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

Florida Action Committee, Inc., *Plaintiff*, vs. Larry Keefe, *et al.*, *Defendants*.	Case No. 4:26-cv-388 (MW-MJF)

PLAINTIFF'S OPPOSITION TO THE MOTIONS TO SEVER

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INTRODUCTION

FAC alleges that state statutes and the ordinances of dozens of counties and cities—enforced by FDLE and local officials working together—operate as a single, integrated scheme that, taken as a whole, imposes a lifelong punishment that the Constitution forbids. This cumulative-effect theory is essential to FAC's first three claims. And the other claims feed into the same theory. Defendants' motions to sever would foreclose FAC's theory of the case as a matter of procedure rather than on the merits.

Severance should be denied for three reasons. *First*, FAC is entitled to complete relief, and the only way to obtain it is in a single proceeding. If the Court splits the defendants apart, each will say that other elements of the sex-offender registration scheme—traceable to some other state entity—will keep the injury alive, defeating redressability. But Article III's redressability inquiry and Rule 19's complete-relief requirement are meant to work together, not at odds, and they do not permit that kind of remedial Catch-22.

Second and separately, joinder is proper under Rule 20. The challenged laws and their enforcement form a logically related series of occurrences: the cumulative effect from a single statewide registry (which the counties and cities collect information for and use on FDLE's behalf) and related laws. The complaint also alleges a hub-and-spoke enforcement conspiracy that ties all of the defendants together. Common questions—whether the combined restric-

tions amount to punishment, and whether state and local actors acted in concert—cut across every defendant.

Third, practical considerations also strongly support joinder. Defendants' motions to dismiss raise the same defenses again and again, beginning with the argument that the challenged laws are civil rather than punitive. Severing the case would force dozens of courts to reconstruct the same record and resolve the same questions, at the risk of inconsistent rulings. One proceeding means one record and one set of rulings on facial challenges that turn on common legal questions and shared evidence. And whatever unfairness defendants might claim (in truth, there is none) would be outweighed by the unfairness to FAC of losing its cumulative-effect theory through severance.

BACKGROUND

A. Legal background

We begin with the baseline principles and decisional framework, which is based on the interplay among Rules 18, 19, 20, and 21.

1. Rule 20(a)(2) permits defendants to be joined in one action if "any right to relief is asserted against them jointly, severally, or in the alternative" with respect to, or arising out of, the "same transaction, occurrence, or series of transactions or occurrences," and "any question of law or fact common to all defendants will arise in the action." Pursuant to paragraph (a)(3) of the same rule, "[n]either a plaintiff nor a defendant need be interested in obtaining

or defending against all the relief demanded," and judgment may be entered against defendants variably, according to their respective liabilities.

The Eleventh Circuit construes Rule 20 liberally. The leading case is *Alexander v. Fulton County*, where the court explained that Rule 20's "central purpose" is "to promote trial convenience and expedite the resolution of disputes, thereby eliminating unnecessary lawsuits." 207 F.3d 1303, 1323 (11th Cir. 2000), *overruled on other grounds by Manders v. Lee*, 338 F.3d 1304 (11th Cir. 2003) (en banc). Rule 20's transaction-or-occurrence requirement is therefore flexible. A "transaction" may "comprehend a series of many occurrences," depending less on their temporal proximity or factual connectedness than on their "logical relationship." *Id.* at 1323 (quoting *Moore v. New York Cotton Exchange*, 270 U.S. 593, 610 (1926)).

Under that standard, "all logically related events entitling a person to institute a legal action against another generally are regarded as comprising a transaction or occurrence" under Rule 20. *Id.* Rule 20's commonality requirement also sets a low bar; it does not require that all questions be common, only that *some* question of law *or* fact be common to all parties. *Id.* at 1324.

These adaptive standards disfavor severance especially when the challenged conduct is alleged to be systemic. *Alexander* relied on authorities holding that a "state-wide system designed to enforce the [challenged voter] registration laws in a way that would inevitably deprive colored people of the right

to vote" arose out of the same series of transactions or occurrences. *Id.* at 1323–24. In *Dillard v. Crenshaw County*, a three-judge district court applied that same liberal joinder principle to multiple county defendants alleged to have participated in a statewide voting-rights scheme, explaining that joinder was "especially fitting" because it avoided multiple lawsuits, allowing the challenged conduct to be dealt with comprehensively, in a single proceeding. 640 F. Supp. 1347, 1368–69 (M.D. Ala. 1986).

2. Once multiple defendants are properly before the Court under Rule 20, Rule 18(a) allows the plaintiff to join, "as independent or alternative claims, as many claims as it has against an opposing party." The threshold question is therefore only whether the parties are properly joined under Rule 20 on some ground; once they are, Rule 18 permits the related and alternative claims necessary to present the controversy efficiently, even if those additional claims are not directed against all defendants in common.

Rule 19(a)(1)(A) codifies the principle of complete relief. It speaks in terms of mandatory joinder: A person *must* be joined if, in that person's absence, "the court cannot accord complete relief among existing parties." Thus, the Court cannot carve a case against multiple defendants into defendant-by-defendant fragments while the defendants simultaneously insist that relief against any one of them alone would be ineffective because other entities are responsible for other elements of the challenged scheme.

Finally, Rule 21 concerns misjoinder. It specifies that the Court may, "on just terms," add or drop a party or sever any claim against a party. Because Rule 21 furnishes no rigid standard, courts apply Rule 20's standard and then consider, under Rule 21, practical factors such as judicial economy, case management, prejudice, fundamental fairness, and whether the claims will require different witnesses and proof. *See Alhassid v. Bank of America*, 60 F. Supp. 3d 1302, 1326–27 (S.D. Fla. 2014); *Fisher v. Ciba Specialty Chemicals Corp.*, 245 F.R.D. 539, 541–42 (S.D. Ala. 2007).

The severance inquiry is therefore a balance. The "touchstone" of the analysis is whether efficiency and judicial economy would be advanced by keeping the claims together and whether any party would be prejudiced thereby. *Fisher*, 245 F.R.D. at 542.

B. Factual background and theory of the case

Plaintiff Florida Action Committee (FAC) does not challenge the laws and ordinances at issue here in isolation from one another; rather, it challenges Florida's sex-offender registration scheme, as enacted by the Legislature, enforced by the Florida Department of Law Enforcement (FDLE), and supplemented and enforced by the Florida counties and cities, as a single and integrated scheme. *See* Dkt. 147 (Compl.) ¶¶ 1–4, 15, 28–34. The complaint alleges that these state and local measures operate together—through overlapping residency, presence, travel, and speech restrictions, and through

coordinated enforcement—to impose a lifelong punishment on registrants that the Constitution forbids.

1. Parties. FAC is a non-profit advocacy organization. Its mission is to educate the public about the effects of Florida's sex-offender registration scheme on registrants and their families. *Id.* ¶ 20. It has thousands of members living all throughout Florida, including within each county and city sued in this case. *Id.* ¶ 21. The declarations of more than 250 members describe the injuries each member has suffered. *Id.* ¶ 22. At least one injured member lives within the territorial limits of each county or municipal defendant, or would live there but for the challenged laws, and many members regularly visit, or would visit but for the challenged laws, family, friends, and public areas within the jurisdictions of other defendants. *Id.* ¶ 25.

Defendant Larry Keefe, sued in his official capacity as Commissioner of FDLE, is responsible for enforcing Florida's state-level registration laws. *Id.* ¶ 28. The remaining defendants—32 counties and 15 cities (the County & Municipal Defendants)—are governmental subunits of Florida exercising home-rule powers conferred by the state constitution and statutes. *Id.* ¶¶ 29–30.

The operative complaint groups the defendants according to the categories of local ordinances they have adopted, each identified in Exhibit 2: the Residency Restriction Defendants (44 counties and cities with residential exclusion-zone ordinances), the Presence Restriction Defendants (23 with

ordinances barring registrants' presence in defined zones), the Vague Ordinance Defendants (32 with ordinances using terms such as "loiter," "congregate," or "vicinity"), and the Gag Ordinance Defendants (13 with speaker- or content-based speech restrictions). *Id.* ¶¶ 31–34. These categories substantially overlap; many defendants appear in several or all of them.

2. The statewide registration scheme. Florida adopted its basic registration and notification statute, section 943.0435, in 1997. *Id.* ¶ 42. Over the following three decades, the Legislature amended the scheme roughly two dozen times, repeatedly expanding qualifying offenses and reportable information, imposing lifetime registration and in-person verification in 2000, adopting statewide residency restrictions in 2004, imposing semi-annual and quarterly in-person reporting in 2005 and 2007, and amending the scheme seven more times between 2009 and 2018. *Id.* ¶¶ 42–44, 115. Pertinent here, House Bill 45, enacted in March 2026, added public swimming pools (broadly defined) to the features near which registrants may not live and expanded the statewide loitering buffer from 300 to 500 feet. *Id.* ¶¶ 46, 57, 68, 115.

As alleged, the statewide scheme imposes the following obligations on every registrant, wherever in Florida they may live or travel:

- **Lifetime registration and reporting.** Registrants must register for life, provide detailed personal information, report changes within 48 hours, and appear in person at the sheriff's office two or four times per year (monthly if homeless). *Id.* ¶¶ 47–50 (citing Fla. Stat. § 943.0435).

- **Travel reporting.** A registrant must report in person 48 hours before out-of-state travel of three days or longer and 21 days before international travel of five days or longer, without which such travel is illegal. Because registration offices are often closed for extended periods, short-notice travel is effectively forbidden. *Id.* ¶¶ 53–55, 94 (citing Fla. Stat. § 943.0435(7)).

- **Residency restrictions.** Registrants may not reside within 1,000 feet of any school, child care facility, park, playground, or (since July 1, 2026) public pool. The term "residence" is defined extremely broadly to include any place a registrant stays for three days or more in a calendar year, even if not consecutively. *Id.* ¶¶ 56–59 (citing Fla. Stat. §§ 775.21, 775.215).

- **Loitering and presence restrictions.** Section 856.022(3) criminalizes "loitering and prowling" within 500 feet of "a place where children [are] congregating," without defining those terms and without any intent element. Innocent presence is forbidden within these no-presence zones. *Id.* ¶¶ 68–75.

- **Speech restrictions.** Section 856.022(4)(a) prohibits a registrant from contacting or communicating with a child under 18 in various public places, including a park, playground, or public pool, absent a family or household relationship. The effect is to further chill participation in civic life in areas where children are frequently present. *Id.* ¶ 79.

Failure to comply with the reporting and registration requirements is a felony. *Id.* ¶ 55. These statewide requirements (other than the frequency of reporting) apply uniformly to every registrant, regardless of the county or city in which he or she resides. See *Id.* ¶¶ 47–55, 101.

3. County and municipal ordinances. The County & Municipal Defendants have adopted ordinances that build directly upon, and compound, this statewide scheme. More than 140 Florida cities and counties have enacted

ordinances further restricting where registrants may live, many of which extend the exclusion distance from 1,000 to 2,500 feet and add further restricted features such as libraries, churches, and bus stops. *Id.* ¶ 63.

By way of example, Miami-Dade County imposes a 2,500-foot exclusion zone around schools in all 35 municipalities within the county; Broward County imposes a 2,500-foot zone around schools, public school bus stops, day care centers, parks, and playgrounds; and Hernando County applies its 1,000-foot zone to a wider set of features including libraries, nursing homes, and religious institutions. *Id.* ¶ 64. These ordinances typically incorporate the statewide scheme's qualifying offenses and definitions. *See* Dkt. 147-3 (Socia Report) at 53–55 (citing Miami-Dade County Code §§ 21-280, 21-281, incorporating Fla. Stat. §§ 775.21, 794.011, 800.04, 827.071, 847.0135(5), 847.0145, 943.0435); *id.* at 58 (citing Broward County Code § 21-167A, incorporating the same).

Local presence restrictions similarly build atop section 856.022(3). For example, Union and Calhoun Counties forbid registrants even to "travel through" county-defined 2,500-foot exclusion zones; Brevard, Hernando, and Seminole Counties maintain similar no-travel-through ordinances for 1,000-foot zones; Fort Myers bars registrants from specified public locations, including beaches and parks when children may be present; and more than a dozen other jurisdictions maintain 300-foot presence-forbidden zones. Compl.

¶¶ 76–78. And the terms of these restrictions are often vague. Many employ the same ambiguous terms found in the state statute: "loiter," "children," "congregate," and "vicinity." *Id.* ¶¶ 69–71.

Other counties and cities have adopted speech restrictions that parallel section 856.022(4)(a), including bans on communicating with children at school bus stops (Columbia, Hendry, and Suwannee Counties), bans on communications "of a sexual nature" in parks (Lee, Broward, Martin, and Miami-Dade Counties and Fort Myers), and restrictions on expressive activity on holidays like Halloween and Christmas (Jacksonville and Clay, Hernando, Pasco, and Putnam Counties). *Id.* ¶¶ 79–81. Apart from barring constitutionally protected speech, many of these laws similarly use ambiguous terms.

A registrant living or present within any County or Municipal Defendant's jurisdiction must comply simultaneously with both the state statutes and all applicable local ordinances. To a registrant, the source of a given restriction is immaterial; he must follow all of them at once. *Id.* ¶ 101.

4. Cumulative effect. The operative complaint, relying on the incorporated Socia Report, demonstrates how the state and local restrictions operate together. *Id.* ¶¶ 60–62, 66, 134–36. Dr. Socia, an Associate Professor of Criminology and Justice Studies at the University of Massachusetts Lowell, analyzed state tax-roll parcel data covering 8,110,410 residential parcels containing 10,528,922 residential units statewide, mapping straight-line buffer

zones around restricted locations. Socia Report 12–14.

Under the statewide restriction alone, approximately 43.2% of Florida's residential units were restricted before the 2026 pool amendment; with pools included, between 56.9% and 59.6% of residential units are now restricted. *Id.* at 3, 15–17. Accounting for the practical factors of affordability and rental vacancy, Dr. Socia estimates that closer to 98.5%–98.9% of residential dwelling units are effectively off-limits to registrants seeking housing in Florida, with the remaining units generally scattered in rural areas or on the outskirts of cities. *Id.* at 18–19; *see also* Compl. ¶ 61.

Local ordinances materially increase the restricted area beyond the statewide baseline. With the statewide restriction, 71.5%–73.6% of Miami-Dade units are off-limits to registrants. Socia Report 4. With the county restriction included, the numbers jump to 92.6%–93.2%. In Broward County, the statewide restriction takes 91.6%–92.1% of available housing units off the table. With the county restriction included, the number jumps to 98.6%, even without accounting for bus stops, which are ubiquitous. *Id.* at 24-25. Similar results obtain in the City of Jacksonville: Statewide restrictions bar registrants from 52.8%–53.9% of housing units; with county restrictions, those numbers rise to 80.8%–81.3% for sexual predators. *Id.* at 29.

Dr. Socia characterizes all of these estimates as conservative, because the county numbers do not account for additional city-level restrictions (such

as Pembroke Pines's), school bus stops in Broward County, or anti-clustering ordinances. *Id.* at 4–5, 8, 44–45. And none accounts for actual availability of dwelling units. As Dr. Socia notes in his disclosed report (Dkt. 219, at 18), "if a particular jurisdiction has fewer than 70–90 unrestricted housing units, it is likely that each of those units will already be occupied and thus unavailable to a registrant seeking housing." *Accord* Socia Report 18–19. Taking that fact into account, a registrant attempting to move to Broward County will find that just 0.015% of housing units are actually available to him. In Miami-Dade, he would find only 0.075% of housing units are actually available.

Dr. Socia also mapped the 500-foot statewide loitering restriction in Jacksonville, Miami, Orlando, and Tampa, and in Broward County. *Id.* at 37. Those maps indicate that the statewide loitering buffer alone covers much, if not most, of the land in these areas. *Id.* at 37, 47. The operative complaint reproduces these maps to illustrate the combined effect of the state and local residency and presence restrictions, which, as alleged, make residence and daily presence within Miami, Broward County, and Jacksonville's I-295 belt-way nearly impossible. Compl. ¶¶ 132, 134–35. Dr. Socia additionally reports that when FAC requested public-school bus stop addresses from every Florida county, two counties refused, eight reported having no data, six charged fees, and 24 did not respond—leaving registrants without a practical means of de-termining where they may lawfully live. Socia Report at 44–45.

5. Coordinated enforcement efforts. The operative complaint alleges that FDLE and the County & Municipal Defendants enforce the overarching registration scheme as an integrated system.

To start, the County & Municipal Defendants do not maintain their own registries. Instead, they collect registrant information on behalf of FDLE and use the statewide registry for registrants within their jurisdictions. Compl. ¶ 104. Indeed, state law directs county and local law enforcement agencies to work "in conjunction with" FDLE to verify registrant addresses and to report noncompliance to FDLE; registrants ordinarily complete their state-law in-person reporting at county or municipal facilities; and FDLE, in turn, transmits registration information to the sheriff and police chief where a registrant plans to reside. *Id.* ¶¶ 105–06 (citing Fla. Stat. §§ 943.0435(4), (6), 944.606(2)(b)). Moreover, each County or Municipal Defendant, as a matter of custom, policy, or practice, enforces both its own ordinances and the challenged state statutes, and they detain those arrested for state registration violations in county or municipal jails. *Id.* ¶¶ 102–03.

Showing rather than telling, the operative complaint also identifies specific joint enforcement operations. Shortly after this suit was filed, Flagler County "partnered with" FDLE and the Florida Department of Corrections in "Operation Offenders: Endgame," a three-day operation in which officers contacted 84 registrants and arrested 40 for registration offenses. *Id.* ¶¶ 109–

10. Jackson County likewise "partnered" with FDLE and the Department of Corrections in "Operation Sandspur," resulting in 21 arrests. *Id.* ¶ 111. The complaint cites additional joint FDLE–local operations involving, among others, Columbia County and Indian River County. *Id.* ¶ 113 n.1.

On these facts, the complaint alleges that (1) FDLE and each County or Municipal Defendant routinely undertake unified operations in service of a common law-enforcement objective, (2) each County or Municipal Defendant knows of the others' ordinances and of their shared practice of coordinating with FDLE, and (3) FDLE and the County & Municipal Defendants therefore operate as a single, hub-and-spoke enterprise in enforcing the challenged laws. *Id.* ¶¶ 108, 112–14.

6. Common injuries across jurisdictions. The operative complaint alleges that FAC's members experience the same categories of harm throughout Florida as a result of the combined restrictions. Registrants are generally unable to find lawful housing near their families, are forced to relocate repeatedly or are rendered homeless or transient. *Id.* ¶¶ 84–86. This is not because of one provision on its own, but because of all functioning together.

Around 7% of Florida registrants living in the community are homeless or transient, a figure that rises as high as 34% in Miami-Dade and Broward Counties; more than 20% of FAC's members have experienced homelessness. *Id.* ¶ 87; *accord* Socia Report 7. Members are separated from spouses and

children, impeded from attending religious services and obtaining medical care, and hindered in their ability to work. Compl. ¶¶ 85, 92–93. Because the boundaries of prohibited areas are impossible to ascertain with confidence, registrants frequently avoid populated areas, commercial districts, and civic spaces all throughout the state—areas that are otherwise open to the public. *Id.* ¶¶ 95–96. Members also suffer recurring injuries each time they report in person, forgo travel, move, or decline to move, and each time state or local legislative bodies add new burdens. *Id.* ¶ 24.

7. The claims for relief. FAC asserts seven counts for relief, each directed at the statewide statutes together with one or more categories of parallel local ordinances:

- Count 1 (Eighth Amendment, against all defendants) alleges that sections 775.215, 856.022, 943.0435, and 944.607, together with the Residency Restriction and Presence Restriction Ordinances, have a cumulative effect resembling banishment and must be considered "as part of a single, multi-pronged, comprehensive exercise of state power." *Id.* ¶¶ 146–51.
- Count 2 (Conspiracy to violate the Eighth Amendment, against all defendants) alleges that each County or Municipal Defendant acts in concert with FDLE pursuant to a hub-and-spoke conspiracy and is aware that this design embraces similar concerted action between FDLE and every other County or Municipal Defendant. *Id.* ¶¶ 153–56.
- Count 3 (Ex Post Facto Clause, against all defendants) challenges the retroactive application of any element of the scheme, "whether at the state, county, or municipal level." *Id.* ¶¶ 158–60.

- Count 4 (Right to travel, against Commissioner Keefe and the County Defendants) challenges section 943.0435(7)–(8) as a violation of the right to interstate travel. It is enforced by the County Defendants, often in a manner designed to bar registrants' travel. *Id.* ¶¶ 162–65.

- Count 5 (Right to loiter for innocent purposes, against Commissioner Keefe and the Presence Restriction Defendants) challenges section 856.022(3) and the Presence Restriction Ordinances as a violation of the right to innocent presence in public. *Id.* ¶¶ 167–70.

- Count 6 (Vagueness, against Commissioner Keefe and the Vague Ordinance Defendants) challenges sections 856.022(3) and 856.022(4)(a) and the Vague Ordinances, which share several common terms that fail to give the public notice of what is prohibited. *Id.* ¶¶ 172–75.

- Count 7 (Free speech, against Commissioner Keefe and the Gag Ordinance Defendants) challenges section 856.022(4)(a) and the Gag Ordinances, which restrict registrants' right to free speech. *Id.* ¶¶ 177–79.

In each count, Commissioner Keefe is named alongside the local defendants, and the state statute is challenged together with its local counterparts. *Id.* ¶¶ 145–79. FAC seeks declaratory relief and an injunction barring enforcement of the challenged state and local laws against its members. *Id.* ¶¶ 15–16; *id.* at 66 (Prayer for Relief).

ARGUMENT

Against this robust legal and factual background, severance should be denied. FAC's members are injured by state statutes and local ordinances that operate together as a single, cumulative regime. Complete relief thus requires keeping the state and local defendants in one case. Joinder is also proper under Federal Rule of Civil Procedure 20 because the claims arise out of a logically

related series of occurrences and raise common questions of law and fact across all defendants. Finally, practical considerations weigh against severance: A single proceeding would produce one record and one set of rulings on FAC's facial challenges, rather than dozens of lawsuits risking duplicative work and inconsistent results.

A. FAC's right to complete relief necessitates joinder

The Court must assess FAC's theory of the case in the same way FAC pleads it: as the cumulative, practical effect of an integrated state-and-local enforcement regime. A state cannot avoid judicial review of an unconstitutional regulatory scheme by dividing the essential components of the scheme among different governmental subunits and then insisting that those subunits must be sued individually, in separate suits.

The cumulative-effect theory is therefore more than a rhetorical device. FAC's core theory is that the injury to its members arises, not from one ordinance or law taken alone, but from the gestalt of all the interlocking state statutes and county and municipal ordinances challenged here.

Defendants' motions resist this framing. Miami-Dade characterizes the case as a challenge to more than 100 state and local provisions enacted by 32 counties, 15 cities, and the State (Dkt. 161, at 54–60); Columbia County says the ordinances are too varied to be adjudicated together (Dkt. 203, at 23–27); and numerous other motions insist that over 60 municipal ordinances cannot

be declared unconstitutional without individualized analysis. Template A, at 17–20; Template B, at 7–11.[1] But those arguments backfire—they show why complete relief requires one coordinated proceeding rather than dozens of separate cases analyzing the challenged laws in silos.

Article III and Federal Rule of Civil Procedure 19 ask related but distinct questions. The Article III inquiry asks whether the alleged injury is traceable to the defendant, so that an injunction against the defendant will remedy the injury. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992). Rule 19(a)(1)(A) asks whether, in a particular defendant's absence, the Court can accord complete relief among existing parties. These considerations are two

[1] In an apparent effort to make a single proceeding appear more unwieldy than it needs to be, each defendant has filed its own motion. But in doing so, two large groups of defendants (together comprising a majority of all defendants) appear to have copied-and-pasted essentially the same arguments into their briefs. To simplify matters, we refer to the briefs of Sunrise (Dkt. 170), Coral Springs (Dkt. 171), Pembroke Pines (Dkt. 172), Cape Coral (Dkt. 173), Pompano Beach (Dkt. 174), Fort Lauderdale (Dkt. 175), Fort Myers (Dkt. 176), Suwannee County (Dkt. 177), and Jackson County (Dkt. 223) as "**Template A,**" and pin-cites for Template A are to Dkt. 170. We refer to the briefs of Brevard County (Dkt. 183), Citrus County (Dkt. 184), Clay County (Dkt. 185), the City of Jacksonville (Dkt. 186), the Town of Davie (Dkt. 187), Flagler County (Dkt. 188), Hernando County (Dkt. 189), Indian River County (Dkt. 190), Lake County (Dkt. 191), Marion County (Dkt. 192), Osceola County (Dkt. 193), Pasco County (Dkt. 194), Seminole County (Dkt. 195), Sumter County (Dkt. 196), and Union County (Dkt. 198) as "**Template B**," and pin-cites for Template B are to Dkt. 183.

sides of a coin: Article III does not permit a case to move forward without an ability to remedy the alleged harm, so Rule 19 requires a plaintiff to include as a defendant every party whose participation is necessary to ensure that the court *can* grant complete relief. The Advisory Committee's notes to Rule 19 explain that Rule 19(a)(1) is concerned with avoiding partial, or "hollow," relief where a judgment against one party is incapable of fully remedying the alleged injury.

That is just the risk here: If the state, county, and municipal defendants are split apart, each severed action will implicate the same Article III defense: Each defendant will argue that relief against it alone cannot redress the complained-of injury because the rest of the regulatory scheme, traceable to "different, independent official[s]" (*Jacobson v. Florida Secretary of State*, 974 F.3d 1236, 1254–56 (11th Cir. 2020)), will remain.

Calhoun County thus misses the point when it argues that Florida political subdivisions do not merge into one entity merely because state law and local ordinances address related subject matter, and that burdens imposed by one jurisdiction cannot automatically be attributed to another. Dkt. 212, at 5–6. So does St. Johns County when it argues that many complained-of burdens flow from Florida statutes, FDLE, the sheriff, or other counties' ordinances, not from the County itself, and that an injunction against the County would bind neither FDLE nor the sheriff. Dkt. 227, at 9–10. Miramar likewise misses

the mark when it argues that FAC's asserted aggregate consequences do not establish that Miramar's ordinances are punitive, and that the claims against separate municipalities should be evaluated separately. Dkt. 225, at 6.

If accepted, those arguments would make complete relief impossible in any constitutional challenge to a coordinated regulatory scheme involving multiple governmental authorities. Each city could resist an injunction on the ground that the statewide statutes and countywide ordinances would be unaffected. Each county could say that municipal ordinances and state requirements would continue. Commissioner Keefe could say that local ordinances independently burden FAC's members, making relief against FDLE alone ineffectual. The result would be a remedial shell game in which every defendant avoids judicial review by identifying surviving components of the scheme attributable to other governmental entities.

The Eleventh Circuit's decision in *Jacobson* demonstrates the point. The court there held that a suit against the Florida Secretary of State could not redress the plaintiffs' alleged injury because the county supervisors who controlled the relevant ballot order were not parties and would not be bound by the judgment. 974 F.3d at 1254–56. The court explained that federal-court injunctions can only enjoin responsible officials who are properly before the court. *Id.* That reasoning supports the approach FAC has taken—it has sued all relevant state and local actors together, rather than atomizing them into

separate proceedings in which each defendant could hide behind traceability and redressability defenses.

Severance would be a particularly unfair result here, because, again, FAC's merits theory is that the challenged provisions form an interlocking whole that deprives FAC's members of their constitutional rights. The inability to obtain complete forward-looking relief against one individual defendant is therefore not a reason to sever the case; it is a reason to keep all of the defendants together, before this Court, in a single action. Otherwise, defendants would succeed in converting traceability and redressability into a Catch-22: FAC would be unable to obtain relief from any one defendant individually, but it also would be barred from suing those other state actors in the same case because each insists on being sued in isolation from the rest.

B. FAC's claims arise out of a legally and factually related series of transactions or occurrences

Setting aside complete-relief, severance should be denied because (1) the causes of action here arise out of a single "series of transactions or occurrences," and (2) "question[s] of law or fact common to all defendants will arise in the action." Fed. R. Civ. P. 20(a)(2). The "two prerequisites" for Rule 20 permissive joinder are therefore satisfied. *Alexander*, 207 F.3d at 1323.

1. Single transaction or occurrence. Take first the question whether this case implicates a single occurrence or series of related occurrences. On this

point, the Eleventh Circuit has explained that "[i]n determining what constitutes a transaction or occurrence for the purposes of Rule 20(a), courts have looked for meaning to [Rule] 13(a)." *Alexander*, 207 F.3d at 1323 (citing *Mosley v. General Motors Corp.*, 497 F.2d 1330, 1333 (8th Cir. 1974)). Under that rule, "'transaction' is a word of flexible meaning" and "may comprehend a series of many occurrences, depending not so much upon the immediateness of their connection as upon their logical relationship." *Id.* (quoting *Moore*, 270 U.S. at 610). Thus, for example, "allegations of a 'pattern or practice' of discrimination," although typically embracing a broad range of conduct by multiple actors, generally "describe such logically related events [that they] satisfy the same transaction requirement" for joinder purposes. *Id.*

a. Defendants insist that the same transaction requirement is not met here. They characterize this case as a scattershot challenge to dozens of unrelated ordinances that only happen to address a common subject. But that, again, disregards FAC's theory of the case. The operative complaint in fact pleads at least three things that tie the defendants together in ways that easily satisfy Rule 20's same-transaction requirement under *Alexander*:

- "[The challenged state laws], the Residency Restriction and Presence Restriction Ordinances, taken together with all other challenged restrictions and limitations on registrants' liberty, have a cumulative effect that amplifies the constitutional harms imposed by each, meaning that they must be considered together as part of a single, multi-pronged, comprehensive exercise of state power which, taken as a whole, infringes" the constitutional rights of FAC's members. Compl. ¶ 150.

- "The County & Municipal Defendants do not maintain their own sex-offender registries" and instead "receive information from and collect information on behalf of FDLE to maintain and use the statewide registry with respect to registrants living within their geographic jurisdictions." *Id.* ¶ 104; *see also id.* ¶ 105.

- "Each County or Municipal Defendant, from time to time, coordinates, combines, or acts in concert with law enforcement officers and other officials from FDLE acting under the direction and authority of Commissioner [Keefe] to implement and enforce the state statutes and ordinances challenged in this suit," rendering the defendants jointly and severally liable as co-conspirators. *Id.* ¶ 108.

By these allegations, FAC contends that the defendants have stacked state statutes and local restrictions on top of one another, creating a single, comprehensive scheme that regulates where registrants may live, where they may be present, when they must report, when and where they may travel, and what speech they may utter. Again, to a registrant, the question of which government entity enacted which element of the scheme is immaterial—it all works together as a conglomerated whole. And the injury develops into a harm of punitive magnitude when the scheme is considered as a whole, not necessarily when its constituent parts are evaluated separately.

b. The fact that the challenged restrictions were adopted by different local governments therefore does not answer the Rule 20 inquiry. Rule 20(a)(2) contemplates a "series" of transactions or occurrences. Under this approach, "all 'logically related' events entitling a person to institute a legal action against another generally are regarded as comprising a transaction or

occurrence." *Alexander*, 207 F.3d at 1323 (quoting *Mosley*, 497 F.2d at 1333). The conduct alleged here—the adoption and enforcement of all the challenged laws and ordinances—is logically related in just that way.

This case is thus readily distinguished from cases like *Daker v. Holmes*, 2022 WL 2129076 (11th Cir.), cited on page 58 of Miami-Dade's motion. There, the Eleventh Circuit affirmed (in an unpublished, nonbinding decision) the district court's severance order on the principal ground that each defendant was the subject of a different claim, and his or her liability was logically independent of the others'. *Id.* at *6. Unlike in *Daker*, FAC's claims implicate more than isolated administrative denials by unrelated officials—and *Daker* itself recognizes that pattern-or-practice claims can satisfy the same-transaction requirement. *Id.* at *5. The pattern-or-practice cases are a close analogy to FAC's theory here.

Much the same goes for *Skillern v. Georgia Department of Corrections Commissioner,* 379 F. App'x 859 (11th Cir. 2010), and *Smith v. Owens*, 625 F. App'x 924 (11th Cir. 2015), cited in the Template B motion at pages 9–10. Those cases are pro se prisoner civil-rights suits involving discrete incidents, brought against different corrections officials. Neither included facial constitutional challenges to a regulatory scheme that is alleged to operate in cumulative fashion and is enforced through cross-defendant coordination. So too in *Harris v. Tennessee*, 2022 WL 22951332 (M.D. Tenn.)—cited in Miami-

Dade's motion at 57–58 and in Template A at 19–20—where the plaintiffs challenged different sentencing statutes implicating distinct grounds for relief. Severing plaintiffs who were each sentenced under different statutes is a different matter entirely from severing defendants sued by one plaintiff over allegations of a cumulative regulatory scheme and concerted conduct.

Coughlin v. Rogers, 130 F.3d 1348 (9th Cir. 1997), follows the same pattern. *See* Dkt. 161, at 57, 60-61 (Miami-Dade); Template A, at 20. That case involved six distinct requests for immigration relief. The only "connection among all the claims" in the case was "the alleged procedural problem of delay" in the adjudication of the claims. *Id.* at 1350. But on that front, each plaintiff "suffer[ed] a different duration of alleged delay," which individually could have been attributed to any one or more of "numerous reasons for the alleged delay." *Id.* A generic assertion of "delay" without necessarily common facts or grounds for relief "does not suffice to create a common transaction or occurrence." *Id.* And, the court recognized, matters would have been different if the plaintiffs there had "allege[d] that their claims arise out of a systematic pattern of events and, therefore, arise from the same transaction or occurrence." *Id.* That, again, is what FAC alleges here.

c. Relatedly, each defendant's conduct is alleged to be part of a civil conspiracy that is producing common injuries. *Moore v. Comfed Savings Bank* recognized that joinder of defendants may be appropriate where a state or local

law requiring "common action" or concerted conduct makes a single resolution expeditious. 908 F.2d 834, 838–39 (11th Cir. 1990).

And criminal joinder cases (which are persuasive because they follow the same basic logic) support the notion that "[j]oinder is proper where, as here, the indictment charges multiple defendants with participation in a single conspiracy and also charges the defendants with substantive counts arising out of the conspiracy." *United States v. Jones*, 913 F.2d 1552, 1562 (11th Cir. 1990); *accord United States v. Liveoak*, 377 F.3d 859, 865 (8th Cir. 2004) (when defendants "are linked not only by common conspiracy members, but also by an overall scheme in which each conspiracy member participated," joinder is appropriate). If anything, civil joinder rules are more flexible, calling only for a logically related series of transactions and a common question of fact or law—a lower standard than the elements of a criminal conspiracy.

2. Common question. Rule 20's common-question requirement is also satisfied here. FAC's first three counts inherently present common questions that cut across all defendants: whether the cumulative residency and presence restrictions amount to punishment for Eighth Amendment and Ex Post Facto purposes, and whether state and local actors participated in a common hub-and-spoke design to enforce the regime. Compl. ¶¶ 145–60. Those questions need not predominate over every claim; Rule 20 is not Rule 23, and under

Alexander, any common question, allowing for relatively more efficient litigation, is enough. 207 F.3d at 1324.

The remaining counts also present common questions for substantial subsets of defendants. Count 4 alleges injuries tied to county defendants and their enforcement of state travel-reporting requirements. *Id.* ¶¶ 161–65. Count 5 alleges injuries tied to the presence restrictions that use common (often identical) language and are challenged on their faces. *Id.* ¶¶ 166–70. Count 6 alleges common injuries arising from the recurring use of vague terms such as "loiter," "congregate," and "vicinity," which again are challenged facially. *Id.* ¶¶ 171–75. Count 7 alleges speech-related restrictions in a subset of local enactments. *Id.* ¶¶ 176–79.

The motions to dismiss underscore the overlap. Multiple defendants argue that FAC's "combined effect" theory fails under the same punitive-effect framework. *See* Template A, at 6–13; Template B, at 14–18. Multiple defendants argue that counties are not responsible for sheriff or FDLE enforcement activities. *See* Template B, at 12–13 (excluding Jacksonville and Davie); Dkt. 161, at 24–26 (Miami-Dade); Dkt. 164, at 10–12 (Volusia County); Dkt. 169, at 19–21 (Broward County); Dkt. 179, at 22–26 (Martin); Dkt. 180, at 10 (Boca Raton); Dkt. 181, at 8 (Hollywood); Dkt. 182, at 17–21 (St. Lucie); Dkt. 197, at 15–16 (Orlando); Dkt. 199, at 15–16 (Gainesville); Dkt. 203, at 17–18 (Columbia County); Dkt. 201, at 8 n. 2 (Lee County); Dkt. 211, at 7-8

(Washington County); Dkt. 212, at 8-9 (Calhoun County); Dkt. 226, at 9-10 (Putnam County); Dkt. 227, at 9-10 (St. Johns County). Multiple defendants argue that the complaint is a shotgun pleading because it groups defendants and incorporates common allegations. *See, e.g.*, Template A, at 3–6; Template B, at 4–7. These are common, overlapping legal issues that the Court can resolve all at once, for all defendants, without forcing FAC to relitigate them dozens of times in scattered forums.

Defendants insist that each ordinance will require some individualized analysis. *See, e.g.*, Template A, at 5; Template B, at 7, 9, 15. Although that is likely true to some degree for some of the merits issues, it does not overcome Rule 20, which (again) imposes a far lower standard than Rule 23's predominance requirements. The presence of *some* defendant-specific questions does not bar joinder when common issues and judicial economy favor a unified proceeding. *Fisher*, 245 F.R.D. at 542.

C. Practical considerations, including judicial efficiency and fundamental fairness, support joinder

Practical considerations also weigh heavily in favor of keeping the defendants together in a single suit. "The central purpose of Rule 20 is to promote trial convenience and expedite the resolution of disputes, thereby eliminating unnecessary lawsuits." *Alexander*, 207 F.3d at 1323. To be sure, this interest in judicial economy must be weighed against "potential prejudice to

the litigants." *Id.* But because "joinder of claims, parties and remedies is strongly encouraged," consideration of "fairness to the parties" must be construed so as to allow "the broadest possible scope of action." *Id.* (quoting *United Mine Workers v. Gibbs*, 383 U.S. 715, 724 (1966)).

Thus, the practical question under Rules 20 and 21 is not whether the case is a large one that will require careful case management. It is instead whether keeping related claims together will advance the Federal Rules' commitment to a just and fair, speedy and efficient resolution of this matter (Fed. R. Civ. P. 1) as compared with the alternative of litigating multitudinous lawsuits scattered across the state, pressing common legal issues with overlapping factual records before different judges in different forums on different schedules. Here, it surely will.

1. A consolidated proceeding in this case permits coordinated briefing on the common Eighth Amendment, Ex Post Facto, vagueness, travel, loitering, First Amendment, and conspiracy questions. It allows one record concerning the Florida registration statutes, the effects of those statutes alone and with the ordinances, and FDLE's statewide enforcement role and concerted efforts with the counties and cities. It allows one coordinated schedule for dispositive motions. And perhaps most important, it ensures one set of rulings on threshold legal standards, and one judicial determination of how the statewide legal framework interacts with the local enactments. Severance would forfeit

those efficiencies and require piecemeal lawsuits in which different judges (and some of the same judges repeatedly) would be asked to resolve the same legal standards on overlapping records in potentially conflicting ways.

The motions to dismiss demonstrate the point. As just one example, nearly all defendants argue that the Eighth Amendment and Ex Post Facto Clause apply only to punishment and contend counts one through three therefore must be dismissed because the challenged state statutes and local ordinances are civil regulatory measures. The Template B defendants make the nonpunitive-effect argument by expressly adopting Miami-Dade's briefing on the point. *See* Template B, at 14–15. The Template A defendants press the same basic argument. *See* Template A, at 6–13. Most other defendants raise the point in separate motions pressing the same substantive points.[2]

The "drag on the efficient administration of justice would be considerable" (*Fisher*, 245 F.R.D. at 542–44) if those common arguments were litigated

[2] *See* Dkt. 167, at 5–9 (FDLE); Dkt. 161, at 12–21 (Miami-Dade); Dkt. 169, at 21–26 (Broward County); Dkt. 197, at 19–24 (Orlando); Dkt. 199, at 20–25 (Gainesville); Dkt. 179, at 17-22 (Martin County); Dkt. 180, at 13–20 (Boca Raton); Dkt. 181, at 14–20 (Hollywood); Dkt. 182, at 12–17 (St. Lucie County); Dkt. 202, at 9-16 (West Palm Beach); Dkt. 203, at 11–15 (Columbia County); Dkt. 200, at 10–15 (Hendry, Holmes, Levy, and Okeechobee Counties); Dkt. 211, at 9–12 (Washington County); Dkt. 212, at 9–13 (Calhoun County); Dkt. 225, at 5-6 (Miramar); Dkt. 226, at 11–14 (Putnam County); Dkt. 227, at 11-14 (St. Johns County) Dkt. 166, at 11–17 (Palm Beach County); Dkt. 168, at 10 (Polk County).

in dozens of separate lawsuits, each requiring separate briefing, separate records, separate hearings, and potentially inconsistent rulings. The result would be "akin to a judicial *Groundhog Day*," in which the same expert witnesses would testify repeatedly on the same topics, based on the same data, over and over. *Id.* at 543. If severed county-by-county and city-by-city, every action would require the parties to rebuild the same legal and factual foundation: Florida's registration framework, the categories of restrictions, the governing punitive-effect standards, and so forth.

A single proceeding avoids that duplication while preserving the Court's ability to require defendant-specific submissions where they are truly warranted. And this follows from just *one* of the dozen-plus common issues raised in the motions to dismiss.

2. Defendants' manageability concerns assume a fact-intensive multi-defendant trial requiring discovery into numerous unrelated factual narratives. That concern is simply not true to the nature of this suit. FAC's principal claims are facial constitutional challenges to state statutes and local ordinances. A facial challenge attacks the statute or ordinance itself; the facts of the particular challenger's case are not the focus of the facial constitutional inquiry. *See generally Moody v. NetChoice*, 603 U.S. 707, 724–26 (2024). With respect to the vagueness claims, for example, the Eleventh Circuit has emphasized that "the language of the ordinance itself" must be vague, and

courts examine the text independent of party-specific facts. *The Indigo Room, Inc. v. City of Fort Myers*, 710 F.3d 1294, 1301–02 (11th Cir. 2013).

The material issues are therefore legal and objective: what the challenged laws say, how the residency and presence restrictions operate as a practical matter, whether the vague terms provide constitutionally adequate notice, and whether the gag laws unduly burden protected expression. Those questions can be addressed by reference to the pleadings, the challenged enactments, public records, and limited expert discovery based on legislative facts. They do not require detailed, party-specific inquiries.

Defendants' cases on this point are therefore, once again, easily distinguished. The court in *Malibu Media v. John Does 1–28*—cited in Template A (at 18) and the Miami-Dade and Columbia motions at pages 55–56 and 25–26, respectively—ordered severance because "various discovery motions [were] likely to be filed by the individual Doe Defendants, each involving unique arguments and individualized concerns." 295 F.R.D. 527, 533 (M.D. Fla. 2012). There is no such risk here. Given the legal nature of the claims presented, extensive discovery would not be appropriate.

Much the same goes for defendants' other cases: *Amergi v. Palestinian Authority* involved a procedurally tangled terrorism case in which different plaintiffs proceeded under different legal theories, default issues complicated the record, and the case had become "something of a nightmare." 611 F.3d

1350, 1367 (11th Cir. 2010). And *Hofmann v. EMI Resorts* involved hundreds of individual investors, different investment products, different representations and marketing materials, and different contracts over several years. 2010 WL 9034908 (S.D. Fla. July 21, 2010).

This case has none of those features. FAC is one plaintiff, and no fact-finder will need to parse registrant-specific facts to resolve the merits. The challenged provisions at times use modestly different text, but they fall into recurring constitutional categories subject to common legal challenges. To the extent evidence is relevant to those challenges (such as to the residency and presence restrictions), the record is shared in common. And defendants' motions themselves already raise the same constitutional defenses across the different claims for relief—defenses that are legal in nature and do not meaningfully vary from defendant to defendant.

The more analogous cases thus unsurprisingly confirm that severance would not be proper here. *Alexander* affirmed a single trial for 18 plaintiffs with different employment effects because the claims centered on a systemic pattern and substantially overlapping proof. 207 F.3d at 1324–25. And *Beckford v. Department of Corrections* affirmed a single trial for 14 female corrections employees where the claims shared core factual overlap, defenses did not materially differ, and separate trials would have imposed substantial practical

burdens. 605 F.3d 951, 961–62 (11th Cir. 2010). Those cases support the same approach here.

3. Finally, whatever supposed unfairness to defendants may follow from joinder—there is none—it is outweighed by the unfairness to FAC that would follow from severance.

Most defendants argue only that having to appear in the Northern District of Florida is unfair. *See* Template A, at 15–17; Template B, at 11; Dkt. 164, at 14-16 (Volusia County); Dkt. 166, at 26–28 (Palm Beach County), Dkt. 201, at 9–13, 31 (Lee County). For example, Lee County asserts that "it would be prejudicial to Lee County to have to defend this action in Northern District as well as fundamentally unfair." Dkt. 201, at 31. But the county gives no explanation why that is so, and 28 U.S.C. § 1391(b)(1) states expressly that "[a] civil action may be brought in—a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located." Any member-specific standing discovery a defendant may wish to take will be within its own jurisdiction. The only burden would be the periodic need to appear before this Court—perhaps an occasional inconvenience for counsel, but not anything "fundamentally unfair" to the parties. If the Court accepted the bare assertion that it is always unfair for a defendant to be sued outside its district of residency, Section 1391(b)(1) would be rendered a nullity.

On the other side of the scale, the unfairness to FAC from severance would be very heavy. As we have explained, FAC's theory of the case is that the challenged laws and ordinances work together as a gestalt. They amount to punishment taken together. If FAC's claims were severed county-by-county and city-by-city, it would effectively foreclose that theory by way of procedural rule rather than the merits. But FAC is entitled to its day in court on the theory it has alleged, and the Court should preserve its ability to grant complete relief if FAC prevails. That requires adjudication of all of the challenged exercises of state power together, in a single suit. The motions to sever accordingly should be denied.

CONCLUSION

The Court should deny the motions to sever.

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Respectfully submitted,

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CERTIFICATE OF WORD COUNT

I certify pursuant to Local Rule 7.1(F) that the total word count in this motion is 8,303 words, excluding the case style and certifications, and that it complies with this Court's spacing and formatting requirements.

/s/ *Michael B. Kimberly*

CERTIFICATE OF SERVICE

I certify that on November 11, 2026, I electronically filed the foregoing with the Clerk of Court by using CM/ECF, which automatically serves all counsel of record for the parties who have appeared.

/s/ *Michael B. Kimberly*