

In the Supreme Court of Florida

CASE No. SC15-650

DALE NORMAN,
Petitioner,

v.

State of Florida,
Respondent.

ON PETITION FOR DISCRETIONARY REVIEW FROM THE DISTRICT
COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT (No. 4D12-3525)

MOTION OF EVERYTOWN FOR GUN SAFETY FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE IN SUPPORT OF RESPONDENT

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January 15, 2016

**MOTION OF EVERYTOWN FOR GUN SAFETY FOR LEAVE TO FILE
A BRIEF AS AMICUS CURIAE IN SUPPORT OF RESPONDENT**

Everytown for Gun Safety hereby moves this Court for leave under Florida Rule of Appellate Procedure 9.370 to file a brief as *amicus curiae* on the merits in support of the respondent in this case.

1. Everytown for Gun Safety is the nation’s largest gun-violence-prevention organization. With more than three million supporters, it advocates for common-sense gun laws across the country. Everytown has a large number of supporters who live and work in the state of Florida and who believe that the state’s regulation of the public carrying of firearms makes their homes, workplaces, and neighborhoods safer. The leaders of nearly 40 Florida cities—including Miami, Orlando, and St. Petersburg—are members of Mayors Against Illegal Guns, Everytown’s coalition of more than 1,000 current and former mayors advocating for common-sense gun-safety regulations.

2. Everytown moves to a file an *amicus* brief in this case because the appellate court’s decision below—although it reached the right result and upheld Florida’s legal regime under the Second Amendment—relied on a mistaken, incomplete understanding of the relevant historical materials. Specifically, the court relied on a Ninth Circuit panel’s now-vacated decision in *Peruta v. San*

Diego, 742 F.3d 1144 (2014), which struck down California’s public-carry regime as unconstitutional. (The panel decision in *Peruta* is being reconsidered en banc.)

3. Everytown’s brief will present this Court with a broad array of historical materials that were overlooked by both the court below and the *Peruta* panel. These materials show that Florida’s law—which allows concealed carry under a shall-issue permitting regime—falls well within a seven-century Anglo-American tradition of regulating the public carry of firearms.

4. Everytown has devoted substantial resources to researching historical firearms legislation. It has drawn on this expertise to file briefs in several recent Second Amendment cases, including the two most recent appeals concerning Second Amendment challenges to restrictions on public carry: *Wrenn v. District of Columbia*, No. 15-162, (D.C. Cir.) and *Peruta*, No. 10-56971 (9th Cir.) (en banc). The proposed *amicus* brief will describe the historical predecessors to Florida’s law—from a 1328 English statute, through founding-era America, and up to today.

5. Because this historical background is directly relevant to the constitutionality of Florida’s law, Everytown’s proposed brief will assist this Court in deciding that question. It will provide the Court with additional, significant historical materials that clearly demonstrate the constitutionality of Florida’s shall-issue regime. Further, it will ensure that, if this Court intends to rely on history, it will have access to a more comprehensive historical record.

6. The respondent consents to the filing of the proposed amicus brief.

The petitioner does not consent to the filing of the proposed amicus brief.

Respectfully submitted,

/s/ Glenn Burhans, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2016, a true and correct copy of the foregoing has been filed via the Florida Courts E-Filing Portal, which will electronically serve the document to counsel of record listed below:

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