

IN THE SUPREME COURT OF FLORIDA

WILLIAM WILLIAMS,

Petitioner,

CASE NO. SC15-1417

vs.

Lower Tribunal No(s).:

STATE OF FLORIDA,

5D14-3543;

13-314873-MMDB

Respondent.

_____/

**THE FLORIDA POLICE CHIEFS ASSOCIATION'S
MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

The Florida Police Chief's Association, by and through the undersigned counsel, and pursuant to Florida Rule of Appellate Procedure 9.370 (a), hereby move the Court for leave to file an amicus curiae brief on behalf the Association's membership, and states:

1. The Florida Police Chief's Association was founded in 1952 and is now composed of more than 900 of the state's top law enforcement executives, and has members representing every region of the state. The Association promotes legislation that would enhance public safety by providing superior police protection for the residents of Florida and its many visitors, and provides communication, education and training for the state's various police and security agencies.

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2. The matter pending before the Court raises an issue significant to the Association. More specifically, the appeal raises a question of the constitutionality of Section 316.1939, Florida Statutes, which criminalizes the second and subsequent refusals to provide a breath test when requested by law enforcement and after an arrest supported by probable cause.

3. The issue is significant to the Association and it supports the Respondent State of Florida and the constitutionality of the aforementioned statute. The Association submits that its amicus brief would assist the Court in resolving the weighty issues before it and that its participation would be valuable to the Court given the significant breadth and scope of the future effects of the Court's decision on the issues raised.

4. The proposed brief would conform to the requirements of rule 9.370 and all other applicable rules of appellate procedure.

5. Aaron Delgado, Esq., counsel for the Petitioner, has been contacted and advises that he does not oppose the motion. Wes Heidt, Esq., counsel for the Respondent has been contacted and advises that he supports the motion. Tracey Woods, Esq., counsel for Amici Curiae National College for DUI Defense has been contacted and advises that she does not object to the motion. Sonya Rudenstine, Esq., counsel for FACDL has been contacted and advises that she does not object to the motion.

WHEREFORE, the Florida Police Chiefs Association moves the Court for entry of an Order permitting it to file an amicus curiae brief in this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by e-mail to Aaron D. Delgado, Esquire at adelgado@communitylawfirm.com, Eric A. Latinsky, Esquire at elatinsky@communitylawfirm.com and Robert W. Rawlins, Esquire at rrawlins@communitylawfirm.com (Counsel for Petitioner), Kristen Davenport, Esquire, at kristen.davenport@myfloridalegal.com (Counsel for Respondent), Tracey Wood, Esquire, at tracey@traceywood.com (Counsel for Amici Curiae National College for DUI Defense), and Sonya Rudenstine, Esquire at srudenstine@yahoo.com and Karen Gottlieb, Esquire at kgottlie@fiu.edu (Counsel for Amici Curiae FACDL) this 23rd day of February, 2016.

s/ J. David Marsey

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