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IN THE SUPREME COURT OF FLORIDA

Case No.: SC14-924

JAMES APTHORP

Petitioner,

vs.

KEN DETZNER, as Secretary of State of Florida

Respondent.

MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE IN SUPPORT OF PETITIONER

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MOTION FOR LEAVE TO FILE
BRIEF OF AMICI CURIAE IN SUPPORT OF PETITIONER

Pursuant to Rule 9.370(a),[1] Florida Rules of Appellate Procedure, the First Amendment Foundation, Inc.; Morris Publishing Group, LLC, d/b/a *The Florida Times-Union*; Florida Press Association, Inc.; The Associated Press; The McClatchy Company (owner of *The Miami Herald*, *El Nuevo Herald* and *The Bradenton Herald*); Orlando Sentinel Communications Company, LLC d/b/a *Orlando Sentinel*; Sun-Sentinel Company, LLC d/b/a *South Florida Sun Sentinel*; Florida Society of Newspaper Editors; *The News-Press*; *Pensacola News Journal*; *FLORIDA TODAY*; *The Tallahassee Democrat*; First Coast News; and WTSP-TV (collectively, "Proposed Amici"), hereby move this Court for leave to file an *amici curiae* brief on the merits in support of the Petition in this cause, and would show the Court as follows:

I. Interests of Proposed Amici.

The Proposed Amici are organizations and media outlets devoted to ensuring that the citizenry's constitutional guarantee of open government is not diluted and that Florida's government is conducted in the sunshine, subject to the searching view of the public. The Proposed Amici regularly litigate access issues in the

[1] Rule 9.370, Florida Rules of Appellate Procedure, allows for amici support in cases where an extraordinary writ is sought. Indeed, Rule 9.370(c) provides that "[a]n amicus curiae must serve its brief no later than 10 days after the first brief, *petition*, or response of the party being supported is filed." Fla. R. App. P. 9.370(c) (emphasis added). Therefore, amicus briefs are permissible in original proceedings, such as the instant proceeding.

courts of this State, and many of the Proposed Amici have appeared before this Court to address issues affecting public concern, like the issues presented in the instant Petition.

While the Proposed Amici are organizations and media outlets, they seek to file an *amici curiae* brief that would inure to the benefit of all Floridians whom the constitutional guarantees of open government and transparency are intended to benefit. The Proposed Amici are frequently confronted with the opportunity to report on and inform the citizenry of campaign issues, including possible conflicts of interest of office holders and candidates for public office. However, because of the unconstitutional barrier to access discussed in the instant Petition, the Proposed Amici have been unable to fully inform the public of the financial interests and possible conflicts of interests of Florida's elected officials.

The issue presented in the instant Petition is significant. It concerns nothing less than the information available to Floridians when they cast their vote for those elected officials who will govern their state, county, or municipality and who will spend their taxpayers' dollars. Consequently, this Court's ruling will likely have a considerable impact on reporting, broadcasts, and journalism throughout the state.

II. Issue to be Addressed.

Whether Section 112.31425, Florida Statutes, which authorizes office holders and candidates for public office to disclose the existence of "qualified blind

trusts" in lieu of full and public financial disclosure is inconsistent with and unconstitutional under Article II, Section 8(a) of the Florida Constitution?

III. How the Proposed Amici can Assist the Court.

The Proposed Amici regularly confront and litigate constitutional and statutory access issues in the courts of this State and are devoted to informing the Florida citizenry of issues of public concern, such as those presented in the instant Petition. Indeed, this Court and the District Courts have previously recognized that the news media is a surrogate for the public on access issues. The Proposed Amici have important legal and policy analyses to share with this Court in making this important ruling.

IV. Consent of All Parties.

The undersigned has contacted counsel for the parties in this action to inquire as to whether they object to the filing of an *amici curiae* brief. Counsel for the Petitioner have no objection to the filing of an *amici curiae* brief, and Counsel for the Florida Department of State objects. The undersigned has yet to receive a response from the Office of the Florida Attorney General.

CONCLUSION

For all of the foregoing reasons, the Proposed Amici hereby move the Court to grant this motion, and to permit the filing of an *amici curiae* brief on the merits in support of the Petition in this matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished this 16th day of May, 2014, via email to:

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