

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

Andrew Spar on behalf of himself and his
minor child, *et al.*,

Case No.: 2026-CA-000929

Plaintiffs,

v.

Anastasios “Stasi” Kamoutsas, in his official
capacity as the Commissioner of Education for
the State of Florida, *et al.*,

Defendants.

**PLAINTIFFS’/COUNTER-DEFENDANTS’ ANSWER TO
DEFENDANTS’/COUNTER-PLAINTIFFS’ COUNTERCLAIMS**

Plaintiffs/Counter-Defendants, Andrew Spar on behalf of himself and his minor child;
Laura Bell on behalf of herself and her minor child; Tamara Haleem on behalf of herself and her
minor child; Stephanie Vanos on behalf of herself and her minor children; Earlishia Oates on behalf
of herself and her minor child; Suzanne Sapp on behalf of herself and her minor child; Aaryn Frick,
on behalf of herself and her minor children; Robert Lyons; and Florida Education Association,
(collectively, “Counter-Defendants”), by and through undersigned counsel, hereby file this Answer
to Defendants’/Counter-Plaintiffs’ Counterclaims, and state as follows:

PARTIES, JURISDICTION, AND VENUE

1. Admitted.
2. Admitted.
3. The referenced constitutional provision and statute cited in this Paragraph speak for
themselves and are the best evidence of their terms; any implication, characterization, and/or legal
conclusion inconsistent therewith is denied.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

STATUTORY AND PROGRAMMATIC BACKGROUND

8. The referenced constitutional provision speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

9. The referenced constitutional provision speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

10. Admitted.

11. Admitted.

12. The FES-EO statute speaks for itself and is the best evidence of its terms and how the program is structured; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

13. The FES-UA statute speaks for itself and is the best evidence of its terms and how the program is structured; any implication, characterization, and/or legal conclusion inconsistent therewith is denied. Admitted that private school tuition is one of several authorized uses of funds under the FES-UA program.

14. Admitted that the Charter Schools Statute, section 1002.33, Florida Statutes, was enacted in 1996. The referenced statute cited in the Paragraph speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

15. The referenced statute cited in the Paragraph speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

16. The referenced statute cited in the Paragraph speaks for itself and is the best evidence of its terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

17. The referenced statutes cited in the Paragraph speak for themselves and are the best evidence of their terms; any implication, characterization, and/or legal conclusion inconsistent therewith is denied.

18. Without knowledge and therefore denied.

THE PENDING CONSTITUTIONAL CHALLENGE

19. Admitted that on May 5, 2026, Counter-Defendants filed the Complaint in this action, seeking declarations that the Family Empowerment Scholarship Program and the Charter Schools Statute as currently administered are unconstitutional under Article IX of the Florida Constitution; and seeking to enjoin Defendants, and all persons and entities acting under their direction or in concert with them, from taking any measures to implement the Scholarship Program or to fund charter schools with public dollars while continued categorical disparities exist; otherwise denied.

20. Admitted that on May 5, 2026, Counter-Defendants filed the Complaint in this action, seeking declarations that the Family Empowerment Scholarship Program and the Charter Schools Statute as currently administered are unconstitutional under Article IX of the Florida Constitution; and seeking to enjoin Defendants, and all persons and entities acting under their direction or in concert with them, from taking any measures to implement the Scholarship Program or to fund charter schools with public dollars while continued categorical disparities exist; otherwise denied.

21. Admitted that a controversy regarding the constitutional validity of statutes that Counter-Plaintiffs are charged by law with administering and implementing exists; otherwise denied.

22. Admitted that Counter-Plaintiffs are responsible for making decisions and administering the program and statute; otherwise denied.

23. Without knowledge and therefore denied.

24. Admitted.

25. Admitted that there is a bona fide, actual, present, and practical need for a declaration concerning the programs' constitutional validity; otherwise denied or without knowledge and therefore denied.

26. Paragraph 26 contains a series of legal conclusions, characterizations and argument that do not require response, but if a response is required, denied.

27. Without knowledge and therefore denied.

COUNT I

(Declaration That The Family Empowerment Scholarship For Educational Options Is Constitutional Under Article IX)

28. Counter-Defendants incorporate their responses to Paragraphs 1 through 27 as if fully set forth herein.

29. Admitted that there is a bona fide, actual, present, and practical need for a declaration concerning the constitutional validity of the Family Empowerment Scholarship for Educational Options under Article IX of the Florida Constitution and that the relief sought is not the giving of legal advice or the answer to a question propounded from curiosity; otherwise denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

Counter-Defendants deny the unnumbered “WHEREFORE” paragraph and further deny that the Counter-Plaintiffs are entitled to their requested relief.

COUNT II

(Declaration That The Family Empowerment Scholarship For Students with Unique Abilities Is Constitutional Under Article IX)

35. Counter-Defendants incorporate their responses to Paragraphs 1 through 27 as if fully set forth herein.

36. Admitted that there is a bona fide, actual, present, and practical need for a declaration concerning the constitutional validity of the Family Empowerment Scholarship for Students with Unique Abilities under Article IX of the Florida Constitution and that the relief sought is not the giving of legal advice or the answer to a question propounded from curiosity; otherwise denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

Counter-Defendants deny the unnumbered “WHEREFORE” paragraph and further deny that the Counter-Plaintiffs are entitled to their requested relief.

COUNT III

(Declaration That The Charter Schools Statute Is Constitutional Under Article IX)

43. Counter-Defendants incorporate their responses to Paragraphs 1 through 27 as if fully set forth herein.

44. Admitted that there is a bona fide, actual, present, and practical need for a declaration concerning the constitutional validity of the Charter Schools Statute, section 1002.33, Florida Statutes, and the Schools of Hope provisions, section 1002.333, Florida Statutes, under Article IX of the Florida Constitution and that the relief sought is not the giving of legal advice or the answer to a question propounded from curiosity; otherwise denied.

45. Denied.

46. Denied.

47. Denied.

Counter-Defendants deny the unnumbered “WHEREFORE” paragraph and further deny that the Counter-Plaintiffs are entitled to their requested relief.

PRAYER FOR RELIEF

Counter-Defendants deny the unnumbered “WHEREFORE” paragraphs and further deny that the Counter-Plaintiffs are entitled to any relief pursuant to their Counterclaim.

Respectfully submitted,

/s/Martin F. Powell

MARTIN F. POWELL, ESQUIRE

On Behalf Of:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed via the Florida Courts E-Filing Portal and a copy of said document has been served via the Florida Courts E-Filing Portal on this 9th day of July 2026, to all counsel of record.

/s/Martin F. Powell
MARTIN F. POWELL