

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION**

ALACHUA COUNTY EDUCATION
ASSOCIATION, *et al.*,

Plaintiffs,

v.

DONALD J. RUBOTTOM, *et al.*,

Defendants.

Case No. 1:23-cv-00111-MW-HTC

**PLAINTIFFS' RULE 5.1 NOTICE OF CONSTITUTIONAL CHALLENGE
OF FLORIDA STATUTE**

Pursuant to Rule 5.1(a) of the Federal Rules of Civil Procedure, Plaintiffs Alachua County Education Association (“ACEA”), United Faculty of Florida-University of Florida (“UFF-UF”), United Faculty of Florida (“UFF”), and Florida Education Association (“FEA”), hereby give notice that Plaintiffs’ Complaint in this case raises the following constitutional questions:

1. Whether Section 1 of Florida Senate Bill 256 (“SB 256”) violates Plaintiffs’ rights to freedom of speech and association under the First Amendment and to equal protection of the laws under the Fourteenth Amendment of the United States Constitution;

2. Whether Section 3 of SB 256 impairs the contractual rights of Plaintiffs UFF and ACEA in violation of Article I, Section 10, Clause 1 of the United States Constitution and also violates Plaintiffs' rights to freedom of speech under the First Amendment and to equal protection of the laws under the Fourteenth Amendment of the United States Constitution; and
3. Whether Section 4 of SB 256 impairs the contractual rights of Plaintiffs UFF and ACEA in violation of Article I, Section 10, Clause 1 of the United States Constitution.

Respectfully submitted,

/s/ Adam Bellotti
ADAM BELLOTTI
On Behalf Of:

LEON DAYAN*
ldayan@bredhoff.com
ADAM BELLOTTI*
abellotti@bredhoff.com
KARA A. NASEEF*
knaseef@bredhoff.com
Bredhoff & Kaiser, P.L.L.C.
805 15th Street, N.W.
Suite 1000
Washington, D.C. 20005
(202) 842-2600

MARTIN F. POWELL
mpowell@meyerblohmlaw.com
Florida Bar No. 70317
Meyer, Blohm and Powell, P.A.
403 East Park Avenue
Post Office Box 1547 (32302)
Tallahassee, Florida 32301
(850) 878-5212

KIMBERLY C. MENCHION
kimberly.menchion@floridaea.org
Florida Bar No. 425613
Florida Education Association
213 South Adams Street
Tallahassee, Florida 32301
(850) 224-7818

* Admission *pro hac vice* forthcoming

ALICE M. O'BRIEN*
aobrien@nea.org
PHILIP A. HOSTAK*
phostak@nea.org
National Education Association
1201 16th Street N.W.
Washington, D.C. 20036
(202) 822-7035

MARK H. RICHARD*
mrichard@phillipsrichard.com
Florida Bar No. 305979
Phillips, Richard & Rind, P.A.
9360 S.W. 72nd Street, Suite 283
Miami, Florida 33173
(305) 412-8322

DANIEL J. MCNEIL*
dmcneil@aft.org
American Federation of Teachers
555 New Jersey Avenue, N.W.
Washington, D.C. 20001
(202) 879-4400

FAITH E. GAY*
fgay@selendygay.com
MAX SIEGEL*
msiegel@selendygay.com
Selendy Gay Elsberg PLLC
1290 Avenue of the Americas
New York, New York 10104
(212) 390-3000

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2023, a true copy of the foregoing Rule 5.1 Notice was served upon the Attorney General of Florida by mailing a copy thereof via Certified Mail to the Florida Attorney General at the following address:

Office of Attorney General
State of Florida
The Capitol PL-01
Tallahassee, FL 32399-1050

/s/ Adam Bellotti
ADAM BELLOTTI
abellotti@bredhoff.com
Bredhoff & Kaiser, P.L.L.C.
805 15th Street, N.W.
Suite 1000
Washington, D.C. 20005
(202) 842-2600

Counsel for Plaintiffs