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

Andrew Spar on behalf of himself and his minor child; Laura Bell on behalf of herself and her minor child; **Tamara Haleem** on behalf of herself and her minor child; **Stephanie Vanos** on behalf of herself and her minor children; **Earlishia Oates** on behalf of herself and her minor child; **Suzanne Sapp** on behalf of herself and her minor child; **Aaryn Frick,** on behalf of herself and her minor children; **Robert Lyons**; and **Florida Education Association,**

Plaintiffs,

v. Case No.: 2026 CA 000929

Anastasios "Stasi" Kamoutsas, in his official capacity as the Commissioner of Education for the State of Florida; the **Florida Department of Education**; **Ryan Petty**, in his official capacity as Chair of the Florida State Board of Education; **MaryLynn Mager**, in her capacity as Vice Chair of the Florida State Board of Education; **Grazie P. Christie**, in her official capacity as member of the Florida State Board of Education; **Layla Collins**, in her official capacity as member of the Florida State Board of Education; **Daniel P. Foganholi, Sr.**, in his official capacity as member of the Florida State Board of Education; **Erika Fritz-Ochs**, in her official capacity as member of the Florida State Board of Education; **Luis Fuste**, in his official capacity as member of the Florida State Board of Education; and the **Florida State Board of Education**,

Defendants.
_____/

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

PRELIMINARY STATEMENT

Florida's parents wake up each day with a shared purpose: to secure a better future for their children through access to a strong and reliable education. The Florida Constitution was designed to protect that promise. In 1998, the people of Florida amended Article IX, Section 1 to require

that the State "shall make adequate provision for a uniform, efficient, safe, secure, and high-quality system of free public schools." This mandate is not aspirational; it is binding. It reflects the basic principle that access to a high-quality education should not depend on where students live, their families' circumstances, or the type of school they attend. It must be consistent, dependable, and fair across the State.

Florida families now have a wide range of educational options, including traditional public schools, charter schools, virtual programs, magnet schools, homeschooling, and private schools. But choice does not change the Constitution. When public funds are used to educate a child, that child is entitled to the same level of educational opportunities, the same quality standards, and the same basic protections.

Uniformity means more than simply offering options. It means that every publicly funded school must meet consistent expectations in areas that matter most: safe learning environments, strong and consistent curricula, services for students with disabilities, access to extracurricular opportunities, and the responsible and transparent use of taxpayer dollars. The Constitution also places a clear responsibility on the Legislature, the Governor, and the Department of Education to make sure this system is enforced and maintained as one uniform system.

That is not what is happening today.

Over the past two decades, and especially in recent years, the State has built a system where publicly funded schools operate under very different rules. Schools receiving taxpayer dollars are no longer held to the same standards, the same oversight, or the same level of accountability. As a result, students are not being served equally.

The scale of this shift is significant. The State now directs approximately $4.9 billion each year in public education funds to private schools and certain charter schools that are not required

to follow the same rules as public schools. By 2025, about twenty-four percent of state education funding is going to scholarship programs, up from twelve percent in 2021. More than 524,000 students receive scholarships, representing nearly one in four students in the State's funding system. About sixty-nine percent of those students were already attending private schools before receiving public funds.

At the same time, the State has not kept up its investment in public schools. Florida ranks fiftieth in the nation in average teacher pay, making it harder to attract and keep qualified educators. The Base Student Allocation, which is the foundation of school funding, has not kept pace with inflation for nearly twenty years. Adjusted for inflation, the funding per student would be about $6,149 today based on 2007–2008 levels, but the actual amount for 2025–2026 is about $5,373.

What this means in practice is simple but serious: public schools are being asked to do more with less. They are expected to meet higher standards, follow more rules, and serve every student who walks through their doors, all while operating with fewer real dollars per student than in the past. And while public schools across Florida continue to do an extraordinary job educating every student, they are being pushed to a breaking point that can no longer be ignored.

The difference in requirements is stark. Public schools must comply with a large and growing body of laws covering safety, staffing, facilities, student services, and financial accountability. In 1998, these requirements filled about 687 pages of law. Today, they exceed 1,400 pages. Meanwhile, charter schools are subject to far fewer requirements, and scholarship-supported private schools operate under a much smaller set of rules—roughly 20 pages of law.

This creates a system where some schools must meet extensive obligations while others receiving public funds are not held to the same standards. That is not a uniform system. It is a

system that is inconsistent and unequal, and one that inevitably leads to a lower and uneven quality of education across the State. When standards, oversight, and resources vary so widely, the State cannot ensure that every child is receiving the high-quality education the Florida Constitution requires.

The consequences are real. When schools are funded differently and held to different standards, the quality of education becomes uneven. When public schools are stretched thin, it affects class sizes, staffing, programs, and support for students. Over time, this weakens the entire system and harms all children, no matter which school they attend. This is not consistent with the Florida Constitution. It is not what the people of this State required. And it is not lawful.

This action is brought to enforce the constitutional promise. Plaintiffs, including parents, educators, civil rights organizations, and representative groups chosen by educators, seek to restore a system that is truly high-quality, uniform, fair, and accountable. The people of Florida made a clear and binding promise in 1998, one that applies regardless of who holds office. The State has failed to fulfill that obligation. The Courts must now act to ensure that it does.

Plaintiff(s) respectfully ask this Court to declare that the legislative enactments described herein violate Article IX of the Florida Constitution by creating and funding a non-uniform system of publicly financed education, and to enjoin the continued diversion of public education funds to institutions that do not satisfy the constitutional requirements of uniformity and safety.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this lawsuit pursuant to Article V, § 20(c)(3), of the Florida Constitution, Fla. Stat. § 26.012(2)(c), (3), Fla. Stat. §86.011 and Fla. Stat. §86.091.

2. Plaintiffs have complied with the notice requirements of Fla. Stat. §86.091 and Rule 1.071, Florida Rules of Civil Procedure.

3. Venue lies in this Court because defendants maintain their principal places of business in Leon County. Fla. Stat. §47.021

4. Plaintiff(s) have standing to bring this action as taxpayers of the State of Florida. Article IX, section 6 of the Florida Constitution provides that income derived from the State School Fund "shall … be appropriated, but only to the support and maintenance of free public schools." Article IX, section 1(a) of the Florida Constitution provides that "adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools." These provisions constitute specific limitations on the Legislature's spending power. *See Department of Administration v. Horne*, 269 So. 2d 659 (Fla. 1972); *Bush v. Holmes*, 919 So. 2d 392, 406 (Fla. 2006) (holding that article IX, section 1(a) is a restriction on the Legislature's spending power by "provid[ing] both a mandate to provide for children's education and a restriction on the execution of that mandate"); *McCall v. Scott*, 199 So. 3d 359 (Fla. 2016).

PARTIES

5. Plaintiff Andrew Spar is a Florida citizen and taxpayer who resides in Volusia County. Spar is the parent of a minor, A.S, who is enrolled in the Volusia County public schools in grade 11, during the 2025-2026 school year. Spar brings this suit on his own behalf and on behalf of his aforementioned minor child.

6. Plaintiff Laura Bell is a Florida citizen and taxpayer who resides in Hillsborough County. Bell is the parent of a minor, S.B, who is enrolled in the Hillsborough County public schools in grade 8, during the 2025-2026 school year, and she also serves as a member of her local PTA. Bell brings this suit on her own behalf and on behalf of her aforementioned minor child.

7. Plaintiff Tamara Haleem is a Florida citizen and taxpayer who resides in St. Johns County. Haleem is the parent of a minor, H.H., who is enrolled in the St. Johns County public

schools in grade 10, during the 2025-2026 school year. Haleem brings this suit on her own behalf and on behalf of her aforementioned minor child.

8. Plaintiff Earlishia Oates is a Florida citizen, a small business owner, and taxpayer who resides in Hillsborough County. Oates is the parent of a minor, R.S., who is enrolled in the Hillsborough County public schools in grade 11 during the 2025-2026 school year. Oates brings this suit on her own behalf and on behalf of her aforementioned minor child.

9. Plaintiff Stephanie Vanos is a Florida citizen and taxpayer who resides in Orange County. Vanos is the parent of minor children, E.V., A.V. and L.V., who are enrolled in the Orange County public schools in grade 12, 10, and 8 respectively, during the 2025-2026 school year. Vanos brings this suit on her own behalf and on behalf of her aforementioned minor child.

10. Plaintiff Suzanne Sapp is a Florida citizen and taxpayer who resides in Nassau County. Sapp is the parent of a minor, N.S., who was enrolled in the Nassau County public schools in prior years, and moved to homeschool under a unique abilities scholarship during the 2025-2026 school year. Sapp brings this suit on her own behalf and on behalf of her aforementioned minor child.

11. Plaintiff Aaryn Frick is a Florida citizen and taxpayer who resides in Clay County. Frick is the parent of N.F. and L.F. minor children, who are enrolled in the Clay County public schools in grades 4 and 6 respectively, during the 2025-2026 school year. Frick brings this suit on her own behalf and on behalf of her aforementioned minor children.

12. Plaintiff Robert Lyons, Jr., is a school teacher who has been employed by Manatee County Schools since 1995. He resides in Manatee County and is a Florida citizen and taxpayer.

13. Plaintiffs Florida Education Association ("FEA") on behalf of itself and as a representative of its individual members in the State of Florida is a membership organizations that

seeks, *inter alia*, to preserve and improve Florida's system of public education. Most of the members of FEA are Florida citizens and taxpayers.

14. Defendant Anastasios "Stasi" Kamoutsas is Commissioner of Education of Florida. In that capacity, Kamoutsas oversees the operation of the Florida Department of Education, which is responsible for directing and supervising the Florida Education Finance Program allocations. Kamoutsas is sued in his official capacity.

15. Defendant Florida Department of Education ("Department" or "DOE") is the administrative agency that is responsible for implementing Florida's education policies and programs. The DOE directs and supervises the Florida Education Finance Program allocations. The Department's Office of Funding and Financial Reporting (OFFR) calculates and distributes funds provided through the (FEFP) and state categorical aid programs.

16. Defendant Florida State Board of Education is the chief implementing and coordinating body of public education in Florida except for the State University System. Fla. Stat. § 1001.02. Its duties include, among other things, authorizing the allocation of resources in accordance with law and rule, recommending that a district school board take action consistent with the state board's decision relating to an appeal of a charter school application, and enforcing systemwide education policies.

17. Defendant Ryan Petty, is Chair of the Florida State Board of Education.

18. Defendant MaryLynn Mager is the Vice Chair of the Florida State Board of Education.

19. Defendant Grazie P. Christie is a member of the Florida State Board of Education.

20. Defendant Layla Collins is a member of the Florida State Board of Education.

21. Defendant Daniel P. Foganholi, Sr. is a member of the Florida State Board of Education.

22. Defendant Erika Fritz-Ochs is a member of the Florida State Board of Education.

23. Defendant Luis Fuste is a member of the Florida State Board of Education.

FACTS

Introduction

24. This is a lawsuit for declaratory and injunctive relief, in which plaintiffs challenge the constitutionality of the current distribution of taxpayer funds via the Family Empowerment Scholarship Program (FESP or Scholarship Program), Fla. Stat. § 1002.394 and Fla. Stat. § 1002.33 (Charter Schools Statute), which provides public funding for charter schools.

25. The Scholarship Program and Charter Schools Statute, as currently administered, violate Article IX, § 1(a) of the Florida Constitution, which requires the State to provide "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," *emphasis added.* Additionally, the Scholarship Program violates Article IX, § 6 of the Florida Constitution, which provides that the "income derived from the state school fund shall, and the principal of the fund may, be appropriated, but only to the support and maintenance of free public schools." Art. IX, §§ 1(a) and 6, Fla. Const.

26. The Scholarship Program diverts public dollars into a separate private system parallel to and in competition with the free public schools that are the sole means set out in the Constitution for the state to provide for the education of Florida's children. This diversion not only reduces money available to the free public schools, but funds a system of private schools or homeschools that are not "safe" or "uniform" when compared with each other or the free public system.

27. The Charter School Statute likewise diverts public dollars to an alternative statutory system of charter schools that are not "uniform" when compared with each other or traditional public schools.

28. The Scholarship Program consists of a scholarship for students attending private schools, referred to as the Family Empowerment Scholarship for Educational Options (FES-EO), and a scholarship for students with a documented disability, referred to as the Family Empowerment Scholarship for Unique Abilities (FES-UA). Fla. Stat. § 1002.394.

29. School districts sponsor charter schools pursuant to the provisions outlined in Fla. Stat. § 1002.33(5)(a)1. Charter schools are considered part of the state's program of public education, although they may be organized as, or be operated by, a private nonprofit organization, municipality, or other public entity. Fla. Stat. § 1002.33(12)(i). Charter schools are funded by the state. Fla. Stat. § 1002.33(1), (2)(d) and (17).

Funding

30. Funds for state-supported education are provided primarily by legislative appropriations. The major portion of state support is distributed through the Florida Education Finance Program (FEFP). The FEFP is funded from the General Revenue Fund, the Educational Enhancement Trust Fund, and the State School Fund.

31. The Scholarship Program (FES-EO) is funded through the FEFP, directly from Florida's state budget. Fla. Stat § 1011.62. This scholarship award amount, for a student to attend an eligible private school, is calculated as 100 percent of the funds per unweighted full-time equivalent (FTE) in the FEFP, plus a per-full-time equivalent share of categorical funds, as funded in the General Appropriations Act. Fla. Stat. § 1002.394(12)(a)1.

32. The Scholarship Program (FES-UA) is also funded through the FEFP, directly from Florida's state budget. Fla. Stat. § 1002.394. Scholarship amounts for students receiving FES-UA scholarships are based on 100 percent of the funds per unweighted full time equivalent (FTE) in the FEFP for a student in a basic ESE program, plus a per FTE share for the categorical programs established in Fla. Stat. § § 1011.62(5), (7)(a) and (16), including the ESE Guaranteed Allocation (except that the ESE Guaranteed Allocation is allocated on each school district's average allocation funds per basic ESE student) or, on 100 percent of the funds per unweighted FTE in the FEFP, plus a per unweighted FTE share of the categorical programs established in Fla. Stat. §§ 1011.62(5), (7)(a) and (16). Fla. Stat. § 1002.394(12).

33. Charter schools are also funded through the FEFP from Florida's state budget, in the same way as all other public schools in the school district. Fla. Stat. § 1002.33(17). Charter schools receive operating funds from the FEFP based on the number of full-time (FTE) students enrolled. *Id.* Sponsoring school districts are required to make timely and efficient payments and reimbursements to charter schools under Fla. Stat. § 1002.33(17)(e). Charter schools sponsored by a school district are also eligible for capital outlay funds pursuant to §§ 1011.71(2) and 1013.62. Fla. Stat. § 1002.33(19).

Eligibility and Expenditures

34. Following the elimination of all income eligibility requirements in Chapter 2023-16, Laws of Florida, the Scholarship Program (FES-EO) is available to any student who is a resident of Florida and is eligible to enroll in kindergarten through grade 12 in a public school. Fla. Stat. § 1002.394(3)(a)1. There is no cap on the number of FES-EO participants; all K-12 students in Florida are eligible.

35. Under the Scholarship Program (FES-UA), a parent of a student with a disability may request and receive public funds from the state if the student: (1) is a resident of Florida; (2) is 3 or 4 years of age before during the year in which the student applies for program participation, or is eligible to enroll in kindergarten through grade 12 in a public school in the state; (3) has a disability as defined by § 1002.394(2), Fla. Stat.; and (4) has an individualized educational plan (IEP) written with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician or psychologist. Fla. Stat. § 1002.394(3)(b).

36. The Scholarship Program is administered by scholarship-funding organizations (SFO) approved by the Florida Department of Education (DOE). Fla. Stat. § 1002.394(11). Parents must apply for a scholarship to an eligible non-profit SFO that is administering the scholarship program. Fla. Stat. § 1002.394(10).

37. With respect to Scholarship Program (FES-EO), SFOs are responsible for collecting and evaluating documentation in support of the applications. SFOs submit eligible students to the DOE for funding, establish and maintain separate accounts for each eligible student, and distribute the funds received from the public treasury to private schools on behalf of the families. Fla. Stat. § 1002.394(4)(a), (11) and (12).

38. With respect to Scholarship Program (FES-UA), SFOs are responsible for collecting and evaluating documentation in support of the applications. SFOs submit eligible students to the DOE for funding and establish and maintain separate accounts for each eligible student. Under this program, public funds are deposited into government-authorized savings accounts with restricted, but multiple uses. These public funds can be used for private school tuition and fees, online learning programs, private tutoring, community college costs, higher

education expenses, homeschooling and other approved customized learning services and materials. Fla. Stat. § 1002.394(4)(b).

39. Florida charter schools operate under a performance contract, or a "charter," which "frees them from many regulations created for traditional public schools." https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml. The charter contract between the charter school governing board and the sponsor details the school's mission, program, goals, students served, methods of assessment and ways to measure success. *Id.* Aside from a few specifically applicable statutes, charter schools are generally exempt from the Florida K-20 Education Code, Ch. 1000-1013, Fla. Stat. Fla. Stat. § 1002.33(16).

40. Florida Charter schools are tuition free public schools available to Florida students in kindergarten through grade 12. Enrollment in a specific charter school is determined through an application process and, if applications exceed available seats, a random lottery, each subject to the enrollment preferences aligned with the school's specific charter.

41. A School of Hope is a charter school operated by a "hope operator" which serves students from one or more persistently low-performing schools; is located in the attendance zone of a persistently low-performing school or within a 5-mile radius of such school, whichever is greater; and is a Title I eligible school. Fla. Stat. § 1002.333(1)(d).

42. Charter schools are publicly funded in accordance with Fla. Stat. § 1002.33(17). *See also* Fla Stat. § 1002.333(9)(a).

43. District school board allocations under the FEFP are subject to proration when total appropriations are insufficient to cover the full calculated amount. Fla. Stat. § 1011.62(1)(a). In contrast, Scholar Program scholarship amounts are calculated and transferred without equivalent proration. The State thus provides greater per-pupil funding certainty to students in unaccountable

private schools than to students in the constitutionally mandated public system.

The Constitutional Violations

44. Florida's Constitution mandates that,

> 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 and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.

Fla. Const. art. IX, § 1(a). Additionally, that,

> The income derived from the state school fund shall, and the principal of the fund may, be appropriated, but only to the support and maintenance of free public schools.

Fla. Const. art. IX, § 6.

45. The Scholarship Program violates the Article IX, section 6 constitutional requirement of only supporting a system of free public schools by supporting private schools that are neither "free" nor "public."

46. Further, the Scholarship Program undermines the constitutional requirement of a "uniform" and "safe" system of public education by funding a system that is not bound by the same statutory framework which governs public schools. Florida law does not require uniform curriculum requirements, staffing certification requirements, access to student services, IEP or accommodations, standardized testing, school safety requirements, and other educational resources to accept the funds.

47. Finally, although charter schools are labeled public schools, they undermine the constitutional requirement of "uniformity" by creating a system of publicly funded education which is broadly exempt from significant portions of the statutory and regulatory framework which govern traditional public schools.

48. These parallel, non-uniform systems of education result in divergent conditions and experiences for students within the same publicly funded system.

The Family Empowerment Scholarship Program

49. The Legislature has stated that the purpose of the Scholarship Program is "to provide children of families in this state which have limited financial resources with educational options to achieve success in their education." Fla. Stat. § 1002.394(1). Nonetheless, as noted above, the Scholarship Program allows any student in the state of Florida, notwithstanding financial resources, to use funds provided by the state to attend an eligible private school. See Fla. Stat. § 1002.394(2)(h) and (3)(a), Fla. Stat. § 1002.395(2), and Fla. Stat. § 1002.01(3).

50. Sections 1002.394(2)(h) and (9), Florida Statutes, which set forth the eligibility requirements for private schools accepting Scholarship Program students and scholarship funds, provide that these schools may be "sectarian or nonsectarian" and must comply with the requirements set forth in Fla. Stat. § 1002.394(9).

51. The scholarship amount for a student participating in the Scholarship Program, FES-EO, is set forth in Fla. Stat. § 1002.394(12)(a)1.

52. The Department releases state funds on behalf of a Scholarship Program, FES-EO, scholarship recipient to an eligible scholarship-funding organization upon verification that it "will comply with s. 1002.395(6)(l) based upon the organization's submitted verified list of eligible scholarship students pursuant to s. 1002.395." Fla. Stat. § 1002.394(12)(a)2c.

53. The scholarship amount for a student participating in the Scholarship Program, FES-UA, is calculated pursuant to Fla. Stat. § 1002.394(12)(b)2-5.

54. The Department releases state funds on behalf of a Scholarship Program, FES-UA, scholarship recipient to an eligible scholarship-funding organization pursuant to Fla. Stat. § 1002.394(12)(b)7a-b.

55. The scholarship-funding organization is responsible for establishing and maintaining separate scholarship accounts for each eligible student, and permitting the use of these scholarship funds for any purpose specified in the Scholarship Program. Fla. Stat. §§ 1002.394(11)(a)5, 11(a)6, (11)(b)4, and 11(b)5.

56. Under the Scholarship Program (FES-EO and FES-UA), state funds may be used for tuition and fees at an eligible private school. Under the Scholarship Program (FES-UA), state funds may also be used for homeschooling. Fla. Stat. §§ 1002.394(4)(a)1 and (4)(b)4.

57. The payment of the Scholarship Program scholarships results in a reduction in the amount of funds available to the affected school districts.

58. Article IX, section 1(a) of the Constitution of the State of Florida:

> commands that the Legislature shall provide for a uniform system of public free schools and for the liberal maintenance of such system of free schools. This means that a system of public free schools ... shall be established upon principles that are of uniform operation throughout the State and that such system shall be liberally maintained.

Bush v. Holmes, 919 So. 2d 392, 405 (2006).

59. Article IX, section 6 of the Constitution of the State of Florida provides

> The income derived from the state school fund shall, and the principal of the fund may, be appropriated, but only to the support and maintenance of free public schools.

60. The Scholarship Program directs public education funds to private schools and homeschools that operate outside the uniform system of free public schools required by Article IX, Section 1(a). By funding a parallel system of private education with public dollars, the

Scholarship Program diverts resources from the constitutionally required system and funds schools that are not subject to the same uniformity, accountability, transparency, and safety requirements.

61. The Scholarship Program also violates Article IX, Section 6 to the extent it uses income derived from the State School Fund for purposes other than the support and maintenance of free public schools. Private schools receiving Scholarship Program funds are neither "free" nor "public" within the meaning of Article IX.

62. Fla. Stat. § 1002.42(2)(h) states that "[i]t is the intent of the Legislature not to regulate, control, approve, or accredit private educational institutions." However, Article IX, Section 1(a) requires that the state's education system be "uniform." The Scholarship Program violates the criterion of uniformity in the following, among other, ways:

a. Pursuant to Fla. Stat. § 1006.12, each district school board or superintendent must establish or assign one or more safe-school officer at each school facility within the district. Private schools are not required to do so.

b. Pursuant to Fla. Stat. § 1006.07(7), each district school board must establish a threat management team at each school, whose duties include the coordination of resources and assessment and intervention with students whose behavior may pose a threat to the safety of the school, school staff, or students. Private schools are not required to do so.

c. Pursuant to Fla. Stat. § 1006.07(4)(c), district schools must implement a mobile panic alert system capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies. Such system, known as "Alyssa's Alert," must integrate with local

public safety answering point infrastructure to transmit 911 calls and mobile activations. Private schools are not required to do so.

d. Pursuant to Fla. Stat. § 1006.07(6)(d) and Fla. Admin. Code R. 6A-1.0018, each district school board must adopt an active assailant response plan which must include, at a minimum, plans and expectations for responding to an active assailant situation using the following three (3) strategies: evading or evacuating, taking cover or hiding, and responding to or fighting back. All public-school personnel must be trained annually on the procedures in the district's active assailant response plan. These requirements do not apply to private schools.

e. Pursuant to Fla. Stat. § 1006.07(4)(a), law enforcement officers must be physically present on a public school campus and directly involved in the execution of active assailant emergency drills. This requirement does not apply to private schools.

f. Pursuant to Fla. Stat. § 1012.584 and Fla. Admin. Code R. 6A-1.094120, at least 80% of public-school personnel in a school district must complete approved youth mental health awareness training. This requirement does not apply to private schools.

g. Pursuant to Fla. Stat. § 1006.07(6)(f)1, all gates or other access points that restrict ingress to or egress from the exclusive zone of a public school campus must remain closed and locked when students are on campus. This requirement does not apply to private schools.

h. Public school teachers must be certified by the state. Fla. Stat. § 1012.55(1). To obtain certification, public school teachers must meet certain requirements that include having "attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study" and having demonstrated a mastery of general knowledge, subject area knowledge, and professional preparation and education competence. Fla. Stat. §§ 1012.56(2)(c), (g)-(i). These requirements do not apply to private school teachers or homeschools.

i. All Florida public school teachers must hold at least a bachelor's degree from an accredited college or university. Fla. Stat. § 1012.55(1)(d). A private school may hire a teacher without a bachelor's degree if the individual has 3 years teaching experience at public or private schools, or special skills, knowledge, or expertise that qualifies the individual to provide instruction in specific subjects. Fla. Stat. § 1002.421(1)(h). Homeschool teachers are not required to satisfy either of these criteria.

j. Public schools are required to have class size maximums: the maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for prekindergarten through grade 3 may not exceed 18 students; the maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for grades 4 through 8 may not exceed 22 students; and the maximum number of students assigned to a core-curricula high school course in which a student in grades 4 through 8 is enrolled and the maximum number of students assigned to each teacher who is teaching core-curricula courses in public school classrooms for

grades 9 through 12, may not exceed 25 students. Fla. Const. art. IX, section 1(b); Fla. Stat. § 1003.03. These requirements do not apply to private schools.

k. Regarding curriculum, public education instruction is based on state academic standards that must meet the requirements delineated in Fla. Stat. §1003.41 and comply with rules of the State Board of Education. In addition, public schools are required to teach basic subjects as well as a number of other diverse subjects, including the history and content of the Declaration of Independence, the history, meaning, significance, and effect of the provisions of the Constitution of the United States and amendments thereto, the elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts, the history of the United States, the history of the Holocaust (1933-1945), the history of African Americans and the history of the state. Fla. Stat. § 1003.42. Private schools and homeschools are not required to follow state academic standards or teach these subjects.

l. Public schools must participate in statewide assessments. Fla. Stat. § 1008.22. While private schools and homeschools with students participating in the Scholarship Program are required to administer and report scores for one of the Department-approved norm-referenced tests, the statewide assessments are only one possible option and are not required.

m. Public school ESE designation requires a multi-tiered Response to Intervention (RTI) process with documented evidence of educational need, Fla. Stat. § 1003.57(1)(c) and Fla. Admin Code R. 6A-6.0331, while the FES-UA

scholarship requires only a physician's or psychologist's diagnosis. Fla. Stat. § 1002.394(3)(b). Further, while each district school board is required to provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the State Board of Education which, *inter alia*, must include the necessary professional services for diagnosis and evaluation of exceptional students; provides the special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities that meet standards established by the commissioner, and provides instruction to homebound or hospitalized students in accordance with the law and rules adopted by the state board, Fla. Stat. § 1003.57, a student in a private school or who is homeschooled does not have the right to receive the same special education services they would get in public school, and there is no requirement that a participating private school or homeschool report that any such specialized services are being provided.

n. Florida mandates that school districts provide transportation for students living two or more miles from their assigned school. Fla. Stat. § 1006.21(3); Fla. Admin. Code R. 6A-3.001. Private schools in Florida are not required to provide transportation to their students.

o. Under Fla. Stat. §1011.62(15)(a), when the FEFP allocation is recalculated, if the gross state FEFP funds are not sufficient to pay the state requirement in full, the department must prorate the available state funds to each school district. In contrast, there is no similar requirement to prorate funds under the Scholarship

Program, *see* Fla. Stat. § 1002.394(12), which has resulted in a per student funding disparity between private and public schools.

p. Pursuant to Fla. Stat. § 1003.621(2)(g), an academically high-performing school district may provide up to 2 days of virtual instruction as part of the required 180 actual teaching days or the equivalent on an hourly basis each school year, as specified by rules of the State Board of Education. Private schools and homeschools are not similarly restricted.

q. The Classroom Teacher and Other Instructional Personnel Salary Increase Allocation and the Educational Enrichment Allocation are included within the base student funding provided to both district schools and Scholarship Program (FESP) scholarship students. However, for school districts, these categorical amounts are restricted and must be spent as directed in the General Appropriations Act on the specific purposes for which they are designated. For Scholarship Program (FESP) scholarship students, the same categorical amounts are unrestricted; private schools are not obligated to provide the services for which these categorical funds are designated. Accordingly, while the State provides identical categorical funding to both systems, it restricts and requires accountability for its use in only one.

r. The Scholarship Program (FES-UA) Purchasing Guide published by Step Up for Students, the primary scholarship-funding organization, lists allowable expenses for Scholarship Program (FES-UA) funded scholarship accounts that include recreational equipment, recreational activities, furniture, and theme park tickets. Scholarship Program (FES-EO) funds remaining after tuition may

also be used for similar non-instructional purposes. Scholarship Program dollars can fund expenses that public school districts cannot lawfully fund.

63. As citizens and taxpayers of Florida, plaintiffs have been and will continue to be injured by the unconstitutional expenditure of public funds under the Scholarship Program, without the same regulation and enforcement to ensure uniformity of all school types.

Charter Schools

64. All charter schools in Florida are public schools and are part of the state's program of public education. A charter school may be formed by creating a new school or converting an existing public school to charter status. Fla. Stat. § 1002.33. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction. Fla. Stat. § 1002.33(5)(a)1.

65. Charter schools are also funded through the FEFP, from Florida's state budget, in the same way as all other public schools in the school district. Fla. Stat. § 1002.33(17). Charter schools receive operating funds from the FEFP based on the number of full-time (FTE) students enrolled. *Id.* Sponsoring school districts are required to make timely and efficient payments and reimbursements to charter schools under Fla. Stat. § 1002.33(17)(e). Charter schools sponsored by a school district are also eligible for capital outlay funds pursuant to §§ 1011.71(2) and 1013.62. Fla. Stat. § 1002.33(19).

66. Charter schools operate in accordance with their charter and are exempt from all statutes in chapters 1000-1013, except for those statutes specifically applying to charter schools, those statutes pertaining to the student assessment program and school grading system, those statutes pertaining to the provision of services to students with disabilities, those statutes pertaining to civil rights, and those statutes pertaining to student health, safety, and welfare. Fla. Stat. §

1002.33(16)(a). Charter schools must also comply with those statutes enumerated in Fla. Stat. § 1002.33(16)(b). However, school districts may not apply their policies to a charter school unless mutually agreed to by both the district and the charter school. Fla. Stat. § 1002.33(5)(b)1.d.

67. This blanket exemption from the body of law that defines the uniform public school system is itself a legislative enactment creating non-uniformity.

68. This vast exemption results in the Charter School Statute violating the constitutional criterion of uniformity in Article IX, section 1(a) by devoting the state's resources to a parallel system of education that does not provide uniformity in the following, among other, ways:

a. Pursuant to Fla. Stat. §§ 1013.37, each school district is required to comply with the State Requirements for Educational Facilities (SREF), which govern the design, construction, materials, and standards to ensure the state's system of free education provides safe ingress and egress, adequate recreation space, and separation from hazards. Charter schools are not required to do so.

    i. Pursuant to Fla. Stat. §1013.31, district schools are required to conduct a formal educational plant survey every 5 years to justify new construction, renovations, and capacity and to ensure that a school is needed for the surrounding population and to receive capital outlay funding. Charter schools are not required to do so and receive capital outlay funding on a per-student basis, allowing flexibility in building and expansion.

    ii. Pursuant to Fla. Stat. §1013.37, district schools must secure large, state-compliant sites to meet the minimum site size and acreage standards.

Charter schools are not required to do so and can operate in smaller and/or repurposed buildings with less or no outdoor space.

iii. Pursuant to Fla. Stat. §1013.37, district schools are required to meet the SREF standards for ventilation, lighting, and acoustics, impacting air quality, noise levels, and adequate lighting in education settings. Charter schools are not required to do so and may comply only with the general building code.

iv. Pursuant to Fla. Stat. §1013.37, district schools are required to have dedicated spaces for science labs, media centers, and art/music education. Charter schools are exempt from the SREF and are not required do so and may operate in buildings without such dedicated spaces.

b. Pursuant to Fla. Stat. §1003.41, district schools are required to meet the rigorous and relevant state academic standards in English Language Arts, Science, Mathematics, Social Studies, Visual and performing arts, physical education, health, and foreign language that provide for the logical, sequential progression of core curricular content. Charter schools are placed under a separate statutory framework that does not impose the same instructional requirements in the same manner.

c. Pursuant to Fla. Stat. §1003.42, the district school board is required to provide instruction to ensure students meet the adopted standards in reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education and the arts. Charter schools are placed under a separate

statutory framework that does not impose the same instructional requirements in the same manner.

d. Pursuant to Fla. Stat. §1003.42. each instructional staff of the public schools is required to teach efficiently and faithfully, the Declaration of Independence, the Constitution of the United States and amendments thereto, the arguments in support of our republican form or government, flag education, the elements of civil government, the history of the United Statues, the history of the Holocaust, the history of African Americans, the history of Asian Americans and Pacific Islanders, the elementary principles of agriculture, effects of alcohol and narcotics, kindness to animals, the history of the state, the conservation of natural resources, age appropriate health education, study of Hispanic contributions, study of women's contributions, the importance of free enterprise to the United States economy, civic and character education, the sacrifices of Medal of Honor recipients, and the history of communism. in civics, history, and character education. Charter schools are placed under a separate statutory framework that does not impose the same instructional requirements in the same manner.

e. Pursuant to Fla. Stat. §1003.53, each district school board is required to identify at risk students and provide a structured, research-based intervention and alternative education program designed to prevent dropout and improve academic performance. Charter schools are not required to do so.

f. Pursuant to Fla. Stat. §1006.28, each district school board is required to provide students with access to structured library media programs, adopt policies for the

selection of instructional and library materials, ensure personnel involved in the selection of school district library materials have completed a training program, among other requirements. Charter schools are not required to do so.

g. Pursuant to Fla. Stat. §1006.40, each district school board must provide current instructional materials, to provide each student in K through 12 with a major tool of instruction in the core subject areas. Charter schools are not required to do so.

h. Pursuant to Fla. Stat. §1006.40, each district school board must ensure that the content of all materials use in the classroom or made available to students, including the obligation to ensure that any instructional materials are (1) free of pornography and material prohibited under Fla. Stat. § 847.012, (2) suited to student needs and their ability to comprehend the material, and (3) appropriate for the grade level and age group for which the material are used or made available. Charter schools are not required to do so.

i. Pursuant to Fla. Stat. §1001.42, district school boards are subject to comprehensive systems and controls requiring a universal right for students to attend a public school, including those with disciplinary history, disability, and/or mobility issues. Charter schools are not required to do so.

j. Pursuant to Fla. Stat. §1001.42, district school boards are required to reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring district personnel to encourage students to discuss issues related to their well-being with their parents. Charter schools are not required to do so.

k. Pursuant to Fla. Stat. §1010.01, district school boards are required to maintain financial records and accounts according to the rules of law and State Board of Education, including maintaining internal controls designed to prevent and detect fraud, waste and abuse; promote and encourage compliance with applicable laws and best practices; support economical and efficient operations; ensure reliability of financial records and reports; and safeguard assets. Charter schools are not required to do so.

l. Pursuant to Fla. Stat. §1010.04, district school boards are required to follow all rules of the State Board of Education regarding purchasing practices, including using a competitive bidding process and evaluating and using available purchasing agreements and state term contracts already available. Charter schools are not required to do so.

m. Pursuant to Fla. Stat. § 1002.333(6)(d), a teacher employed by a School of Hope need not meet the certification requirements of Fla. Stat. § 1012.56.

n. Pursuant to Fla. Stat. § 1012.34(1)(a), "the district school superintendent shall establish procedures for evaluating the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district." This is for the "purpose of increasing student academic performance by improving the quality of instructional, administrative, and supervisory services in the public schools of the state," that Charter schools are not subject to the same evaluation framework, and may evaluate teachers under the terms independently determined by their charter contract.

o. Under Fla. Stat. § 1008.345(4), public schools are subject to intensive intervention and support strategies after earning two consecutive grades of "D" or a grade of "F." A charter school must implement corrective action in the school year following receipt of a third consecutive grade below a "C." Fla. Stat. § 1002.33(9)(n).

p. A charter school may voluntarily close after a vote of its governing body in a public meeting with only 24 hours' written notice to parents. § 1002.33(7)(e). District schools cannot do so, and are responsible for educating all students, including displaced students, under the compulsory attendance requirements of Fla. Stat. § 1003.21, regardless of capacity, staffing, or budget.

q. Charter schools are not subject to inclusion on the Persistently Low-Performing schools list, under Fla. Stat. § 1002.333. District schools are, creating a two-tiered accountability designation for schools serving the same student populations with the same public dollars.

69. As citizens and taxpayers of Florida, plaintiffs have been and will continue to be injured by the unconstitutional expenditure of public funds on a nonuniform system of charter schools pursuant to the Charter School Statute.

70. The following chart highlights major areas of disparity among the parallel systems.

COMPARISON OF REQUIREMENTS
ACROSS FLORIDA'S PUBLICLY FUNDED K–12 EDUCATION SYSTEMS

All four systems are funded through the Florida Education Finance Program (FEFP)

REQUIREMENT	TRADITIONAL PUBLIC SCHOOL	CHARTER SCHOOL	SCHOLARSHIP PROGRAM (FES-EO)	SCHOLARSHIP PROGRAM (FES-UA)	CITATION
SAFETY AND SECURITY (Art. IX § 1(a) — "safe and secure")					
Armed safe-school officers	✓ REQUIRED at every campus	✓ REQUIRED (included in mandate)	X NOT REQUIRED. May voluntarily request guardian training (Ch. 2025-58) but no mandate.	X NOT REQUIRED	*§ 1006.12, 6A-1.0018*
Threat assessment teams	✓ REQUIRED. Multi-disciplinary team at each school with sworn law enforcement.	✓ REQUIRED (included in mandate)	X NOT REQUIRED	X NOT REQUIRED	*§ 1006.07(7); Rule 6A-1.0019*
Alyssa's Alert (mobile panic system)	✓ REQUIRED. Must integrate with local 911.	✓ REQUIRED (included)	X NOT REQUIRED	X NOT REQUIRED	*§ 1006.07(4)(c), 6A-1.0018*
Active assailant drills with law enforcement	✓ REQUIRED. Annual plans, training, LE physically present.	✓ REQUIRED	X NOT REQUIRED	X NOT REQUIRED	*§ 1006.07(6)(d); Rule 6A-1.0018*
Youth mental health training	✓ REQUIRED. 80% of staff annually certified.	✓ REQUIRED	X NOT REQUIRED	X NOT REQUIRED	*§ 1012.584, Rule 6A-1.094120*
Perimeter / access control	✓ REQUIRED. Locked gates, controlled access when students present.	✓ REQUIRED	X NOT REQUIRED	—	*§ 1006.07(6)(f), 6A-1.0018*
SESIR incident reporting	✓ REQUIRED. Comprehensive incident reporting system.	✓ REQUIRED	X NOT REQUIRED. Limited reporting under § 1002.421 only.	X NOT REQUIRED	*§ 1006.07(9), 6A-1.0017*
TEACHER QUALIFICATIONS AND PERSONNEL					
State teacher certification	✓ REQUIRED. Must hold FL educator certificate.	◐ PARTIAL. Must hire certified teachers but may also hire those "eligible for" or "working toward" certification.	X NOT REQUIRED. Bachelor's, 3 yrs experience, OR "special skills" with zero state scrutiny.	X NOT REQUIRED. No credential required for instructional provider.	*§ 1012.55 (public); § 1002.33(12)(f) (charter); § 1002.421(1)(h) (voucher)*
Schools of Hope certification	—	X NOT REQUIRED. Hope operators may hire uncertified teachers and administrators.	—	—	*§ 1002.333(6)(d)*

REQUIREMENT	TRADITIONAL PUBLIC SCHOOL	CHARTER SCHOOL	SCHOLARSHIP PROGRAM (FES-EO)	SCHOLARSHIP PROGRAM (FES-UA)	CITATION
Personnel evaluation framework	✓ REQUIRED. § 1012.34 requires evaluation using student data, practice assessments, timelines.	X NOT REQUIRED. Exempt from § 1012.34 via K-20 exemption. May evaluate under charter contract.	X NOT REQUIRED	X NOT REQUIRED	*§ 1012.34*
Just cause / contract protections	✓ REQUIRED. Written contracts, just cause dismissal, due process, appellate review.	X NOT REQUIRED. Exempt from § 1012.33 via K-20 exemption.	X NOT REQUIRED	—	*§ 1012.33*
EPC disciplinary jurisdiction	✓ REQUIRED. All certified personnel subject to EPC.	○ PARTIAL. Certified staff: yes. Non-certified staff: no equivalent mechanism.	X NOT REQUIRED	X NOT REQUIRED	*§§ 1012.795–.796*
CLASS SIZE, CURRICULUM, AND ACCOUNTABILITY					
Constitutional class size limits	✓ REQUIRED. 18/22/25. Compliance infrastructure required.	○ PARTIAL. Same limits but measured as SCHOOL-LEVEL AVERAGE.	X NOT REQUIRED. No class size limits. Owner "solely responsible."	—	*Art. IX § 1(b); § 1003.03; § 1002.33(16)(b); § 1002.42(2)*
State curriculum standards	✓ REQUIRED. Must follow §§ 1003.41–1003.42.	○ PARTIAL. Exempt from K-20 Code but subject to state assessments.	X NOT REQUIRED. No state curriculum requirements.	X NOT REQUIRED. No curriculum requirements.	*§§ 1003.41–1003.42*
Required instruction (civics, history, Holocaust, etc.)	✓ REQUIRED. Specified content areas including American history, minority contributions, civic government.	X NOT REQUIRED. Exempt from § 1003.42 via K-20 exemption.	X NOT REQUIRED	X NOT REQUIRED	*§ 1003.42*
State assessment program	✓ REQUIRED. Full participation required.	✓ REQUIRED. Subject to state assessments and school grading.	○ PARTIAL. NRT in grades 3–10 only. Results to parents only. Not comparable per FLDOE.	○ PARTIAL. NRT or portfolio review. Annual evaluation only.	*§ 1008.22; § 1002.394(9)(c)*
School grades / public accountability	✓ REQUIRED. Annual grades published. Consequences for low performance.	✓ REQUIRED. Same grading system.	X NOT REQUIRED. No school grades. No consequences. <10% in published data.	X NOT REQUIRED	*§ 1008.34; § 1008.33*
Turnaround timeline for low performance	2–3 years from trigger to forced structural change (turnaround, closure, charter conversion).	~5 years. Corrective action after 3rd consecutive grade below	X NOT REQUIRED. No consequences for any performance level.	X NOT REQUIRED	*§ 1008.33(4) (public); § 1002.33(9)(n) (charter)*

REQUIREMENT	TRADITIONAL PUBLIC SCHOOL	CHARTER SCHOOL	SCHOLARSHIP PROGRAM (FES-EO)	SCHOLARSHIP PROGRAM (FES-UA)	CITATION
		C, then 2 additional years.			
Persistently Low-Performing list	✓ REQUIRED. District schools subject to designation.	X NOT REQUIRED. Excluded from designation.	X NOT REQUIRED	—	*§ 1002.333*
EXCEPTIONAL STUDENT EDUCATION					
ESE qualification process	✓ REQUIRED. Multi-tiered MTSS/RTI process, multi-disciplinary evaluation, IEP team determination.	✓ REQUIRED. Same process.	X NOT REQUIRED. Physician's diagnosis only. No RTI. No documented educational need.	X NOT REQUIRED. Same diagnosis-only pathway.	*§ 1003.57(1); Rule 6A-6.0331 (public); § 1002.394(3)(b) (voucher)*
ESE service delivery requirements	✓ REQUIRED. IEP with measurable goals, progress monitoring, annual review, FAPE in LRE.	✓ REQUIRED. Same IDEA obligations.	X NOT REQUIRED. No requirement for or evidence of services provided despite $10K–$34K funding.	X NOT REQUIRED. IEP no longer active. District FAPE obligation ends. No verification of services.	*§ 1003.57; Rule 6A-6.03028; § 1002.41*
FINANCIAL ACCOUNTABILITY AND TRANSPARENCY					
Annual independent audit	✓ REQUIRED. CAFR, program cost accounting, AG oversight.	○ PARTIAL. Monthly/quarterly statements to sponsor. Less rigorous than district.	X NOT REQUIRED. CPA agreed-upon procedures only if >$250K/yr. Not full audit. Not public.	X NOT REQUIRED	*§ 1011.60; § 1010.06 (public); § 1002.33(9)(g) (charter); § 1002.421(1)(q) (voucher); §§ 218.39, 1010.33, 1010.215*
Sunshine Law (public records / open meetings)	✓ REQUIRED. Full compliance.	○ PARTIAL. Subject to Ch. 119/286 but governing board is private nonprofit. 2 meetings/yr.	X NOT REQUIRED	X NOT REQUIRED	*Ch. 119, 286, Fla. Stat.*
Uniform financial records system	✓ REQUIRED. Must maintain records per § 1010.01.	X NOT REQUIRED. Exempt via K-20 exemption.	X NOT REQUIRED	X NOT REQUIRED	*§ 1010.01, 1010.215*
Competitive bidding / procurement	✓ REQUIRED. Public entity procurement requirements.	X NOT REQUIRED. Private nonprofit board. No competitive bidding.	X NOT REQUIRED	—	*§ 1010.04*
FEFP proration exposure	YES. Allocations prorated when appropriations fall short. FY 24-25: $250,149,259.	Funded through district pass-through. Subject to	NO. Scholarship amounts set by GAA. Not subject to proration.	NO. Same as voucher.	*§ 1011.62(15)(a) (public); § 1002.394(12)(a) (voucher)*

REQUIREMENT	TRADITIONAL PUBLIC SCHOOL	CHARTER SCHOOL	SCHOLARSHIP PROGRAM (FES-EO)	SCHOLARSHIP PROGRAM (FES-UA)	CITATION
		district proration.			
Categorical fund restrictions	RESTRICTED. Must spend as directed in GAA.	RESTRICTED . Same as district.	UNRESTRICTED. Same categorical amounts calculated but no obligation to use for designated purpose.	UNRESTRICTED.	*GAA; § 1011.62(5), (7)(a), (16)*
Allowable expenses	Educational purposes only as defined by statute and GAA.	Educational purposes.	Tuition, fees, AND recreational equipment, activities, furniture, theme park tickets per SFO purchasing guide.	Curriculum, tutoring, therapies, AND recreational equipment, furniture, theme park tickets.	*§ 1002.394(4)(a)-(b); SFO Purchasing Guides; § 1010.04*
GOVERNANCE, FACILITIES, AND ACCESS					
Governance structure	Elected school board (Art. IX § 4). Monthly meetings. Fiscal transparency. Parental rights notifications.	Unelected private nonprofit board. 2 meetings/yr. Parent liaison only. No board member residency req't. Networks: 1 board for 40+ schools across 18 districts.	Private school owner/operator. No public governance requirements.	Parent. No governance structure.	*Art. IX § 4; § 1001.372; § 1011.035; § 1014.05 (public); § 1002.33(9)(p) (charter); §§ 1002.41, 1002.421*
School board policy authority	Board policies govern all operations.	X NOT REQUIRED. Board "may not apply its policies" unless mutually agreed.	X NOT REQUIRED. Regulatory firewall; § 1002.421(4) prohibits additional regulation.	—	*§ 1002.33(5)(b)1.d. (charter); § 1002.421(4) (voucher); § 1001.43*
Override of elected board	—. Board has final authority.	YES. Charter School Review Commission can approve over board objection.	—	—	*§ 1002.3301*
Facility standards (SREF)	✓ REQUIRED. Full SREF compliance. Educational plant survey every 5 years. Dedicated instructional spaces.	X NOT REQUIRED. Exempt from SREF. Building code and fire code only. May operate in strip malls.	X NOT REQUIRED. No facility requirements.	X NOT REQUIRED. Home setting.	*§§ 1013.01--.80; § 1002.33(18)*
Capital outlay process	Must prove need (FISH). Voter-approved millage, PECO, bonds.	Per-student entitlement. No need	—	—	*§ 1013.31; § 1013.62; § 1013.35*

REQUIREMENT	TRADITIONAL PUBLIC SCHOOL	CHARTER SCHOOL	SCHOLARSHIP PROGRAM (FES-EO)	SCHOLARSHIP PROGRAM (FES-UA)	CITATION
		demonstrated. Plus direct PECO and federal expansion grants.			
Must accept all students	✓ REQUIRED. Must accommodate all students regardless of background.	○ PARTIAL. Application/lottery. Cannot discriminate on most grounds but enrollment patterns show sorting.	X NOT REQUIRED. Unfettered discretion on admissions. May reject any student for any reason.	—. Parent-directed.	*§ 1001.42 (public); § 1002.33(10) (charter)*
Transportation	✓ REQUIRED. Must provide for students 2+ miles. Regulated fleet, CDL drivers, inspections.	○ PARTIAL. Must ensure "not a barrier" but not required to provide.	X NOT REQUIRED. Parent responsibility.	X NOT REQUIRED	*§§ 1006.21–27; § 1002.33(20)(c)*
Attendance requirements	Full-time in-person. Max 2 virtual days/yr (high-performing districts only).	Same compulsory attendance (§ 1003.21). Hybrid programs available.	○ PARTIAL. 2 days/week in person (PEP). "Regular and direct contact" otherwise — undefined.	X NOT REQUIRED. No minimum hours. Annual evaluation only.	*§ 1003.21; § 1003.621(2)(g); § 1002.421(1)(i); § 1002.41; § 1003.23*
Library / instructional materials review	✓ REQUIRED. Public posting of catalogue. Review before adoption. Community input.	X NOT REQUIRED. Exempt via K-20 exemption.	X NOT REQUIRED	X NOT REQUIRED	*§§ 1006.28, 1006.283*
Voluntary closure / continuity	—. District obligation is continuous.	May close with 24-hour notice. District must absorb all students immediately.	May cease participation at any time.	May withdraw at any time.	*§ 1002.33(7)(e); § 1003.21*
For-profit operation	X NOT REQUIRED. Public schools cannot operate for profit.	○ PARTIAL. Management contracted to for-profit EMOs. High-performing systems include for-profit corporations.	YES. Private schools may be for-profit.	—	*§ 1002.33(12)(a); § 1002.332*
STATUTORY FRAMEWORK					
K-20 Education Code (Ch. 1000–1013)	FULLY SUBJECT to all 14 chapters.	BLANKET EXEMPTION. Exempt from entire K-20 Code except 5 carve-outs.	NOT APPLICABLE. Private schools outside K-20 Code. Regulatory firewall prohibits expansion.	NOT APPLICABLE.	*§ 1002.33(16)(a); § 1002.421(4); § 1002.42(2)(h)*

Legend: ✓ REQUIRED (green) = Full statutory mandate. ○ PARTIAL (amber) = Modified or limited requirement. X NOT REQUIRED (red) = No statutory mandate or explicitly exempt.

FIRST CAUSE OF ACTION
THE SCHOLARSHIP PROGRAM
(Violation of Article IX, § 1(a), of the Florida Constitution)

71. The allegations in Paragraphs 1-70 are realleged and incorporated herein by reference.

72. Article IX, § 1, of the Florida Constitution obligates the state to provide a "uniform, efficient, safe, secure, and high quality system of free public schools."

73. The Scholarship Program unconstitutionally directs the state to fulfill in part the education obligation imposed upon it by Article IX, § 1(a), in a manner other than that prescribed therein, by paying tuition and fees for children to attend private schools or homeschools rather than the free public schools called for by Article IX, § 1(a), without equally applying the same laws, restrictions and oversight of funds required by and provided to public and charter schools.

74. The Scholarship Program violates Article IX, Section 1(a) because, among other things, it: (a) creates a publicly funded private system parallel to and in competition with the constitutional system of free public schools; (b) funds schools that are exempt from the safety requirements the Legislature has determined are necessary for student safety, including safe-school officers (§ 1006.12), threat assessment teams (§ 1006.07(7)), Alyssa's Alert (§ 1006.07(4)(c)), active assailant response plans (§ 1006.07(6)(d)), youth mental health training (§ 1012.584), and perimeter security (§ 1006.07(6)(f)); (c) funds schools that are exempt from the accountability, assessment, and school grading systems the Legislature has enacted for public schools; (d) funds schools where teachers need not meet state certification requirements; (e) funds schools that are not subject to annual independent audits, public financial reporting, or the Sunshine Law; (f) creates financial disparities through proration of district allocations while holding scholarship

amounts constant, and through restricted categorical funding for districts but unrestricted categorical funding for scholarships; (g) funds schools that are exempt from additional state regulations by virtue of § 1002.421(4), ensuring that non-uniformity; and (h) funds schools where FEFP dollars may be spent on non-educational expenses including recreational equipment and theme park tickets, expenditures no public school district could lawfully make with the same funds.

75. Because the private schools or homeschools to which the state is dedicating public funds toward tuition and fees under the Scholarship Program are not subject to the same laws, regulations and requirements to provide a system of education that is "uniform," the state's attempt to fulfill its constitutional obligation by paying tuition and fees to such schools violates Article IX, § 1(a).

SECOND CAUSE OF ACTION
THE SCHOLARSHIP PROGRAM
(Violation of Article IX, § 6, of the Florida Constitution)

76. The allegations in Paragraphs 1-70 are realleged and incorporated herein by reference.

77. Article IX, § 6, of the Florida Constitution provides that "[t]he income derived from the state school fund shall, and the principal of the fund may, be appropriated, but only to the support and maintenance of free public schools."

78. The State School Trust Fund is one of three named funding sources for the FEFP.

79. The FEFP funds the Scholarship Program. The Scholarship Program (FES-EO and FES-UA) scholarship amounts are calculated and paid through the FEFP under § 1002.394(12). Because FEFP dollars include State School Trust Fund income, and because Scholarship Program scholarships are disbursed to private schools that are neither free nor public, the Scholarship Program appropriates State School Trust Fund income for purposes other than the support and

maintenance of free public schools.

80. Accordingly, the Scholarship Program uses the income derived from the state school fund for a purpose other than "the support and maintenance of free public schools," in violation of Article IX, § 6, of the Florida Constitution.

THIRD CAUSE OF ACTION
CHARTER SCHOOLS
(Violation of Article IX, § 1(a), of the Florida Constitution)

81. The allegations in Paragraphs 1-70 are realleged and incorporated herein by reference.

82. Article IX, § 1(a), of the Florida Constitution obligates the state to provide a "uniform, efficient, safe, secure, and high quality system of free public schools."

83. The Charter School Statute unconstitutionally directs the state to fulfill in part the education obligation imposed upon it by Article IX, § 1(a), in a manner other than that prescribed therein, by funding charter schools that are not uniform with or subject to the same laws or requirements as traditional public schools.

84. Because the charter schools to which the state is paying and will pay under Fla. Stat. § 1002.33(17) will not necessarily provide a system of education that is "uniform" the state's attempt to fulfill its constitutional obligation by paying public funds to such schools violates Article IX, § 1(a).

FOURTH CAUSE OF ACTION
THE SCHOLARSHIP PROGRAM
(Violation of Article IX, § 1(a), of the Florida Constitution)

85. The allegations in Paragraphs 1-70 are realleged and incorporated herein by reference.

86. Article IX, § 1(a), of the Florida Constitution obligates the state to provide a "uniform, efficient, **safe, secure**, and high quality system of free public schools," (*emphasis added).

87. The Legislature has, through its own statutory enactments, determined what "safe and secure" means in the public system through Fla. Stat. § 1006.07 which, among other things, requires safe-school officers at each public school (Fl. Stat. § 1006.12, "Safe-school officers at each public school"); threat management teams at each school including a sworn law enforcement officer (Fla. Stat. § 1006.07(7); Fla. Admin. Code R. 6A-1.0019); Alyssa's Alert mobile panic systems at each public school including charter schools (Fla. Stat. § 1006.07(4)(c)); active assailant response plans and drills with law enforcement physically present (Fla. Admin. Code R. 6A-1.0018); youth mental health awareness training for at least 80% of school personnel (Fla. Stat. § 1012.584; Fla. Admin. Code R. 6A-1.094120); and locked gates and controlled access points when students are on campus (Fla. Stat. § 1006.07(6)(f)).

88. The Legislature requires public and charter schools to comply with these safety requirements, but not private schools, despite being funded by taxpayer dollars through the Scholarship Program.

89. The state's attempt to fulfill its constitutional obligation by paying tuition and fees to such schools without requiring that they meet the "safe and secure" mandates of the constitution, violates Article IX, § 1(a), Fla. Const.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully request that this Court:

(1) Declare the Family Empowerment Scholarship Program, as currently administered, unconstitutional under (a) Article IX, § 1(a), of the Florida Constitution and (b) Article IX, § 6, of

the Florida Constitution,

(2) Declare the Charter School Statute, Fla. Stat. 1002.33, as currently administered, unconstitutional under Article IX, § 1, of the Florida Constitution,

(3) Declare that the funding of students in private schools that are exempt from the safety standards enacted by the Legislature for publicly funded schools violates the "safe and secure" mandate of Article IX, Section 1(a);

(4) Enjoin defendants, and all persons and entities acting under their direction or in concert with them, from taking any measures to implement the Scholarship Program or to fund charter schools with public dollars while continued categorical disparities exist;

(5) Award to plaintiffs the attorneys' fees, expenses, and costs that are incurred in prosecuting this lawsuit; and

(6) Order such other and further relief as this Court may deem appropriate.

Respectfully submitted,

/s/Martin F. Powell
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