

IN THE SUPREME COURT OF THE STATE OF FLORIDA

ORANGE COUNTY, Florida,

Petitioner,

v.

Case No.: SC18-79
Lower Tribunal: 5D16-2509

RICK SINGH, *et al*,

Respondents.

_____ /

**ORANGE COUNTY CLERK OF THE CIRCUIT COURT'S
UNOPPOSED MOTION TO FILE AMICUS CURIAE BRIEF**

COMES NOW, the Orange County Clerk of the Circuit Court (“the Clerk”), by and through its undersigned counsel, which hereby seeks leave from this Court, pursuant to Florida Rule of Appellate Procedure 9.370 and Rule 9.300(a), to file an amicus brief in support of the respondents – all of whom are independent constitutional officers – for the above styled matter, and as grounds therefore would state:

1. The Orange County Clerk of the Circuit Court is an independent constitutional officer. Art. V, § 16, Fla. Const. The Clerk is responsible for an extensive array of statutory and quasi-judicial functions. These functions range from the issuance of passports and marriage licenses to the preparation of records for appeal. Due to its unique role in the justice system, the Clerk is required to

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abide by legislative mandates, rules enacted by the Florida Supreme Court, local and district-wide administrative orders, and individual decisions by state and federal judges. Much like the respondents, the Clerk is selected every four years. Clerks are elected on a countywide basis. Art. VIII, § 1(d), Fla. Const.

2. The present case is of significant interest to the Clerk. This matter involves the election of constitutional officers in Orange County, a group in which the Clerk is a member. The charter amendment prevents the Clerk's party affiliation from appearing on a ballot. (The amendment affects the incumbent as well as any challengers.) Although counties are afforded significant flexibility in determining their affairs, they cannot modify the election of independent constitutional officers, under circumstances where these issues have been expressly preempted to the state. The Clerk intends to argue that the Fifth DCA correctly determined that Orange County's charter amendment is disallowed by Florida's Election Code. This issue affects not only the current Clerk, but each successor clerk as well.

3. Pursuant to Florida Rule of Appellate Procedure 9.300(a), the undersigned certifies that counsel for all parties have been contacted, and no party opposes the appearance and filing of an amicus brief by the Clerk in this matter.

WHEREFORE, the Clerk respectfully requests this Court to grant it leave, pursuant to Florida Rule of Appellate Procedure 9.370 and Rule 9.300(a), to file an amicus brief within twenty (20) days of the filing of the final brief submitted by any of the respondents in this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 22, 2018, a true and correct copy of the foregoing has been furnished via electronic mail, to the following attorneys and parties:

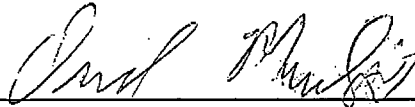
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