

**IN THE SUPREME COURT OF FLORIDA**

CASE NO.: SC21-651

L.T. Case No.:1D20-2193

CITY OF TALLAHASSEE, FLORIDA,

Petitioner,

v.

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

Respondents.

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**PALM BEACH COUNTY SHERIFF’S OFFICE’S  
MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**

Pursuant to Florida Rule of Appellate Procedure 9.370(a), the Palm Beach County Sheriff’s Office (“PBSO”) seeks leave to file an *amicus curiae* brief in support of Respondent, Florida Police Benevolent Association, Inc. As grounds for this motion, the PBSO respectfully submits as follows:

**I. The PBSO’s Interest in This Case**

The issue in this case is whether law enforcement officers are entitled to the protections granted to crime victims under article I,

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section 16 of the Florida Constitution, called the Florida Crime Victims' Bill of Rights or "Marsy's Law." The case is of interest to the PBSO, as it is the sheriff's office for the third largest county in Florida and employs over 4,200 staff members, including over 1,600 sworn law enforcement officers. As a law enforcement organization, the PBSO is tasked not only with serving and protecting the citizens of Palm Beach County, but also with serving and protecting its own.

This is a time of increasing peril for law enforcement officers in the United States. According to statistics reported to the Federal Bureau of Investigation, 59 law enforcement officers were killed in the line of duty from January 1, 2021, to September 30, 2021.<sup>1</sup> This marks a 51 percent increase in the number of law enforcement officers killed when compared to the same period in 2020.<sup>2</sup> Thus, the PBSO has an interest in ensuring that a law expressly designed to preserve the safety of crime victims equally applies to law

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<sup>1</sup> Press Release, Federal Bureau of Investigation, *FBI Releases Statistics for Law Enforcement Officers Assaulted and Killed in the Line of Duty* (October 22, 2021).

<https://www.fbi.gov/contact-us/field-offices/dallas/news/press-releases/fbi-releases-statistics-for-law-enforcement-officers-assaulted-and-killed-in-the-line-of-duty>

<sup>2</sup> *Id.*

enforcement officers who are victims of a crime and, therefore, limit at least one source of peril to which law enforcement officers may be exposed.

## **II. The Issues to Be Addressed in the *Amicus* Brief**

This case largely turns upon whether the word “person,” as used in Marsy’s Law when defining the term “victim,” includes on-duty law enforcement officers. As such, the PBSO’s *amicus* brief will address the issue of constitutional text interpretation. Specifically, the PBSO will examine cases where the Florida Supreme Court has held that law enforcement officers are “persons” under the plain and ordinary meaning of that word. Additionally, the PBSO will address the fact that law enforcement officers can only be excluded from the protections of Marsy’s Law through constitutional amendment, not through the judiciary. Finally, the PBSO can address the practical implications of failing to extend the protections of Marsy’s Law to law enforcement officers.

## **III. The PBSO’s *Amicus* Brief Can Assist the Court**

The proposed *amicus* brief can assist in the disposition of the case, as the PBSO can provide a more focused look at legal text interpretation, and the separation of powers doctrine under the

Florida Constitution. The PBSO, as one of the largest law enforcement agencies in Florida, is also in a unique position to provide insight into the actual effects of exempting law enforcement officers from the protection of Marsy's Law.

**IV. Position of Other Parties**

The undersigned counsel has conferred with counsel for all parties. Counsel for Petitioner, counsel Intervenors/Petitioners, and counsel for Respondents all consent to the PBSO's filing of an *amicus* brief.

WHEREFORE, the PBSO respectfully moves this Court for leave to appear as *amicus curiae* in support of Respondent, Florida Police Benevolent Association, Inc.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this motion has been furnished by electronic mail on March 1<sup>st</sup>, 2022, to the following counsel of record:

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