

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

RABBI MERILL SHAPIRO, et al.,

Plaintiffs,

v.

Case No.: 2011-CA-1892
(Honorable Terry Lewis)

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

Defendant,

and

STATE OF FLORIDA,

Defendant-Intervenor.

ANSWER OF DEFENDANT-INTERVENOR STATE OF FLORIDA

Defendant-Intervenor, the State of Florida, pursuant to Rule 1.110(c), Florida Rules of Civil Procedure, answers Plaintiffs' Complaint for Declaratory and Injunctive Relief as follows:

1. Admitted that the action seeks declaratory and injunctive relief; denied that Plaintiffs are entitled to such relief. Denied as to remaining allegations.
2. Admitted that this Court has subject matter jurisdiction as to Count I; denied as to Count II as plaintiffs lack standing and, until and unless the ballot statement is ruled defective, Count II is not ripe; otherwise denied.
3. Article V, section 5(b), of the Florida Constitution, sections 26.012(3) and 86.011, Florida Statutes, and Florida Rule of Civil Procedure 1.610 speak for themselves; denied that this Court should grant declaratory or injunctive relief pursuant to these provisions in this case.
4. Admitted.

5. Admitted as to the second sentence. Without knowledge and therefore denied as to the remaining allegations.

6. Admitted as to the second sentence. Without knowledge and therefore denied as to the remaining allegations.

7. Admitted as to the second sentence. Without knowledge and therefore denied as to the remaining allegations.

8. Admitted as to the second sentence. Without knowledge and therefore denied as to the remaining allegations.

9. Admitted as to the second sentence. Without knowledge and therefore denied as to the remaining allegations.

10. Without knowledge and therefore denied.

11. Admitted as to the second sentence. As to the fifth sentence, admitted that Plaintiff Ford sues in his individual capacity and as President of the Florida Education Association; otherwise denied. Without knowledge and therefore denied as to the remaining allegations.

12. Admitted as to the second sentence. As to the fifth sentence, admitted that Plaintiff Swift sues in his individual capacity and as President of the Florida School Boards Association, Inc.; otherwise denied. Without knowledge and therefore denied as to the remaining allegations.

13. Admitted as to the second sentence. As to the fifth sentence, admitted that Plaintiff Summers-Persis sues in her individual capacity and as President of the Florida Association of School Administrators, Inc.; otherwise denied. Without knowledge and therefore denied as to the remaining allegations.

14. Without knowledge and therefore denied.
15. Admitted.
16. Admitted.
17. Article I, section 3 of the Florida Constitution speaks for itself; otherwise denied.
18. CS/HJR 1471 speaks for itself; otherwise denied.
19. Admitted that CS/HJR 1471 was filed with the Secretary on July 1, 2011 and that the ballot statement has been designated for placement on the November 2012 general election ballot as “Amendment 7;” otherwise denied.
 20. Admitted as to the first sentence. The ballot statement speaks for itself.
 21. Denied.
 22. Admitted as to the first sentence. As to the second sentence, section 101.161(3)(b)2, Florida Statutes (2011) speaks for itself.
 23. Chapter 2011-40, Laws of Florida, speaks for itself; otherwise denied. CS/HJR 1471 speaks for itself.
 24. Chapter 2011-40, Laws of Florida, speaks for itself; otherwise denied. CS/HJR 1471 speaks for itself.
 25. Denied.
 26. Denied.
 27. The State of Florida incorporates its answers in paragraphs 1 – 26 as if fully set forth herein.
 28. Denied.
 29. Denied.
 30. Denied.

31. Denied.
32. The State of Florida incorporates its answers in paragraphs 1 – 31 as if fully set forth herein.
33. Section 101.161(3)(b)2, Florida Statutes (2011), speaks for itself; otherwise denied.
34. Denied.
35. Admitted that Plaintiffs’ have suffered no present harm arising from CS/HJR 1471 and that the claim depends upon future events that might not occur; otherwise denied.
36. Denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following by U. S. Mail and email this 24th day of August, 2011 to:

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