

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

**CITY OF WESTON, FLORIDA, et al.,**

Plaintiffs and Intervenor Plaintiffs,

v.

Case No. 09-CA-2639

**THE HONORABLE CHARLIE CRIST,**  
Governor of the State of Florida;  
**HONORABLE KURT S. BROWNING,**  
Secretary of State, State of Florida; **THE**  
**HONORABLE JEFF ATWATER,** President  
of the Senate, State of Florida; and  
**THE HONORABLE LARRY CRETUL,**  
Speaker of the House, State of Florida,

Defendants.

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**SECRETARY OF STATE'S ANSWER TO  
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Defendant Kurt S. Browning, Secretary of State of the State of Florida, pursuant to Rule 1.140 of the Florida Rules of Civil Procedure, answers plaintiffs' complaint as follows:

1. Without knowledge and therefore denied.
2. Admitted for jurisdictional purposes only.
3. Admitted that venue is proper in Leon County. Denied that the Secretary of State is a constitutional officer.
4. Without knowledge and therefore denied.
5. Without knowledge and therefore denied.
6. Admitted that Charlie Crist is the Governor of the State of Florida whose duties are set forth in the Florida Constitution, which speaks for itself. Admitted that Governor Crist signed SB 360 into law.

7. Admitted that Kurt S. Browning is the Secretary of State of Florida who has certain responsibilities under, among others, sections 15.01 and 15.155, Florida Statutes. These statutes speak for themselves.
8. Admitted that Jeff Atwater was President of the Florida Senate during the 2009 Regular Legislative Session. Without knowledge as to the remainder; therefore denied.
9. Admitted that Larry Cretul was Speaker of the Florida House of Representatives during the 2009 Regular Legislative Session. Without knowledge as to the remainder; therefore denied.
10. Without knowledge and therefore denied.
11. Without knowledge and therefore denied.
12. Without knowledge and therefore denied.
13. Admitted that Governor Crist signed SB 360 on June 1, 2009, and that the bill provided it was to take effect immediately upon becoming law. Without knowledge as to the remainder; therefore denied.
14. Without knowledge and therefore denied.
15. Without knowledge and therefore denied.
16. Without knowledge and therefore denied.
17. Without knowledge and therefore denied.
18. Without knowledge and therefore denied.
19. Without knowledge and therefore denied.
20. Without knowledge and therefore denied.
21. Without knowledge and therefore denied.
22. Admitted that Governor Crist signed SB 360 on June 1, 2009, and that the bill provided it was to take effect immediately upon becoming law. Without knowledge as to the remainder; therefore denied.
23. Without knowledge and therefore denied.
24. Without knowledge and therefore denied.

25. Admitted as to the existence of section 86.111, Florida Statutes, which speaks for itself.

**Count I**

26. The Secretary restates and incorporates by reference his answers to the allegations in paragraphs 1 through 25 inclusive, as if fully set forth herein.

27. Admitted as to the existence of Article III, Section 6 of the Florida Constitution, which speaks for itself.

28. Admitted as to the existence of *State v. Thompson*, 750 So. 2d 643 (Fla. 1999), which speaks for itself.

29. Admitted as to the existence of *State v. Thompson*, 750 So. 2d 643 (Fla. 1999), which speaks for itself.

30. Without knowledge and therefore denied.

31. Without knowledge and therefore denied.

32. Without knowledge and therefore denied.

33. Without knowledge and therefore denied.

34. Without knowledge and therefore denied.

35. Without knowledge and therefore denied.

a. Without knowledge and therefore denied.

b. Without knowledge and therefore denied.

c. Without knowledge and therefore denied.

d. Without knowledge and therefore denied.

e. Without knowledge and therefore denied.

f. Without knowledge and therefore denied.

**Count II**

36. The Secretary restates and incorporates by reference his answers to the allegations in paragraphs 1 through 25 inclusive, as if fully set forth herein.

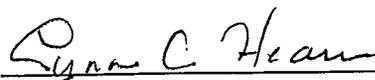
37. Without knowledge and therefore denied.
38. Without knowledge and therefore denied.
39. Admitted as to the existence of Article VII, Section 18(a) of the Florida Constitution, which speaks for itself. Without knowledge as to the remainder; therefore denied.
40. Without knowledge and therefore denied.
41. Admitted as to the existence of SB 360, which speaks for itself. Without knowledge as to the remainder; therefore denied.
42. Admitted as to the existence of SB 360, which speaks for itself. Without knowledge as to the remainder; therefore denied.
  - a. Admitted as to the existence of SB 360, which speaks for itself. Without knowledge as to the remainder; therefore denied.
  - b. Admitted as to the existence of SB 360, which speaks for itself. Without knowledge as to the remainder; therefore denied.
  - c. Admitted as to the existence of SB 360, which speaks for itself. Without knowledge as to the remainder; therefore denied.
  - d. Admitted as to the existence of SB 360, which speaks for itself. Without knowledge as to the remainder; therefore denied.
  - e. Admitted as to the existence of SB 360, which speaks for itself. Without knowledge as to the remainder; therefore denied.
  - f. Admitted as to the existence of SB 360, which speaks for itself. Without knowledge as to the remainder; therefore denied.
  - g. Admitted as to the existence of SB 360, which speaks for itself. Without knowledge as to the remainder; therefore denied.
43. Without knowledge and therefore denied.
44. Without knowledge and therefore denied.
45. Without knowledge and therefore denied.
46. Without knowledge and therefore denied.

- a. Without knowledge and therefore denied.
  - b. Without knowledge and therefore denied.
  - c. Without knowledge and therefore denied.
  - d. Without knowledge and therefore denied.
  - e. Without knowledge and therefore denied.
47. Without knowledge and therefore denied.
48. Without knowledge and therefore denied.
- a. Without knowledge and therefore denied.
  - b. Without knowledge and therefore denied.
  - c. Without knowledge and therefore denied.
  - d. Without knowledge and therefore denied.
  - e. Without knowledge and therefore denied.
  - f. Without knowledge and therefore denied.

### **DEFENSES**

1. All allegations not specifically admitted herein are denied.
2. The Complaint names the Secretary of State as a defendant solely in his capacity as the custodian of official state documents. As such, the Secretary of State can afford no relief to plaintiffs and should be dismissed from this action.
3. Although the Secretary of State disputes that he is a proper party, he will comply with any court order directed toward him in this action.
4. The Secretary of State takes no position on the merits of plaintiffs' claims.

Respectfully submitted,



Lynn C. Hearn  
Fla. Bar No. 0123633  
General Counsel  
Staci A. Bienvenu  
Fla. Bar No. 654027  
Assistant General Counsel  
Department of State  
R.A. Gray Building  
500 South Bronough St.  
Tallahassee, FL 32399  
(850) 245-6536  
(850) 245-6127 (fax)  
Email: lchearn@dos.state.fl.us

Counsel for Defendant Kurt S. Browning,  
Secretary of State of the State of Florida

**CERTIFICATE OF SERVICE**

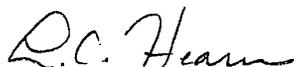
I HEREBY CERTIFY that a true copy of the foregoing was sent via U.S. Mail

this 14<sup>th</sup> day of December, 2009, to:

Jamie A. Cole  
Susan L. Trevarthen  
WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.  
200 East Broward Boulevard, Ste. 1900  
Fort Lauderdale, Florida 33301

Edward G. Guedes  
John J. Quick  
WEISS SEROTA HELFMAN  
PASTORIZA COLE & BONISKE, P.L.  
2525 Ponce de Leon Blvd., Ste. 700  
Coral Gables, Florida 33134

Jonathan A. Glogau  
Chief, Complex Litigation  
Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399-1050



Lynn C. Hearn