

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

**ADRIAN WYLLIE FOR GOVERNOR
CAMPAIGN, a Florida Registered Political
Campaign, and ADRIAN WYLLIE, in his
Individual Capacity,**

Plaintiffs,

v.

Case No.:

Division:

**Leadership Florida Statewide
Community Foundation, Inc., a Florida
Non-Profit Corporation, Florida Press Association, Inc.,
a Florida Non-Profit Corporation, and
Broward College,**

Defendants.

_____ /

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

COME NOW, Plaintiffs, ADRIAN WYLLIE FOR GOVERNOR CAMPAIGN, a Florida Registered Political Campaign, and ADRIAN WYLLIE, in his Individual Capacity, by and through his undersigned counsel, who hereby files this action against the Defendants, LEADERSHIP FLORIDA STATEWIDE COMMUNITY FOUNDATION, INC., FLORIDA PRESS ASSOCIATION, INC., and BROWARD COLLEGE, and so alleges as follows:

GENERAL STATEMENT OF THE CONTROVERSY

Plaintiffs are the Campaign Organization for, and the individual, ADRIAN WYLLIE, who represents the Libertarian Party Candidate for Florida Governor. Plaintiffs, collectively (hereinafter “ADRIAN WYLLIE” or WYLLIE”), have complied with all prerequisites to secure placement of ADRIAN WYLLIE as a candidate for Florida Governor on the ballots of all

Counties and electoral jurisdictions within the State of Florida. Defendants, LEADERSHIP FLORIDA STATEWIDE COMMUNITY FOUNDATION, INC., a Florida Non-Profit Corporation, hereinafter “LFSCA,” FLORIDA PRESS ASSOCIATION, INC., a Florida Non-Profit Corporation, hereinafter “FPA,” and BROWARD COLLEGE, collectively the “Defendants,” have set up a “debate program” that now excludes the participation of ADRIAN WYLLIE. This action involves the deprivation of Plaintiffs’ important fundamental constitutional rights *as the direct result of the actions* attributable to the Defendants, organizers, hosts, and sponsors, of a purported political debate, scheduled to take place on October 15, 2014, involving *some* of the individuals running for the Office of the Governor of the State of Florida. This action involves an invitation by the Defendants to WYLLIE, to participate in the televised debate referenced above. After WYLLIE had reached the required polling percentage to be included in a prior debate, Defendants arbitrarily changed the criteria, which, by their plain language are entirely illusory. Due to this purposefully exclusive increase in criteria, WYLLIE is being excluded from the debate by the Defendants, in violation of the doctrine of equitable estoppel. By not allowing WYLLIE to participate, the Defendants have irreparably harmed WYLLIE. Plaintiffs seek a temporary restraining order, preliminary injunction, and declaratory judgment, allowing ADRIAN WYLLIE to participate in the presentation of his political speech rights at the Defendants debate scheduled for October 15, 2014.

JURISDICTION AND VENUE

1. This is a cause of action arising under the First and Fourteenth Amendments to the Constitution of the United States.
2. The District Courts of the United States have original jurisdiction over this lawsuit, pursuant to 28 U.S.C. § 1331, because it involves a federal question.

3. Supplemental jurisdiction over state law claims may be exercised by this Court pursuant to 28 U.S.C. § 1367.
4. Plaintiffs, are residents of Pinellas County, Florida.
5. Defendant, Leadership Florida Statewide Community Foundation, Inc., is a Florida Non-Profit Corporation, that has it's principal place of business in Leon County, Florida.
6. Defendant, Florida Press Association, Inc., is a Florida Non-Profit Corporation, that has it's principal place of business in Leon County, Florida.
7. Defendant, Broward College, has it's principal place of business in Broward County, Florida.
8. The critical event which this action arises out of is scheduled to take place in Broward County, Florida.
9. All Defendants have substantial contacts within Broward County, Florida, giving this Court jurisdiction.
10. Accordingly, venue lies in the Fort Lauderdale Division of the Southern District of Florida pursuant to 28 U.S.C. § 1391, because the events giving rise to the claims herein occurred in this District.

THE PARTIES

11. Plaintiff, ADRIAN WYLLIE FOR GOVERNOR CAMPAIGN, is a Florida Registered Political Campaign. Plaintiff, ADRIAN WYLLIE, is an individual, running for the Office of the Governor for the State of Florida. Documentation establishing said qualifications and entitlements for candidacy are attached hereto and incorporated herein as Composite Exhibit "A."

12. Defendant, LEADERSHIP FLORIDA STATEWIDE COMMUNITY FOUNDATION, INC., is a Florida Non-Profit Corporation, who is the designated sponsor and/or organizer of a statewide and nationwide televised debate project, scheduled to be held at Broward College, on October 15, 2014, presumably held to inform voters of the various positions and characteristics of candidates for the Office of the Governor for the State of Florida.

13. Defendant, FLORIDA PRESS ASSOCIATION, INC., is a Florida Non-Profit Corporation, who is the designated sponsor and/or organizer of a statewide and nationwide televised debate project, scheduled to be held at Broward College, on October 15, 2014, presumably held to inform voters of the various positions and characteristics of candidates for the Office of the Governor for the State of Florida.

14. Defendant, BROWARD COLLEGE, is part of the Florida College System, a group of public community colleges and state colleges. Broward College is a designated sponsor, host, and/or organizer of a statewide and nationwide televised debate project, scheduled to be held at Broward College, on October 15, 2014, presumably held to inform voters of the various positions and characteristics of candidates for the Office of the Governor for the State of Florida. BROWARD COLLEGE consistently holds itself out as an educational institution dedicated to the education of the youth of Florida, including in the realm of politics. In fact, on October 10, 2014, BROWARD COLLEGE will host CNN's Candy Crowley to speak on the importance of debates in American politics, and BROWARD COLLEGE has lengthy policies regarding political speech. A copy of the press

release for the event and the policies of BROWARD COLLEGE is attached hereto and incorporated herein as Composite Exhibit “B.”

GENERAL ALLEGATIONS
A DESCRIPTION OF FACTUAL EVENTS SUPPORTING THE RELIEF
REQUESTED

15. As stated, ADRIAN WYLLIE is a fully qualified candidate for Governor of the State of Florida. He is the gubernatorial candidate representing the Libertarian Party, a recognized political party throughout the United States.
16. For several months, vast amounts of promotions, both emanating from the Defendants and other sources, have thoroughly publicized the conduct of a purported gubernatorial debate to take place at Broward College, on October 15, 2014. A copy of articles disseminated in print and on the internet are attached hereto and incorporated herein as Composite Exhibit “C.”
17. LFSCF and FPA heavily advertised the debate on their website. A copy of their webpage, entitled “About the Partners,” is attached hereto and incorporated herein as Exhibit “D.” On their webpage, they claim that, “Millions of Floridians will tune into this lively, spirited and substantive debate, which will be broadcast statewide on network television stations in each of Florida’s eleven designated media markets. Florida newspapers will devote substantial space in print and online to covering the race and, through the Florida Press Association, also will promote viewership of the live statewide debate through the donation of prominent advertising space in print and online.” See Exhibit “D.”
18. In an effort to mount the most vigorous campaign possible, Plaintiffs have made every attempt to participate in every political event available. This includes, but is

not limited to, the participation in any and all gubernatorial debates scheduled to take place.

19. On April 24, 2014, LFSCF and FPA invited WYLLIE to participate in their gubernatorial debate, to be held on October 15, 2014, at BROWARD COLLEGE. A copy of the letter from J. David Armstrong, Jr., Chair of LFSCF and David Dunn-Rankin, Chair of FPA, is attached hereto and incorporated herein as Exhibit "E."
20. Defendant BROWARD COLLEGE is working in concert with Defendants LFSCF and FPA to host this debate at the College.
21. BROWARD COLLEGE is working in concert with LFSCF and FPA to host, sponsor, and organize, the Broward College Gubernatorial Debate, is adopting the position of LFSCF and FPA in excluding WYLLIE from the debate.
22. BROWARD COLLEGE in hosting, sponsoring, or organizing, the Broward College Gubernatorial Debate, containing pure political speech, is transforming its campus, and in particular where the event is to be held into a traditional public forum.
23. J. David Armstrong, Chair of LFSCF also happens to be the *President* of *Broward College*. A copy of the biography of Broward College President, J. David Armstrong, Jr., is attached hereto as Exhibit "F."
24. In their letter, LFSCF and FPA stated that they would determine the criteria that WYLLIE would have to meet to participate in the debate at a later time. See Exhibit "E."

25. Soon thereafter, Plaintiffs released a statement to the press stating they had been invited to the Broward College Gubernatorial Debate. A copy of the press release is attached hereto and incorporated herein as Exhibit "G."
26. On July 5, 2014, Wyllie asked to participate in the gubernatorial candidate forum at the 2014 FPA and Florida Society of News Editors Convention, to be held on July 10, 2014. A copy of the correspondence between Plaintiffs and Dean Ridings of the FPA is attached hereto and incorporated herein as Exhibit "H."
27. This debate was being hosted by FPA, one of the Defendants in this proceeding. See Exhibit "H."
28. The criteria to be included in the debate was to reach a polling percentage of 12% including a margin of error of 4%. See Exhibit "H."
29. Dean Ridings of FPA responded that, "we would include Mr. Wyllie or any qualified candidate if they poll at 12%. With a margin of 4%, they would only have to reach 8% to be included." See Exhibit "H."
30. Ultimately, Wyllie was not allowed to be included in the FPA/FSNE Convention because he did not poll the required percentage for qualification prior to the debate.
31. However, in a poll conducted between July 17, 2014, and July 21, 2014, by Quinnipiac, WYLLIE, including the margin of error of 2.8%, polled at 11.8%, exactly .2% below the requisite polling percentage for the July debate. A copy of the polling results from this poll is attached hereto and incorporated herein as Exhibit "I."

32. Thereafter, LFSCF and FPA increased the requisite polling percentage to be included in their October 15, 2014, debate to 15%, including a margin of error of 4%. A copy of the Participation Criteria for the Broward College Gubernatorial Debate is attached hereto and incorporated herein as Exhibit “J.”
33. BROWARD COLLEGE in hosting, sponsoring, and organizing the debate has adopted this high criteria of LFSCF and FPA, as the threshold to be included in its debate.
34. In their criteria, LFSCF and FPA includes that the candidates polling percentage must be “determined by a poll conducted by Mason-Dixon Polling & Research or other such reputable independent poll as to *be determined EXCLUSIVELY by the debate partners*. Furthermore, “The Debate Partners reserve the sole and absolute discretion to determine whether a poll is reputable and independent and will be used to determine eligibility.” Finally, the criteria includes the following paragraph, in all caps, “ALL DECISIONS CONCERNING THIS DEBATE, INCLUDING BUT NOT LIMITED TO CANDIDATE QUALIFICATIONS, CANDIDATE INVITATIONS, AND THE INTERPRETATION AND APPLICATION OF THESE RULES, ARE WITHIN THE SOLE DISCRETION OF THE DEBATE PARTNERS OR THEIR DESIGNEE AND SHALL BE FINAL. THE DEBATE PARTNERS RESERVE THE RIGHT TO ALTER OR AMEND THESE RULES AT THEIR SOLE DISCRETION.” See Exhibit “J.”
35. Since then, WYLLIE has consistently had a high polling percentage.
36. In a poll conducted by Optimus between August 18, 2014, and August 24, 2014, WYLLIE, including the margin of error, hereinafter “MOE,” of 1%, polled at

10%. A copy of the polls conducted by Optimus is attached hereto and incorporated herein as Exhibit "K."

37. In a poll conducted by Public Policy Polling between September 4, 2014, and September 7, 2014, WYLLIE, including the MOE of 3.8%, polled at 11.4%. A copy of the poll conducted by Public Policy Polling is attached hereto and incorporated herein as Exhibit "L."

38. In a poll conducted by SurveyUSA between September 12, 2014, and September 15, 2014, WYLLIE, including the MOE of 4.2%, polled at 11.2%. A copy of the poll conducted by SurveyUSA is attached hereto and incorporated herein as Exhibit "M."

39. In a poll conducted by Optimus between September 15, 2014, and September 21, 2014, WYLLIE, including the MOE of 1.3%, polled at 12.4%. See Exhibit "K."

40. In a poll conducted by Quinnipiac between September 17, 2014, and September 22, 2014, WYLLIE, including the MOE of 3.1%, polled at 11.1%. A copy of the poll conducted by Quinnipiac is attached hereto and incorporated herein as Exhibit "N."

41. In a poll conducted by Optimus between September 22, 2014, and September 28, 2014, WYLLIE, including an MOE of 1.7%, polled at 12.8%. See Exhibit "K."

42. In a poll conducted by SurveyUSA between September 26, 2014, and September 29, 2014, WYLLIE, including an MOE of 4.1%, polled at 12.1%. A copy of the poll conducted by SurveyUSA is attached hereto and incorporated herein as Exhibit "O."

43. In a poll conducted by Optimus between September 29, 2014, and October 5, 2014, WYLLIE, including an MOE of 1.2%, polled at 14.3%. See Exhibit “K.”
44. Despite the consistently high polling, FPA and LFSCF have decided to exclude WYLLIE from the debate. An article discussing the exclusion of WYLLIE is attached hereto and incorporated herein as Exhibit “P.”
45. The Libertarian Party is a fully established and widely recognized national political party that has put forward candidates for political office throughout the country, including, 22 candidates for governor, 20 candidates for United States Senate, and over 100 candidates for the United States House of Representatives, as well as, thousands of candidates running for political office in their respective states. Copies of pages from the website of the Libertarian Party are attached hereto as Composite Exhibit “Q.”
46. ADRIAN WYLLIE is a *serious political candidate* for the Office of Governor of the State of Florida. A copy of the Florida Department of State Division of Elections website notice, designating ADRIAN WYLLIE as a candidate for governor, is attached hereto and incorporated herein as Exhibit “R.”
47. ADRIAN WYLLIE has tirelessly campaigned ever since announcing his candidacy for the Office of Governor.
48. In focusing on the criteria set forth in relevant case law, the ADRIAN WYLLIE campaign is clearly a “serious political campaign,” based on the facts enumerated below:

A. Florida voters consider ADRIAN WYLLIE to be a “serious candidate,”
because in those polls conducted in which he has been identified as an

option for the Office of Governor, he has managed to garner as much as 14.3% approval rating.

B. Various news organizations *recognize ADRIAN WYLLIE as a “serious candidate,”* in that numerous organizations have commented on his candidacy and have reported on his platform, clearly reflecting the “serious” effort being undertaken to conduct a “serious campaign.” Copies of articles from various news organizations discussing the candidacy of WYLLIE are attached hereto and incorporated herein as Composite Exhibit “S.”

C. It is anticipated that *election results*, identifying his success rates will run on election night.

D. The ADRAIN WYLLIE Campaign has *generated substantial public interest*, and would clearly generate appreciably more public interest if allowed to enjoy the true guarantees provided by 47 U.S.C. Section 315, and if he was truly provided “equal access” to the publicity surrounding the *integral debate component* of the electoral process. 47 U.S.C. § 315 codifies the requirement that broadcast stations, whether a television or radio station, give “equal time” to qualified political candidates. This codification is popularly known as the “Equal Time Rule.” The Museum of Broadcast Communications explains the “Equal Time Rule” in relevant part as follows:

It is the closest thing in broadcast content regulation to the “golden rule.” The equal time, or more accurately, the equal opportunity provision of the Communications Act requires radio and television stations and cable systems which originate their own programming to treat legally qualified

political candidates equally when it comes to selling or giving away air time. *Simply put, a station which sells or gives one minute to Candidate A must sell or give the same amount of time with the same audience potential to all other candidates for the particular office.* However, a candidate who cannot afford time does not receive free time unless his or her opponent is also given free time. Thus, even with the equal time law, a well funded campaign has a significant advantage in terms of broadcast exposure for the candidate.

The equal opportunity requirement dates back to the first major broadcasting law in the United States, the Radio Act of 1927. *Legislators were concerned that without mandated equal opportunity for candidates, some broadcasters might try to manipulate elections. As one congressman put it, "American politics will be largely at the mercy of those who operate these stations."* When the Radio Act was superseded by the Communications Act of 1934, the equal time provision became Section 315 of the new statute.

49. The ADRIAN WYLLIE Campaign is "serious" in every sense of the word, and is entitled to participate fully in the electoral process, on an equal footing with the Republican and Democrat candidates for governor, thus mandating his participation in all conducted and publicized debates, and any denial of such participation would manifest a departure from the essential requirements of the law.

GENERAL ALLEGATIONS (CONT.)
ALLEGATIONS ESTABLISHING STANDING, RIPENESS, AND AN
ENTITLEMENT TO RELIEF

50. ADRIAN WYLLIE has a clear legal right to participate in the electoral process to which he has shown himself to be fully qualified, and any denial to participate in the subject debate would be a violation of the doctrine of equitable estoppel, since all elements to apply the doctrine are present in the instant case.

51. ADRIAN WYLLIE asserts that the position set forth in this Complaint is legally sound and supported by fact and law. The Defendants' actions, however, have

created a *bona fide* controversy between the parties, and Plaintiffs are in doubt as to their rights, privileges, and immunities with respect to the challenged failure to allow ADRIAN WYLLIE to participate in the subject debates. Plaintiffs require, therefore, a declaratory judgment declaring their rights, privileges, and immunities. There is a clear, present, actual, substantial, and *bona fide* justiciable controversy between the parties.

52. In addition, ADRIAN WYLLIE is being denied from participating in the presentation of First Amendment protected activities, as fully described above, thus limiting ADRIAN WYLLIE's freedom of speech and expression and causing Plaintiffs severe irreparable harm if the relief requested herein is not granted.

53. Plaintiffs have no adequate remedy at law. No amount of money damages could adequately compensate Plaintiffs for the irreparable harm described herein. Neither damages, replevin, attachment, nor any other legal remedy will suffice to remedy the inability to participate in the subject debate.

54. Plaintiffs, both the individual and the campaign, and the public at large will suffer irreparable injury if injunctive relief is not granted. If Defendants are allowed to continue to deny the Plaintiffs the "Benefit of their Bargain," and the Defendants are allowed to ignore the adverse consequences caused to Plaintiffs and to the Florida public by refusing to honor the plain language of their agreement and the conditions identified as a prerequisite to participation in the subject debate, it will cause a grave injustice of detrimental reliance as incurred by Plaintiffs and an unspeakable injury to democracy to the Florida Citizenry who fully participate in our democratic political process in electing public officers. The loss of rights

guaranteed by the First Amendment is so serious that, as a matter of law, irreparable injury is presumed and, in such an instance involving the loss of First Amendment rights, damages are both inadequate and unascertainable.

55. *The public interest would best be served by the granting of injunctive relief*, and indeed, the public interest is disserved by permitting any limitation on the electoral process that would provide any candidate for public office any advantage over any other candidate for the same public office, manifesting invalid “state action” which *interferes with the public’s rights* under the First Amendment to the United States Constitution, and the Florida Constitution.

56. All conditions precedent to the institution and maintenance of this cause of action have occurred or have been performed.

57. The acts, practices and jurisdiction of the Defendant, BROWARD COLLEGE, as set forth herein, were and are being performed under color of state law and therefore constitute state action within the meaning of the Fourteenth Amendment to the Constitution of the United States.

58. The actions of the Defendant, BROWARD COLLEGE, at issue herein violate the rights guaranteed to Plaintiffs by the United States Constitution and the Constitution of the State of Florida in that they:

A. Abridge and restrain the Plaintiffs’ rights to free expression as guaranteed by the First and Fourteenth Amendments to the United States Constitution and Article I, Section 4 of the Florida Constitution;

B. constitute a prior restraint on such expression;

- C.** constitute an impermissible “chilling effect” on constitutionally protected speech and expression;
- D.** deny equal protection of the law in that the actions taken by BROWARD COLLEGE is arbitrary, oppressive and capricious and unreasonably require the Plaintiffs to submit to controls not imposed on other similarly situated individuals or entities;
- E.** are arbitrary and capricious as applied to the subject Plaintiffs;
- F.** are an unlawful exercise of unconstitutional policies and unfettered discretion in that there is no rational relationship to the protection of the public health and welfare or any legitimate governmental objective and they are not reasonable exercises of governmental discretion;
- G.** implicate procedures that are vague, indefinite, and fail to properly define all phrases set forth therein, and also fail to set out distinct criteria, thus leaving persons of common intelligence to guess as to the meaning and differ as to the application of the material terms described therein;
- H.** lack adequate procedural safeguards and fail to provide for prompt judicial review;
- I.** manifest an improper purpose in that the actions are not content-neutral and are not unrelated to the suppression of free speech;
- J.** impose restrictions on First Amendment freedoms that are overbroad and far greater than are essential to the furtherance of any alleged governmental interest.

59. As a direct result of the “state action” described in this Complaint, the Plaintiffs are suffering from the irreparable harm presumed by the restraint of fundamental rights.

COUNT I
THE ACTS OF THE DEFENDANTS, LFSCF AND FPA, VIOLATE THE
DOCTRINE OF EQUITABLE ESTOPPEL
UNDER FLORIDA LAW

60. Plaintiffs re-allege and incorporate herein ¶¶ 1 through 57, *supra*, as if fully set out herein.

61. Defendants made a representation as to a material fact that is contrary to a later-asserted position.

62. After WYLLIE requested to be included in the July 10, 2014, debate, Defendants represented to WYLLIE that in order to be included in the July 10, 2014, debate, WYLLIE would need to meet a polling percentage of 12%, including an MOE of 4%.

63. Plaintiffs thereafter reasonably relied on the representations of the Defendants.

64. In relying on the representations of the Defendants, WYLLIE expended time and resources to prepare for and promote the October 15, 2014, debate. WYLLIE reasonably believed that the 12% polling criteria would be used in the Broward College Gubernatorial debate based on the prior use of that criteria in the July 10, 2014, debate.

65. Due to the invitation by FPA and LFSCF to have WYLLIE participate in the Broward College Gubernatorial debate to be held on October 15, 2014, WYLLIE

continued to vigorously campaign in order to meet the extraordinary criteria previously set by the Defendants in the July 10, 2014, debate.

66. Thereafter, the Defendants changed their position to a position detrimental to Plaintiffs by increasing the criteria from 12% to 15%.

67. This change in the criteria of the Defendants occurred a month before the debate.

68. Plaintiffs, despite their best efforts have been unable to meet this high criteria. Plaintiffs have consistently polled at 12%. Even if Plaintiff polled at 15%, Defendants have the unbridled discretion to determine that the poll is unreliable, unfair, or unusable.

69. Plaintiffs have clearly been harmed by this change in criteria, as Plaintiffs will no longer be allowed to be included in the Broward College Gubernatorial Debate despite repeatedly reaching the high standard of 12% in many polls, as evidenced by the attached and incorporated exhibits.

WHEREFORE, Plaintiffs pray for a declaratory judgment, for an injunction, and for supplemental relief awarding all or some of the following:

- a. Declaring that the Defendants violated the doctrine of equitable estoppel by excluding WYLLIE from the Broward College Gubernatorial Debate.
- b. Issuing an immediate temporary injunction enjoining the Defendant, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, from administering, executing, and enforcing or threatening to enforce or attempting to enforce the “criteria” for debate participation against ADRIAN WYLLIE, or to further refuse to

issue the appropriate “invitation” to ADRIAN WYLLIE to participate in the debates, pending the issuance of a permanent injunction;

- c. Issuing an immediate mandatory injunction requiring the Defendant, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, to allow ADRIAN WYLLIE to participate in the subject debates, pending the issuance of a permanent injunction as set forth herein;
- d. Issuing a permanent injunction, after appropriate proceedings in this matter, enjoining the Defendant, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, from administering, executing, and enforcing or threatening to enforce the “criteria” as a basis to determine participation in political debates.
- e. Awarding such other supplemental relief as may be just and appropriate.

COUNT II
DENIAL OF EQUAL PROTECTION BY DEFENDANT BROWARD
COLLEGE

70. Plaintiffs re-allege and incorporate herein ¶¶ 1 through 57, *supra*, as if fully set out herein.

71. The actions of BROWARD COLLEGE single out Plaintiffs for unfair and disparate treatment based on the improper actions described in the Complaint.

72. The actions at issue herein impose restrictions, through the unfettered exploitation of nebulous and standardless “criteria” that are not fair and directly violate

Plaintiffs' constitutional rights, and are unrelated to any legitimate or reasonable state purpose.

73. The actions at issue herein violate the equal protection clause of the Fourteenth Amendment and Article I, Section 2, of the Florida Constitution, and are therefore unconstitutional and null and void *ab initio*.

WHEREFORE, Plaintiffs pray for a declaratory judgment, for an injunction, and for supplemental relief awarding all or some of the following:

- a. Declaring that the arbitrary and capricious acts of BROWARD COLLEGE, in refusing to allow participation in the subject debate, to be an unconstitutional denial of Plaintiffs' equal protection rights, and therefore to be null and void *ab initio*;
- b. Issuing an immediate temporary injunction enjoining the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD COLLEGE, from administering, executing, and enforcing or threatening to enforce or attempting to enforce the "criteria" for debate participation against ADRIAN WYLLIE, or to further refuse to issue the appropriate "invitation" to ADRIAN WYLLIE to participate in the debates, pending the issuance of a permanent injunction;
- c. Issuing an immediate mandatory injunction requiring the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD

- COLLEGE, to allow ADRIAN WYLLIE to participate in the subject debates, pending the issuance of a permanent injunction as set forth herein;
- d. Issuing a permanent injunction, after appropriate proceedings in this matter, enjoining the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD, COLLEGE, from administering, executing, and enforcing or threatening to enforce the “criteria” as a basis to determine participation in political debates.
- e. Awarding such other supplemental relief as may be just and appropriate.

COUNT III
THE ACTS OF THE DEFENDANT, BROWARD COLLEGE, CANNOT
BE SHOWN TO HAVE ANY PUBLIC NECESSITY AND CANNOT
BE SHOWN TO BE REASONABLY RELATED TO ANY
LEGITIMATE GOVERNMENTAL INTEREST

74. Plaintiffs re-allege and incorporate herein ¶¶ 1 through 57, *supra*, as if fully set out herein.
75. The actions at issue herein, pose an impediment to the exercise of First Amendment rights without any showing of public necessity, nor are they reasonably related to a legitimate governmental purpose, thereby denying Plaintiffs due process in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States.
76. There are no data, studies, nor any legitimate information which establishes any nexus between the participation of individuals in the position of ADRIAN WYLLIE in the subject debate and the cause of any legitimate identifiable “harm” caused by participation in the subject debate, nor any legitimate governmental

interest advanced by denial of such participation, thus there is no reasonable basis to impose a restriction on ADRIAN WYLLIE from participating in the debate.

77. Accordingly, attempts to maintain the unlawful position taken by BROWARD COLLEGE is illegal and unconstitutional because the subject actions fail to satisfy even the most rudimentary requirements for the exercise of the police power, and thus effect denial of constitutional rights.

WHEREFORE, Plaintiffs pray for a declaratory judgment, for an injunction, and for supplemental relief awarding all or some of the following:

- f. Declaring that the arbitrary and capricious acts of BROWARD COLLEGE, in refusing to allow participation in the subject debate, to be an unconstitutional denial of Plaintiffs' equal protection rights, and therefore to be null and void *ab initio*;
- g. Issuing an immediate temporary injunction enjoining the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD COLLEGE, from administering, executing, and enforcing or threatening to enforce or attempting to enforce the "criteria" for debate participation against ADRIAN WYLLIE, or to further refuse to issue the appropriate "invitation" to ADRIAN WYLLIE to participate in the debates, pending the issuance of a permanent injunction;
- h. Issuing an immediate mandatory injunction requiring the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD

- COLLEGE, to allow ADRIAN WYLLIE to participate in the subject debates, pending the issuance of a permanent injunction as set forth herein;
- i. Issuing a permanent injunction, after appropriate proceedings in this matter, enjoining the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD, COLLEGE, from administering, executing, and enforcing or threatening to enforce the “criteria” as a basis to determine participation in political debates.
 - j. Awarding such other supplemental relief as may be just and appropriate.

COUNT IV
FIRST AMENDMENT VIOLATIONS – PRIOR RESTRAINT BY
DEFENDANT, BROWARD COLLEGE

78. Plaintiffs re-allege and incorporate herein ¶¶ 1 through 57, *supra*, as if fully set out herein.
79. The actions of the Defendant, BROWARD COLLEGE, by allowing the exploitation of unbridled administrative discretion, providing no procedural safeguards, and ultimately *imposing a complete prior restraint on the participation in pure political speech*, have effects a complete and total deprivation of Plaintiffs’ First Amendment rights.

WHEREFORE, Plaintiffs pray for a declaratory judgment, for an injunction, and for supplemental relief awarding all or some of the following:

- a. Declaring that the arbitrary and capricious acts of BROWARD COLLEGE, in refusing to allow participation in the subject debate, to be an unconstitutional

denial of Plaintiffs' equal protection rights, and therefore to be null and void *ab initio*;

- b. Issuing an immediate temporary injunction enjoining the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD COLLEGE, from administering, executing, and enforcing or threatening to enforce or attempting to enforce the "criteria" for debate participation against ADRIAN WYLLIE, or to further refuse to issue the appropriate "invitation" to ADRIAN WYLLIE to participate in the debates, pending the issuance of a permanent injunction;
- c. Issuing an immediate mandatory injunction requiring the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD COLLEGE, to allow ADRIAN WYLLIE to participate in the subject debates, pending the issuance of a permanent injunction as set forth herein;
- d. Issuing a permanent injunction, after appropriate proceedings in this matter, enjoining the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD, COLLEGE, from administering, executing, and enforcing or threatening to enforce the "criteria" as a basis to determine participation in political debates.
- e. Awarding such other supplemental relief as may be just and appropriate.

COUNT V

THE ACTIONS OF THE DEFENDANT, BROWARD COLLEGE,
REFLECTS THE EXERCISE OF UNBRIDLED ADMINISTRATIVE
DISCRETION AND SHOW THAT THE DEBATE “CRITERIA” AT
ISSUE IS UNCONSTITUTIONALLY VAGUE

80. Plaintiffs re-allege and incorporate herein ¶¶ 1 through 57, *supra*, as if fully set out herein.

81. The actions of the Defendant, by allowing the exploitation of unbridled administrative discretion, providing no procedural safeguards on the basis of the debate “criteria” (devoid of definitions for material terms) reflects the exploitation of unbridled administrative discretion and shows that the subject debate process is unconstitutionally vague, as set forth above, which has effected a complete and total deprivation of Plaintiffs’ First Amendment rights.

WHEREFORE, Plaintiffs pray for a declaratory judgment, for an injunction, and for supplemental relief awarding all or some of the following:

- a. Declaring that the arbitrary and capricious acts of BROWARD COLLEGE, in refusing to allow participation in the subject debate, to be an unconstitutional denial of Plaintiffs’ equal protection rights, and therefore to be null and void *ab initio*;
- b. Issuing an immediate temporary injunction enjoining the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD COLLEGE, from administering, executing, and enforcing or threatening to enforce or attempting to enforce the “criteria” for debate participation against ADRIAN WYLLIE, or to further refuse to issue the appropriate “invitation”

- to ADRIAN WYLLIE to participate in the debates, pending the issuance of a permanent injunction;
- c. Issuing an immediate mandatory injunction requiring the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD COLLEGE, to allow ADRIAN WYLLIE to participate in the subject debates, pending the issuance of a permanent injunction as set forth herein;
- d. Issuing a permanent injunction, after appropriate proceedings in this matter, enjoining the Defendant, BROWARD COLLEGE, their agents, servants, employees, and others acting in concert with, or under the direction and control of Defendant, BROWARD, COLLEGE, from administering, executing, and enforcing or threatening to enforce the “criteria” as a basis to determine participation in political debates.
- e. Awarding such other supplemental relief as may be just and appropriate.

Respectfully submitted,

Dated: October 8, 2014

/s/ Luke Lirot

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