

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL DISTRICT
IN AND FOR PALM BEACH COUNTY, FLORIDA

FRIENDS OF INTELLIGENCE
PRACTITIONERS, INC., d/b/a
Citizens for National Security,
Plaintiff,

v.

CASE NO.:502011CA012060XXXXMBAI

THE STATE OF FLORIDA,
GOVERNOR RICK SCOTT,
FLORIDA DEPARTMENT OF EDUCATION,
Defendants.

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AMENDED COMPLAINT FOR INJUNCTIVE RELIEF

COMES NOW Plaintiff Friends of Intelligence Practitioners, Inc. d/b/a Citizens for National Security, (hereinafter "CFNS") by undersigned counsel and pursuant to Florida Statute 1.610 et seq. hereby sues the Defendants for injunctive relief and as grounds therefor states:

1. This is a claim for temporary and permanent injunctive relief based on F.S. 1.610.
2. Plaintiff CFNS is a non-profit non-partisan 501 (c)(3) Public Charity organization which is, and at all times material hereto, was headquartered in Palm Beach County, Florida.
3. Plaintiff CFNS educates, motivates and activates ordinary citizens who are committed to keeping our country safe from threats to our national security, especially threats from extremist, violent, religious groups and other radical ideologies that are based in the United States as well as those that often have ties or are based in foreign nations and promote hate and violence towards our country.
4. Plaintiff has dedicated itself to conducting extensive research on national security issues and analysis of countries, organizations and individuals who pose a danger to America and works with elected officials, government agencies and the public to take reasonable, appropriate measures to protect our nation from violence and harm. Well before the passage of Senate Bill

2120 cited herein, Plaintiff conducted an extensive 14-month research on flawed history and geography textbooks being used in Florida's K-12 public schools, the major results of which were made available to Defendants FDOE and Governor Scott on more than one occasion.

5. Defendant State of Florida is the highest political unit of this State.
6. Defendant Governor Rick Scott is the chief executive officer in the State of Florida.
7. Defendant Florida Department of Education (hereinafter "FDOE") is the Florida agency which along with the other Defendants, is charged with providing a good, proper and factual education to all children in Florida, free of religious bigotry, intolerance and bias.
8. Pursuant to F.S. 1000.03, which describes the "Function, mission and goals of the Florida K-20 Educational System", the Defendants are obligated to ensure that "Parents, students, families, educational institutions, and communities are collaborative partners in education, and each plays an important role in the success of individual students."
9. Article IX, Section 1, of the Florida Constitution provides: Public education.—

(a)The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require."

10. Due to political reasons, Governor Rick Scott opposes the provisions of Article IX, Section 1 of the Florida Constitution which provides that all children in Florida are entitled to a high quality system of free public schools. To the contrary, Defendants seek to undermine the public

education system by encouraging the flight of children from public schools to private schools where they can be indoctrinated into religious beliefs, and to encourage and facilitate the religious indoctrination of children who remain in our public schools. Due to his antagonism towards public education which is based on political and/or personal reasons, and/or the influence of campaign contributions, Defendant Governor Rick Scott has sought to undermine the public education system of Florida by orchestrating the removal and/or forced resignation of the former Commissioner of Education, Dr. Eric J. Smith, who fervently supported public schools, to be replaced with someone who shares the Governor's antagonism for public education, i.e. Gerard Robinson. Mr. Robinson supported policies in Virginia which sought to undermine the public educational system of that state, and permitted religious views to infiltrate the public school system there, and thus he was chosen to be the successor Commissioner of Education with the Governor's approval and rapid confirmation so that he could perpetrate the same type of dismantling of the public schools in Florida.

11. As a result of the Governor's political influence, other members of the State Board of Education who support public education in Florida were also purged and/or pressured to resign in favor of Board members who share Governor Scott's antagonism towards public education.

12. On July 1, 2011, the State of Florida put into effect, newly enacted Senate Bill 2120 which modified the prior provisions in Florida law regarding the review and selection of textbooks to be used in the public school system throughout the State of Florida.

13. These new rules are in direct conflict with the above referenced Article IX, Section 1 of the Florida Constitution and F.S. 1000.03.

14. Among the changes contained in Senate Bill 2120, is the provision that all textbooks in the State of Florida will be reviewed initially by only two "state or national experts" in approximately 4 months.

15. Based on this review, these two people – followed by a third "state or national expert" who has to commence an additional review if the initial two disagree - decide if there is any bias, intolerance or inaccurate information in any of the 1000s of currently used and proposed school textbooks that are typically 800-900 pages in length, and whether to accept or reject them for use in Florida's public schools.

16. This process is inconsistent with the FDOE's obligation to ensure that "Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education..."

17. It is not possible for two people to review all the textbooks in Florida within a 4 month period of time and thus Senate Bill 2120 renders it impossible for the Defendants to provide high quality education to all children in Florida as required by law. Prior to the passage of SB 2120, the selection/adoption process for history and geography textbooks required the reviews of more than 40 people, and took approximately one year to complete. With 40 people taking one year to review all the textbooks used in Florida public schools, the task was viewed as a monumental undertaking, with two people trying to do this in approximately 4 months, the task is impossible.

18. There are currently schools and textbooks which provide false, misleading, and dangerous information about certain religions, and purposely omit factual information if it may appear unfavorable to them and/or politically incorrect, which make it likely that Florida public school students are not receiving a high quality education as required by Florida law and are not being

told the truth about certain topics which are of utmost importance to the students and to the safety and security of our nation, especially concerning the dangers of some religious views.

19. The danger of fundamentalist religion is often obscured and downplayed and the teaching of one of the greatest scientific breakthroughs of all time, i.e. evolution, is often ignored, questioned or denied due to the failure of this State to properly monitor its textbooks, and due to the efforts of fundamentalist religious believers who seek to impose their un-scientific irrational beliefs such as creationism, which masquerades as science upon the children of this state.

20. At the present time, the students of the public schools of Florida are encouraged by their teachers to watch computerized instruction and testing called "Brainpop". Brainpop provided information to the students about the attack on America by Muslim fanatics and murderers who perpetrated one of the worst foreign attacks upon our nation in history. Rather than provide truthful information about the cause of this attack, the instructor on Brainpop as of September 13, 2011, explained to the students that the attack of September 11, 2001 went against all the teachings of Islam and further stated, "In fact, the Koran, the holy book of Islam, calls for Muslims to be peaceful, not to kill." As anyone knows who has read the Koran, this is not a true statement and this obscures the true motives and causes of the attack of September 11. While there are many peaceful and beautiful parts of the Koran, there are plenty of other passages in the Koran which do encourage Muslims to kill and instruct them not to be peaceful towards non-believers. The failure to tell the truth, and to obscure the true cause of the September 11 attack, serves to prevent our citizens and future generations from understanding the threat that exists to our country, and undermines our efforts to keep us safe from similar attacks in the future.

21. The political correctness that prevents our students from learning the truth about fundamentalist Islam, also leads to the failure to disclose the truth about the dangers of adopting

a fundamentalist view towards Jewish and Christian Scripture as well, in order to serve the interests of political correctness and to disserve the interests of education and truth.

22. Rather than fix the problem, Senate Bill 2120 exacerbates the problem and renders it impossible for any meaningful review of textbooks to take place, and all but assures that the education of the students of Florida will be inaccurate, biased and substandard.

23. Prior to the enactment of SB 2120, Plaintiff CFNS had nominated close to 30 highly qualified lay citizens consisting of teachers, former teachers, education professionals and well-educated citizens to serve on the State Instructional Materials Committee to review the textbooks to be used by the students of Florida. With the enactment of SB 2120, none of these nominees will have an opportunity to serve in this capacity, and instead only 2 or 3 so-called experts who are hand-picked by Defendant FDOE will review all textbooks used in Florida.

24. As a result of SB 2120, the public is completely disenfranchised and excluded from any review or involvement in the important process of actual textbook adoption and review. Under SB 2120, there will be no transparency in this process because the review will take place in secret and there is no opportunity for any discussion, critique or review of this process before the textbook selection, adoption and retention decisions are made.

25. The language of SB 2120 was surreptitiously inserted into a so-called conforming budget just 3 hours prior to the adjournment of the 2011 Florida Legislative Session without notice or debate.

26. SB 2120 violates the single subject rule because it contains specific and far-reaching provisions regarding education affecting all public school students in Florida and is contained within a budget bill dealing with a different subject matter. The single subject rule as articulated in Article III, Section 6 of the Florida Constitution, requires that every law shall

embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. This rule was violated by SB 2120 in numerous ways.

27. SB 2120 furthers the Governor's goal of politicizing our public schools and permitting the indoctrination and potential brainwashing of children in order to share the Governor's and his political cronies' support and endorsement of religion, by keeping the overview of textbooks in our public schools a secret, by limiting the review of the textbooks to a tiny number of people that the Governor can directly or indirectly select and control, and by facilitating the inclusion of textbooks which advance religion. As such, SB 2120 violates the Florida Constitution's prohibition against using public funds to promote religion.

28. SB 2120 also fails to monitor in any way Brain pop and/or all other educational materials and information conveyed to the students of Florida by computer as part of their instruction in the public schools of Florida. This failure to monitor computerized learning in Florida further renders the education of students in this State as inadequate under Florida law.

29. Without the issuance of an injunction, the actions of the Defendants pose the threat of immediate irreparable harm for which there is no legal remedy.

30. There is a substantial likelihood that Plaintiff will succeed on the merits of this case.

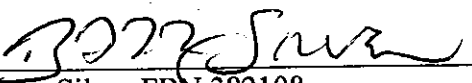
31. The granting of injunctive relief will not disserve the public interest. In fact, the public interest will be enhanced and the status quo ante will be preserved by the granting of the requested injunctive relief.

32. The failure to provide a proper education and the subtle promotion of religion by this failure to monitor and choosing individuals to review the textbooks of Florida who are willing to collaborate with the Defendants' efforts to indoctrinate the students of Florida towards their own

religious beliefs, or the religious beliefs of those who believe in similar concepts, constitutes the violation of the civil rights of the students of Florida in violation of 42 USC Section 1983.

33. The undersigned has been retained to represent the Plaintiff in this matter and has agreed to pay him a reasonable fee for his services.

WHEREFORE, Plaintiff seeks temporary and permanent injunctive relief repealing and rescinding Senate Bill 2120, rendering this law of no force and effect, restoring the status quo ante, plus costs, and attorney's fees pursuant to 42 USC Section 1988, and awarding whatever further relief is deemed just and appropriate by this Honorable Court.


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