont, *Brigham v. State*, 889 A.2d 715 (Vt. 2005); Washington, *McCleary v. State*, 269 P.3d 227 (Wash. 2012); West Virginia, *Pauley v. Kelly*, 255 S.E.2d 859 (W.Va. 1979); Wisconsin, *Vincent v. Voight*, 614 N.W.2d 388 (Wisc. 2000); Wyoming, *Campbell Cty. Sch. Dist. v. State*, 907 P.2d 1238 (Wyo. 1995); and, most recently, Pennsylvania, *William Penn Sch. Dist. v. Pa. Dep't of Educ.*, 170 A.3d 414 (Pa. 2017).

they conclude, "would be a complete abrogation of our judicial responsibility" and would do a "severe disservice to the people." *Lake View Sch. Dist. No. 25 v. Huckabee*, 91 S.W.3d 472, 484 (Ark. 2002). As the New York Court of Appeals has held, this judicial responsibility is the only way to ensure that "the Legislature ... fulfill[s] [its] constitutional mandate" to provide a sound education. *Hussein v. State*, 973 N.E.2d 752, 754 (N.Y. 2012); *see also Aristy-Farer v. State*, 81 N.E.3d 360, 372 (N.Y. 2017) (reaffirming earlier decisions "establish[ing] that there is a constitutional floor with respect to educational adequacy ... [and the courts] are responsible for adjudicating the nature of [the] duty" (internal quotation marks omitted)).

These decisions also demonstrate that constitutional challenges to inadequate education systems can be adjudicated without violating the separation of powers. This is true even when the separation of powers is enshrined in the constitution, a point the First District cited as justification for deviating from the vast majority of state courts that have declared education article challenges justiciable. *Citizens for Strong Sch.*, 232 So. 3d at 1170-72. For example, it is precisely because "Article III of the Colorado Constitution equally divides the powers of government between the executive, legislative, and judicial branches" that the Colorado Supreme Court ruled claims alleging violations of the education article must be decided by the courts. *Lobato v. State*, 218 P.3d 358, 372 (Colo.

2009). The constitutional separation of powers means that the three branches must "act as checks and balances against one another," and "[a] ruling that the plaintiffs' claims are nonjusticiable would give the legislative branch unchecked power, potentially allowing it to ignore its constitutional responsibility." *Id.* (internal quotation marks and emphasis omitted).[2]

In this regard, the First District misconstrues the New Jersey Supreme Court's separation of powers analysis, conflating justiciability with determinations regarding remedy. *Citizens for Strong Sch.*, 232 So. 3d at 1172. New Jersey's highest court has long made clear that separation of powers principles in no way

[2] Sister state courts have also relied on legislatively mandated education content and performance standards, similar to those established in Florida, §§ 1003.41, 1008.22, Fla. Stat., to adjudicate claims of unconstitutional education. *See, e.g.*, *Idaho Schs. for Equal Educ. Opportunity*, 976 P.2d at 919 (holding that the court's "duty to define the meaning" of the state education article had "been made simpler for this court because . . . the government has already promulgated educational standards pursuant to the legislature's directive" (internal quotation marks omitted)); *Abbott v. Burke*, 693 A.2d. 417, 428 (N.J. 1997) (holding that the standards are "a reasonable legislative definition of a constitutional thorough and efficient education"); *Unified Sch. Dist. No. 229 v. State*, 885 P.2d 1170, 1185-87 (Kan. 1994) (demonstrating that courts can use "the standards enunciated by the legislature" to meet their duty to "interpret[] the Constitution and . . . safeguard[] the basic right[]" of sound public education). These and other courts have held that content-based standards give substantive meaning to the broader guarantees in the constitutional text, *e.g.*, *McCleary*, 269 P.3d at 247, and noted that the judiciary accords proper respect to a state's legislature in ruling that legislatively authorized standards engraft enforceable standards onto constitutional mandates, *see, e.g.*, *Vincent*, 614 N.W.2d at 407.

preclude it from adjudicating claims of inadequate educational opportunity under the state constitution:

> The interest here at stake transcends that of an ordinary individual claimant against the State. It is that of all the school children of the State, guaranteed by the constitutional voice of the sovereign people: equality of educational opportunity.
>
> This Court, as the designated last-resort guarantor of the Constitution's command, possesses and must use power equal to its responsibility.

Robinson v. Cahill, 351 A.2d 713, 724 (N.J. 1975).

At the same time, the New Jersey Supreme Court, like other state courts that have adjudicated education article claims, has deferred to the legislative branch to fashion appropriate standards and responses to fulfill its constitutional duty, especially after judicial findings of constitutional deficiency. *Abbott*, 575 A.2d 359; *see also, e.g.*, *Campaign for Fiscal Equity, Inc. v. State*, 801 N.E.2d 326, 348 (N.Y. 2003) (after determining an education article violation, directing state to ascertain the cost of providing a constitutionally adequate education and "address the shortcomings of the current system by ensuring … that every school in New York City would have the resources necessary"). Plaintiffs in this case have asked for no more.

Moreover, sister courts have found challenges asserting that a state has deprived its school children of an adequate education justiciable even where a constitution's text gives "a directive to the Legislature." *Columbia Falls*, 109 P.3d

at 260. The First District's analysis that "the language of Article IX, section 1(a) assigns such matters to the legislative branch" because it states that "adequate provision shall be made *by law*," *Citizens for Strong Sch.*, 232 So. 3d at 1171, is simply not supported by the case law interpreting related provisions. *See, e.g.*, *William Penn*, 170 A.3d at 446 (finding judicial review appropriate because the education article did not authorize the legislature to "self-monitor").

Delegation of a duty to the legislature does not preclude judicial review of whether the legislature has fulfilled this obligation. Once "the Legislature has acted ... [to] 'execute[]' " an education article, "courts can determine whether that enactment fulfills the Legislature's constitutional responsibility." *Columbia Falls*, 109 P.3d at 260 (citing *City of Boerne v. Flores*, 521 U.S. 507 (1997)). As the Kansas Supreme Court stated, when the "question becomes whether the legislature has actually performed its duty [under the education article] … [it] is left to the courts to answer." *Gannon v. State*, 319 P.3d 1196, 1226 (Kan. 2014).

As these courts make clear, the separation-of-powers principle *demands* that courts hear public education challenges: "[t]o allow the General Assembly ... to decide whether its [own] actions are constitutional," the Kentucky Supreme Court held, "is literally unthinkable." *Rose*, 790 S.W.2d at 209.

C. The Precedent Relied Upon by the First District Has Been Set Aside.

The main precedent relied upon by the First District in support of its holding of non-justiciability is the Pennsylvania Supreme Court's 1999 decision in *Marrero ex rel. Tabalas v. Commonwealth of Pennsylvania*, 739 A.2d 110 (Pa. 1999). But even before the First District issued its decision, the Pennsylvania Supreme Court declined to follow *Marrero*, ruling in 2017 that constitutional challenges to inadequate education under Pennsylvania's education article *are* justiciable. *William Penn*, 170 A.3d 414. This Court should look to the current holding of the Pennsylvania Supreme Court, a position shared by the majority of state high courts nationwide, rather than a decision which Pennsylvania's high court has itself abandoned.

William Penn held that the courts are capable of and obligated to adjudicate education adequacy challenges brought under that state's education article. *Id*. In so doing, the court rejected the same arguments offered by the Defendants in this case, namely, that the education article lacked judicially manageable standards by which the judicial branch could measure the legislature's actions, and that doing so would violate the separation of powers between the two branches. *Id.* at 446-57. *William Penn* thus concluded that "it is feasible for a court to give meaning and force to the language of a constitutional mandate to furnish education of a specified

quality … without trammeling the legislature in derogation of the separation of powers." *Id.* at 457.

The *William Penn* court meticulously examined the reasoning in previous case law regarding claims under Pennsylvania's education article, including *Marrero*, before rejecting those decisions. Finding "irreconcilable deficiencies in the rigor, clarity, and consistency of the line of cases that culminated in *Marrero* [*ex rel. Tabalas v. Commonwealth*, 739 A.2d 110, 113 (1999)]," the court declined to follow them. *Id.* Because Pennsylvania's prior education article jurisprudence contained "little developed reasoning," the Pennsylvania Supreme Court considered the factors from *Baker v. Carr*, 369 U.S. 186 (1962), and the question of justiciability "anew." *Id.* at 445. This Court should likewise decline to follow *Marrero*.

The First District declared its agreement with one particular aspect of the *Marrero* decision: the desire to avoid "bind[ing] future Legislatures … to a present judicial view." *Citizens for Strong Sch.*, 232 So. 3d at 1172 (quoting *Marrero*, 739 A.2d at 112). But the Pennsylvania Supreme Court has subsequently declared the idea that a "judicially-defined standard … would preclude the General Assembly's continued salutary experimentation with education policy" to be a "manifestly debatable premise[]." *William Penn*, 170 A.3d at 445. The court expressly rejected the argument that it could not adjudicate an education article claim "while still

respecting the legislature's primacy in fashioning educational policy and preserving its ongoing flexibility to refine that policy … to adapt to changing times and evolving needs":

> Courts give meaning routinely to all manner of amorphous constitutional concepts, including those that lie at the intersection of legislative prerogative and judicial review. And they do so while still leaving room for future development by whatever government body or mechanism the law fairly prescribes.

Id. at 455.

Even the First District recognized that courts in many other states—it cited cases in Connecticut, Montana, and Kentucky—have declared education article challenges justiciable. *Citizens for Strong Sch.*, 232 So. 3d at 1172. As the Connecticut Supreme Court noted in 2010, "the vast majority of jurisdictions overwhelmingly have concluded that claims that their legislatures have not fulfilled their constitutional responsibilities under their education clauses are justiciable." *Conn. Coal. for Justice in Educ. Funding, Inc. v. Rell*, 990 A.2d 206, 225 n.24 (Conn. 2010) (internal quotation marks omitted). The Pennsylvania Supreme Court has also recognized that "a substantial majority of American jurisdictions have declined to let the potential difficulty and conflict that may attend constitutional oversight of education dissuade them from undertaking the task of judicial review." *William Penn*, 170 A.3d at 455. *William Penn* brings Pennsylvania in line with the overwhelming majority of state judiciaries, leaving

Florida, with its contrary position, part of a dwindling group denying the courts' appropriate role in determining compliance with the education mandates in their state constitutions.

CONCLUSION

For the foregoing reasons, this Court should quash the First District's ruling on justiciability and remand the case to the trial court for adjudication.

Respectfully submitted,

THE MILLS FIRM, P.A.

/s/ Courtney Brewer
Courtney Brewer
Florida Bar No. 0890901
cbrewer@mills-appeals.com
service@mills-appeals.com (secondary)
The Mills Firm, P.A.
325 N. Calhoun St.
Tallahassee, Florida 32301
(850) 765-0897
(850) 270-2474 facsimile

Counsel for Education Law Center

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following counsel by email on June 14, 2018:

Jodi Siegel
Kirsten Clanton
Southern Legal Counsel, Inc.
1229 NW 12th Avenue
Gainesville, FL 32601
Jodi.siegel@southernlegal.org
Kirsten.clanton@southernlegal.org

Ari S. Bargil
Institute for Justice
999 Brickell Avenue, Suite 720
Miami, FL 33131
abargil@ij.org

Attorney for Institute for Justice

Attorneys for Petitioners

Jonathan A. Glogau
Office of the Attorney General
400 S. Monroe Street, PL-01
Tallahassee, FL 32399-0400
Jon.glogau@myfloridalegal.com
Joann.mrazek@myfloridalegal.com

Christie Letarte
Dawn Roberts
The Florida Senate
302 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100
letarte.christie@flsenate.gov
christie.letarte@yahoo.com
roberts.dawn@flsenate.gov
dkroberts.seminole@gmail.com

Rocco Testani
Stacey McGavin Mohr
Lee A. Peifer
Sutherland, Asbill & Brennan, LLP
999 Peachtree Street NE, Suite 2300
Atlanta, GA 30309-4416
Rocco.Testani@sutherland.com
Phyllis.White@sutherland.com
Janice.English@sutherland.com
Stacey.Mohr@sutherland.com
Lee.Peifer@sutherland.com
Cynthia.Garrett@sutherland.com

Judy Bone
Mari Presley
Matthew Mears
Florida Dept. of Education
1244 Turlington Building
325 W. Gaines Street

Timothy McLendon
3324 W University Avenue, Box 215
Gainesville, FL 32607
mclendon@law.ufl.edu

Deborah Cupples
2841 SW 13th Street, G-327
Gainesville, FL 32608
dcupples@cox.net
Eric J. Lindstrom
Egan, Lev & Siwica, P.A.
P.O. Box 5276
Gainesville, FL 32627-5276
elindstrom@eganlev.com

Neil Chonin
2436 NW 27th Place
Gainesville, FL 32601
neil@millerworks.net

Attorneys for Petitioners

Robert M. Brochin
Clay M. Carlton
bobby.brochin@morganlewis.com
clay.carlton@morganlewis.com
Morgan, Lewis & Bockius LLP
200 South Biscayne Blvd., Suite 5300
Miami, Florida 33131
Telephone: 305.415.3000
Facsimile: 305.415.3001

Jon Lester Mills
Stephen N. Zack
jmills@bsfllp.com
szack@bsfllp.com
Boies Schiller & Flexner, LLP
100 SE Second Street, Suite 2800
Miami, Florida 33131

Tallahassee, FL 32399
judy.bone@fldoe.org
mari.presley@fldoe.org
matthew.mears@fldoe.org
cara.martin@fdoe.org

Adam S. Tanenbaum
Matt Carson
Florida House of Representatives
418 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300
adam.tanenbaum@myfloridahouse.gov
debi.robbins@myfloridahouse.gov
matt.carson@myfloridahouse.gov

Counsel for Florida State Board of Education; Joe Negron, in his official capacity as the President of the Florida Senate; Richard Corcoran, in his official capacity as the Speaker of the Florida House of Representatives; Pam Stewart, in her official capacity as the Florida Commissioner of Education

Telephone: 305.357.8449

Stuart H. Singer
ssinger@bsfllp.com
Boies Schiller & Flexner, LLP
401 E. Las Olas Blvd., Suite 1200
Fort Lauderdale, Florida 33301-2211

Attorneys for Certain Members of the 1998 Constitution Revision Commission

/s/ Courtney Brewer
Attorney

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the foregoing brief is in Times New Roman 14-point font and complies with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

/s/ Courtney Brewer
Attorney