

**IN THE SUPREME COURT OF FLORIDA**

CITY OF TALLAHASSEE, FLORIDA

Petitioner,

**CASE NO.: SC21-651**

L.T. Nos.: 1D20-2193

37-2020-CA-001011

v.

FLORIDA POLICE BENEVOLENT  
ASSOCIATION, INC., JOHN DOE 1,  
and JOHN DOE 2,

Respondents.

\_\_\_\_\_ /

**CONSENT MOTION OF THE REPORTERS COMMITTEE FOR  
FREEDOM OF THE PRESS, THE RADIO TELEVISION DIGITAL  
NEWS ASSOCIATION, THE POYNTER INSTITUTE, THE SOCIETY  
OF PROFESSIONAL JOURNALISTS FLORIDA CHAPTER, THE  
FLORIDA CENTER FOR GOVERNMENT ACCOUNTABILITY, AND  
THE ASIAN AMERICAN JOURNALISTS ASSOCIATION FLORIDA  
CHAPTER SEEKING LEAVE TO FILE AN  
AMICI CURIAE BRIEF IN SUPPORT OF PETITIONER**

Pursuant to Florida Rule of Appellate Procedure 9.370 and the Court's orders of December 21, 2021 and January 7, 2022, the Reporters Committee for Freedom of the Press, The Radio Television Digital News Association, The Poynter Institute, the Society of Professional Journalists Florida Pro Chapter, the Florida Center for Government Accountability, and the Asian American Journalists Association Florida Chapter (collectively, "Amici") hereby move, with

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the consent of all parties, for leave to file an amici curiae brief in support of Petitioner City of Tallahassee, to be filed no later than ten (10) days of February 24, 2022 as set forth in the Court's orders of December 21, 2021 and January 7, 2021.

In support, Amici state:

**Amici's identities and interest in the case.**

The Reporters Committee for the Freedom of the Press is an unincorporated, nonprofit association founded by leading journalists and media lawyers in 1970 when the nation's news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. [www.RCFP.org](http://www.RCFP.org) Today, its attorneys provide pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists.

The Radio Television Digital News Association (formerly Radio and Television News Directors Association) is the world's largest professional organization devoted exclusively to broadcast and digital journalism. [www.RTDNA.org](http://www.RTDNA.org) Founded as a grassroots organization in 1946, RTDNA's mission is to promote and protect responsible journalism. RTDNA defends the First Amendment rights

of electronic journalists throughout the country, honors outstanding work in the profession through the Edward R. Murrow Awards and provides members with training to encourage ethical standards, newsroom leadership and industry innovation. RTDNA represents dozens of broadcast and digital journalists in Florida, who serve millions of Floridians by seeking and reporting information of public interest and concern.

The Poynter Institute, a Florida non-profit organization, is a well-known journalism institution founded in 1975.

[www.poynter.org](http://www.poynter.org) It is a recognized world leader in the field of journalism and ethics training, newsroom diversity and leadership, and fostering local news. It has also established itself as a well-regarded fact-checking entity. Stated broadly, its mission is to champion freedom of expression, civil dialogue, and compelling journalism that helps people participate in a healthy democracy. As part of this mission, for example, in 2019 Poynter partnered with more than 470 organizations for various teaching workshops on reporting and ethics. Poynter also strives to improve community trust in journalism and to help young people identify credible news through a program created in tandem with Stanford University.

The Society of Professional Journalists Florida Pro Chapter is a statewide branch representing a national organization that is dedicated to the perpetuation of a free press as the cornerstone of our nation and liberty. [www.SPJFlorida.com](http://www.SPJFlorida.com) At a local level, SPJ Florida acts as a trade and advocacy organization for journalists across the state, while also operating to teach the general public about journalism and news media literacy.

The Florida Center for Government Accountability is a non-partisan, nonprofit organization that focuses on supporting and assisting citizens and investigative journalists to ensure government accountability and transparency. [www.FLCGA.org](http://www.FLCGA.org) FLCGA's mission is to ensure civic engagement by securing access to governmental records and facilitating local on-the-ground reporting with the tools, expertise and knowledge required to conduct well-sourced quality reporting.

The Asian American Journalists Association Florida Chapter is a nonprofit organization of Asian American professional and student journalists. It was established in 1996 under the national Asian American Journalists Association. <https://www.aaaja.org> It encourages diversity in newsrooms, as well as fair and accurate

coverage of Asian Americans and Pacific Islanders. The association is a means of support among Asian American and Pacific Islander journalists. Many of the Florida Chapter's members interview victims or relatives of victims of crime who want to share their story for various reasons.

Amici are interested in participating in this matter as its disposition and outcome will have broad implications not only for the news media but also for any person seeking access to records held by law enforcement and other public agencies across Florida and who are interested in crime and law enforcement's response, subjects that are always of great public interest. Amici are also interested in participating in this matter because its disposition and outcome will either promote or obscure their and the public's ability to evaluate if government is operating transparently and as the public wants.

**Particular issues to be addressed in the brief.**

The First District Court of Appeal adopted Respondents' construction of Article I, Section 16 of the Florida Constitution ("Marsy's Law") by holding that Marsy's Law applies to law enforcement officers threatened with physical harm in the course of

their official duties, and that Marsy's Law provides protection to crime victims from the moment they are victimized.

Amici will explain that Respondents' interpretation of Marsy's Law not only exceeds the intended scope of protections for victims of crime, but also how it would cause the Court to reach an absurd conclusion. Amici will also highlight other protections for law enforcement officers that minimize the risks of harassment that Respondents assert. In addition, Amici will convey the importance of public trust in law enforcement, which is enhanced by public access to information about law enforcement, including public records.

Amici seek to provide the Court with guidance on the proper reconciliation of Marsy's Law with Florida's expansive constitutional and statutory bulwark for open government and freedom of information. Freedom of information, as enshrined in Article I, Section 24 of the Florida Constitution, Chapters 119 and 286, Florida Statutes, and throughout Florida's positive and common law, maximizes the ability of all citizens to educate themselves with information on how their government operates (or does not operate), which is essential to our system of self-government.

Amici also will show the Court how the rapid and widespread adoption of Respondents' construction of Marsy's Law has reduced transparency in policing and diluted the public's ability to determine if government is functioning as the public wants.

**How Amici can assist the Court in the disposition of the case.**

Amici will provide perspectives from non-profit and public-interest organizations who work to advance our constitutional framework including matters of open government, self-government, government accountability, and an informed citizenry. Also, Amici can highlight the newsworthiness of the records and information at issue, which concern subjects that are of great public interest: crime and law enforcement's response to crime. Amici will draw from their expertise with the Florida Constitution itself as well as Chapters 119 and 286, Florida Statutes, and other open government provisions.

**Whether all parties consent to the filing of the brief.**

Counsel for Movants certifies they have conferred with counsel for Petitioner, Respondents, and Intervenor. All parties consent to the relief requested in this motion.



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was file via the Florida Court’s E-Filing Portal, which will provide a copy of the foregoing and notice of electronic filing on the following counsel of record, on this 25th day of January 2022.

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