

IN THE SUPREME COURT OF FLORIDA

CASE NUMBER: SC18-67

CITIZENS FOR STRONG SCHOOLS,  
INC., et al.,

Lower Tribunal Cases: 1D16-2862;  
372009CA004

Petitioners,

Vs.

FLORIDA STATE BOARD OF  
EDUCATION, et al.,

Respondents.

\_\_\_\_\_ /

**UNOPPOSED JOINT MOTION OF SEVERAL MEMBERS OF THE 1998  
CONSTITUTION REVISION COMMISSION AND UNITED CEREBRAL  
PALSY ASSOCIATION OF MIAMI, INC.  
AND UNITED CEREBRAL PALSY OF BROWARD, PALM BEACH, AND  
MID-COAST COUNTIES, INC., FOR LEAVE TO FILE THEIR *AMICI  
CURIAE* BRIEFS OUT OF TIME DUE TO TECHNICAL DIFFICULTIES  
WITH E-FILING PORTAL**

Several Members of the 1998 Constitution Revision Commission (“Members”) and the United Cerebral Palsy Association of Miami, Inc., and United Cerebral Palsy of Broward, Palm Beach, and Mid-Coast Counties, Inc. (“UCP”) (Members and UCP are collectively referred to as “*amici*”), respectfully move this Court for leave to file out of time *amici curiae* briefs. In support of this Motion, the *amici* state as follows:

RECEIVED, 07/31/2018 03:53:25 PM, Clerk, Supreme Court

1. The *amici* were prepared to timely file their briefs on July 30, 2018.
2. *Amici*, however, were unable to file the briefs on July 30, through the Florida Courts E-Filing Portal. Even after multiple (more than 30) failed attempts, filing was not possible. (*See* Exhibits A-C showing the messages received from the Court’s e-filing system throughout the attempts.) This difficulty began at around 6:00 p.m., July 30.
3. On July 30, counsel contacted the Florida Courts E-Filing Portal Support (“Portal Support”) via email and voicemail explaining their dilemma, but the support office was closed.
4. When *Amici* were unable to file the briefs, their counsel served their respective *amici curiae* briefs on all other parties on July 30.
5. At 8:00 a.m. on July 31, counsel for *amici* contacted the Florida Supreme Court Clerk’s Office. The Clerk’s Office acknowledged there was an issue regarding the E-Filing Portal, referred counsel to Portal Support, and indicated the Clerk’s office would get back in touch.
6. On July 30, Portal Support instructed *amici* to attempt to re-file on July 31. Counsel for amici continued trying to file and UCP’s brief was eventually filed as of 11:00 a.m, July 31. Members’ brief remains unfiled for unknown technical difficulties.

7. Portal Support has not contacted Counsel for Members with a solution at this time. The Clerk's office advised counsel to continue trying to file and to file an appropriate motion with the Court explaining the filing problem.

8. Counsel for UCP contacted counsel for petitioners on behalf of UCP and Members. Petitioners' counsel indicated she had no objection to this motion.

*Amici* respectfully request that this Court grant this motion for leave to file out of time *amici curiae* briefs due to technical difficulties with the E-Filing Portal.

Dated: July 31, 2018.

Respectfully submitted,

*/s/Kevin W. Shaughnessy*

Kevin W. Shaughnessy, Esq.

Florida Bar No.: 0473448

kshaughnessy@bakerlaw.com

jnenstiel@bakerlaw.com

**BAKER & HOSTETLER LLP**

200 South Orange Avenue

SunTrust Center, Suite 2300

P.O. Box 112

Orlando, Florida 32802-0112

Telephone: (407) 649-4000

Facsimile: (407) 841-0168

**ATTORNEYS FOR MEMBERS**

*/s/Joseph S. Van de Bogart*

Joseph S. Van de Bogart

Florida Bar No. 0084764

joseph@vandebogartlaw.com

Van de Bogart Law, P.A.

2850 N. Andrews Ave.

Fort Lauderdale, Florida 33311

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this motion was prepared in Times New Roman 14-point font, in compliance with Florida Rule of Appellate Procedure 9.210(a)(2).

/s/Kevin W. Shaughnessy  
Kevin W. Shaughnessy

/s/Joseph S. Van de Bogart  
Joseph S. Van de Bogart



**CERTIFICATE OF SERVICE**

I hereby certify that on July 31, 2018, a true and correct copy of the foregoing document has been furnished by electronic service through the Florida Courts E-Filing Portal.

/s/Kevin W. Shaughnessy

Kevin W. Shaughnessy

/s/Joseph S. Van de Bogart

Joseph S. Van de Bogart

Jodi Siegel  
Kirsten Clanton  
Southern Legal Counsel, Inc.  
1229 NW 12th Avenue  
Gainesville, Florida 32601  
Jodi.siegel@southerlegal.org  
Kirsten.clanton@southernlegal.org  
Lenette.daniels@southernlegal.org  
*Attorneys for Petitioners*

Timothy McLendon  
3324 West University Ave., Box 215  
Gainesville, Florida 32607  
tedmcl@msn.com  
mclendon@law.ufl.edu  
*Attorney for Petitioners*

Eric J. Lindstrom  
Egan, Lev & Siwica, P.A.  
P.O. Box 5276  
Gainesville, Florida 32627-5276  
ELindstrom@eganlev.com  
crojas@eganlev.com  
LAguirre@eganlev.com  
*Attorney for Petitioners*

Neil Chonin  
2436 N.W. 27th Place  
Gainesville, Florida 32601  
neil@millerworks.net  
*Attorney for Petitioners*

Deborah Cupples  
2841 SW 13th Street, G-327  
Gainesville, Florida 32608  
cupplesd@gmail.com  
*Attorney for Petitioners*

Ari Bargil  
2 South Biscayne Boulevard, Ste. 3180  
Miami, Florida 33131  
abargil@ij.org  
rramirez@ij.org  
*Attorney for Intervenors*

Richard Komer  
901 N. Glebe Road, Ste. 900  
Arlington, Virginia 22203  
rkomer@ij.org  
*Attorney for Intervenors*  
Jon Lester Mills

Timothy D. Keller  
398 S. Mill Avenue, Ste. 301  
Tempe, Arizona 85281  
tkeller@ij.org  
*Attorney for Intervenors*

Robert M. Brochin  
Morgan, Lewis & Bockius LLP  
200 South Biscayne Blvd., Ste. 5300  
Miami, Florida 33131  
bobby.brochin@morganlewis.com  
donna.thomas@morganlewis.com  
peggy.martinez@morganlewis.com  
*Attorneys for Certain Members of the  
1998 Constitution Revision  
Commission*

Stuart H. Singer  
Boies Schiller & Flexner, LLP  
401 E. Las Olas Blvd., Ste. 1200  
Fort Lauderdale, Florida 33301-2211  
ssinger@bsfllp.com  
*Attorney for Certain Members of the  
1998 Constitution Revision  
Commission*

Christie Letarte, General Counsel  
letarte.christie@flsenate.gov  
christie.letarte@yahoo.com  
The Florida Senate  
302 The Capital  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
*Attorney for Respondents*

Stephen N. Zack  
Boies Schiller & Flexner, LLP  
100 SE Second Street, Ste. 2800  
Miami, Florida 33131  
jmills@bsfllp.com  
rpazo@bsfllp.com  
ftlserve@bsfllp.com  
*Attorneys for Certain Members of the  
1998 Constitution Revision Commission*

Jonathan Glogau, Special Counsel  
jon.glogau@myfloridalegal.com  
chrystal.harwood@myfloridalegal.com  
alisha.robinson@myfloridalegal.com  
Office of the Attorney General  
PL-01, The Capital  
Tallahassee, Florida 32399-0400  
*Attorney for Respondents*

Rocco Testani  
roccotestani@eversheds-sutherland.com  
phylliswhite@eversheds-sutherland.com  
janiceenglish@eversheds-sutherland.com  
Stacey McGavin Mohr  
staceymohr@eversheds-sutherland.com  
cynthiagarrett@eversheds-sutherland.com  
suemcqueen@eversheds-sutherland.com  
Lee A. Pfeifer  
leepfeifer@eversheds-sutherland.com  
cynthiagarrett@eversheds-sutherland.com  
betzhandmaker@eversheds-  
sutherland.com  
Sutherland, Asbill & Brennan, LLP  
999 Peachtree St. NE, Ste. 2300  
Atlanta, Georgia 30309-4416  
*Attorneys for Respondents*

Judy Bone  
judy.bone@fldoe.org  
Mari Presley  
mari.presley@fldoe.org  
Matthew Mears  
matthew.mears@fldoe.org  
diana.harper@fldoe.org  
Florida Department of Education  
1244 Turlington Building  
325 W. Gaines Street  
Tallahassee, Florida 32399  
*Attorneys for Respondents*

Courtney Brewer  
The Mills Firm, P.A.  
The Bowen House  
325 N. Calhoun St.  
Tallahassee, Florida 32301  
cbrewer@mills-appeals.com  
service@mills-appeals.com  
*Counsel for Education Law Center*

Rachel Nordby  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399-1050  
Rachel.nordby@myfloridalegal.com

Adam S. Tanenbaum, General Counsel  
Adam.tanenbaum@myfloridahouse.gov  
Office of the General Counsel  
Florida House of Representatives  
422 The Capital  
Tallahassee, Florida 32399-1300  
*Attorney for Respondents*

Angelica M. Firoentino  
Michael Santos  
Baker Donelson Bearman Caldwell &  
Berkowitz, P.C.  
200 South Orange Avenue, Ste. 2900  
Orlando, Florida 32801  
afiroentino@bakerdonelson.com  
msantos@bakerdonelson.com  
*Attorneys for Petitioners*

Dena H. Sokolow  
Renee Meenach Decker  
Baker, Donelson, Bearman, et al.  
100 S.E. Third Ave., Ste. 1620  
Ft. Lauderdale, Florida 33394  
dsokolow@bakerdonelson.com  
redecker@bakerdonelson.com  
*Counsel for Amicus Curiae*  
*National Law Center on Homelessness &  
Poverty; the Children and Youth Law  
Clinic at the University of Miami School  
of Law; Florida's Children First; FSU  
College of Law, Children's Advocacy  
Clinic; and Michael J. Dale, Professor of  
Law at Nova Southeastern University*

# EXHIBIT A





Supreme Court of Florida

# E-Filing Portal

- My Cases
- Pleading
- Case Number
- Worker

Last s

Service List Review and Submit

*For Supreme Court ca*

The Supreme Court of Florida

Case Title

Proceeding Type

Case Type

Case Category

Case Nature

Message from webpage

Server Call Exception.  
 HTTP Status: 0  
 Error:  
 Message: Not Available  
 Message Detail: Not Available

OK

1960" for Case Year.

2018

\* Case #

67

\* You (your firm) are representing:

Other

Yourself



# **EXHIBIT B**



ptions

Case

Service List Review and Submit

For Suprem

ate court

The Supreme Court of Florida

Case Title

Proceeding Type

Case Type

Case Category

Case Nature

Message from webpage

**?** Please review the following warning(s).

- ORA-01652: unable to extend temp segment by 256 in tablespace TEMP
- ORA-01652: unable to extend temp segment by 256 in tablespace TEMP

Exception caught in CommonDALC.ExecuteQueryList

Select cancel to reenter the case number.

Select ok to continue.

OK Cancel

ase Year:

\* Case #

67

Search

Last signed i Wel

My Cases 1

Pleading on Exit

Case Number

Workbench

\* You (your firm) are representing: Other Yourself

# **EXHIBIT C**



# This page can't be displayed

- Make sure the web address <https://www.myficcourtaccess.com> is correct.
- Look for the page with your search engine.
- Refresh the page in a few minutes.

[Fix connection problems](#)