

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

CITY OF TITUSVILLE, a Florida Municipality,

Plaintiff,

Vs.

Case No. 2022-CA-038303

SPEAK UP TITUSVILLE, INC.,
A Florida Not for Profit Corporation.

Defendants.

ORDER ON MOTIONS FOR SUMMARY JUDGEMENT

Each Party in this action has moved for a Summary Judgment for Declaratory Judgment. A hearing was held on May 9, 2023 in which the Court heard oral arguments of the Attorneys for the Parties. Each Party also submitted written memoranda and legal citations of authority.

1. FACTS:

- A. The City of Titusville is a Florida municipality with its Charter adopted and established pursuant to Article VIII, Section 2 of the Florida Constitution.
- B. The City has a Council-Manager form of government in which the City Council is vested with all authority to enact local legislation, adopt Budgets, determine policies and appoint the City Manager as set forth in Article 1, Section 10, Titusville City Charter.
- C. Speak Up Titusville, Inc. was created as a Not for Profit Corporation on May 24, 2021.
- D. Speak Up Titusville embarked upon a citizen initiative to amend the City's Charter pursuant to Section 166.031(1), Florida Statutes.
- E. Speak Up Titusville drafted and disseminated a Petition which, if passed by a majority of the citizen qualified voters of Titusville, would amend