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

FLORIDA ACTION COMMITTEE, INC.,

Plaintiff,

v. **Case No.: 4:26cv388-MW/MJF**

LARRY KEEFE, et al.,

Defendants.
_____/

ORDER ON MOTIONS TO DISMISS AND MOTIONS TO SEVER

This case presents facial challenges to Florida's sex offender registry statutes and several county and municipal ordinances that also regulate registered sex offenders. *See* ECF No. 241 at 33 ("FAC's principal claims are facial constitutional challenges to state statutes and local ordinances."). Plaintiff contends that these state statutes, county ordinances, and municipal ordinances operate as a unified scheme that infringes its members' Eighth Amendment rights, among other constitutional violations. Plaintiff also contends that the Defendants—the commissioner of the Florida Department of Law Enforcement—and dozens of Florida counties and cities—have conspired to violate Plaintiff's members' constitutional rights.

Defendants have filed dozens of motions to dismiss or to sever. Defendants point to several issues presented by Plaintiff's claims that are unique to different Defendants, including, for example, potential standing defects, res judicata issues,

pending litigation and first-filed claims in other districts, statute of limitations defenses, shotgun pleading arguments, and the sufficiency of Plaintiff's factual allegations to state plausible claims for relief. Likewise, many of the out-of-district Defendants identify the issue of whether these claims should have been brought against them in the Northern District of Florida. This Court has considered, without hearing, the myriad arguments raised in the pending motions, and Plaintiff's responses in opposition. This Court is persuaded that the out-of-district Defendants seeking to sever the claims against them have the better of the argument. Likewise, this Court also agrees with the remaining Defendants who contend that the amended complaint is an impermissible shotgun pleading and subject to dismissal on that basis.

Starting with the arguments for severance, this Court notes that only Defendants Keefe, Calhoun County, Holmes County, Jackson County, Levy County, Washington County, and City of Gainesville are located in the Northern District of Florida. The remaining Defendants are situated in the Middle District of Florida[1] and the Southern District of Florida.[2] Several of the out-of-district Defendants assert

[1] Brevard County, Citrus County, Clay County, Columbia County, Duval County, Flagler County, Hendry County, Hernando County, Lake County, Lee County, Marion County, Osceola County, Pasco County, Polk County, Putnam County, Seminole County, St. Johns County, Sumter County, Suwanee County, Union County, Volusia County, City of Cape Coral, City of Jacksonville, City of Fort Myers, City of Orlando, and City of Palm Bay.

[2] Broward County, Indian River County, Martin County, Miami-Dade County, Okeechobee County, Palm Beach County, St. Lucie County, City of Boca Raton, City of Coral

the claims against them are not properly joined in this action and warrant severance. For the reasons set out below, this Court agrees and, on its own motion, drops the out-of-district Defendants pursuant to Rule 21 of the Federal Rules of Civil Procedure.

"On motion or on its own, the court may at any time, on just terms, add or drop a party." Fed. R. Civ. P. 21. "The court may also sever any claim against a party." *Id*. "A district court has broad discretion when deciding whether to sever claims under Rule 21 and may consider factors such as judicial economy, case management, prejudice to parties, and fundamental fairness." *Guerrero v. Nationsbenefits, LLC*, 2023 WL 4744922, at *1 (S.D. Fla. July 6, 2023) (citation and quotation marks omitted). Indeed, "Congress recognized that judicial economy may . . . be served by separating a single action into multiple." *Heard v. Martin Cnty. Sheriff's Off.*, 2014 WL 12770093, at *14 (S.D. Fla. Aug. 8, 2014) (citing Fed. R. Civ. P. 21). This is particularly true where "the numerosity of Defendants will make for an overly burdensome discovery process," when "each Defendant will also have factually distinct defenses," and when the operative pleading raises shotgun pleading concerns. *Id*.

Plaintiff's primary opposition to dropping or severing its claims against the

Springs, City of Davie, City of Fort Lauderdale, City of Hollywood, City of Miramar, City of Pembroke Pines, City of Pompano Beach, city of Port St. Lucie, City of Sunrise, and City of West Palm Beach.

out-of-district Defendants is that, according to Plaintiff, each of the Defendants is an indispensable party under Rule 19 of the Federal Rules of Civil Procedure. Plaintiff's argument, couched in terms of its entitlement to "complete relief," is unsupported by any citation to legal authority for the proposition that conclusory allegations of some unified scheme or conspiracy among dozens of unrelated local governments and a state official is grounds for mandatory joinder of Defendants. *See* ECF No. 241 at 19–20. Instead, Plaintiff conflates Rule 19's language about affording a party "complete relief" with Article III's redressability requirement. But "[t]he redressability element of the Article III standing requirement and the 'complete relief' referred to by Rule 19 are not identical." *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 569 n.4 (1992). Moreover, Article III "does not demand that the redress sought by a plaintiff be complete." *Moody v. Holman*, 887 F.3d 1281, 1287 (11th Cir. 2018). In short, this Court is not persuaded by Plaintiff's attempt to shoehorn all the Defendants into one action in this district based on the conclusory assertion that this is the only way to head off an Article III defense as to redressability. *See* ECF No. 241 at 21. This argument misreads *Jacobson v. Fla. Sec'y of State*, 974 F.3d 1236 (11th Cir. 2020) and ignores the Eleventh Circuit's recognition that partial redress is sufficient for demonstrating redressability under Article III.

Plaintiff also contends that its claims satisfy Rule 20's requirements for permissive joinder as they "arise out of a legally and factually related series of

transactions or occurrences." ECF No. 241 at 23. This Court finds the assertion dubious insofar as these claims are premised on alleged harms flowing from a patchwork of state and local laws that were all passed or amended at different times and are enforced by dozens of different governmental authorities and law enforcement agencies and which impact Plaintiff's members and their family members in myriad different ways. But even assuming *arguendo* that Plaintiff's claims against all of the Defendants satisfy Rule 20's requirements for permissive joinder, this Court may still exercise its discretion to drop or sever these claims. And here, "considerations of judicial economy, case management, prejudice to parties, and fundamental fairness dictate" that Plaintiff's claims against the out-of-district Defendants be dropped. *Barber v. America's Wholesale Lender*, 289 F.R.D. 364, 368 (M.D. Fla. 2013); *see also Liberty Media Holdings, LLC v. BitTorrent Swarm*, 277 F.R.D. 669, 672 (S.D. Fla. Nov. 1, 2011) (severing and dismissing defendants where delay in proceedings was "directly attributable to the joinder of Defendants in this action" and where "permitting joinder would force the Court to address the unique defenses that are likely to be advanced by each individual Defendant, creating scores of mini-trials involving different evidence and testimony," and where "permissive joinder of Defendants would likely prejudice Defendants due to the numerous logistical burdens that would arise").

As noted above, the pending motions to dismiss or sever identify a plethora

of issues and legal defenses that are unique to each Defendant, including, but not limited to, statutes of limitations defenses, standing issues, res judicata concerns, and pending, first-filed litigation in other districts. Coupled with the shotgun pleading concerns that Plaintiff's amended complaint raises and the burdens this case will place on all Defendants in conducting discovery, including jurisdictional discovery to determine whether Plaintiff has standing against each individual Defendant, this Court concludes that severing and dropping the out-of-district Defendants furthers judicial economy and case management, mitigates prejudice to the Defendants while allowing Plaintiff the flexibility to determine how best to proceed, and furthers fundamental fairness in this case. Accordingly, Plaintiff's claims against the out-of-district Defendants[3] are due to be severed and dismissed.

This leaves Plaintiff's claims against the Defendants located in the Northern District of Florida—namely, Defendants Keefe, Calhoun County, Holmes County, Jackson County, Levy County, Washington County, and City of Gainesville. While these Defendants' motions to dismiss raise several bases for dismissal, this Court

[3] Brevard County, Citrus County, Clay County, Columbia County, Duval County, Flagler County, Hendry County, Hernando County, Lake County, Lee County, Marion County, Osceola County, Pasco County, Polk County, Putnam County, Seminole County, St. Johns County, Sumter County, Suwanee County, Union County, Volusia County, City of Jacksonville, City of Fort Myers, City of Orlando, and City of Palm Bay, in the Middle District of Florida; Broward County, Indian River County, Martin County, Miami-Dade County, Okeechobee County, Palm Beach County, St. Lucie County, City of Boca Raton, City of Coral Springs, City of Davie, City of Fort Lauderdale, City of Hollywood, City of Miramar, City of Pembroke Pines, City of Pompano Beach, city of Port St. Lucie, City of Sunrise, and City of West Palm Beach, in the Southern District of Florida.

need not reach them all insofar as the amended complaint is clearly an impermissible shotgun pleading, and all but Defendant Keefe raise this as a basis for dismissal in their motions. *See* ECF No. 212 at 4 (Calhoun County's motion to dismiss addressing shotgun pleading arguments); ECF No. 200 at 7 (Holmes and Levy County's motion to dismiss addressing shotgun pleading arguments); ECF No. 223 at 3 (Jackson County's motion to dismiss addressing shotgun pleading arguments); ECF No. 211 at 4 (Washington County's motion to dismiss addressing shotgun pleading arguments); ECF No. 199 at 25 (City of Gainesville's motion to dismiss addressing shotgun pleading arguments). Plaintiff's amended complaint commits "the mortal sin" of realleging all prior paragraphs into each subsequent count, "causing each successive count to carry all that came before and the last count to be a combination of the entire complaint." *Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1321 (11th Cir. 2015). It is due to be dismissed on this basis.

Accordingly, for these reasons, this Court is persuaded by the many out-of-district Defendants' arguments concerning severance, and on this Court's own motion, pursuant to Rule 21 of the Federal Rules of Civil Procedure, the claims against the out-of-district Defendants[4] are **DISMISSED without prejudice** for

[4] Brevard County, Citrus County, Clay County, Columbia County, Duval County, Flagler County, Hendry County, Hernando County, Lake County, Lee County, Marion County, Osceola County, Pasco County, Polk County, Putnam County, Seminole County, St. Johns County, Sumter County, Suwanee County, Union County, Volusia County, City of Cape Coral, City of Jacksonville, City of Fort Myers, City of Orlando, City of Palm Bay, Broward County, Indian River County, Martin County, Miami-Dade County, Okeechobee County, Palm Beach County, St.

refiling in separate actions in the Middle and Southern Districts of Florida.[5] Accordingly, these Defendants' motions to dismiss, ECF Nos. 161, 164, 166, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 201, 202, 203, 225, 226, 227, and 237 are **DENIED as moot.**

The motions to dismiss filed by the City of Gainesville, ECF No. 199, Washington County, ECF No. 211, Calhoun County, ECF No. 212, and Jackson County, ECF No. 223, are **GRANTED in part and DENIED in part,** insofar as Plaintiff's amended complaint is due to be dismissed as a shotgun pleading.

The joint motion to dismiss or sever filed by Hendry, Holmes, Levy, and Okeechobee Counties, ECF No. 200, is **DENIED as moot**, in part, as to Hendry and Okeechobee Counties, insofar as Plaintiff's claims against these counties are **DISMISSED** on this Court's own motion under Rule 21. The balance of the motion as to Defendants Holmes and Levy Counties is **GRANTED in part and DENIED in part** insofar as the amended complaint is **DISMISSED without prejudice** as a shotgun pleading.

Lucie County, City of Boca Raton, City of Coral Springs, City of Davie, City of Fort Lauderdale, City of Hollywood, City of Miramar, City of Pembroke Pines, City of Pompano Beach, city of Port St. Lucie, City of Sunrise, and City of West Palm Beach.

[5] This Court also could have severed and transferred the claims against the out-of-district Defendants to the Middle and Southern Districts of Florida pursuant to 28 U.S.C.§ 1404. However, this Court is merely dropping these parties from this action under Rule 21 to allow Plaintiff the flexibility to determine how it wishes to proceed against these dismissed Defendants.

Defendant Keefe's motion to dismiss, ECF No. 167, is **DENIED as moot** inasmuch as the amended complaint is dismissed as a shotgun pleading.

Plaintiff has leave to file a second amended complaint correcting the shotgun-pleading deficiencies against Defendants Keefe, City of Gainesville, Washington County, Calhoun County, Jackson County, Holmes County, and Levy County **on or before December 11, 2026**. In drafting the second amended complaint, Plaintiff may also wish to address any other asserted pleading deficiencies raised in the motions to dismiss addressed in this Order. Finally, the December 18th deadline for responding to the balance of the arguments raised in the motions to dismiss no longer controls inasmuch as this Court has ruled on the pending motions.

SO ORDERED on November 20, 2026.

s/Mark E. Walker
United States District Judge