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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, *et al.*,

CASE NO.: 2026 CA 000929

Plaintiffs,

v.

ANASTASIOS "STASI" KAMOUTSAS, in his official capacity as the Commissioner of Education for the State of Florida, *et al.*,

Defendants.
_____/

DEFENDANTS' ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIM TO PLAINTIFFS' COMPLAINT

Defendants Anastasios "Stasi" Kamoutsas, in his official capacity as Commissioner of Education for the State of Florida; the Florida Department of Education; the Florida State Board of Education; and Ryan Petty, MaryLynn Mager, Grazie P. Christie, Layla Collins, Daniel P. Foganholi, Sr., Erika Fritz-Ochs, and Luis Fuste, each in their official capacities as members of the Florida State Board of Education (collectively, "Defendants"), by and through undersigned counsel, hereby file this Answer, Affirmative Defenses, and Counterclaim in response to the Complaint for Declaratory and Injunctive Relief ("Complaint") filed by Plaintiffs Andrew Spar, Laura Bell, Tamara Haleem, Stephanie Vanos, Earlishia Oates, Suzanne Sapp, Aaryn Frick, Robert Lyons, and the Florida Education Association (collectively, "Plaintiffs"), and state as follows:

ANSWER

UNNUMBERED "PRELIMINARY STATEMENT" PARAGRAPHS

The unnumbered paragraphs under the section heading "PRELIMINARY STATEMENT" on pages one through four of the Complaint are an improper form of pleading to which no response is required. To the extent the unnumbered paragraphs contain factual allegations that require a

response, Defendants incorporate their responses to those allegations set forth below. In addition, no response is required to any legal conclusions, characterizations, and argument contained in the section, and to the extent a response is required, Defendants deny the legal conclusions, characterizations, and argument.

JURISDICTION AND VENUE

1. Admitted for jurisdictional purposes only. Otherwise denied.

2. Admitted.

3. Admitted that venue lies in this Court.

4. Defendants lack sufficient knowledge to admit or deny whether "Plainitff(s)" are "taxpayers of the State of Florida," and therefore deny the allegation. The referenced constitutional provisions speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied. All other allegations are denied.

PARTIES

5. Without knowledge and therefore denied.

6. Without knowledge and therefore denied.

7. Without knowledge and therefore denied.

8. Without knowledge and therefore denied.

9. Without knowledge and therefore denied.

10. Without knowledge and therefore denied.

11. Without knowledge and therefore denied.

12. Without knowledge and therefore denied.

13. Admitted that the Florida Education Association is a Florida non-profit corporation; otherwise without knowledge and therefore denied.

14. Admitted that Anastasios Kamoutsas is the Commissioner of Education and that Plaintiffs bring this claim against Kamoutsas in his official capacity. Admitted that the Legislature allocates funds to the Florida Education Finance Program and the Department of Education distributes those funds to districts in the state, and makes adjustments thereto, based on data and information received throughout the school year. Otherwise denied.

15. Admitted that the Florida Department of Education is the administrative agency for Florida's public education system. Admitted that the Office of Funding and Financial Reporting calculates and distributes funds provided through Florida Education Finance Program. Denied to the extent the allegation mischaracterizes the Department's duties under Chapter 1001, Florida Statutes.

16. Admitted.

17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

23. Admitted.

FACTS

Introduction

24. Admitted that Plaintiffs have filed this action for declaratory and injunctive relief.

Denied that the Family Empowerment Scholarship Program or the "Charter School Statute" violates the Florida Constitution or that Plaintiffs are entitled to any relief.

25. Denied.

26. Denied.

27. Denied.

28. The Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

29. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

Funding

30. Admitted that the Legislature appropriates education funds and that portions of education funds are distributed through the Florida Education Finance Program. Admitted that portions of the Florida Education Finance Program's funds derive from the State's General Revenue Fund, the Educational Enhancement Trust Fund, and the State School Fund. Defendants deny the remaining characterizations of the State's funding of education.

31. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication,

characterization, and/or legal conclusion inconsistent therewith is denied. Further Defendants deny any implication that FES-EO is funded through the State School Fund.

32. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied. Further, Defendants deny any implication that FES-UA is funded through the State School Fund.

33. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

Eligibility and Expenditures

34. The Paragraph contains Plaintiffs' characterization of certain statutes and law rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes and law speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied. Admitted that all K-12 students in Florida are eligible to participate in the FES-EO program and that the FES-EO program has no cap.

35. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

36. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

37. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

38. The Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

39. Defendants admit the quoted phrases are accurate quotes from the referenced website but deny any characterization thereof. The remainder of the Paragraph consists of Plaintiffs' characterization of a certain statute and code rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statute and code speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

40. The Paragraph consists of Plaintiffs' characterization of the legal framework governing charter schools rather than a factual assertion and therefore no response is required.

41. The Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion and therefore no response is required. To the extent a response is required, the

referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

42. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

43. The Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied. All other allegations are denied.

The Constitutional Violations

44. Admitted that the allegation accurately quotes the Florida Constitution. Denied to the extent the allegation characterizes the legal effect, scope, or meaning of any constitutional provision.

45. Denied.

46. Denied.

47. Denied.

48. Denied.

The Family Empowerment Scholarship Program

49. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the

referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

50. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

51. The Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

52. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

53. The Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

54. The Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

55. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

56. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion and therefore no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

57. Denied.

58. Article IX, section 1(a) of the Florida Constitution speaks for itself and is the best evidence of its terms; any attempted implication, characterization, and/or legal conclusion inconsistent therewith is denied. In addition, Defendants contend that *Bush v. Holmes*, 919 So. 2d 392 (2006) was wrongly decided as to the constitutionality of the state funding scholarships for students in private schools, in addition to the system of free public schools. As the dissent explained, the majority abandoned the presumption of constitutionality and manufactured an "exclusive means" limitation through canons of construction rather than identifying any express or necessarily implied prohibition in Article IX, section 1(a). *Id.* at 413–25 (Bell, J., dissenting). That construction cannot be reconciled with *Florida Department of Health v. Florigrown, LLC*, 317 So. 3d 1101 (Fla. 2021), where the Florida Supreme Court recognized the Legislature's plenary power to enact *any* law not clearly prohibited by an express or necessarily implied constitutional provision. Defendants preserve for appellate review their contention that the Florida Supreme Court should recede from *Bush*. *See State v. Poole*, 297 So. 3d 487 (Fla. 2020).

59. Defendants admit that the Paragraph accurately quotes Article IX, section 6 of the Florida Constitution; any attempted implication, characterization, and/or legal conclusion inconsistent therewith is denied.

60. Denied.

61. Denied.

62. Denied.

a. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

b. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

c. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best

evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

d. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute and administrative code rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute and administrative code speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

e. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

f. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute and administrative code rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute and administrative code speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

g. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

h. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

i. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

j. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute and constitutional provision rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute and constitutional provision speak for themselves and are the best evidence of their

terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

k. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

l. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

m. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of certain statutes and administrative code rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statutes and administrative code speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

n. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of

a statute and administrative code rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute and administrative code speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

o. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied. Defendants further deny that any funding difference has resulted in a disparity of constitutional significance, and deny any remaining allegations of this Paragraph.

p. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

q. The Paragraph is read in conjunction with Paragraph 62 and therefore denied. In addition, the Paragraph consists of Plaintiffs' description of the General Appropriations Act and unidentified statutes and/or law rather than a factual assertion, to which no response is required. To the extent a response is required, the

General Appropriations Act and unidentified laws and/or statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

r. The Paragraph refers to a purchasing guide published by Step Up for Students; that guide speaks for itself and is the best evidence of its contents, and Defendants deny any characterization of it inconsistent with its terms. The remainder of the Paragraph consists of Plaintiffs' description of unidentified laws and/or statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the unidentified laws and/or statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

63. Denied.

Charter Schools

64. The Paragraph consists of Plaintiffs' description of statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied. Nonetheless, admitted that the charter schools are public schools.

65. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

66. The Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

67. Denied.

68. Denied.

a. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

i. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

ii. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced

statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

iii. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

iv. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

b. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

c. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the

extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

d. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

e. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

f. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

g. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of

a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

h. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

i. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

j. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

k. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

l. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

m. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

n. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best

evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

o. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

p. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of certain statutes rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statutes speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

q. The Paragraph is read in conjunction with Paragraph 68 and therefore denied. In addition, the remainder of the Paragraph consists of Plaintiffs' characterization of a statute rather than a factual assertion, to which no response is required. To the extent a response is required, the referenced statute speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied. Defendants deny any remaining allegations in the Paragraph.

69. Denied.

70. Plaintiffs' chart is not a proper factual allegation and therefore no response is required. To the extent a response is required, the statutes and administrative rules cited in the chart speak for themselves and are the best evidence of their terms and Defendants deny any characterization, implication, and/or legal conclusion relating to those authorities that is inconsistent with their text. Defendants further deny that the chart accurately or completely describes the legal requirements applicable to any category of school and deny that any difference among those requirements is unlawful or of constitutional significance. To the extent the chart compares those requirements or characterizes their legal effect or significance, it consists of argument and legal conclusions to which no response is required; to the extent a response is required, it is denied. Except as expressly admitted elsewhere in this Answer, Defendants deny the accuracy and completeness of each row and entry in the chart and deny each factual assertion and characterization contained therein.

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

71. Defendants incorporate their responses to Paragraphs 1 through 70 as if fully set forth herein.

72. The referenced constitutional provision speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

73. Denied.

74. Denied.

75. Denied.

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

76. Defendants incorporate their responses to Paragraphs 1 through 70 as if fully set forth herein.

77. The referenced constitutional provision speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

78. Admitted that the State School Trust Fund is one funding source for the FEFP; denied to the extent the paragraph implies the FEFP has only three funding sources.

79. Denied.

80. Denied.

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

81. Defendants incorporate their responses to Paragraphs 1 through 70 as if fully set forth herein.

82. The referenced constitutional provision speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

83. Denied.

84. Denied.

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

85. Defendants incorporate their responses to Paragraphs 1 through 70 as if fully set forth herein.

86. The referenced constitutional provision speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

87. The statutes and administrative rules cited in this Paragraph speak for themselves and are the best evidence of their terms. Denied that, by enacting them, the Legislature has determined or defined the meaning of "safe and secure" under Article IX, section 1(a) of the Florida Constitution, or established any judicially enforceable constitutional standard. Any remaining characterization, implication, or legal conclusion is denied.

88. Defendants incorporate their response to Paragraph 87 as if fully set forth herein. Denied that private schools' participation in the Family Empowerment Scholarship Program subjects them to any of the constitutional requirements in Article IX, section 1(a) of the Florida Constitution. Any remaining characterization or implication is denied.

89. Denied.

PRAYER FOR RELIEF

Defendants deny the unnumbered "WHEREFORE" paragraphs and further deny that the Plaintiffs are entitled to any relief pursuant to the Complaint.

AFFIRMATIVE DEFENSES

Without conceding that Defendants bear the burden on any of the following matters, and reserving the right to amend or supplement these Affirmative Defenses as discovery proceeds, Defendants assert the following Affirmative Defenses:

FIRST AFFIRMATIVE DEFENSE
(Non-justiciability)

Count IV presents nonjusticiable questions that lack judicially manageable standards, as recognized in *Citizens for Strong Schools, Inc. v. Florida State Board of Education*, 262 So. 3d

127 (Fla. 2019). Plaintiffs' alleged violation of the "safe" and "secure" terms of Article IX, section 1(a) of the Florida Constitution, asks the Court to give judicially enforceable content to qualitative constitutional language by importing the Legislature's other statutory safety requirements as constitutional minima. The Florida Supreme Court has already held that the cognate "efficient" and "high quality" terms of the same provision are not susceptible to judicial enforcement for want of manageable standards, and Plaintiffs' qualitative-parity theory of uniformity as applied to both public charter schools and private schools presents the same defect. *Citizens for Strong Schools*, 262 So. 3d at 140–43.

SECOND AFFIRMATIVE DEFENSE
(Counts I, III, and IV Are Improperly Pled)

Plaintiffs frame Counts I, III, and IV as challenges to unconstitutional expenditures of public funds, but the substance of those counts challenges the regulatory framework the Legislature has chosen for publicly funded education rather than any appropriation.

THIRD AFFIRMATIVE DEFENSE
(Plenary Legislative Power)

The Florida Constitution operates as a limitation on, not a grant of, legislative power. Under Article III, section 1 of the Florida Constitution and the framework reaffirmed in *Florida Department of Health v. Florigrown, LLC*, 317 So. 3d 1101 (Fla. 2021), the Legislature may enact any law not clearly prohibited by an express or necessarily implied constitutional provision.

Article IX, section 1(a) of the Florida Constitution contains no express prohibition on the Legislature's authority to fund educational options in addition to the system of free public schools, and no such prohibition is necessarily implied. The challenged programs are therefore within the Legislature's plenary authority.

FOURTH AFFIRMATIVE DEFENSE
(Presumption of Constitutionality)

Florida statutes are presumed constitutional. *See Florida Department of Health v. Florigrown, LLC*, 317 So. 3d 1101, 1111 (Fla. 2021); *Jackson v. State*, 191 So. 3d 423, 426 (Fla. 2016). Plaintiffs bear the burden to establish unconstitutionality beyond a reasonable doubt. Plaintiffs have not and cannot meet that burden as to the Family Empowerment Scholarship Program or the Charter School Statute, each of which represents a considered legislative judgment operating within the framework of Article IX of the Florida Constitution.

FIFTH AFFIRMATIVE DEFENSE
(*Bush v. Holmes*, 919 So. 2d 392 (Fla. 2006) Should be Receded From)

Defendants contend that *Bush v. Holmes*, 919 So. 2d 392 (Fla. 2006), was wrongly decided. Defendants acknowledge that *Bush* is a Florida Supreme Court decision and assert this defense to preserve for appellate review their contention that the Florida Supreme Court should recede from it. *See, e.g.*, *State v. Poole*, 297 So. 3d 487 (Fla. 2020).

As the dissent explained, the *Bush* majority abandoned the presumption that the challenged program was constitutional and the obligation to resolve every doubt in favor of its validity. *Id.* at 413–25 (Bell, J., dissenting). Nothing in Article IX, section 1(a) of the Florida Constitution clearly prohibits the Legislature's well-delineated use of public funds to provide educational options in addition to the system of free public schools. Rather than identify any express or necessarily implied prohibition, the majority manufactured an "exclusive means" limitation through *expressio unius* and *in pari materia*—canons inappropriate to a provision clear on its face. Article IX, section 1(a) imposes an affirmative duty to make adequate provision for a uniform system of free public schools; it does not forbid the Legislature from funding additional educational options.

That error is confirmed by *Florida Department of Health v. Florigrown, LLC*, 317 So. 3d 1101 (Fla. 2021). The Florida Constitution operates as a limitation on, not a grant of, legislative power, and the Legislature may enact any law not clearly prohibited by an express or necessarily implied constitutional provision. *Id.* at 1111. *Bush*'s "exclusive means" holding rests on a prohibition that is neither express nor necessarily implied, but rather inferred by negative implication that cannot be reconciled with *Florigrown*. For these reasons, and those stated in the Third and Fourth Affirmative Defenses, Article IX, section 1(a) of the Florida Constitution does not prohibit the challenged programs, and *Bush* should not be extended to invalidate them.

SIXTH AFFIRMATIVE DEFENSE
(Failure to Plead the Elements of Injunctive Relief)

Plaintiffs seek injunctive relief but have failed to plead the elements necessary to obtain it. A party seeking injunctive relief must allege and establish a clear legal right to the relief requested, an inadequate remedy at law, that irreparable harm will result if the injunction is not granted, and that entry of the injunction will serve the public interest. The Complaint pleads none of these elements. Plaintiffs do not allege that they lack an adequate remedy at law, do not allege irreparable harm that could not be redressed by a declaratory judgment or other available relief, and do not establish a clear legal right to the relief they seek. Nor would an injunction that would dismantle established educational programs on which hundreds of thousands of Florida families rely serve the public interest. Plaintiffs' failure to plead these essential elements bars their requests for injunctive relief.

SEVENTH AFFIRMATIVE DEFENSE
(Lack of Standing)

Plaintiffs' claims are barred, in whole or in part, for lack of standing, which must be assessed separately as to each Plaintiff and each claim. No Plaintiff has alleged a concrete, actual,

or imminent injury in fact that is fairly traceable to each Defendant and redressable by this Court. None of the Defendants caused the harm of which Plaintiffs complain, and the declaratory and injunctive relief Plaintiffs seek would not remedy their alleged injuries—indeed, as to at least one Plaintiff, the relief sought would terminate the very benefit her own child receives. Plaintiffs' alleged injuries are generalized, speculative, and conclusory.

EIGHTH AFFIRMATIVE DEFENSE
(Reservation of Additional Defenses)

Defendants reserve the right to amend and supplement these Affirmative Defenses as additional information becomes available through discovery.

COUNTERCLAIM FOR DECLARATORY JUDGMENT

Defendants/Counter-Plaintiffs Anastasios "Stasi" Kamoutsas, in his official capacity as Commissioner of Education; the Florida Department of Education; the Florida State Board of Education; and Ryan Petty, MaryLynn Mager, Grazie P. Christie, Layla Collins, Daniel P. Foganholi, Sr., Erika Fritz-Ochs, and Luis Fuste, each in their official capacities as members of the Florida State Board of Education (collectively, "Counter-Plaintiffs"), by and through undersigned counsel, hereby assert the following Counterclaim against Plaintiffs/Counter-Defendants Andrew Spar, Laura Bell, Tamara Haleem, Stephanie Vanos, Earlishia Oates, Suzanne Sapp, Aaryn Frick, Robert Lyons, and the Florida Education Association (collectively, "Counter-Defendants"), and allege as follows:

PARTIES, JURISDICTION, AND VENUE

1. Counter-Plaintiff Anastasios "Stasi" Kamoutsas is the Commissioner of Education for the State of Florida. He counterclaims in his official capacity.

2. Counter-Plaintiff Florida Department of Education is the state agency responsible for administering Florida's kindergarten-through-grade-12 system of public education, including the programs challenged in the Complaint.

3. Counter-Plaintiff Florida State Board of Education is charged with supervision of the system of free public education under Article IX, section 2 of the Florida Constitution and section 1001.02, Florida Statutes.

4. Counter-Plaintiffs Ryan Petty, MaryLynn Mager, Grazie P. Christie, Layla Collins, Daniel P. Foganholi, Sr., Erika Fritz-Ochs, and Luis Fuste are the members of the Florida State Board of Education and counterclaim in their official capacities.

5. Counter-Defendants are the Plaintiffs in the underlying action: seven parents suing on behalf of themselves and their minor children, a public-school teacher, and the Florida Education Association.

6. This is an action for declaratory judgment within the jurisdiction of this Court under Chapter 86, Florida Statutes. An actual, present, and justiciable controversy exists between the parties concerning the constitutional validity of the Family Empowerment Scholarship Program and the Charter Schools Statute.

7. Venue is proper in Leon County because the underlying action is pending in this Court and because Counter-Plaintiffs maintain their principal offices and perform their official duties in Leon County.

STATUTORY AND PROGRAMMATIC BACKGROUND

8. Article IX, section 1(a) of the Florida Constitution provides that it is "a paramount duty of the state to make adequate provision for the education of all children residing within its borders," and that "[a]dequate 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."

9. Article IX, section 6 of the Florida Constitution 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."

10. The Family Empowerment Scholarship Program, established under section 1002.394, Florida Statutes, comprises two components: the Family Empowerment Scholarship for Educational Options ("FES-EO") and the Family Empowerment Scholarship for Students with Unique Abilities ("FES-UA").

11. Following the enactment of Chapter 2023-16, Laws of Florida, FES-EO is available to students who are residents of this State and are eligible to enroll in kindergarten through grade 12, without regard to household income.

12. FES-EO is a parent-directed program that supplements, and does not replace, the system of free public schools, and its availability does not depend on the performance or designation of any public school.

13. FES-UA is structured as an education savings account. Funds are deposited into an account controlled by the student's parent and may be used for authorized educational expenses, including instructional materials, curriculum, specialized instructional services and therapies, examinations, tuition, and fees. Private school tuition is one of several authorized uses of FES-UA funds.

14. The Charter Schools Statute, section 1002.33, Florida Statutes, was enacted in 1996. Charter schools are public schools that are part of the State's program of public education,

are sponsored by district school boards or other authorized entities, and operate under performance-based charter contracts.

15. Schools of Hope, authorized under section 1002.333, Florida Statutes, are charter schools operated by approved Hope operators, approved because of a demonstrated record of performance with struggling students, to serve students assigned to persistently low-performing public schools, thereby expanding educational options within the public school system.

16. The Family Empowerment Scholarship Program is funded as provided in section 1002.394, Florida Statutes, through a state-funded scholarship allocation that is calculated separately from, and outside of, the funds allocated to school districts under the Florida Education Finance Program, though each scholarship award is calculated by *reference* to the per-student funds in that program.

17. Charter schools receive operating funds through the Florida Education Finance Program as provided in section 1002.33(17), Florida Statutes, and are separately eligible for capital outlay funding under section 1013.62, Florida Statutes.

18. As of the 2025–2026 school year, more than 450,000 students participate in the Family Empowerment Scholarship Program and approximately 408,000 students attend charter schools in Florida. Upon information and belief, hundreds of thousands of families have made educational, residential, employment, and financial decisions in reliance on the continued availability of these programs.

THE PENDING CONSTITUTIONAL CHALLENGE

19. On May 5, 2026, Counter-Defendants filed the Complaint in this action, seeking declarations that the Family Empowerment Scholarship Program and the Charter Schools Statute

are unconstitutional under Article IX of the Florida Constitution and seeking to enjoin their continued operation and funding.

20. The Complaint seeks broad injunctive relief that would reach Counter-Plaintiffs and "all persons and entities acting under their direction or in concert with them," and that would halt the administration and funding of programs serving hundreds of thousands of Florida students.

21. The Complaint thereby places directly in controversy the constitutional validity of statutes that Counter-Plaintiffs are charged by law with administering and implementing.

22. Counter-Plaintiffs are presently and continuously engaged in administering the Family Empowerment Scholarship Program and the Charter Schools statute, and they must make ongoing decisions that depend upon the constitutional validity of the program and statutes.

23. These decisions include, among others, approving and renewing scholarship eligibility and awards for the current and future school years; approving and overseeing scholarship-funding organizations under section 1002.395, Florida Statutes; disbursing funds to scholarship accounts, participating private schools, and charter schools; approving, renewing, and overseeing charter contracts; and making budgetary and operational commitments that presume the programs' continued lawful operation.

24. Counter-Plaintiffs face genuine, present, and ongoing uncertainty regarding their authority and duty to continue administering these programs while the programs' constitutional validity is subject to challenge. That uncertainty exists independently of the relief Counter-Defendants seek and would persist even if Counter-Defendants were to dismiss, abandon, narrow, or fail to prosecute their claims.

25. Counter-Plaintiffs have an actual, present, and practical need for a declaration of the programs' constitutional validity in order to administer the programs lawfully, to make sound

budgetary and operational decisions, and to provide certainty to the students, families, schools, and scholarship-funding organizations that participate in or depend upon the programs.

26. The declaratory relief Counter-Plaintiffs seek is not redundant of their defense of the Complaint and serves a useful purpose independent of that defense. A judgment in Counter-Plaintiffs' favor would: (a) establish, with res judicata and collateral-estoppel effect binding Counter-Defendants and those in privity with them, the constitutional validity of the challenged programs against the theories asserted; (b) resolve constitutional questions concerning Counter-Plaintiffs' continuing authority and duty to administer, fund, and oversee the programs that may not be reached by the adjudication of Counter-Defendants' affirmative claims; and (c) afford affirmative relief that would remain a live and justiciable controversy even if Counter-Defendants' claims were dismissed.

27. All conditions precedent to the bringing of this Counterclaim have been performed, have occurred, or have been waived or excused.

COUNT I
(Declaration That The Family Empowerment Scholarship For Educational Options Is Constitutional Under Article IX)

28. Counter-Plaintiffs reallege and incorporate paragraphs 1 through 27 as though fully set forth herein.

29. There is a bona fide, actual, present, and practical need for a declaration concerning the constitutional validity of the Family Empowerment Scholarship for Educational Options under Article IX of the Florida Constitution. The parties have adverse and antagonistic interests in the subject matter, those interests are before the Court, and the relief sought is not the giving of legal advice or the answer to a question propounded from curiosity.

30. FES-EO does not violate the uniformity requirement of Article IX, section 1(a) of the Florida Constitution. FES-EO is a universally available, parent-directed scholarship program that supplements the system of free public schools rather than supplanting it. It neither diverts students from public schools designated as failing nor substitutes private-school tuition for the public education the State must provide.

31. Nor does FES-EO violate Article IX, section 6 of the Florida Constitution, as the State School Fund is not used to fund FES-EO.

32. Furthermore, the uniformity requirement does not apply to private schools accepting state scholarships, and the Legislature possesses plenary authority under Article III, section 1 of the Florida Constitution to enact FES-EO, which is not prohibited by any express or necessarily implied provision of Article IX of the Florida Constitution.

33. To the extent *Bush v. Holmes*, 919 So. 2d 392 (Fla. 2006) is construed to bar the relief sought, Counter-Plaintiffs contend it was wrongly decided. As the dissent explained, the majority disregarded the presumption of constitutionality and found an "exclusive means" prohibition by negative implication rather than from any express or necessarily implied limitation in Article IX, section 1(a). *Id.* at 413–25 (Bell, J., dissenting). That reasoning cannot be squared with *Florida Department of Health v. Florigrown, LLC*, 317 So. 3d 1101 (Fla. 2021), where the Florida Supreme Court recognized the Legislature's plenary power to enact any law not clearly prohibited by an express or necessarily implied constitutional provision. Counter-Plaintiffs preserve for appellate review their contention that the Florida Supreme Court should recede from *Bush*. *See, e.g.*, *State v. Poole*, 297 So. 3d 487 (Fla. 2020).

34. Counter-Plaintiffs are entitled to a declaration that FES-EO is constitutional under Article IX of the Florida Constitution.

WHEREFORE, Counter-Plaintiffs respectfully request that the Court enter judgment declaring that the Family Empowerment Scholarship for Educational Options, section 1002.394, Florida Statutes, is constitutional under Article IX of the Florida Constitution, and award such further relief as the Court deems just and proper.

COUNT II
(Declaration That The Family Empowerment Scholarship For Students with Unique Abilities Is Constitutional Under Article IX)

35. Counter-Plaintiffs reallege and incorporate paragraphs 1 through 27 as though fully set forth herein.

36. There is a bona fide, actual, present, and practical need for a declaration concerning the constitutional validity of the Family Empowerment Scholarship for Students with Unique Abilities under Article IX of the Florida Constitution. The parties have adverse and antagonistic interests in the subject matter, those interests are before the Court, and the relief sought is not the giving of legal advice or the answer to a question propounded from curiosity.

37. FES-UA does not violate Article IX, section 1(a) of the Florida Constitution. FES-UA is an education savings account through which families of students with disabilities obtain a range of individualized educational services, funded through a combination of authorized uses selected by the student's parent, of which private-school tuition is only one. It does not substitute private-school tuition for the general, public education the State must provide.

38. The State has long provided for the education of students with disabilities through individualized services, programs, and placements suited to each student's needs, rather than through identical instruction in every district school. FES-UA is one such means, and providing for exceptional students in this manner is a permissible exercise of the State's authority that is consistent with the uniform system required by Article IX, section 1(a).

39. Nor does FES-UA violate Article IX, section 6 of the Florida Constitution, as the State School Fund is not used to fund FES-UA.

40. Furthermore, the uniformity requirement does not apply to private schools accepting state scholarships, and the Legislature possesses plenary authority under Article III, section 1 of the Florida Constitution to enact FES-UA, which is not prohibited by any express or necessarily implied provision of Article IX of the Florida Constitution.

41. To the extent *Bush v. Holmes*, 919 So. 2d 392 (Fla. 2006) is construed to bar the relief sought, Counter-Plaintiffs contend it was wrongly decided. As the dissent explained, the majority disregarded the presumption of constitutionality and found an "exclusive means" prohibition by negative implication rather than from any express or necessarily implied limitation in Article IX, section 1(a). *Id.* at 413–25 (Bell, J., dissenting). That reasoning cannot be squared with *Florida Department of Health v. Florigrown, LLC*, 317 So. 3d 1101 (Fla. 2021), where the Florida Supreme Court recognized the Legislature's plenary power to enact any law not clearly prohibited by an express or necessarily implied constitutional provision. Counter-Plaintiffs preserve for appellate review their contention that the Florida Supreme Court should recede from *Bush*. *See, e.g.*, *State v. Poole*, 297 So. 3d 487 (Fla. 2020).[1]

42. Counter-Plaintiffs are entitled to a declaration that FES-UA is constitutional under Article IX of the Florida Constitution.

WHEREFORE, Counter-Plaintiffs respectfully request that the Court enter judgment declaring that the Family Empowerment Scholarship for Students with Unique Abilities, section

[1] The Court in *Bush* addressed only the Opportunity Scholarship Program and distinguished programs for exceptional students as structurally different, expressly declining to decide their validity. *Bush*, 919 So. 2d at 411–12.

1002.394, Florida Statutes, is constitutional under Article IX of the Florida Constitution, and award such further relief as the Court deems just and proper.

COUNT III
(Declaration That The Charter Schools Statute Is Constitutional Under Article IX)

43. Counter-Plaintiffs reallege and incorporate paragraphs 1 through 27 as though fully set forth herein.

44. There is a bona fide, actual, present, and practical need for a declaration concerning the constitutional validity of the Charter Schools Statute, section 1002.33, Florida Statutes, and the Schools of Hope provisions, section 1002.333, Florida Statutes, under Article IX of the Florida Constitution. The parties have adverse and antagonistic interests in the subject matter, those interests are before the Court, and the relief sought is not the giving of legal advice or the answer to a question propounded from curiosity.

45. The Charter Schools Statute does not violate Article IX, section 1(a) of the Florida Constitution. Charter schools are public schools that are part of the State's program of public education. The regulatory framework governing charter schools is a permissible exercise of legislative authority and does not render the system of free public schools non-uniform within the meaning of Article IX.

46. Charter schools have been part of Florida's public education system since 1996. When the electorate adopted the 1998 amendment—which retained the longstanding requirement of a "uniform" system and added the terms "efficient, safe, secure, and high quality"—it did so against the backdrop of existing regulatory variation within the public school system, including charter schools, and did not thereby prohibit such variation.

47. Counter-Plaintiffs are entitled to a declaration that the Charter Schools statute and the Schools of Hope provisions are constitutional under Article IX of the Florida Constitution.

WHEREFORE, Counter-Plaintiffs respectfully request that the Court enter judgment declaring that the Charter Schools statute, section 1002.33, Florida Statutes, and the Schools of Hope provisions, section 1002.333, Florida Statutes, are constitutional under Article IX of the Florida Constitution, and award such further relief as the Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Counter-Plaintiffs respectfully request that the Court:

A. Enter judgment in favor of Counter-Plaintiffs and against Counter-Defendants on each Count of this Counterclaim;

B. Declare that the Family Empowerment Scholarship for Educational Options is constitutional under Article IX of the Florida Constitution;

C. Declare that the Family Empowerment Scholarship for Students with Unique Abilities is constitutional under Article IX of the Florida Constitution;

D. Declare that the Charter Schools Statute and the Schools of Hope provisions are constitutional under Article IX of the Florida Constitution;

E. Award Counter-Plaintiffs their costs to the extent permitted by law; and

F. Grant such other and further relief as the Court deems just and proper.

Dated: June 19, 2026

Respectfully submitted,

/s/ *Jason Gonzalez*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed via the Florida Courts E-Portal, and a copy of said document has been served via the Florida Courts E-Portal on June 19, 2026, to all counsel of record listed below:

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