

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CIVIL DIVISION

MIAMI-DADE COUNTY CITIZENS
DEFENDING FREEDOM USA, INC.
and ALEJANDRO SERRANO, individually,

CASE NO. _____

Plaintiffs,

v.

SCHOOL BOARD OF MIAMI-DADE
COUNTY, FLORIDA,

Defendant.

_____ /

**COMPLAINT FOR EMERGENCY DECLARATORY AND
INJUNCTIVE RELIEF TO PREVENT USE OF INSTRUCTIONAL
MATERIAL ADOPTED IN VIOLATION OF THE FLORIDA SUNSHINE LAW**

COME NOW MIAMI-DADE COUNTY CITIZENS DEFENDING FREEDOM USA, INC. and ALEJANDRO SERRANO, an individual (together "Plaintiffs") and bring this action against the SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA ("Defendant" or "School Board") and allege violations of the Florida Sunshine Law, Art. I, § 24, Fla. Const. and §286.011, et seq., Fla. Stat. (the "Sunshine Law" or "Sunshine"). Plaintiffs seek emergency declaratory and injunctive relief that the School Board unlawfully adopted the 2022-2023 Health Curriculum instructional material outside of the Sunshine Law and seek to have the material declared as null and void and prevent use of the unlawfully adopted material.

INTRODUCTION

"The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them."

— Patrick Henry¹

¹ Patrick Henry, Speech On the Expediency of Adopting the Federal Constitution, Delivered in the Convention of Virginia (June 9, 1788).



Florida's Sunshine Law was passed to make lawsuits like this unnecessary. Because corruption thrives in secrecy, Sunshine prevents government leaders and their proxies from conducting official government business away from their constituents in closed and secretive settings. But here, the School Board deliberately ignored Sunshine in order to ensure its work would be closed and secreted away. Now that the School Board's hidden work has been accomplished, the citizens, residents, parents, and constituents of Miami-Dade County have been stripped of their constitutional and statutory rights to participate in self-government. But the Miami-Dade County Public School System must follow the laws ensuring accountability and transparency.

Florida's Sunshine Law provides a constitutionally guaranteed right of access to practically all aspects of state and local governmental proceedings and records. It intends to protect the public's right to be present and to be heard during all phases of enactments by governmental boards, commissions, agencies, and similarly situated governmental organizations. Art. I, § 24(b) of the Fla. Const. provides that "[a]ll meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public." The Constitution's protections are implemented by Fla. Stat. § 286.011, which states that "[a]ll meetings of any board or commission of any state agency or authority . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule or formal action shall be considered binding except as taken or made at such meeting."

The facts are straightforward. The School Board adopted instructional materials for the 2022-2023 school year by delegating decision making authority to a committee that held at least



two meetings outside of Sunshine. During those meetings, curriculum was discussed, eliminated, ranked, and ultimately provided to the School Board as the “preference of the committee members.” There are no records of when these two government meetings occurred on the Miami-Dade County Public Schools Master Calendar. No minutes were taken during these meetings. The remaining committee meetings featured lackluster and unreasonable public notice and collected sub-standard meeting minutes. Ultimately, the Defendant relied upon the curriculum committee’s recommendations of the textbook instructional materials for adoption.

In reality, the committee’s recommendations were actually decisions. In fact, the curriculum committee exercised the full constitutional and statutory authority of the School Board – outside of the Sunshine Law – by selecting instructional materials. The curriculum committee exercised the School Board’s decision-making authority by ranking and eliminating textbooks, and ultimately provided the School Board with the Orwellian “preference of the committee members.” In other words, the School Board unlawfully delegated and abdicated its duty and responsibilities for the selection of instructional materials. At best, the School Board acquiesced to and encouraged the usurpation of its authority by the curriculum committee, by allowing it to happen and then making a perfunctory and ineffective effort to cure the deficiency, which served only to show that the School Board was aware of its error.

This is a lawsuit to enforce Florida Sunshine Law. When a government agency violates Sunshine Law, the governmental action taken is *void ab initio*. By this lawsuit, Plaintiffs seek to right these wrongs. First, Plaintiffs seek a remedy for the School Board’s past Sunshine violations. Second, Plaintiffs seek injunctive relief to stop, reverse, and/or prevent the actions resulting from the School Board’s previous Sunshine violations, and to stop, reverse and/or prevent the School Board from engaging in future violations. Ultimately, Plaintiffs want to shine some bright Florida Sunshine on the hidden machinations of this school board and those acting under its authority.



JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to Art. I, § 24(b) of the Fla. Const. and § 286.011(2), Fla. Stat., and it has the authority to grant declaratory and injunction relief under § 86.011, Fla. Stat. and 26.012(3), Fla. Stat., respectively.

2. Venue is appropriate under § 47.011, Fla. Stat., because the School Board is in Miami-Dade County and meetings and official actions that gave rise to this complaint arose in Miami-Dade County.

3. All conditions precedent to bringing this action have been satisfied, waived, or excused.

PARTIES

4. Miami-Dade County Citizens Defending Freedom USA, Inc., hereinafter (“Miami-Dade CCDF-USA”) is a Miami-based nonprofit and nonpartisan grassroots organization committed to resolving breaches of freedom and liberty through local awareness, local light, and local action to ensure government openness and transparency. Miami-Dade CCDF-USA provides education and training and assists Miami-Dade County citizens to ensure local government maintains transparency and accountability. One of Miami-Dade CCDF-USA’s core missions is devoted to supporting the rule of law by monitoring and analyzing educational initiatives impacting the parents and children of Miami-Dade County.

5. Alejandro Serrano is the Executive Director of Miami-Dade CCDF-USA. Mr. Serrano is a resident and taxpayer in Miami-Dade County.

6. The School Board conducts meetings in the School Board Administration Building (SBAB) auditorium at 1450 N.E. 2nd Avenue, Miami, FL 33132. The School Board is responsible for implementing statutory requirements, operation, control, and supervision of all public schools



and public education in Miami-Dade County. The School Board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students.

GENERAL ALLEGATIONS

7. The School Board is responsible for the operation, control, and supervision of all public schools within Miami-Dade County and is empowered to determine the policies necessary for the effective operation and general improvement of the school system. The School Board is established by the Florida Constitution and Florida Statutes and has the constitutional duty and responsibility to select and provide adequate instructional materials for all students.

8. The Florida Constitution's open meetings provision applies to the meetings of "any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district." Art. I, § 24(b), Fla. Const. The Constitution's protections are implemented by § 286.011, Fla. Stat. which states that "[a]ll meetings of any board or commission of any state agency or authority . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule or formal action shall be considered binding except as taken or made at such meeting."

9. In September 2021, under Miami-Dade Public Schools' authority and policy, a District Instructional Materials Review Committee ("DIMRC" or "Curriculum Committee") was appointed to review and provide recommendations to the School Board regarding district instructional materials for the 2022-2023 Human Reproduction and Disease Education ("HRDE") curriculum. The DIMRC was subject to the Sunshine Law.

10. The DIMRC nomination and appointment process was not noticed to the public in the Daily Business Review, the Miami-Dade County Public Schools Master Calendar, or any other publication or publicly-available media outlet.



11. The appointments and initial organization of the DIMRC failed to promote or enable community and parental participation due to the concomitant failure to provide public notice or advertise in the public domain.

12. Current Miami-Dade County Public Schools Policy 9125, titled "District Advisory and other District Committee Meetings" states that "[a]ll District Advisory Committee, sub-committee, and other District committee meetings established pursuant to School Board policy shall be held in open public sessions and all materials made in connection with official business of these meetings and not exempt from disclosure pursuant to Florida Statutes are open for public inspection, pursuant to Florida's Government-in-the-Sunshine and Public Records Laws, F.S. Chapters 286.011 and 119." A copy of Miami-Dade County Public Schools Policy 9125 is attached as **Exhibit A**.

13. Section 286.011 (2) of the Florida Statutes states "[t]he minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state." Additionally, Miami-Dade County Public Schools Policy 9125 requires that "[m]inutes of all meetings must be kept." See **Exhibit A**.

14. Sometime between October 2021 and December 2021, the Curriculum Committee held at least two unnoticed meetings that were closed to the public in violation of the open meetings provisions of the Florida Constitution and the "Sunshine Law" by the School Board. A link to the April 6, 2022 Public Hearing testimony by Miami-Dade County Public Schools Chief Academic Officer Dr. Sylvia Diaz is attached as **Exhibit B** (timestamp 26:01 to 26:40).²

² Available at: School Board of Miami-Dade, *M-DCPS Instructional Materials Public Hearing, April 6, 2022* (last visited Oct. 21, 2022)), <https://m-dcps.edu/vision.tv/default.aspx?q=3SfVi13wT7T6VBdJDpj0QnfjBhsJkHGGrh7orwU%252f0YSe5KH%252bzXzuOxw%253d%253d>.



15. Meeting minutes for the two unnoticed and closed HRDE Curriculum Committee meetings that occurred sometime between October 2021 and December 2021 were never adopted, included, or considered as part of a full independent review of any subsequent meeting of the Curriculum Committee. Plaintiffs requested meeting minutes from the School Board, which responded by stating that no responsive records exist.

16. On April 6, 2022, Miami-Dade County Public Schools Chief Academic Officer Dr. Sylvia Diaz testified to the School Board that the Curriculum Committee had met to cure and remedy the two closed and unnoticed meetings. See **Exhibit B** (timestamp 26:01 to 26:40).

17. The Office of Academics and Transformation for Miami-Dade County Public Schools provided the SP-1 slide deck for the School Board on April 6, 2022. The slide deck does not include HRDE instructional material that was eliminated for consideration by the Curriculum Committee. The slide deck for the Instructional Materials Plan 2022-2023 is provided as **Exhibit C**.

18. Slide 3 of **Exhibit C** reflects that only the October 2021-January 2022 Curriculum Committee *meetings* were announced and open to the public. (emphasis added). As of January 2022, only one Curriculum Committee was announced and open to the public.

19. On January 12, 2022, the Curriculum Committee was held, and was “noticed” on the Daily Business Review as the “Final Evaluation,” and published only in the district Master Calendar as open to the public. The Curriculum Committee was not noticed in any major publications or Spanish speaking media.



MEETING DETAILS	
Meeting ID:	114258
Meeting Date:	01/12/2022
Meeting Time:	10:30 am - 12:45 pm
School/Dept:	Instructional Materials
Address/Room:	Paul Bell Middle-11800 NW 2ND Street - Auditorium
Subject:	The Instructional Materials Adoption Review Committees will convene to present their recommendation for adoption of instructional materials for the following unit of study: Human Reproduction & Disease Education
Contact Person:	Richard Benvenuti
Telephone:	3059951122
Extensions	

A copy of the January 12, 2022 the Curriculum Committee Master Calendar notice is attached as Exhibit D.

□ **1/5/2022**



NOTICE

The School Board of Miami-Dade County, Florida, announces the 2022-2023 Instructional Materials Adoption Final Evaluation January 12-14, 2022 Paul Bell Middle School 11800 NE 2ND Street Miami, FL 33182

CATEGORY Misc Other Notice FL
 AD NUMBER 0000571896-01

PURPOSE: The Instructional Materials Adoption Review Committees will convene to present their recommendation for adoption of instructional materials for the following courses and unit of study:

Location: Paul Bell MS Auditorium
 1:15 pm - 2:00 pm (Final Evaluation)

Unit of Study: Human Reproduction & Disease Education
 Location: Paul Bell MS Auditorium
 Time: 10:30 am - 11:30 am (Middle School) (Final Evaluation)
 11:45 am - 12:45 pm (High School) (Final Evaluation)



A copy of the January 12-14, 2022, the Curriculum Committee Daily Business Review notice is attached as **Exhibit E**.

20. The January 12, 2022 Curriculum Committee minutes provided by the Miami-Dade County Public School District did not record which board members were in attendance, if any, did not list any textbooks or chapter numbers considered for recommendation or elimination, nor otherwise provide any summary or listing of previously considered information from the unnoticed and closed Curriculum Committee meetings that occurred sometime between October 2021 and December 2021. A copy of Miami-Dade County Public Schools' minutes for the January 12, 2022 Curriculum Committee meeting is attached as **Exhibit F**.

21. On March 9, 2022, the Curriculum Committee held their next meeting. The March 9, 2022 meeting was published on the Miami-Dade County Public Schools Master Calendar. However, the March 9, 2022 meeting was not noticed in the Daily Business Review or any other publication. Due to the unreasonable notice, and because the committee conducted business that ranked, eliminated, and selecting instructional materials for recommendation to the district school board, the actions violated § 1006.28(2)(a), Fla. Stat. The notice for the March 9, 2022 meeting did not disclose its purpose on the Miami-Dade County Public Schools Master Calendar, or otherwise reflect that the meeting would discuss topics, curriculum, eliminate chapters from the curriculum, or otherwise provide a summary or listing of previously considered information from the unnoticed and closed Curriculum Committee meetings that occurred sometime between October 2021 and December 2021.



MEETING DETAILS	
Revised on Mar 2, 2022, 11:14 AM	
Meeting ID:	115071
Meeting Date:	03/09/2022
Meeting Time:	8:00 am
School/Dept:	Instructional Materials
Address/Room:	Paul Bell Middle-11800 NW 2ND Street - Media Center 8:00 AM/ 227 8:30 AM
Subject:	Human Reproduction & Disease Education, District Instructional Materials Review Committee Meeting
Contact Person:	Richard Benvenuti
Telephone:	3059951122
Extensions	

A copy of the March 9, 2022, the Curriculum Committee Master Calendar notice is attached as **Exhibit G**.

22. The March 9, 2022 minutes of the Curriculum Committee that were provided by the Miami-Dade County Public School District do not list selected chapter numbers considered for recommendation or elimination, or otherwise provide a summary or listing of previously considered information from the unnoticed and closed Curriculum Committee meetings that took place sometime from October 2021-December 2021. A copy of Miami-Dade County Public Schools minutes for the March 9, 2022 Curriculum Committee meeting is attached as **Exhibit H**.

23. The Curriculum Committee provided the School Board with its recommendations for adoption of HRDE instructional materials in ranked order of the committee's preference. See **Exhibit B** (timestamp 24:00 to 24:30).

24. The SP-1 slide deck provided to the Miami-Dade County School Board on April 6, 2022 did not list the HRDE instructional materials ranked or eliminated from previous Curriculum Committee meetings. See **Exhibit C**.

25. On March 11, 2022, the Miami-Dade County School District noticed in the Daily Business Review its announcement of the Curriculum Committee's recommendations for the 2022-2023 instructional materials adoptions for the HRDE unit of study. The notice did not



include, or list, selected chapter numbers considered for recommendation or elimination in the HRDE instructional materials. The 2022-2023 instructional materials notice is attached as **Exhibit I**.

26. The HRDE Curriculum Committee engaged in decision-making rather than fact-finding.

LEGAL ARGUMENT

27. The Sunshine Law applies to “any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision.” In short, “all governmental entities in Florida are subject to the requirements of the Sunshine Law unless specifically exempted.” *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762 (Fla. 2010).

28. The Sunshine Law applies to actions of school boards. *Mitchell vs. Sch. Bd. of Leon Cnty.*, 335 So.2d 354 (Fla. 1st DCA, 1976). If the school board delegates any portion of its decision-making authority to an advisory group or committee, those meetings must also be open to the public. *Wood vs. Marston*, 442 So.2d 934 (Fla. 1983). Committees given decision-making authority, whether formed by a Sunshine-regulated agency or a non-agency, must abide by the Sunshine Law. *Krause v. Reno*, 366 So. 2d 1244, 1252 (Fla. 3d DCA 1979) (advisors appointed by city manager became agency under Sunshine Law); *Wood*, 442 So. 2d at 934 (Committee of faculty advisors appointed by the president of a university became agency under Sunshine law); and *Silver Express Co. vs. Dist. Bd. of Lower Tribunal Trs. of Miami-Dade Cmty. College*, 691 So.2d 1099 (Fla. 3d DCA, 1997) (committee appointed by a purchasing director became an agency under the Sunshine Law).

29. The Supreme Court and other appellate courts have held that Sunshine Law applies to any committees that have decision-making authority. *Wood*, 442 So.2d at 934 (faculty committee



which screened applicants for position of dean was governed by the Sunshine Law where the committee eliminated applicants); *Silver Express Co.*, 691 So.2d at 1099 (committee was governed by the Sunshine Law where its function was to weed through various proposals, determine which were acceptable, and to rank them accordingly); and *News-Press Pub Co., Inc. v. Carlson*, 410 So.2d 546 (1982) (holding that an internal budget committee consisting of staff members for the Lee Memorial Health System had decision-making authority and must hold its meetings in the Sunshine); *Evergreen Tree Treasurers of Charlotte Cty., Inc. v. Charlotte Cty. Bd. of Cty. Comm'rs.*, 810 So. 2d 526, 531-32 (Fla. 2d DCA 2002) (“[h]owever, when, as here, public officials delegate their fact-finding duties and decision-making authority to a committee of staff members, those individuals no longer function as staff members but stand in shoes of such public officials insofar as application of Government in Sunshine Law is concerned.” [internal citations and quotations omitted]).

30. It is a violation of the Sunshine Law for a school board to delegate its constitutional duty to select educational materials to unelected committees that meet outside of Sunshine. *Fla. Citizens All., Inc. et al vs. Sch. Bd. of Collier Cnty.*, 328 So. 3d 22 (Fla. 2nd DCA, 2021). When a government agency violates the Sunshine Law, the governmental action taken is void ab initio. *Sarasota Citizens for Responsible Gov't.*, 48 So. 3d at 755.

**COUNT I - DECLARATORY ACTION THAT THE
DISTRICT INSTRUCTIONAL MATERIALS REVIEW
COMMITTEE FOR HUMAN REPRODUCTION AND DISEASE
EDUCATION CURRICULUM VIOLATED THE FLORIDA SUNSHINE LAW**

31. Plaintiffs re-allege and incorporate by reference allegations set forth in paragraphs 1 through 30 above.

32. This is an action against the Defendant for violations of the Sunshine Law under Art. I, § 24(b), Fla. Const., and § 286.011, Fla. Stat.



33. Section 286.011(1), Fla. Stat., states that “[a]ll meetings of any board or commission of any state agency . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The School Board or commission must provide reasonable notice of all such meetings.” Because section 286.011 “was enacted in the public interest to protect the public from ‘closed door’ politics . . . the law must be broadly construed to effect its remedial and protective purpose.” *Wood v. Marston*, 442 So.2d 934, 938 (Fla.1983). The Supreme Court explained in *Sarasota Citizens*, citing to *Town of Palm Beach v. Gradison*, 296 So.2d 473, 477 (Fla.1974) “[t]he statute should be construed so as to frustrate all evasive devices. This can be accomplished only by embracing the collective inquiry and discussion stages within the terms of the statute, as long as such inquiry and discussion is conducted by any committee or other authority appointed and established by a governmental agency and relates to any matter on which foreseeable action will be taken.” *Id.* “Mere showing that the government in the sunshine law has been violated constitutes an irreparable public injury . . .” *Id.* Therefore, where officials have violated section 286.011, the official action is void ab initio. *Id.*

34. The District Instructional Materials Review Committee meetings held sometime between September 2021-December 2022 were conducted in private, were not noticed, and were not open to the public. Section 1006.28(2)(a)4, Fla. Stat. requires that these committee meetings be noticed and open to the public. Thus, the decisions made were in violation of the Government in the Sunshine Law.

35. The District Instructional Materials Review Committee meetings that occurred on January 12, 2022, and March 9, 2022, including the discussions, ranking of instructional material, communications and exchanges were conducted in unreasonably noticed meetings in violation of § 1006.28(2)(a)4, Fla. Stat. which requires that these committee meetings be noticed and open



to the public. Additionally, the committee did not take accurate minutes of the meeting, a further violation of Sunshine Law.

36. The School Board delegated its decision-making authority to the District Instructional Materials Review Committee for ranking, evaluating, eliminating, and deciding upon the 2022-2023 Human Reproduction and Disease Education curriculum.

37. The District Instructional Materials Review Committee group was a “board” or “commission” within the meaning of the Sunshine Law because it exercised decision-making authority.

38. Alternatively, even if the School Board did not explicitly delegate authority to make the final decision as to the 2022-2023 Human Reproduction and Disease Education curriculum, the District Instructional Materials Review Committee nevertheless made substantive decisions on elimination of material, recommendations on ranking or age appropriateness, and provided incomplete information on which the school board’s final decision for adoption was taken. The District Instructional Materials Review Committee eliminated from consideration alternative instructional material and “selected chapters.” The District Instructional Materials Review Committee only provided one option to the School Board for adoption, which was taken with *de minimus* analysis, discussion or decision-making about eliminated alternatives.

39. The School Board adopted the District Instructional Materials Review Committee’s recommendation via a perfunctory ratification, without any further analysis or consideration of the material that was eliminated. The School Board’s acceptance of its committee’s recommendations without considering the eliminated material cannot “cure” or ratify a Sunshine Law violation. While it is possible to cure a Sunshine Law violation, the Supreme Court in *Sarasota Citizens*, citing to *Zorc v. City of Vero Beach*, 722 So.2d 891, 903 (Fla. 4th



DCA 1998), held the legal standard is that “[o]nly a full, open hearing will cure a defect arising from a Sunshine Law violation. Such violation will not be cured by a perfunctory ratification of the action taken outside of the sunshine.” *Sarasota Citizens* at 765.

40. The allegations herein demonstrate a bona fide, actual, present, and practical need for a declaration by this Court that the 2022-2023 Human Reproduction and Disease Education curriculum is in violation of the Sunshine Law.

41. This request for declaratory relief is not propounded from curiosity but in good faith based on the bona fide present controversy.

42. Plaintiffs request that the Court declare that (i) the Miami-Dade District Instructional Materials Review Committee appointed to review the instructional materials for the 2022-2023 Human Reproduction and Disease Education curriculum meetings exercised decision-making authority and were subject to the Sunshine Law; (ii) violated the Sunshine Law; and (iii) as a result, the 2022-2023 Human Reproduction and Disease Education curriculum is null and void.

43. It would be adverse and antagonistic to the public interest and to the interests of the Plaintiffs to permit the adoption of the 2022-2023 Human Reproduction and Disease Education curriculum to be utilized or considered binding when it was developed without public notice and in a private and closed government meeting.

44. The adverse and antagonistic interests are all before this Court by proper process and the relief sought herein is not merely a request for legal advice or an advisory opinion.

COUNT II - PERMANENT INJUNCTIVE RELIEF

45. This is an action seeking injunctive relief under § 286.011, Fla. Stat.

46. Violations of § 286.011, Fla. Stat. constitute an irreparable public injury of which this Court has the authority to enjoin.



47. Defendant has adopted the 2022-2023 Human Reproduction and Disease Education curriculum despite the numerous Sunshine Law violations.

48. Plaintiffs would suffer irreparable injury if Defendant's adoption of the 2022-2023 Human Reproduction and Disease Education curriculum is not set aside as null and void.

49. Plaintiffs have no adequate remedy other than an injunction to prohibit the use of the Human Reproduction and Disease Education curriculum that was adopted in the course of violating the Sunshine Law.

50. An injunction serves the public interest as the Sunshine Law promotes a public policy of the highest order and is a constitutional right enjoyed by all citizens in the State of Florida.

51. Plaintiffs have a substantial likelihood of success on the merits for clear violations of the Sunshine Law.

52. Plaintiffs ask the Court to impose all temporary and permanent injunctive relief permitted by violation of the Florida Sunshine Law, reversing, stopping, and/or preventing any further actions taken and being taken to implement the adoption of the identified curriculum in violation of the Florida Sunshine Law. Plaintiffs will suffer irreparable injury that cannot be compensated in damages, or any damage suffered that cannot be measured by any pecuniary standard. Thus, Plaintiffs request the Court to impose a permanent injunction that, inter alia, enjoins the School Board, including any of its committees, agents, or school representatives, from taking any further action to advance and/or implement the 2022-2023 Human Reproduction and Disease Education curriculum. If such curriculum has already been distributed, Plaintiffs request the Court order the School Board to collect and sequester those materials to prevent their being used by teachers or students.



STATEMENT OF NEED FOR EMERGENCY RELIEF

The likelihood of irreparable harm absent injunctive relief cannot be overstated. Emergency relief is needed because Defendant has adopted the 2022-2023 Human Reproduction and Disease Education curriculum which is currently being implemented and prepared for distribution to the Miami-Dade County Public School students. Significant costs are being incurred by the School Board or will be incurred by the School Board, and Plaintiffs seek to minimize the burden of avoiding the decision to purchase and adopt those materials. The adoption and implementation of this curriculum in violation of the Sunshine Law has caused the Plaintiffs, and members of the public, irreparable harm by providing curriculum that was developed in closed and private government meetings without the benefit of public transparency or accountability.

RELIEF SOUGHT

WHEREFORE, Plaintiffs, MIAMI-DADE COUNTY CITIZENS DEFENDING FREEDOM USA, INC. and ALEJANDRO SERRANO request the Court:

1) Declare, pursuant to § 86.011, Fla. Stat., as void all actions taken in violation of the Florida Sunshine Law, and that the School Board must begin the entire selection process anew, this time complying with Florida law.

2) The Court should award Plaintiffs their costs of litigation and the reasonable attorneys' fees incurred in bringing this suit pursuant to § 286.011(4), Fla. Stat.; and

3) The Court should impose all temporary and permanent injunctive relief permitted by violation of the Florida Sunshine Law to reverse (or undo), stop, and/or prevent any actions taken and being taken to implement the actions taken by the School Board in violation of the Florida Sunshine Law. Plaintiffs will suffer irreparable injury that cannot be compensated in damages, or any damage suffered that cannot be measured by any pecuniary standard. Thus, Plaintiffs request



the Court to impose a permanent injunction that, inter alia, enjoins the School Board, including any of its committees, agents, or school representatives, from taking any further action to advance and/or implement the 2022-2023 Human Reproduction and Disease Education curriculum. If such curriculum has already been distributed, Plaintiffs request the Court order the School Board to collect and sequester those materials to prevent their being used by teachers or students.

4) All such further relief as the Court deems necessary and just.

Dated this 31st day of October 2022.



CHILDERS LAW, LLC

2135 NW 40th Terrace, Suite B
Gainesville, Florida 32605
tel 866-996-6104 fax 407-209-3870
email jchilders@smartbizlaw.com

/s/ Seldon J. Childers, Esq.

Florida Bar No. 61112

