

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA**

**CASE NO. 4:22-CV-00134-AW-MJF**

**M.A., by and through his parent,  
Amber Armstrong, *et al.*,**

**Plaintiffs,**

**v.**

**Florida State Board of Education,  
*et al.*,**

**Defendants.**

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**DEFENDANT MIAMI-DADE SCHOOL BOARD'S ANSWER TO  
PLAINTIFFS' SECOND AMENDED COMPLAINT**

Defendant, the School Board of Miami-Dade County, Florida (“Miami-Dade School Board”), pursuant to Federal Rule of Civil Procedure 8(b), respectfully submits that it takes no position on Plaintiffs’ challenge of Florida Statute § 1001.42(8), as amended by House Bill 1557 (“H.B. 1557”), and answers Plaintiffs’ Second Amended Complaint (DE123) as follows.

**INTRODUCTION**

1. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.
2. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

3. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

4. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

### **JURISDICTION AND VENUE**

5. Admitted.

6. Admitted.

7. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

### **PARTIES**

#### **I. Plaintiffs**

8. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

9. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

10. Admitted only that S.S., when the Second Amended Complaint was filed, was a 17-year-old senior at Miami Beach Senior High School. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's remaining allegations.

11. The Miami-Dade School Board denies that Miami Children's Museum Charter School is a public school in Miami-Dade County. It otherwise lacks information sufficient to form a belief about the truth of this paragraph's remaining allegations.

12. Admitted only that Plaintiffs Casares and Feinberg have a child who is in K-4 at a public school in Miami-Dade County. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's remaining allegations.

13. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

14. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

15. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

## **II. Defendants**

16. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

17. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

18. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

19. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

20. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

21. The Miami-Dade School Board denies that it operates Miami Children's Museum Charter School. The remaining allegations are admitted.

22. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

23. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

### **STATEMENT OF FACTS**

24. Admitted.

25. Admitted.

26. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

27. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

28. The Miami-Dade School Board denies that it is operating under a 2020 version of its Guidelines for Promoting Safe and Inclusive Schools. The allegations in this paragraph are otherwise admitted.

29. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

30. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

31. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

32. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

33. Admitted.

34. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

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69. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

70. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

71. The Miami-Dade School Board takes no position on Plaintiffs' challenge of H.B. 1557, but denies that its vote on Revised Agenda Item H-11 harmed Plaintiffs S.S., Morrison, Houry, Casares, and Feinberg. It otherwise admits this paragraph's remaining allegations.

72. Admitted.

73. Admitted only that Revised Agenda Item H-11 was rejected in an 8–1 vote and that the quoted statements are attributable to individual Miami-Dade School Board members. The remaining allegations of this paragraph are denied.

74. The Miami-Dade School Board takes no position on Plaintiffs’ challenge of H.B. 1557, but denies the allegations of this paragraph.

75. Denied.

76. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

77. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

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98. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

## **CAUSES OF ACTION**

### **COUNT I**

99. The Miami-Dade School Board incorporates its responses to paragraphs 1–15, 17, 19–23, 32–37, 53–63, and 70–98.

100. Admitted.

101. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

102. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

103. The Miami-Dade School Board denies that any actions it has taken have caused or will cause Plaintiffs injury.

### **COUNT II**

104. The Miami-Dade School Board incorporates its responses to paragraphs 1–12, 14–15, 17, 19–21, and 23–98.

105. Admitted.

106. The Miami-Dade School Board denies that it has deprived Plaintiffs of their rights, privileges or immunities or has treated Plaintiffs differently from other similarly situated persons.

107. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

108. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

109. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

110. The Miami-Dade School Board denies that any actions it has taken have caused or will cause Plaintiffs injury.

### **COUNT III**

111. The Miami-Dade School Board incorporates its responses to paragraphs 1–12, 14–15, 17, 19–21, and 23–98.

112. Admitted.

113. The Miami-Dade School Board denies that it has deprived Plaintiffs of their rights, privileges or immunities, or has selectively enforced H.B. 1557 against them.

114. The Miami-Dade School Board denies that it has deliberately or unlawfully applied H.B. 1557 solely to restrict discussion of and instruction on LGBTQ sexual orientations, gender identities, and issues and solely to prohibit LGBTQ-related activities, while failing to restrict discussion and instruction of non-LGBTQ sexual orientations, gender identities, and issues, and failing to prohibit non-LGBTQ-related activities.

115. The Miami-Dade School Board denies that it has selectively enforced H.B. 1557 against Plaintiffs.

116. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

117. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

118. The Miami-Dade School Board denies that it has selectively enforced H.B. 1557 against Plaintiffs or that any actions it has taken have caused or will cause Plaintiffs injury.

#### **COUNT IV**

119. The Miami-Dade School Board incorporates its responses to paragraphs 1–13, 15, 17, and 20–98.

120. Admitted.

121. Admitted.

122. The Miami-Dade School Board takes no position on Plaintiffs’ challenge of H.B. 1557, but denies that it has deprived Plaintiffs their First Amendment right to receive information and ideas.

123. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

124. The Miami-Dade School Board denies that any actions it has taken have caused or will cause Plaintiffs injury.

#### **COUNT V**

125. The Miami-Dade School Board incorporates its responses to paragraphs 1–13, 15, 17, and 20–109.

126. Admitted.

127. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

128. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

129. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

130. The Miami-Dade School Board denies that any actions it has taken have caused or will cause Plaintiffs injury.

### **COUNT VI**

131. The Miami-Dade School Board incorporates its responses to paragraphs 1–13, 15, 17, and 20–109.

132. Admitted.

133. The Miami-Dade School Board takes no position on Plaintiffs’ challenge of H.B. 1557, but denies that any actions it has taken has caused or will cause Plaintiffs injury.

134. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

135. The Miami-Dade School Board denies that any actions it has taken have caused or will cause Plaintiffs injury.

### **COUNT VII**

136. The Miami-Dade School Board incorporates its responses to paragraphs 1–13, 15–16, 18, and 24–98.

137. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

138. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

139. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

140. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph’s allegations.

141. The Miami-Dade School Board lacks information sufficient to form a belief about the truth of this paragraph's allegations.

**PRAYER FOR RELIEF**

142. The Miami-Dade School Board takes no position on Plaintiffs' challenge of H.B. 1557, but denies that any actions it has taken have caused or will cause Plaintiffs injury.

143. The Miami-Dade School Board takes no position on Plaintiffs' challenge of H.B. 1557 and will abide by any final judgment of this Court concerning the challenged law.

144. The Miami-Dade School Board denies that Plaintiffs are entitled to recover attorneys' fees, expenses, or costs from it under 42 U.S.C. § 1988 or other applicable laws.

145. The Miami-Dade School Board denies that any relief sought from it is necessary, just, or proper.

**Dated: November 30, 2022.**

Respectfully submitted,

/s/ Walter J. Harvey

Walter J. Harvey

General Counsel

FBN: 74144

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cc: [jordanmadrigal@dadeschools.net](mailto:jordanmadrigal@dadeschools.net)

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*Attorney for Defendant, the School  
Board of Miami-Dade County,  
Florida*

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2022, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing is being served this date on all counsel of record and *pro se* parties either via transmission of Notices of Electronic Filing generated by CM/ECF, or in some other authorized manner.