

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

RABBI MERRILL SHAPIRO, REVEREND)
 KENT SILADI, REVEREND HARRY)
 PARROTT, JR., REVEREND HAROLD)
 BROCKUS, RABBI JACK ROMBERG,)
 REVEREND BOBBY MUSENGWA,)
 ANDY FORD, LEE SWIFT and SUSAN)
 SUMMERS-PERSIS,)

Plaintiffs,)

v.)

KURT BROWNING, in his official capacity)
 as Florida Secretary of State,)

Defendant.)

and)

STATE OF FLORIDA,)

Intervenor/Defendant.)

Case No. 2011 CA 1892
 (Honorable Terry Lewis)

2011 SEP 30 PM 4:32
 CLERK OF CIRCUIT COURT
 LEON COUNTY FLORIDA

2011 SEP 30 PM 4:32

FILED

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**PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Plaintiffs, through undersigned counsel, move the Court for summary judgment on all of their claims pursuant to Fla. R. Civ. P. 1.510. The grounds for this motion are fully discussed in the Memorandum of Law that accompanies this motion, and they are briefly stated as follows:

1. The ballot statement included in Committee Substitute for House Joint Resolution 1471 ("CS/HJR 1471"), passed by the Florida Legislature in its 2011 Session, is defective for three reasons: *first*, it uses misleading language that gives electors the impression that the constitutional amendment proposed by CS/HJR 1471 would only serve to make the Florida


Constitution consistent with the church-state clauses of the First Amendment of the federal Constitution when in fact it would have a far more sweeping effect; *second*, it fails to communicate to voters the main effect of the proposed constitutional amendment contained in CS/HJR 1471, which is to mandate that the State of Florida extend benefits to religious entities in circumstances in which doing so would not be required by the federal Constitution; and *third*, it contains a misleading title.

2. Section 101.161(3)(b)(2), Florida Statutes (2011), which was enacted by the Florida Legislature in its 2011 Session, violates the separation of powers doctrine stated in Article II, Section 3 of the Florida Constitution, in that it delegates to the Attorney General the legislative authority to re-write a ballot statement, without adequate standards or criteria to guide her exercise of that discretion.

For these reasons, which are described in full in the accompanying memorandum of law, plaintiffs respectfully request that the Court enter a declaration that the ballot statement contained in CS/HJR 1471 is defective and that § 101.161(3)(b)(2), Fla. Stat. (2011) is unconstitutional and therefore void. In addition, plaintiffs respectfully request that the Court enjoin the Secretary of State from placing Amendment 7 on the 2012 general election ballot.

DATED this 30th day of September, 2011.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and exact copy of the foregoing has been furnished by U.S. Mail and electronic mail on this 30th day of September, 2011 to:

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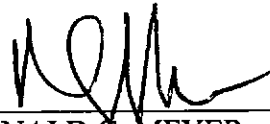
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