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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.
_____/

PARTIALLY UNOPPOSED MOTION TO INTERVENE WITH FULL PARTY STATUS AND ADOPT DEFENDANTS' INITIAL PLEADINGS WITH SUPPORTING MEMORANDUM OF LAW

The Proposed Intervenor-Defendants, Teresa Blake, Amanda Blomberg, Claire Brasseux, Melissa Gardner, Tiffany Stuart, Nicole Upton, Tiffany Wilson and Melissa York (collectively, the "Florida Families"), pursuant to Florida Rule of Civil Procedure 1.230, move to intervene in this case as co-Defendants with full party status and to adopt the Defendants' initial pleadings as specified below.

The Florida Families are parents of students who currently participate in the Family Empowerment Scholarship Program and/or parents of students who are currently enrolled in Florida charter schools—the very programs Plaintiffs ask this Court to declare unconstitutional and to enjoin. In support of this motion, the Florida Families state as follows:

INTRODUCTION

1. On or about May 5, 2026, Plaintiffs filed their Complaint initiating this action and asking this Court to declare the Family Empowerment Scholarship Program, *§ 1002.394, Fla. Stat.* (the "Scholarship Program"), and the Charter School Statute, *§ 1002.33, Fla. Stat.* (the "Charter School Statute"), unconstitutional under Article IX, Sections 1(a) and 6 of the Florida Constitution. Plaintiffs' Complaint additionally asks this Court to enjoin Defendants from taking any measures to implement the Scholarship Program or to fund charter schools with public dollars.

2. The Proposed Intervenor-Defendant families are all parents of students currently participating in the Scholarship Program and/or currently enrolled in Florida charter schools. The Florida Families have a direct and immediate interest in this action, because they will either gain or lose by the direct legal operation and effect of a judgment in this matter. If the Court grants the relief requested by Plaintiffs, which it should not, the Scholarship Program would be eliminated and charter school funding disrupted, depriving the Florida Families of their children's current educational placements and opportunities, and disrupting the education of over 800,000 students.

3. Certain of the Proposed Intervenor-Defendant families have not only a child participating in the Scholarship Program, but also a child or children attending a Florida charter school. The Article IX, Section 1(a) and Section 6 arguments made by Plaintiffs in this case threaten both the Scholarship Program and charter schools, and thereby further impact the interests of the Florida Families.

The Family Empowerment Scholarship Program

4. The Family Empowerment Scholarship Program is codified at *Section 1002.394, Florida Statutes*, and is administered by state-approved scholarship-funding organizations. The Program includes the Educational Options award ("FES-EO"), available to Florida students for use at eligible private schools, and the Unique Abilities award ("FES-UA"), which enables parents of students with disabilities to direct state-provided educational funds toward an individualized combination of approved programs, services, and providers to address the unique needs of their children. The Scholarship Program is funded through the Florida Education Finance Program.

5. Plaintiffs allege that more than 524,000 students currently receive scholarships and that scholarship funding represents nearly one in four students in the State's funding system. *See* Compl. (Preliminary Statement). These scholarships allow Florida families—including many low- and moderate-income families—to have a meaningful say in how their children are educated by providing educational options, the families would not otherwise be able to afford.

6. Eligibility, scholarship amounts, and permitted uses for the Scholarship Program are governed by *Section 1002.394, Florida Statutes*. For students participating in the Program, the loss of the scholarship would not merely be a financial loss; it would be a serious blow to the educational hopes the Florida Families hold for their children.

Florida Charter Schools

7. Florida charter schools are tuition-free public schools available to students in kindergarten through grade 12, codified at *Section 1002.33, Florida Statutes*. Charter schools are funded through the Florida Education Finance Program. Plaintiffs allege that, although charter schools are public schools, they "undermine" the constitutional requirement of a uniform system, and they ask this Court to declare the Charter School Statute unconstitutional under Article IX, Section 1, and to enjoin the funding of charter schools with public dollars. *See* Compl., Prayer for Relief ¶¶ (2), (4).

8. Parents of children enrolled in Florida charter schools, therefore, face the same direct and immediate threat to their children's current educational placements as the families participating in the Scholarship Program. If the relief Plaintiffs seek is granted, charter school families would face disruption of the public funding on which their children's schools depend.

The Proposed Intervenor-Defendant Florida Families

9. The Proposed Intervenor-Defendant Florida Families are parents of students attending school on a Family Empowerment Scholarship and/or attending a Florida charter school. Some of the Florida Families include not only a child participating in the Scholarship Program, but also a sibling or siblings attending a Florida charter school or attending private school on a Family Empowerment Scholarship, and also sibling attending regular public schools. The individual declarations of the Florida Families are attached and incorporated as **Exhibits A through H**.

10. The Florida Families, representative of the more than 450,000 Florida students participating in the Scholarship Program and the over 400,000 students attending Florida charter schools, face real harm if Plaintiffs' arguments prevail and these programs are terminated or

defunded. They would suffer not merely the financial loss of the scholarships and disruption of their children's schools, but also a serious setback to the Florida Families' educational hopes for their children.

11. Proposed Intervenor-Defendant **Teresa Blake** resides in St. Augustine, St. Johns County, Florida. She is the parent of L.G., who will enter the ninth grade, and O.G., who will enter the seventh grade, in the 2026-27 school year. O.G. attends R.J. Murray Middle School, a public school in St. Johns County, while L.G. attends Brooke House Academy, a private school in Duval County, on a Family Empowerment Scholarship (FES-UA). L.G. has severe dyslexia, dysgraphia, and attention-deficit/hyperactivity disorder (ADHD) and requires individualized reading and writing instruction and a flexible curriculum. After the family moved from Virginia, where L.G. had been treated as a "problem child," his grades improved from Bs, Cs, and Ds to straight As at Brooke House Academy, where he has thrived. Ms. Blake doubts she could carry the financial burden of L.G.'s attendance if his scholarship were eliminated. **Exhibit A** (Blake Declaration).

12. Proposed Intervenor-Defendant **Amanda Blomberg** resides in Royal Palm Beach, Palm Beach County, Florida. Her child L.B. attends the Bilgrav School, a private school in West Palm Beach, on a Family Empowerment Scholarship (FES-UA), and has participated in the Program since 2023. L.B. was born with bilateral congenital cataracts and is legally blind; at age two he was diagnosed with Langerhans Cell Histiocytosis and underwent a year of chemotherapy, and he has since been diagnosed with autism, ADHD, dyslexia, dysgraphia, dyscalculia, and low muscle tone. After he struggled in several public schools, the scholarship gave the family access to the Bilgrav School, a specialized school that meets his unique needs, where he is now making meaningful academic progress and building confidence. Without the scholarship, Ms. Blomberg

could not afford the Bilgrav School and would be forced to homeschool or relocate, disrupting L.B.'s progress at a critical time in his development. **Exhibit B** (Bloomberg Declaration).

13. Proposed Intervenor-Defendant **Claire Brasseux**, a single parent, resides in Fort Walton Beach, Okaloosa County, Florida. Her child B.A., who will enter the fourth grade, attends Cinco Christian School on a Family Empowerment Scholarship (FES-EO), and her older child K.A., who will enter the ninth grade, attended Cinco with scholarship assistance from kindergarten through grade five before transferring to public school. Ms. Brasseux chose Cinco for its smaller classes, individualized instruction, and faith-based environment, and both children have consistently made the Honor Roll. Without the Family Empowerment Scholarship, she could not afford to send B.A. to Cinco and would be forced either to homeschool—difficult for a single parent—or to move her to a different school, which she worries would harm B.A.'s educational development. **Exhibit C** (Brasseux Declaration).

14. Proposed Intervenor-Defendant **Nicole Upton** resides in Summerfield, Marion County, Florida, and is the parent of two children. Her daughter D.M. (grade 8) attends Faith Holistic Academy (formerly Ocala Preparatory Academy), a private school, on a Family Empowerment Scholarship (FES-UA), and has participated in the Program since 2019; her child N.M. (grade 7) attends Ocali Charter Middle School, a public charter school in Ocala. D.M. has autism spectrum disorder that affects her sensory regulation and was non-verbal when she struggled in public school; after transferring to private school—where she received in-house applied behavior analysis therapy—she became verbal and now thrives academically and socially at Faith Holistic, where she has grown into a gifted public speaker. Without the scholarship, Ms. Upton could not afford Faith Holistic and would have to homeschool D.M., and Plaintiffs'

challenge to the Charter School Statute threatens N.M.'s placement as well. **Exhibit D** (Upton Declaration).

15. Proposed Intervenor-Defendant **Tiffany Stuart** resides in Brandon, Hillsborough County, Florida, and is the parent of two adopted children. Her daughter S.S. (grade 6) attends Livingstone Academy, a private school, on a Family Empowerment Scholarship (FES-UA), and her child E.S. (grade 8) attends Navigator Academy of Leadership, a public charter school. S.S., who has Neonatal Abstinence Syndrome and autism spectrum disorder, struggled in public school—where she repeatedly ingested school supplies and was hospitalized for several nights—but has made dramatic progress at Livingstone, which has expertise in educating children with autism. E.S. is on the Honor Roll at Navigator. Without the scholarship the family would be seriously financially strained to keep S.S. at Livingstone, and Plaintiffs' challenge to the Charter School Statute threatens E.S.'s placement as well. Ms. Stuart's family thus has a direct interest in both challenged programs. **Exhibit E** (Stuart Declaration).

16. Proposed Intervenor-Defendant **Tiffany Wilson** resides in Melbourne, Brevard County, Florida, and is the parent of three children. Her children E.W. and L.W. (both grade 2) are homeschooled on a Family Empowerment Scholarship (FES-UA) and are enrolled in select courses at Sherwood Elementary School and in tutoring and therapy funded by the scholarship; her older child J.W. (grade 6) attends public school. L.W. has autism spectrum disorder and dyslexia, and E.W. has hearing loss. With the scholarship's support—including reading tutoring and applied behavior analysis therapy—both children have made marked academic and social progress. If the scholarship were eliminated, E.W. and L.W. would lose their current educational placement and likely return to full-time public school. **Exhibit F** (Wilson Declaration).

17. Proposed Intervenor-Defendant **Melissa York** resides in Crestview, Okaloosa County, Florida, and is the parent of three children who have benefited from the Family Empowerment Scholarship Program. Her son D.Y., who will enter the fifth grade, attends Lakewood Christian School on a Family Empowerment Scholarship (FES-EO). D.Y. is academically gifted, has ADHD, and has been subject to bullying; Lakewood's smaller classes allow staff to keep him challenged and to respond promptly to any incidents. Without the scholarship, Ms. York could not have afforded to enroll D.Y. at Lakewood and would be forced to disenroll him from his current placement. **Exhibit G** (York Declaration).

18. Proposed Intervenor-Defendant **Melissa Gardner** resides in Miami, Florida, and is the parent of seven children. Her son Av.G. (grade 7) attends Crystal Academy, a private school in Coral Gables, on a Family Empowerment Scholarship (FES-UA), and her son Ez.G. (Pre-K) will receive a Voluntary Prekindergarten scholarship through the Family Empowerment Scholarship Program (FES-UA); two of her other children attend or will attend BridgePrep Academy of Greater Miami, a public charter school. Av.G. has autism spectrum disorder and requires individualized attention; at his former public school he was frequently sent home and spent his days at an applied behavior analysis clinic, but at Crystal Academy—where two staff members are dedicated to his individualized needs—his behavior has significantly improved. Without the scholarship, Ms. Gardner could not afford Crystal Academy and would likely have to homeschool Av.G. and arrange and pay for separate ABA and speech-therapy providers. Plaintiffs' challenge to the Family Empowerment Scholarship Program and the Charter School Statute threatens both her scholarship and charter-school children. **Exhibit H** (Gardner Declaration).

ARGUMENT AND LEGAL AUTHORITIES

19. Rule 1.230 of the Florida Rules of Civil Procedure provides that "[a]nyone claiming an interest in pending litigation may at any time be permitted to assert a right by intervention, but the intervention shall be in subordination to, and in recognition of, the propriety of the main proceeding, unless otherwise ordered by the court in its discretion." *Fla. R. Civ. P. 1.230.*

20. Applying this rule, recent Florida decisions confirm the two-step framework of *Union Cent. Life Ins. Co. v. Carlisle,* 593 So. 2d 505, 507-08 (Fla. 1992) remains controlling. *Testa v. Dolphin Suite, LLC*, 391 So. 3d 946, 948 (Fla. 4th DCA 2024) (party whose own pending proceeding would be directly affected had a direct and immediate interest supporting intervention); *see also S. Comfort Grill, Inc. v. Hanks Constr., LLC*, 162 So. 3d 144, 145 (Fla. 4th DCA 2015) (the controlling standard "is not whether the party seeking to intervene is indispensable . . . but . . . whether the party's interest in the litigation is of a direct and immediate character, as determined by the complete analysis enunciated by the Florida Supreme Court.").

Consented to Intervention Right

21. Both parties have agreed that the Florida Families have the requisite interest to support intervention in this lawsuit and agree that this Court should decide to permit the Florida Families to take the first *Carlisle* step to intervene.

22. Intervention should be permitted where the would-be intervenor's interest is "'of such a direct and immediate character that the intervenor will either gain or lose by the direct legal operation and effect of the judgment. In other words, the interest must be that created by a claim to the demand in suit or some part thereof . . . which is the subject of the litigation.'" *Carlisle*, 593 So. 2d at 507 (quoting *Morgareidge v. Howey*, 78 So. 14, 15 (Fla. 1918)); *see also Litvak v. Scylla Props., LLC*, 946 So. 2d 1165, 1172 (Fla. 1st DCA 2006).

23. Moreover, "[i]ntervention should be liberally allowed." *Nat'l Wildlife Fed'n Inc. v. Glisson*, 531 So. 2d 996, 998 (Fla. 1st DCA 1988) (citing *Miracle House Corp. v. Haige*, 96 So. 2d 417 (Fla. 1957)); *see also T.R.-B. v. Dep't of Children & Families*, 335 So. 3d 729, 735 (Fla. 1st DCA 2022) ("In general, the intervention rule should be liberally construed."); *Grimes v. Walton Cnty.*, 591 So. 2d 1091, 1093-94 (Fla. 1st DCA 1992) ("Consistent with the policies which the Rule is intended to advance, the Rule should, in general, be liberally construed").

24. There is no disagreement that the Florida Families have a direct and immediate interest in the outcome of Plaintiffs' challenge and will suffer concrete harm if the relief requested by Plaintiffs is granted, because they will lose the scholarship funding and charter school placements that currently enable them to educate their children as they have chosen.

25. In similar circumstances, parents and children have repeatedly been allowed to intervene to defend school-choice and scholarship programs in Florida and around the country. In *Bush v. Holmes* and *McCall v. Scott*—challenges under the very same Article IX, Section 1 of the Florida Constitution at issue here—parents of students receiving Opportunity Scholarships intervened and participated as parties. *Bush v. Holmes*, 886 So. 2d 340, 345 (Fla. 1st DCA 2004) ("[T]he parents and guardians of students who had received vouchers under the OSP were allowed to intervene."), *aff'd*, 919 So. 2d 392 (Fla. 2006); *McCall v. Scott*, 199 So. 3d 359, 363 (Fla. 1st DCA 2016) ("A group of parents whose children receive tax credit scholarships intervened in the action...."), *rev. denied*, No. SC16-1668, 2017 WL 192043 (Fla. Jan. 18, 2017).

26. Florida courts have likewise permitted parents to intervene in constitutional challenges to scholarship and education-funding statutes. *See Citizens for Strong Schs., Inc. v. Fla. State Bd. of Educ.*, 232 So. 3d 1163, 1166 n.1 (Fla. 1st DCA 2017) ("six parents interested in the Florida Tax Credit Scholarship and McKay Scholarship Program" were permitted "to intervene in

the proceedings"), *decision approved*, 262 So. 3d 127 (Fla. 2019); *Sch. Bd. of Miami-Dade Cnty. v. King*, 940 So. 2d 593 (Fla. 1st DCA 2006) ("Various parties were allowed to intervene in the suit as plaintiffs and defendants"; suit was an Article IX school-funding challenge), *rev. denied*, 954 So. 2d 1156 (Fla. 2007).

27. Courts around the country have done likewise. *See, e.g., Commonwealth ex rel. Cameron v. Johnson,* 658 S.W.3d 25, 30 (Ky. 2022) ("Two parents who hope to receive EOA program benefits ... were also permitted to intervene as defendants..."); *Gaddy v. Ga. Dep't of Revenue,* 301 Ga. 552, 552, 802 S.E. 2d 225 (2017) ("[T]he trial court permitted four individuals who identify themselves as parents of children who have benefited from the tax-credit-funded scholarship program that is challenged by the plaintiffs, and described below, to intervene as defendants."); *Niehaus v. Huppenthal*, 233 Ariz. 195, 197, 310 P.3d 983 (App. Div. 1 2013) ("[T]he trial court allowed the Goldwater Institute and other interested individuals [] to intervene...."), *rev. denied* (Mar. 21, 2014); *La. Fed'n of Teachers v. State*, 118 So. 3d 1033, 1038 n.1 (La. 2013) ("Later intervening in the district court as parties defendant were Kendra Palmer, et al...."); *Meredith v. Pence*, 984 N.E.2d 1213, 1217 (Ind. 2013) (defendants "were joined by defendant-intervenors, two parents intending to use the program at issue to send their children to private elementary and high schools...."); *Owens v. Colo. Cong. of Parents, Teachers & Students*, 92 P.3d 933, 935 (Colo. 2004) ("The program was defended by Bill Owens in his official capacity as Goernor and twelve parents who intervened because they wanted their children to participate in the program...."); *Kotterman v. Killian*, 972 P.2d 606 (Ariz. 1999) (intervenor Lisa Graham Keegan), *cert. denied*, 528 U.S. 921 (1999); and *Jackson v. Benson*, 213 Wis. 2d 1, 570 N.W. 2d 407, 415 (Wis. Ct. App. 1997) ("Intervening defendants Marquelle Miller, et al., are pupils, and the parents of pupils, who seek to participate in the amended program."), *rev'd*, 218 Wis.2d 835

(Wis. 1998), *cert. denied*, 525 U.S. 997 (1998); *Zelman v. Simmons-Harris*, 536 U.S. 639 (2002) (nonpublic schools and parents of students who participated or sought to participate in the program intervened as defendants).

28. When the Federal District Court for the Eastern District of Louisiana denied the intervention of parents of children receiving voucher scholarships in a case involving a Louisiana voucher program, the U.S. Court of Appeals for the Fifth Circuit reversed and allowed the parents to intervene. *Brumfield v. Dodd*, 749 F.3d 339 (5th Cir. 2014). The court observed that "[t]he possibility is therefore real that if the parents are not able adequately to protect their interests, some students who otherwise would get vouchers might not get them or might not get to select a particular school they otherwise would choose. The parents need not wait to see whether that ultimately happens; they have already described an interest justifying intervention." *Id.* at 344.

29. The ruling in *Brumfield* is fully consistent with Florida law, which recognizes an intervention right where the rights of intervenors may not be adequately protected by the existing parties. *Brickell Bay Condo. Ass'n, Inc. v. Forte*, 410 So. 2d 522, 524 (Fla. 3d DCA 1982) (holding the "trial court abused its discretion in denying intervention" where the movant was the "real party in interest" and its interests would not be fully protected by the original party); *Bay Park Towers Condo. Ass'n, Inc. v. H.J. Ross & Assocs.*, 503 So. 2d 1333, 1335 (Fla. 3d DCA 1987) (similar); *Fed. Sav. and Loan Ins. Corp. v. Falls Chase Special Taxing Dist.*, 983 F. 2d 211, 212 (11th Cir. 1993) ("Because we find that the intervenors' interests may not be adequately protected through the efforts of the existing parties, we reverse the district court."); *Kinsey v. Aledda*, No. 16-23330-CIV, 2018 WL 11352490 at *8 (S.D. Fla. Aug. 21, 2018) (permitting intervention by student's parent because the intervenor's rights were important and the intervenor would be prejudiced if not adequately protected).

30. Where, as here, a constitutional adjudication will directly control a family's access to the very program on which the family depends, the parents' interest is direct and immediate, not incidental or merely economic. *See Schindler v. Schiavo*, 866 So. 2d 140, 142 (Fla. 2d DCA 2004) (trial court erred by denying parental intervention without applying the *Morgareidge/Carlisle* framework where the proceeding directly affected the family); *Coral Bay Prop. Owners Ass'n v. City of Coral Gables*, 305 So. 2d 853, 856 (Fla. 3d DCA 1974) (reversing denial of intervention to those directly affected by a declaratory judgment concerning a school). Denying intervention in these circumstances would be an abuse of discretion. *Accident911 Help Med. Ctr. Corp. v. Direct Gen. Ins. Co.*, 387 So. 3d 360, 363 (Fla. 3d DCA 2023) ("the trial court abused its discretion in denying appellants' motion to intervene").

31. Because no party in interest to this lawsuit disputes that the Florida Families have met the requirements for intervention in this lawsuit and because the Defendants may not adequately protect their interests, this Court should approve intervention.

Partially Consented to Intervention Scope

32. Although all of the parties to this lawsuit have agreed the Florida Families have the requisite interest to intervene in this lawsuit, they disagree over the scope of that intervention. Plaintiffs contend that the Florida Families' intervention should be "subordinate to and in recognition of, the propriety of the main proceeding," whereas the Florida Families and Defendants respectfully ask this Court to exercise its discretion to grant the Florida Families intervention as co-Defendants with full party status.

33. Rule 1.230 authorizes the Court to order that intervention not be subordinate to the main proceeding, "unless otherwise ordered by the court in its discretion." *Fla. R. Civ. P. 1.230.* Imposing severe limitations on an intervenor whose interest is legally sufficient can amount to a

de facto denial of intervention and an abuse of discretion. *Genauer v. Downey & Downey, P.A.*, 190 So. 3d 131, 135 (Fla. 4th DCA 2016) (limitations on intervenors preventing them "from addressing their concerns [] is an abuse of the trial court's discretion").

34. Without disparaging the interests of the Defendants in this lawsuit, the Florida Families' interest in the continued implementation of the Scholarship Program and the continued funding of charter schools is even more direct, substantial, and immediate. Whereas Defendants, or some of them, have a duty to defend the constitutionality of the challenged laws, the Florida Families would lose the educational placements on which their children currently depend. Many would also lose access to critical therapeutic support services important to their children's education.

35. The Florida Families' interests are direct, substantial, and immediate, and will not vary over the course of this litigation, whereas the Defendants' interests in this lawsuit may shift given elections during the course of this lawsuit. Overturning the lower court's decision preventing parents from intervening to defend the Louisiana scholarship program in *Brumfield*, 749 F.3d at 344, the court observed that "[t]hese parents and their children were its primary intended beneficiaries. They therefore assert not only a matter of public interest but matters more relevant to them than to anyone else." The same is true here. The Court should exercise its discretion to provide the Florida Families intervention rights similar to those afforded intervenors under federal law.

36. As in *Brumfield*, the interests of the State and the parents are not necessarily fully aligned, no matter how vigorously both oppose Plaintiffs' arguments. 749 F.3d at 345-46. Because the pleadings are not yet closed—and even after they are closed the parties will have a continuing ability to amend with leave of court—the Florida Families cannot be certain whether or to what

extent their defenses, strategy, or claims may vary from those of the Defendants. The court in *Brumfield* treated this potential variance in interests as a reason to approve intervention. *Id.* at 346.

37. In similar lawsuits involving educational scholarship and choice programs, intervenors have raised defenses or stated claims that were ultimately the basis of court decisions. The United States Supreme Court decided a scholarship tax-credit case on the basis of an intervenor's standing defense. *Winn v. Ariz. Christian Sch. Tuition Org.*, 562 F. 3d 1002, 1009 (9th Cir. 2009) ("Defendant-Intervenors argue that plaintiffs do not have standing to challenge Section 1089 even under the *Flast* exception...."), *rev'd*, 563 U.S. 125 (2011) (taxpayer lacked standing). Likewise, the courts in *Niehaus* and *Meredith* decided those challenges on grounds advanced by the intervenors. *Niehaus*, 310 P.3d at 985 ("After the trial court allowed the Goldwater Institute and other interested individuals [] to intervene, they successfully moved to dismiss Niehaus's claim that the ESA places an unconstitutional condition on receipt of a government benefit."); *Meredith*, 984 N.E. 2d at 1217 ("the trial court denied the plaintiffs' motion and granted the defendant-intervenors' motion" for summary judgment). Each of these cases supports full-party status for the Florida Families.

38. Finally, this is not a case where recognizing full party status for the intervenors will prejudice the Plaintiffs or unduly delay the lawsuit, because the action has only recently commenced and the pleadings are still open. *See Hartford Fire Ins. Co. v. Sch. Bd.*, 661 So. 2d 111, 112 (Fla. 3d DCA 1995) ("Where the litigation is still in the pleading stage, and the intervenors assure the court that their participation will not delay or disrupt the proceedings, it is an abuse of discretion to deny the motion to intervene."); *Sweetwater Country Club Homeowners Ass'n, Inc. v. Huskey Co.*, 613 So. 2d 936, 939-40 (Fla. 5th DCA 1993) (reversing a determination that intervention was untimely because "the record indicates that [the case] had not progressed

past the pleadings" and the intervention "would not have delayed any hearing since none had been scheduled"). This lack of prejudice or delay also favors the grant of full party status to the Florida Families.

Experience of Counsel and the Florida Families' Contribution to the Litigation Support Full Party Status

39. For the second step of the *Carlisle* analysis, the Court in the exercise of its discretion may consider "the derivation of the interest, any pertinent contractual language, the size of the interest, the potential for conflicts or new issues, and *any other relevant circumstance*." *Carlisle*, 593 So. 2d at 507-08 (emphasis added). A proposed intervenor's ability to contribute to the full and proper development of the issues is such a relevant circumstance. Applying the parallel permissive-intervention standard under Federal Rule of Civil Procedure 24(b), federal courts in Florida "'can consider almost any factor rationally relevant'" and resolve doubts in favor of intervention so that all related disputes are decided in a single action. *In re Martinez*, 736 F. Supp. 3d 1189, 1201 (S.D. Fla. 2024) (citation omitted); *see also Johnson v. Mortham*, 915 F. Supp. 1529, 1535, 1538 (N.D. Fla. 1996) (judicial economy and the value of the intervenor's participation are relevant factors). Courts grant permissive intervention where the proposed intervenors will provide a "helpful, alternative viewpoint" that aids the court without unduly delaying the proceedings.

40. Those considerations are present in force here. Both undersigned counsel have decades of experience litigating constitutional cases in the Florida education sector, including prior litigation involving Florida's scholarship and school-choice programs. That experience will allow the Florida Families to assist the Court in the full and proper development of the complex Article IX issues this case presents, and to advance the families' distinct, beneficiary interests—interests that the State Defendants, who litigate from an institutional posture, may not fully develop. *Cf. S.*

Dade Land Corp. v. Sullivan, 155 F.R.D. 694, 697 (S.D. Fla. 1994) (representation by an existing party is only presumed adequate and may be rebutted on a minimal showing). The contribution that the Florida Families and their experienced counsel will make therefore weighs in favor of granting intervention and according the Florida Families full party status.

Florida Families Adopt the State Defendants' Initial Pleadings

41. Should the Court grant Florida Families' motion to intervene, Florida Families hereby adopt and incorporate by reference the following initial pleadings of the Defendants, as if fully stated on behalf of Florida Families:

(a) Answer;

(b) Affirmative Defenses; and

(c) Counterclaims.[1]

42. To the extent applicable, the Florida Families join in and assert those counterclaims and defenses as if fully set forth herein. The Florida Families reserve the right to file amended pleadings, assert additional affirmative defenses and raise independent arguments consistent with their interests.

CERTIFICATION

Pursuant to the meet-and-confer requirement, the undersigned counsel has conferred with counsel for the parties regarding the relief requested in this motion. Counsel for the State Defendants consent to the Florida Families' intervention and their full party status. Counsel for the Plaintiffs consent to the Florida Families' intervention but object to their full party status. All legal authorities cited exist and are accurately cited.

[1] Alternatively, if the Court prefers and directs, Florida Families could separately file adopted versions of Defendants' Answer, Affirmative Defenses and Counterclaims.

WHEREFORE, the Proposed Intervenor-Defendant Florida Families respectfully request (1) leave to intervene as Defendants with full party status, not subordinate to the other parties, including, without limitation, according Florida Families the right to file pleadings, motions and defenses, conduct discovery, participate in hearings and trial, and assert independent arguments and defenses; (2) the Court direct the Clerk to amend the style in this case to reflect the intervention; and (3) such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Daniel J. Woodring

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by the Florida Courts E-Filing Portal this 19th day of June 2026, on all counsel of record, including the following listed on the next page:

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EXHIBIT A

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

ANDREW SPAR, et al.,

Plaintiffs,

v. Case No.: 2026 CA 000929

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

Defendants.
_____/

DECLARATION OF TERESA BLAKE

1. I am a resident of St. Augustine, St. Johns County, Florida, and I make this statement based on my personal knowledge of the facts set forth below.

2. I am the parent of L.G., who will attend grade 9 in 2026-27, and O.G., who will attend grade 7 in 2026-27. O.G. attends R.J. Murray Middle School, a public middle school, in St. Augustine in St. Johns County. L.G. attends a private school with grades 6-12 known as Brooke House Academy in Jacksonville in Duval County on a Family Empowerment Scholarship FES-UA.

3. L.G. has participated in the Family Empowerment Scholarship Program since 2024. L.G. has severe dyslexia, dysgraphia, and attention-deficit/hyperactivity disorder (ADHD) and thus requires individualized reading and writing instruction, flexible curricula, and physical exercise breaks.

4. We moved from Virginia before LG's sixth grade year and enrolled him in public virtual school Florida Connections Academy. While L.G. has always been considered gifted in

math, his dyslexia, dysgraphia, and ADHD have caused him to struggle in reading-intensive and writing-intensive subjects. He was considered a "problem child" in public school in Virginia.

5. Once L.G. transferred to Brooke House Academy his grades improved from Bs, Cs, and Ds to straight As. Brooke House Academy heavily prioritizes physical education by giving students time to exert themselves through soccer. L.G. has thrived in the Brook House Academy environment.

6. The Family Empowerment Scholarship Program makes L.G.'s attendance at Brooke House Academy possible, and I doubt whether we would be able to carry the financial burden of his attendance there if his scholarship was eliminated.

7. I understand that the Plaintiffs in this lawsuit are asking the Court to declare the Family Empowerment Scholarship Program unconstitutional and to stop its funding. If the Plaintiffs succeed, my child would most likely lose his current educational placement. I wish to participate in this case to protect my child's education.

Pursuant to section 92.525(1)(b), Florida Statutes, under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true. Executed this 11 day of June, 2026.

Teresa Blake

Teresa Blake

EXHIBIT B

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

ANDREW SPAR, et al.,

Plaintiffs,

v. Case No.: 2026 CA 000929

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

Defendants.

DECLARATION OF AMANDA BLOMBERG

1. I am a resident of Royal Palm Beach, Palm Beach County, Florida, and I make this statement based on my personal knowledge of the facts set forth below.

2. My child LB currently attends a private elementary school known as the Bilgrav School in West Palm Beach, Florida on a Family Empowerment Scholarship FES-UA. LB has participated in the Family Empowerment Scholarship Program since 2023. My child was born with bilateral congenital cataracts and is legally blind. At age two, he was diagnosed with Langerhans Cell Histiocytosis and underwent a year of chemotherapy. As he got older, he was also diagnosed with autism, ADHD, dyslexia, dysgraphia, dyscalculia and low muscle tone.

3. Despite his incredible strengths, LB struggled significantly in the traditional public school setting including Loxahatchee Groves Elementary (VPK), HL Johnson Elementary School (kindergarten), and Royal Palm Elementary School (1st grade-beginning 2nd grade), where he was in an autism cluster. We enrolled him at the Bilgrav School shortly after the start of the second grade. He will enter the fourth grade at Bilgrav School in 2026-27, albeit he is behind grade level.

4. We began early intervention services when LB was just 9 months old and spent years pursuing therapies, evaluations, and educational supports. We did everything we were told to do, yet by second grade he remained academically at a pre-kindergarten level in key areas. Watching a bright, determined child work so hard and still fall further behind was heartbreaking. We spent years advocating for appropriate supports and interventions in the public school system but it became clear that he needed a different educational environment to reach his potential.

5. The Unique Abilities Scholarship was truly lifesaving for LB. It gave us access to the Bilgrav School, a specialized school that meets his unique learning needs. Today, he is making meaningful academic progress, building confidence, and beginning to see himself as a successful learner. For the first time, he is receiving the intensive instruction and support he deserves. Without the scholarship, this opportunity would not have been financially possible for our family. LB receives additional tutoring and occupational, physical and speech therapy.

6. Without the Family Empowerment Scholarship, I would not be able to afford to send LB to the Bilgrav School. The scholarship makes it possible for him to access the specialized instruction and educational environment that he needs to be successful. Even with both parents working, the cost of tuition and related educational expenses would be beyond our family's financial means without scholarship assistance. If the scholarship were eliminated, I would be forced to homeschool or relocate in search of other educational options, either of which would cause hardship for our family.

7. I understand that the Plaintiffs in this lawsuit are asking the Court to declare the Family Empowerment Scholarship Program unconstitutional and to stop its funding. If the Plaintiffs succeed, LB would lose his current educational placement. LB's educational progress would be disrupted at a critical time in his development. After years of therapies, interventions,

evaluations and advocacy efforts, he is finally in an educational setting that understands his unique needs and provides the support necessary for him to succeed. Losing access to that environment would jeopardize the gains he has worked so hard to achieve and could have lasting effects on his educational future. I wish to participate in this case to protect LB's education.

Pursuant to section 92.525(1)(b), Florida Statutes, under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true. Executed this 11th day of June, 2026.

Amanda Blomberg

AMANDA BLOMBERG

EXHIBIT C

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

ANDREW SPAR, et al.,

Plaintiffs,

v. Case No.: 2026 CA 000929

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

Defendants.
_____/

DECLARATION OF CLAIRE BRASSEUX

1. I am a resident of Fort Walton Beach, Okaloosa County, Florida, and I make this statement based on my personal knowledge of the facts set forth below.

2. I am the parent of two children who are K.A., grade 9, and B.A., grade 4.

4. B.A. currently attends Cinco Christian School (Cinco) in Okaloosa County on a Family Empowerment Scholarship, FES-EO. K.A. will be attending public school at Fort Walton Beach High School for the 2026-27 school year. B.A. has participated in the Family Empowerment Scholarship Program since 2022, and K.A. also attended Cinco with assistance from the Family Empowerment Scholarship Program from Kindergarten to grade 5.

5. I made the choice to send my children to Cinco because I prioritize challenging my children academically and placing them in a faith-based, community-oriented environment. Cinco's smaller classes allow its teachers to challenge its students academically, often placing students one year academically ahead of their assigned grade level. Both B.A. and K.A. have consistently been Honor Roll students because of the individualized instruction at Cinco. K.A.

will be enrolled in advanced classes at Fort Walton Beach High School, demonstrating how Cinco has set up my children for future success. Additionally, faith is important to me, and I strongly value the ability to place my children in an environment which I know reflects my fundamental religious values.

6. Without the Family Empowerment Scholarship, I would not be able to afford to send B.A. to Cinco. I would instead either be forced to homeschool her, which would be difficult as a single parent, or send her to a different school. I worry that this possibility would negatively affect her educational development.

7. I understand that the Plaintiffs in this lawsuit are asking the Court to declare the Family Empowerment Scholarship Program unconstitutional and to stop its funding. If the Plaintiffs succeed, B.A. would lose her current educational placement. I wish to participate in this case to protect my child's education.

Pursuant to section 92.525(1)(b), Florida Statutes, under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true. Executed this 12 day of June, 2026.

Claire Brasseux

Claire Brasseux

EXHIBIT D

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

ANDREW SPAR, et al.,

Plaintiffs,

v. Case No.: 2026 CA 000929

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

Defendants.
_____/

DECLARATION OF NICOLE UPTON

1. I am a resident of Summerfield in Marion County, Florida, and I make this statement based on my personal knowledge of the facts set forth below.

2. I am the parent of two children who are D.M., grade 8, and N.M., grade 7.

3. D.M. currently attends Faith Holistic Academy (Faith Holistic) f/k/a Ocala Preparatory Academy on a Family Empowerment Scholarship, FES-UA. D.M. has participated in the Family Empowerment Scholarship Program since 2019. N.M. currently attends a charter school known as Ocali Charter Middle School (Ocali Charter) in Ocala.

4. D.M. has autism spectrum disorder (ASD), which affects her ability to regulate sensory inputs. As a result, she initially struggled in school. She attended Harbour View Elementary School, a public school, for Kindergarten. The staff at D.M. had difficulty handling D.M.'s behavior. There was minimal effort to adapt the classroom to D.M.'s sensory needs. At the time, D.M. was non-verbal.

5. After Kindergarten, I moved D.M. to Belleview Christian Academy (Belleview), a private school, for grades 1 to 6. Belleview had in-house Applied Behavior Analysis (ABA) therapy, which significantly aided D.M.'s development. I moved D.M. to Faith Holistic beginning in grade 7, as she had made enough progress in her ABA therapy that I thought she should be more challenged academically.

6. Belleview and Faith Holistic have been better fits for D.M than public school. As evidence, D.M. became verbal shortly after moving to Belleview. She is now thriving academically and socially at Faith Holistic, where she has grown into a gifted public speaker. Faith Holistic's environment does not separate D.M. from her peers because of her differences and has set her up for a successful future.

7. Without the Family Empowerment Scholarship, I would not be able to afford to send D.M. to Faith Holistic. If the scholarship was eliminated, I would have to homeschool her in order to meet her individual needs.

8. N.M. attends Ocali Charter. I made the choice to send N.M. to Ocali Charter because N.M. is a gifted child who needs to be academically challenged. Furthermore, Ocali's philosophy to promote independent learning has fit well with N.M.'s intellectual curiosity and learning style.

9. I understand that the Plaintiffs in this lawsuit are asking the Court to declare the Family Empowerment Scholarship Program and the Charter School Statute unconstitutional. If the Plaintiffs succeed, my children would lose their current educational placement. I wish to participate in this case to protect my children's education.

Pursuant to section 92.525(1)(b), Florida Statutes, under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true. Executed this 16th day of June, 2026.

Nicole Upton

EXHIBIT E

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

ANDREW SPAR, et al.,

Plaintiffs,

v. Case No.: 2026 CA 000929

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

Defendants.
_____/

DECLARATION OF TIFFANY STUART

1. I am a resident of Brandon in Hillsborough County, Florida, and I make this statement based on my personal knowledge of the facts set forth below.

2. I am the parent of two adopted children, who are E.S., grade 8, and S.S., grade 6.

3. E.S. currently attends Navigator Academy of Leadership (Navigator), a charter school, in Hillsborough County. S.S. currently attends Livingstone Academy (Livingstone), a private school, on a Family Empowerment Program Scholarship, FES-UA. S.S. S.S. has participated in the Family Empowerment Scholarship Program since 2023.

4. I adopted S.S. when she was two months old. She was quickly diagnosed with Neonatal Abstinence Syndrome (NAS), meaning that she had been exposed to drugs in her biological mother's uterus and experienced withdrawal symptoms and a developmental delay. She entered Kindergarten in 2020, where she attended a public school, Longleaf Elementary School (Longleaf), in Pasco County, Florida. Longleaf was unable to accommodate S.S.'s behavior. S.S. frequently ate pens and other school supplies and lashed out at other children. During the school

year, we moved to Brandon, Florida, where S.S. attended Brooker Elementary School (Brooker). S.S. completed Kindergarten and Grade 1 at Brooker. In February 2023, when S.S. was in Grade 2, S.S. spent several nights in the hospital after ingesting staples, pens, and other school supplies, and I made the decision then to transfer S.S. to Livingstone. Shortly afterwards, S.S. was also diagnosed with autism spectrum disorder (ASD). Livingstone has made an incredibly positive impact on S.S.'s development. Its teachers are constantly communicating to inform us of how S.S. is doing in school. They have expertise in educating children with ASD. S.S.'s attitude immediately changed for the better, and I received a Mother's Day Card from S.S. for the first time in May 2023. Livingstone also has a high school campus. We hope to keep S.S. enrolled there.

5. E.S. was enrolled in Brooker from Grade 2 to the beginning of Grade 4. At that time, Brooker did not have a permanent teacher for E.S.'s classroom. I decided to transfer her to Navigator. I was impressed with its leadership-driven curriculum and involved, community-oriented staff. E.S. is currently on the Honor Roll at Navigator and involved in extracurricular activities such as dance and cross-country.

6. We would be seriously financially strained to maintain S.S.'s enrollment at Livingstone without the Family Empowerment Scholarship and we would be forced to enroll E.S. in public school, which I fear would negatively impact her education.

7. I understand that the Plaintiffs in this lawsuit are asking the Court to declare the Family Empowerment Scholarship Program and the Charter School Statute unconstitutional. If the Plaintiffs succeed, my children could lose their current educational placement. I wish to participate in this case to protect my children's education.

Pursuant to section 92.525(1)(b), Florida Statutes, under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true. Executed this 15 day of June, 2026.

Tiffany Stuart

Tiffany Stuart

EXHIBIT F

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

ANDREW SPAR, et al.,

Plaintiffs,

v. Case No.: 2026 CA 000929

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

Defendants.
_____/

DECLARATION OF TIFFANY WILSON

1. I am a resident of Melbourne in Brevard County, Florida, and I make this statement based on my personal knowledge of the facts set forth below.

2. I am the parent of three children who are J.W., grade 6; E.W., grade 2; and L.W., grade 2.

3. J.W. attends public school at West Melbourne School for Science. E.W. and L.W. are homeschooled while receiving a Florida Empowerment Program scholarship, FES-UA. E.W. and L.W. are enrolled in classes at Sherwood Elementary School (Sherwood) in Brevard County and in various academic and extracurricular activities critical to their success with the help of funds from FES-UA. E.W. and L.W. have participated in the Family Empowerment Scholarship Program since 2024.

4. J.W. is diagnosed with autism spectrum disorder (ASD) but is thriving at West Melbourne School for Science.

5. L.W. is diagnosed with ASD and dyslexia. L.W. and E.W. previously attended a private school known as Faith Fellowship Academy (Faith) for Kindergarten. Due to his ASD-related behavior, L.W. struggled adjusting to the classroom environment at Faith. Consequently, I made the choice to homeschool L.W. while enrolling him in select classes at Sherwood. With the help of the funds from FES-UA, I also enrolled L.W. in RightMinds Tutoring. L.W.'s attitude toward reading has rapidly improved. Before his tutoring, his teachers at both Faith and Sherwood stated that he demonstrated little interest in learning to read, whereas now he genuinely enjoys reading and sounding out words. In the past, L.W. has also been enrolled in Applied Behavior Analysis (ABA) Therapy with the help of the funds from FES-UA.

6. E.W. has also greatly benefited from the receipt of scholarship funds through FES-UA. E.W. suffers from hearing loss and had difficulties socially before I also began homeschooling her while enrolling her in select classes at Sherwood. E.W. assumed a protective role over her two brothers with ASD. When L.W. struggled, so did E.W. L.W.'s growth academically and socially has enabled me to enroll E.W. in more classes and extracurricular activities. E.W. is currently enrolled in an art class, swim class, and STEM class with girls her age, all of which FES-UA helps to fund. E.W. has blossomed socially following her enrollment in these classes.

7. I have made the academic choices for my children best suited to their individual needs. Without the Family Empowerment Scholarship, I would struggle to afford homeschooling E.W. and L.W. while keeping them enrolled in their current educational programs. If the scholarship were eliminated, they would likely be enrolled full-time in public school, and it would be more difficult financially to keep L.W. enrolled in RightMinds Tutoring. This would adversely impact their academic and social development.

8. I understand that the Plaintiffs in this lawsuit are asking the Court to declare the Family Empowerment Scholarship Program unconstitutional and to stop its funding. If the Plaintiffs succeed, E.W. and L.W. would lose their current educational placement. I wish to participate in this case to protect my children's education.

Pursuant to section 92.525(1)(b), Florida Statutes, under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true. Executed this 15th day of June, 2026.

Tiffany Wilson

Tiffany Wilson

EXHIBIT G

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

ANDREW SPAR, et al.,

Plaintiffs,

v. Case No.: 2026 CA 000929

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

Defendants.
_____/

DECLARATION OF MELISSA YORK

1. I am a resident of Crestview, Okaloosa County, Florida, and I make this statement based on my personal knowledge of the facts set forth below.

2. I am the parent of three biological children who have benefited from the Family Empowerment Scholarship Program because it has allowed me to make educational choices in the best interests of my children's individualized academic, social and spiritual needs.

3. On a Family Empowerment Scholarship FES-EO, my child D.Y. will be a fifth grader next year at Lakewood Christian School. Without the scholarship, we could not have afforded to send D.Y. to Lakewood Christian School or to keep him enrolled there.

4. I made the choice to send D.Y. to Lakewood Christian School because D.Y. is subject to bullying. The staff at Lakewood Christian School are always responsive to any bullying incidents, as the smaller environment allows incidents to be handled more quickly than we experienced in public schools. Furthermore, D.Y. is academically gifted and has Attention Deficit/Hyperactivity Disorder (ADHD). Lakewood Christian School's smaller classroom sizes

have allowed staff to keep him focused and challenged. For example, because his classroom this past school year contained both fourth and fifth grade students, D.Y. was able to complete fifth grade coursework to help challenge him. His teacher was also able to provide him with additional activities, designed to meet his specific learning level to keep him challenged and occupied.

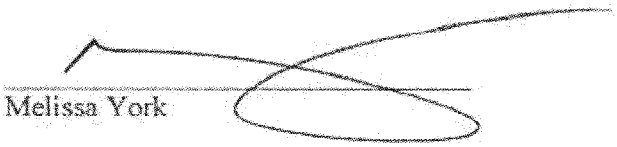
5. My child M.Y. attended grade 5 at Bob Sikes Elementary School, where he received tutoring assistance funding through the New World Scholarship Account in the 2024-25 school year. He will attend Davidson Middle School for the 2026-27 school year. M.Y. received substantial benefits from the New World Scholarship Account, including tutoring services, study materials and school supplies.

6. My adult child T.W.Y. attended Lakewood Christian School from 2010 until 2019, also on a Family Empowerment Scholarship FES-EO. Without this scholarship, we could not have afforded to send T.W.Y. to Lakewood Christian School.

7. I made the choice to send T.W.Y. and D.Y. to Lakewood Christian School because it is a Christ-centered environment where we are known, loved, and supported. I enrolled my children at this school to be a part of this community that deeply invests in every parent and student. Both T.W.Y. and D.Y. have deeply benefited from the community- and faith-centered environment.

8. I understand that the Plaintiffs in this lawsuit are asking the Court to declare the Family Empowerment Scholarship Program unconstitutional and to stop its funding. If the Plaintiffs succeed, we would have to disenroll D.Y. from his current educational placement. I wish to participate in this case to protect my child's education.

Pursuant to section 92.525(1)(b), Florida Statutes, under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true. Executed this 11 day of June 2026.



Melissa York

EXHIBIT H

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

ANDREW SPAR, et al.,

Plaintiffs,

v. Case No.: 2026 CA 000929

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

Defendants.
_____/

DECLARATION OF MELISSA GARDNER

1. I am a resident of Miami, Florida, and I make this statement based on my personal knowledge of the facts set forth below.

2. I am the parent of seven children who are A.G., grade 9; Av.G., grade 7; An.G., grade 4; Em.G., grade K; Ez.G., grade Pre-K; Sa.G., 2-years-old; and Si.G., 2-years-old. Sa.G. and Si.G. are twins.

3. A.G. will be attending grade 9 of the public high school known as Design and Architecture Senior High (DASH) in the 2026-27 school year. Av.G. attends the private school known as Crystal Academy in Coral Gables on a Family Empowerment Scholarship, FES-UA. Av.G. has participated in the Family Empowerment Scholarship Program since the 2025-26 school year. An.G. attends the charter school known as BridgePrep Academy of Greater Miami (BridgePrep). Em.G. will also attend Kindergarten at BridgePrep for the 2026-27 school year. Ez.G., Sa.G., and Si.G. will attend Elite Kids Academy, a private day care center, in the 2026-2027 school year. Ez.G. will receive Florida's Voluntary Prekindergarten (VPK) Scholarship on a Family Empowerment Scholarship, FES-UA.

4. Av.G. has autism spectrum disorder (ASD). Av.G. needs individualized attention because of his behaviors attributable to ASD. Crystal Academy has been a good fit for his individualized needs. Av.G. previously attended the public school known as Miami Springs Elementary School in Miami, Florida. Miami Springs Elementary School staff were not able to provide him individualized attention because of the number of students in his classroom. Because of his behaviors, Av.G. was frequently sent home from school and instead spent the day at an Applied Behavior Analysis (ABA) clinic. Crystal Academy is able to dedicate two people to give Av.G. individualized attention at all times with additional staff present to assist in Av.G.'s education. As a result, his behavior is significantly improved. Without the Family Empowerment Scholarship, I would not be able to afford to send Av.G. to Crystal Academy. If the scholarship was eliminated, I would likely have to homeschool Av.G. due to his ASD-related behavior. I would also have to find and try to pay for an ABA clinic and speech therapy provider to replace the care he is receiving at Crystal Academy.

5. I chose to send An.G. and Em.G. to BridgePrep Academy of Greater Miami (BridgePrep) because this charter school is competitive academically, and allowed my child A.G., who graduated from this charter school, to receive high school credit that she will take to her new public high school, DASH.

6. I understand that the Plaintiffs in this lawsuit are asking the Court to declare the Family Empowerment Scholarship Program and charter schools unconstitutional and to stop funding them. If the Plaintiffs succeed, Av.G. would lose his current educational placement. I wish to participate in this case to protect my children's education.

Pursuant to section 92.525(1)(b), Florida Statutes, under penalties of perjury, I declare that I have read the foregoing declaration and that the facts stated in it are true. Executed this 17 day of June, 2026.

Melissa Gardner

Melissa Gardner