

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

Florida Action Committee, Inc.,
Plaintiff,

vs.

Mark Glass, *et al.*,
Defendants.

No. 4:26-cv-388 (MW-MJF)

JOINT RULE 26 CONFERENCE REPORT

Pursuant to Federal Rule of Civil Procedure Rule 26(f), Local Rule 16.1, and the Court's initial scheduling order (Dkt. 11), the parties in this action, having conferred on September 11 and September 16, submit the following Joint Rule 26 Conference Report.

1. Rule 26(f) conference. The following persons participated in a Rule 26(f) conference on September 11, 2026, via Microsoft Teams:

Party	Attorney(s)
Florida Action Committee	Michael B. Kimberly Megan A. Casserlie
Commissioner Mark Glass	Mohammad O. Jazil Valerie L. Chartier-Hogancamp
Brevard County, Citrus County, Clay County, Flagler County, Hernando County, Indian River County, Lake County, Marion County, Osceola County, Pasco County, Seminole County, Union County, Town of Davie	David R. Jadon

Party	Attorney(s)
Broward County	Adam M. Katzman Joseph K. Jarone Brandon Butterworth
Suwannee County, Sunrise, Cape Coral, Coral Springs, Fort Lauderdale, Fort Myers, Pembroke Pines, Pompano Beach	Christopher J. Stearns
Hendry County, Holmes County, Levy County, Okeechobee County	Geraldo F. Olivo III
Calhoun County, Washington County	William B. Armistead
Gainesville, Orlando	Matthew J. Carson Michael P. Spellman
Columbia County	Meagan L. Logan
Lee County	Sacha Dyson
Martin County, St. Lucie County, Boca Raton, Port St. Lucie	Daniel L. Abbott Daniella Margetic (Port St. Lucie)
Miami-Dade County	Fabiana Cohen Michael Muñoz
Miramar	Burnadette Norris-Weeks
Palm Beach County	Steven A. Hollis
Polk County	Jennifer Spath
Putnam County, St. Johns County	Rich Komando Ryan Ross (St. Johns County)
Sumpter County	Jennifer C. Rey
Volusia County	W. Kevin Bledsoe David H. Clements
Hollywood	Julian Geraci
Jacksonville	Tiffany Pinkstaff
West Palm Beach	Shane Weaver

Counsel for Plaintiff met telephonically on September 16 with Patricia Smith, City Attorney for the City of Palm Bay. No counsel for Jackson County made himself or herself available for either conference.

2. Rule 26(f)(3) discovery plan. The parties were unable to reach agreement concerning certain threshold discovery and discovery-process issues. Their respective positions are addressed in Section 3 below.

a. Claims of privilege or protection. The parties agree that the federal rules shall apply to govern claims of (1) privilege or (2) protection of trial preparation material. The parties agree that if any party from whom discovery is sought intends to assert a privilege against production, that party will withhold production and produce a privilege log consistent with Rule 26(b)(5)(A). Should the treatment or disclosure of privileged material develop into a contentious issue at any time, the parties agree to request a status conference to address the issue.

b. Limitations on discovery. The parties do not anticipate a need for changes to the applicable federal and local rules at this time. Defendants oppose commencing discovery before the threshold issues in their motions to dismiss are adjudicated.¹

¹ From hereafter, “Defendants” shall refer to the following governmental entities: Mark Glass, in his official capacity as Commissioner of the Florida Department of Law Enforcement (“FDLE”), Miami-Dade County, City of Boca Raton, City of Sunrise, Broward County, Flagler County, City of Ft. Myers, Hendry County, Indian River County, City of Jacksonville, Lake County, Miami-Dade County, Volusia County, Citrus County, Clay County, Osceola County, Suwannee County, City of

3. Additional matters ((2)(a)(i)-(ix) of the Initial Scheduling Order)

i. **Magistrate judge jurisdiction.** The parties have conferred concerning magistrate-judge jurisdiction in this matter.

ii. **Nature and basis of all claims and defenses.**

FAC's position: This case challenges Florida's statewide sex-offender registration regime, together with numerous county and municipal ordinances, as an unconstitutional system of lifelong punishment. FAC alleges that the scheme, taken as a whole, has evolved far beyond simple public-notification requirements and today imposes extensive residency restrictions, presence restrictions, travel limitations, reporting obligations, and speech restrictions on individuals who have long since completed their criminal sentences. FAC contends that these collective burdens operate as a form of perpetual government supervision and effective banishment, preventing registrants from living, traveling, working, worshipping, and participating in ordinary civic life throughout large portions of the State.

FAC contends that this scheme violates multiple constitutional protections. *First*, it alleges that Florida's residency and presence restrictions constitute cruel and unusual punishment because they resemble historical punishments of banishment

Cape Coral, City of Coral Springs, City of Davie, City of Ft. Lauderdale, City of Orlando, City of Pembroke Pines, City of Pompano Beach, City of Gainesville, Lee County, Levy County, Marion County, Martin County, Pasco County, Polk County, City of Port St. Lucie, Putnam County, Seminole County, Union County, Palm Beach County, Brevard County, Columbia County, Hernando County, Holmes County, Okeechobee County, St. Johns County, St. Lucie County, City of Miramar, and City of West Palm Beach.

and exile. *Second*, it argues that many aspects of the scheme violate the Ex Post Facto Clause when applied retroactively to individuals whose offenses predate later-enacted restrictions. *Third*, the complaint asserts that Florida's travel-notification requirements unlawfully burden the constitutional right to interstate and international travel. *Fourth*, FAC challenges Florida's loitering restrictions and similar local ordinances as both unconstitutional restrictions on innocent movement and impermissibly vague standards of criminal law. *Finally*, the complaint challenges state and local speech restrictions that prohibit registrants from engaging in certain expressive conduct in parks, playgrounds, and other public spaces.

To support these claims, the complaint provides factual allegations regarding the objective effects of Florida's registration system, including 24/7 exclusion from urban areas, family separation, employment barriers, and restrictions on religious and social activities, among other things. FAC alleges that state and local residency restrictions render the overwhelming majority of housing unavailable in urban counties like Broward and Miami-Dade and that overlapping presence restrictions effectively bar registrants from entering many public spaces.

These claims must be litigated against all of the Defendants together. A lawsuit against Mark Glass alone would permit invalidation only of Florida's statewide restrictions, leaving in place the municipal regulations that both mirror and augment those restrictions. The inverse is true if FAC sued a singular municipality; any such suit would permit invalidating one-off ordinances only, leaving statewide restrictions and those in other municipalities in place. But FAC's theory—grounded in both

practical reality and the question of redressability—is that the entire body of laws and ordinances at issue here works together collectively as a gestalt. Regardless of whether the laws and ordinances may have been adopted and enforced by different government bodies, they all reflect an exercise of state authority. A State cannot avoid constitutional scrutiny by dividing the components of an unconstitutional scheme among governmental subunits.

Defendants’ position: Based on the original complaint, it appears FAC intends to proceed only on a facial challenge to the Defendants’ sexual offender regulatory laws as unconstitutional. However, given FAC’s position stated above, it is unclear whether FAC intends to pursue an as-applied challenge as well. Defendants’ position is that FAC should be required to clarify its position as to the nature of the claims it is bringing. Regardless, Defendants anticipate asserting numerous bases for dismissal. Furthermore, Defendants oppose FAC’s insistence that there is an unconstitutional scheme across 51 defendants throughout the State of Florida that must be litigated together in one lawsuit. For this reason, Defendants will also individually seek to be severed from this case.

FDLE position: Defendant, Commissioner Glass, intends to defend the constitutionality of the state statutes at issue. He’s the appropriate *Ex Parte Young* defendant for any prospective injunctive relief. This is the appropriate forum for such a challenge. And, Defendant Glass maintains that the state statutes remain constitutional. Defendant Glass doesn’t anticipate substantial discovery to mount his defense.

iii. The possibility for prompt settlement. The parties do not anticipate a possibility of settlement at this time and therefore do not believe that mediation would be helpful in this matter.

iv. Proposed revisions to initial scheduling order and respective discovery needs. At the Rule 26(f) conferences, the parties discussed scheduling. FAC also raised the possibility of consolidated briefing and aligned briefing schedules. The parties were unable to reach agreement and accordingly set forth their respective positions below.

FAC's Position: FAC does not anticipate needing significant discovery to litigate its claims. The claims here turn foremost on statutory text and the objective effects of the challenged laws—the exclusion zones they create, the limits they place on in-state and out-of-state travel, the vagueness of their terms, and the restrictions they impose on speech and expression.

To be sure, the claims here are not entirely fact-free and must be supported with evidence. And FAC appreciates that Defendants must have the time necessary to test FAC's standing and the facts as alleged. But to be clear, this case does not challenge Florida's registration scheme under rational-basis review, nor does it implicate any broader empirical questions about the "effectiveness" of the scheme at preventing crime. Although FAC strongly disagrees with the wisdom of the scheme, it does not allege that there is no rational basis for its adoption. FAC's position is that the scheme imposes criminal punishment and thus is constrained by the applicable provisions of the Fourteenth Amendment and Bill of Rights. That position does

not turn on subjective experience or policy debates; it turns on text and clearcut, objective effects.

FAC also believes that some form of consolidated briefing in support of the dispositive motions is warranted. One option would be to require a single overlength joint brief addressing common issues, with shorter “satellite” briefs allowing each defendant to address party-specific issues. FAC’s purpose in suggesting this is not to deprive any defendant of a full and fair opportunity to develop its defenses, but merely to avoid unnecessary repetition of common arguments. That said, FAC defers to the Court on how it wishes to manage this issue.

FAC proposes the following modifications to the initial scheduling order:

September 29, 2026	first amended complaint
October 13, 2026	motions to dismiss amended complaint
October 16, 2026	initial disclosures
January 12, 2027	fact discovery cutoff
January 26, 2027	disclosures of expert reports
February 9, 2027	final amendment to complaint
March 9, 2027	expert discovery cutoff
March 23, 2027	motions for summary judgment

This schedule contemplates approximately 16 weeks for targeted fact discovery limited to questions of standing and the objective impact of the scheme,

followed by expert discovery to synthesize the evidence and early cross-motions for summary judgment through early spring 2027.

Defendants' position: Defendants oppose consolidated briefing as they anticipate, assuming the forthcoming amended complaint is substantively similar to the pending complaint, that each individual Defendant will need to defend its individual ordinance(s). Assuming any claim(s) survive dismissal, Defendants expect there will be a need for discovery. Given the number of defendants, different laws at issue, scope of the claims, and the likelihood that each defendant will need to retain at least one expert, fact discovery will be intensive and require considerable time even if FAC commits to pursuing only a facial challenge to each of the contested laws.

Without an operative pleading, Defendants oppose entry of FAC's proposed scheduling order. Until the Court resolves which, if any, claims and/or defendants remain in this action, it is premature to set a trial date and enter a scheduling order.

Because FAC intends to file an amended complaint, Defendants request that the deadlines in this Initial Scheduling Order be revised and amended. Assuming the crux of their pleading remains the same, Defendants anticipate filing motions to dismiss. Therefore, the Court's December 15, 2026, discovery cutoff should be revised and amended to allow sufficient time for resolution of those motions to dismiss as its rulings will inform the need for, and the scope of, any discovery.

For this same reason, Defendants also request that the Court revise and amend Sections 1(a), 2(b), and 2(c) of its Initial Scheduling Order, which directs the parties

to begin discovery immediately, exchange initial disclosures, and produce expert disclosures, respectively.

In light of the above considerations, Defendants request that the Court hold entry of a scheduling order in abeyance and order the parties to conduct another scheduling conference within thirty days of its ruling on the Defendants' forthcoming motions to dismiss. Should the Court decline to do so, Defendants request that the Court set the discovery cutoff for nine months following resolution of Defendants' anticipated motions to dismiss, or December 28, 2027, whichever is later. Without the benefit of the amended complaint, Defendants do not know whether discovery should be conducted in phases or limited in any respect, such as for potential jurisdictional issues.

vi. Production of information from electronic or computer-based media. If there is any need to produce electronic or computer-based media in discovery, the parties agree to produce electronically stored information (ESI) not subject to a sealing order by email or cloud storage, in readily usable form or forms as required under Rule 34(b)(2)(E)(ii). The parties agree to produce ESI in Portable Document Format ("PDF"), Tag Image File Format ("TIFF"), and/or native format. In the event that the parties determine that another production format is necessary or otherwise more suitable for the data sought, they will discuss and agree upon an alternative or more appropriate method of production.

Further, the parties anticipate that disclosure or production will be limited to data reasonably available to the parties in the ordinary course of business. If data

beyond what is reasonably available to the parties in the ordinary course of business is eventually sought and produced, the party requesting the ESI at issue shall bear the costs of the production thereof.

vii. Good faith trial-ready estimate.

FAC's position: FAC expects resolution of this matter at summary judgment and does not anticipate needing a bench trial. But if the Court orders a bench trial, FAC would propose late summer 2027.

Defendants' position: Defendants are not in a position to know whether a bench trial is necessary given that FAC has not yet filed its amended complaint. However, should any claim survive dismissal and then summary judgment, then a trial should not be set sooner than April 2028 given the uncertainty surrounding the amended complaint and the number of Defendants with unique positions in the case.

viii. Other matters. None.

ix. Manual for Complex Litigation. The parties do not believe this matter should be subject to the Manual for Complex Litigation at this time.

Dated: September 25, 2026

Respectfully submitted,

/s/ Michael B. Kimberly

Michael B. Kimberly (*pro hac vice*)
WINSTON TAYLOR LLP
1901 L Street NW
Washington, DC 20036
(202) 282-5096
michael.kimberly@winstontaylor.com

Megan Anne Casserlie (1032305)
WINSTON TAYLOR LLP
200 S. Biscayne Boulevard, Suite 1700
Miami, Florida 33131
(305) 910-0566
megan.casserlie@winstontaylor.com

Attorneys for Florida Action Committee

/s/ David Jadon

Cindy A. Townsend, Esquire
Florida Bar No.: 788961
David Jadon, Esquire
Florida Bar No.: 1010249
Roper, Townsend & Sutphen, P.A.
255 S. Orange Avenue, Suite 750
Orlando, FL 32801
Telephone: (407) 897-5150
Facsimile: (407) 897-3332
djadon@roperpa.com
ctownsend@roperpa.com

*Attorney for Defendants: Clay County,
Town of Davie, Hernando County,
Union County, Osceola County, Flagler
County, Indian River County, Pasco
County, Citrus County, Brevard County,
Seminole County, Lake County, Marion
County, City of Jacksonville*

/s/ Valerie L. Chartier-Hogancamp

Mohammad O. Jazil (FBN 72556)
Valerie L. Chartier-Hogancamp
(FBN 1011269)
**HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIK, PLLC**
119 South Monroe Street, Suite 500
Tallahassee, Florida 32301
(850) 270-5938 (phone)
mjazil@holtzmanvogel.com
vhogancamp@holtzmanvogel.com
mfischer@holtzmanvogel.com

Counsel for Defendant, Mark Glass

/s/ Adam Katzman

Adam Katzman
Fla. Bar No. 652431
Email: akatzman@broward.org
Joseph K. Jarone
Fla. Bar No. 117768
Email: jkjarone@broward.org
Brandon Butterworth
Fla. Bar No. 127506
Annika Ashton
Broward County Attorney
115 South Andrews Avenue, Suite 423
Fort Lauderdale, Florida 33301
Telephone: 954-357-7600

Counsel for Defendant Broward County

/s/ William Armistead

William Armistead (FBN: 88535)
Zackery Scharlepp (FBN: 0085374)
warmistead@coppinsmonroe.com
zascharlepp@coppinsmonroe.com
mcampbell@coppinsmonroe.com

Coppins Monroe, P.A.
2316 Killearn Center Blvd., Suite 202
Tallahassee, FL 32309
Office: 850-422-2420
Fax: 850-422-2730

*Attorneys for Defendants
Calhoun County and
Washington County*

By: /s/ Geraldo F. Olivo, III

Geraldo F. Olivo, III
Florida Bar No. 60905
J. Alexander Polidan
Florida Bar No. 1069190

HENDERSON, FRANKLIN,
STARNES & HOLT

*Counsel for Defendants, Hendry,
Holmes, Levy and Okeechobee Counties*

Post Office Box 280
Fort Myers, Florida 33902-0280
Telephone (239) 344-1168
jerry.olivo@henlaw.com
alex.polidan@henlaw.com
rebekah.davies@henlaw.com

/s/ Meagan L. Logan

MEAGAN L. LOGAN
Florida Bar No.: 18062
mlogan@rumberger.com (primary)
docketingorlando@rumberger.com and
mlogansecy@rumberger.com (secondary)
Rumberger, Kirk & Caldwell, P.A.
101 North Monroe Street
Suite 1050
Tallahassee, Florida 32301
Tel: 850.222.6550
Fax: 850.222.8783

Attorney for Defendant Columbia County

BY: /s/ Christopher J. Stearns

CHRISTOPHER J. STEARNS
Fla. Bar No. 557870

JOHNSON, ANSELMO, MURDOCH,
BURKE, PIPER & HOCHMAN, P.A.

*Counsel for Cape Coral, Coral Springs,
Fort Lauderdale, Fort Myers, Pembroke
Pines, Pompano Beach, Sunrise, and Su-
wannee County*

2455 East Sunrise Blvd., Suite 1000
Fort Lauderdale, FL 33304
954/463-0100 Telephone
954/463-2444 Facsimile
Stearns@jambg.com
Young@jambg.com
Nunez@jambg.com

/s/ Sacha Dyson

SACHA DYSON

Lead Counsel

Florida Bar No. 509191

sdyson@bgrhlaw.com

GREGORY A. HEARING

Florida Bar No. 817790

ghearing@bgrhlaw.com

BUSH GRAZIANO RICE

& HEARING, P.A.

100 S. Ashley Drive, Suite 1400

Tampa, Florida 33602

Tel: (813) 228-7000

Fax: (813) 273-0091

Attorneys for Defendant Lee County

GERALDINE BONZON-KEENAN

Miami-Dade County Attorney

Stephen P. Clark Center

111 N.W. First Street, Suite 2810

Miami, Florida 33128

Telephone: (305) 375-5151

Facsimile: (305) 375-5611

By: /s/ Jennifer L. Hochstadt

Jennifer L. Hochstadt

Assistant County Attorney

Florida Bar No. 56035

Jennifer.Azar@miamidade.gov

By: /s/ Erica S. Zaron

Erica S. Zaron

Assistant County Attorney

Florida Bar No. 514489

zaron@miamidade.gov

Attorneys for Miami-Dade County

/s/ Daniel L. Abbott

Daniel L. Abbott (FBN 767115)

dabbott@wsh-law.com

pgrotto@wsh-law.com

Bryan C. Siddique (FBN 1018191)

bsiddique@wsh-law.com

mboschini@wsh-law.com

WEISS SEROTA HELFMAN

COLE & BIERMAN, P.L.

200 East Broward Boulevard

Suite 1900

Fort Lauderdale, Florida 33301

Telephone: (954) 763-4242

Fax: (954) 764-7770

*Attorneys for Defendants, City of Boca
Raton, City of Port St. Lucie, Martin
County, and St. Lucie County*

/s/ Steven A. Hollis

Steven A. Hollis, Esquire

Assistant County Attorney

Florida Bar No. 1018063

300 North Dixie Highway, Third Floor

West Palm Beach, Florida 33401

Tel.: (561) 355-2999

Fax: (561) 355-4234

Email: SHollis@pbc.gov;

Secondary: KGBrown@pbc.gov, MJCul-

len@pbc.gov, Jlesson@pbc.gov,

AAirey@pbc.gov

Attorney for Palm Beach County

/s/ Jonathan B. Trohn

Jonathan B. Trohn (No. 08-80-558)
Campbell, Trohn,
Tamayo & Aranda, P.A.
1701 S. Florida Ave.
Lakeland, FL 33803
(863) 686-0043
j.trohn@cttalaw.com

Attorney for Polk County

/s/Rich Komando

Florida Bar Number: 181366
500 San Sebastian View
St. Augustine, Florida 32084
Telephone: 904-209-0805
rkomando@sjcfl.us

St. Johns County Attorney

/s/ Matthew J. Carson

MATTHEW J. CARSON
Florida Bar Number: 0827711
Email: mcarson@spellman.law

SPELLMAN LAW, P.A.
905 East Park Avenue
Tallahassee, FL 32301
T: (850) 601-1983

*Attorneys for Defendants
City of Orlando and
City of Gainesville*

/s/Rich Komando

Florida Bar Number: 181366
Bradley & Komando
1845 East West Parkway, Suite 6
Fleming Island, Florida 32003
Telephone: 904.269.1111
rich@claylawyers.com

Putnam County Attorney

/s/ Jennifer C. Rey

JENNIFER C. REY, ESQ.
Florida Bar No. 0041997
THE HOGAN LAW FIRM, LLC
20 S. Broad Street
Brooksville, FL 34601
Telephone: (352) 799-8423
Facsimile: (352) 799-8294
Primary: jrey@hoganlawfirm.com
Secondary Email: eservice@hoganlaw-
firm.com

*Counsel for the Defendant
Sumter County, Florida*

/s/ David H. Clements

David H. Clements
Assistant County Attorney
Florida Bar No.: 1017961
123 W. Indiana Avenue
DeLand, FL 32720
(386) 736-5950
dclements@volusia.gov
mefird@volusia.gov

Attorney for County of Volusia

/s/ Shane Weaver

Shane Weaver, Esq.
Senior Assistant City Attorney
Florida Bar No. 90725
CITY OF WEST PALM BEACH
CITY ATTORNEY'S OFFICE
401 Clematis Street, 5th Floor
West Palm Beach, FL 33401
Tel. (561) 822-1363
Fax (561) 822-1373
sweaver@wpb.org; tviscusi@wpb.org;
dyeargin@wpb.org

Attorney for City of West Palm Beach

/s/ Patricia D. Smith

Patricia D. Smith, B.C.S.
Florida Bar No. 728160
Office of the City Attorney
City of Palm Bay
120 Malabar Rd., S.E.
Palm Bay, Florida 32907
Telephone: (321) 409-7185
Facsimile: (321) 409-7112
Patricia.smith@palmbayfl.gov

Counsel for City of Palm Bay

/s/ Kendra S. Breeden

Kendra S. Breeden
Assistant City Attorney-Litigation
Florida Bar No. 0111383
Office of City Attorney
City of Hollywood
2600 Hollywood Blvd. Room 407
Hollywood, Florida 33020
954-921-3435
kbreeden@hollywoodfl.org

Attorney for City of Hollywood

/s/ Burnadette Norris-Weeks

Burnadette Norris-Weeks, Esq.
Florida Bar No. 949930
Austin Pamies Norris
Weeks Powell, PLLC
401 North Avenue of the Arts (NW 7th
Avenue)
Fort Lauderdale, FL 33311
Telephone: 954-768-9770
Fax: 954-768-9790
Primary E-mail: bnorris@apnwplaw.com
Secondary E-mail:
miramarcityattorney@apnwplaw.com
paralegal@bnwlegal.com

Attorneys for City of Miramar

CERTIFICATE OF SERVICE

I certify that, on September 25, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I further certify that the foregoing is served on all counsel of record by e-mail generated by the CM/ECF system.

/s/ Michael B. Kimberly