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IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

BRENDA PRIESTLY JACKSON,
Plaintiff,

v.

CASE NO.: 2018-CA-4630
DIVISION: CV-C

RICK SCOTT, in his official
capacity as the Governor of the State
of Florida, and TERRANCE
FREEMAN, an individual,

Defendants.

PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff, BRENDA PRIESTLY JACKSON, as a resident of City Council District 10, Jacksonville, Duval County, Florida and applicant for appointment to the office of temporary District 10, City Councilperson, by and through the undersigned attorneys, files this Petition for Declaratory Relief against RICK SCOTT, in his official capacity as the Governor of the State of Florida, declaring that his appointment of TERRANCE FREEMAN to the temporary vacancy in Jacksonville City Council District 10 was unlawful and Petition for Injunctive Relief against TERRANCE FREEMAN, an individual, enjoining him from taking any action as a member of Jacksonville City Council. In furtherance thereof, Plaintiff states:

PARTIES, JURISDICTION, AND VENUE

1. At all times material to this Petition, Plaintiff was an individual residing in City Council District 10, Jacksonville, Duval County, Florida.
2. At all times material to this Petition, Defendant RICK SCOTT served as Governor of the State of Florida.

3. At all times material to this Petition, Defendant TERRANCE FREEMAN was a resident of Duval County, residing at 12287 East Lake Fern Drive, Jacksonville, Duval County, Florida 32258.

4. All conditions precedent to bringing this action, if any, has been satisfied, waived or excused.

5. Jurisdiction in this Court is proper pursuant to Article V, Section 5(b) of the Florida Constitution, Rules 1.610 of the Florida Rules of Civil Procedure, and pursuant to §86.011, Fla. Stat.

6. Venue is proper in this Court.

FACTUAL ALLEGATIONS

7. On May 23, 2018, Councilman Reginald Brown (Jacksonville City Councilman, District 10) was indicted by a grand jury in the U.S. District Court, Middle District of Florida, Jacksonville Division (Case 3:18-cr-00089-MMH-JRK).

8. On May 31, 2018, documents related to that indictment were unsealed.

9. On June 1, 2018, Defendant RICK SCOTT suspended Councilman Reginald Brown by Executive Order numbered 18-156.

10. Shortly thereafter, Defendant RICK SCOTT announced that he would accept online applications from individuals interested in being appointed to the Jacksonville City Council District 10 office.

11. When Plaintiff applied for the office, the online application process required applicants to first certify that they were a resident of the Jacksonville City Council District 10 or District 8, who's City Councilperson had also been suspended by Defendant RICK SCOTT, before the online application appeared.

12. Plaintiff certified that she was a resident of District 10, Jacksonville, Florida and the application appeared.

13. As a resident of Jacksonville City Council District 10, Plaintiff completed the application for the Governor's appointment and electronically submitted it to the Governor's office for consideration.

14. For some unexplained reason, on or about the second week that the online application was available, the process for online application for appointment was changed to remove the requirement that applicants first certify their status as a Jacksonville City Council District 10 (or Jacksonville City Council District 8) resident, and Defendant TERRANCE FREEMAN, who could not truthfully make that certification, was enabled to and did apply.

15. The online application required the applicant to state their addresses for the past ten (10) years.

16. The online application contained a certification that everything submitted on the application was true, correct, and complete.

17. Defendant TERRANCE FREEMAN applied for appointment by Defendant RICK SCOTT to the Jacksonville City Council District 10 position.

18. On July 10, 2018, at 10:19 a.m., Defendant RICK SCOTT appointed Defendant TERRANCE FREEMAN to fill the temporary vacancy that resulted from Councilman Reginald Brown's suspension.

19. Upon his appointment on July 10, 2018, Defendant TERRANCE FREEMAN immediately assumed the duties of the District 10 Jacksonville City Council member.

PETITION FOR DECLARATORY RELIEF

20. Plaintiff reincorporates paragraphs 1- 19 above as if fully alleged herein.

21. The appointment of Defendant TERRANCE FREEMAN was contrary to the requirements of the Charter of the City of Jacksonville.

22. At the time of his appointment on July 10, 2018, Defendant TERRANCE FREEMAN resided at 12287 East Lake Fem Drive, Jacksonville, Duval County, Florida 32258, and claimed a homestead exemption on said property.

23. As of the time of his appointment on July 10, 2018, Defendant TERRANCE FREEMAN was registered to vote at 12287 East Lake Fem Drive, Jacksonville, Florida 32258.

24. 12287 East Lake Fem Drive, Jacksonville, Florida 32258 is not located in Jacksonville City Council District 10, but rather in Jacksonville City Council District 6.

25. Section 5.04 of the Charter of the City of Jacksonville states, in pertinent part:

Every member of the council shall be continuously throughout his or her term of office, a resident and qualified elector of Duval County, and of his or her district or residence area

26. Since Defendant TERRANCE FREEMAN was not a resident of Jacksonville City Council District 10 as of the time he was appointed by Defendant RICK SCOTT, and assumed office, his appointment to that office violated Section 5.04 of the Charter of the City of Jacksonville, was unlawful, and therefore invalid.

WHEREFORE, Plaintiff requests that this Honorable Court issue an order declaring that Defendant Governor RICK SCOTT's appointment of Defendant TERRANCE FREEMAN to fill the Jacksonville City Council District 10 temporary vacancy was unlawful as he was unqualified to be appointed to that position.

PETITION FOR INJUNCTIVE RELIEF

27. Plaintiff reincorporates paragraphs 1 - 26 above as if fully alleged herein.

28. Defendant TERRANCE FREEMAN assumed the powers and duties of the District 10 Jacksonville City Council member when he was appointed on July 10, 2018.

29. Defendant TERRANCE FREEMAN continues to exercise the powers of the District 10 Jacksonville City Council member, even though he was not qualified to be appointed to the office under the Charter of the City of Jacksonville.

30. Should Defendant TERRANCE FREEMAN continue to exercise the powers of the District 10 City Council member, Plaintiff will suffer irreparable harm in that: 1) she is one of the valid applicants from which Defendant RICK SCOTT must have chosen to appoint for the Jacksonville City Council District 10 office as required by law and 2) as a resident of Jacksonville City Council District 10, she is not validly represented by an official that lives in her District and is knowledgeable of the issues affecting City Council District 10 residents.

31. Plaintiff has no adequate remedy at law.

32. Given the clear and unambiguous language contained in the Florida Constitution, Florida Statutes, and the Charter of the City of Jacksonville, and Defendant RICK SCOTT's clear violation of those laws when he made the appointment to fill the temporary vacancy in the Jacksonville City Council District 10 office, Plaintiff has a substantial likelihood of success on the merits.

33. The Jacksonville public, especially the residents of Jacksonville City Council District 10, has a substantial interest in legitimate representation on its City Council who is a resident of the community he or she represents and serves.

WHEREFORE, Plaintiff requests that this Court issue a permanent injunction to enjoin Defendant TERRANCE FREEMAN from continuing to perform the duties of the District 10 Jacksonville City Council member.

Respectfully submitted this 13th day of July, 2018.

TERRELL HOGAN YEGELWELL, P.A.

/s/ Leslie A. Goller

/s/ Leslie Scott Jean-Bart

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