

IN THE SUPREME COURT OF FLORIDA

NICOLE “NIKKI” FRIED, ET AL.

Petitioners,

v.

STATE OF FLORIDA, ET AL.,

Respondents.

Nos. SC 21-917 & 918
(consolidated)

DCA No. 1D19-2819

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**UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
IN SUPPORT OF PETITIONERS BY LEAGUE OF WOMEN VOTERS OF
FLORIDA, GIFFORDS LAW CENTER TO PREVENT GUN VIOLENCE,
BRADY, AND EQUALITY FLORIDA INSTITUTE, INC.**

Pursuant to Florida Rule of Appellate Procedure 9.370(a), the League of Women Voters of Florida, Giffords Law Center, Brady, and Equality Florida Institute, Inc. (collectively “Amici”) hereby move for the entry of an order granting them leave to file an *amicus curiae* brief in support of Petitioners (“Motion”). In support of this Motion, the Amici state:

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Identity and Interest of the Amici Curiae

1. The League of Women Voters of the United States is a nonpartisan, community-based political organization that encourages the informed and active participation of citizens in government and influences public policy through education and advocacy. Founded in 1920 as an outgrowth of the struggle to win voting rights for women, it has more than 150,000 members and supporters nationwide. The League of Women Voters of Florida has thousands of members grouped into 29 local chapters. The League believes in local solutions to local issues and supports strong local governments as a way to strengthen democracy and encourage voter participation.

2. Giffords Law Center to Prevent Gun Violence provides legal and technical assistance in support of gun violence prevention. Founded in the wake of an assault weapon massacre at a San Francisco law firm in 1993, Giffords Law Center focuses on promoting smart, effective gun laws. The organization has filed *amicus* briefs in many important gun safety cases, including *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *McDonald v. City of Chicago*, 561 U.S. 742 (2010). Giffords Law Center also tracks and analyzes federal, state, and local firearms legislation, as well as legal challenges to firearms laws.

3. Brady is a non-partisan, non-profit organization that, since 1974, has worked to end gun violence through education, research, and legal advocacy. Brady has a substantial interest in ensuring that laws are not interpreted or applied in ways that fail to protect communities from the devastating effects of gun violence. For over 30 years Brady has argued and filed *amicus curiae* briefs in cases concerning firearms laws, which have been cited by numerous courts including the United States Supreme Court. Brady brought a lawsuit in *Wollschlaeger v. Governor of Florida*, which struck down as unconstitutional a Florida law restricting doctor-patient speech.

4. Equality Florida Institute, Inc., is the largest civil rights organization in the State of Florida dedicated to advancing full equality for Florida's lesbian, gay, bisexual, and transgender community. Through education, grassroots organizing, coalition building, and the courts when necessary, Equality Florida seeks to ensure that no one in Florida suffers harassment or discrimination on the basis of their sexual orientation or gender identity. Equality Florida's work includes gun violence prevention, given the disproportionate impact of gun violence on minority communities and the massacre at Pulse Nightclub in Orlando. Equality Florida has an interest in the issue presented in this case, as it may have significant implications on Equality Florida's work in Florida.

5. In supporting Petitioners' argument that the penalty provisions of Section 790.33 are unconstitutional, Amici will assist the Court by providing historical context for state firearm preemption statutes. Unlike traditional preemption statutes, Section 790.33 does more than merely preempt a field of regulation—it subjects local legislators to personal liability and removal from office for their *votes* in that field. In addition, *Amici* will explain how the penalty provisions of Section 790.33 will chill local democratic participation and democratic law-making.

6. Counsel for Amici have conferred with counsel for both Petitioners and Respondents, neither of which oppose the submission of an amicus curiae brief by Amici in support of Petitioners.

WHEREFORE, Amici respectfully request that this Court grant their Motion for Leave to File Brief as Amici Curiae in support of Petitioners.

/s/ Kenneth J. Duvall

Philip R. Stein (FBN 67278)
Kenneth J. Duvall (FBN 121826)
Ilana A. Drescher (FBN 1009124)
**BILZIN SUMBERG BAENA
PRICE & AXELROD LLP**
1450 Brickell Ave., Suite 2300
Miami, Florida 33131
Telephone: (305) 350-7284
Facsimile: (305) 351-2283
pstein@bilzin.com
kduvall@bilzin.com
idrescher@bilzin.com
eservice@bilzin.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing to be served electronically via the Florida Court's E-filing portal system this 30th day of September, 2021 upon all counsel of record in the attached service list.

/s/ Kenneth J. Duvall

SERVICE LIST

<p>James H. Percival james.percival@myfloridalegal.com Amit Agarwal amit.agarwal@myfloridalegal.com Office of the Attorney General The Capitol, PL-01 Tallahassee, FL 32399 <i>Counsel for the State of Florida, the Attorney General, and the FDLE Commissioner</i></p>	<p>Colleen Ernst Colleen.ernst@eog.myflorida.com Nicholas A. Primrose Nicholas.primrose@eog.myflorida.com John MacIver John.maciver@eog.myflorida.com JamesUthmeier James.uthmeier@eog.myflorida.com Executive Office of the Governor PL-05, The Capitol Tallahassee, FL 32399 <i>Counsel for Governor Ron DeSantis</i></p>
<p>Genevieve Hall Genevieve.Hall@FDACS.gov Steven Hall Steven.hall@freshfromflorida.com General Counsel Florida Department of Agriculture and Consumer Services The Capitol 400 South Monroe Street, PL-10 Tallahassee, FL 32399 <i>Counsel for Nicole “Nikki” Fried, Commissioner of the Florida Department of Agriculture and Consumer Services</i></p>	<p>Aleksandr Boksner Chief Deputy City Attorney AleksandrBoksnerEservice@miamibeachfl.gov Raul J. Aguila, City Attorney City of MiamiBeach 1700 Convention Center Dr.4th Floor Miami Beach, FL 33139 <i>Counsel for the Miami Beach Plaintiffs</i></p>
<p>Abigail G. Corbett acorbett@stearnsweaver.com Veronica L. De Zayas vdezayas@stearnsweaver.com Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. 150 West Flagler St., Suite 2200 Miami, FL 33130 <i>Counsel for the City of Coral Gables</i></p>	<p>Clifford B. Shepard cshepard@shepardfirm.com Shepard, Smith, Kohlmyer & Hand, P.A.2300 Maitland Center Parkway Suite 100 Maitland, FL 32751 <i>Co-Counsel for the City of Maitland</i></p>

<p>Dexter W. Lehtinen dwlehtinen@aol.com Claudio Riedi criedi@Lehtinen-Schultz.com Asalmon@Lehtinen-Schultz.com LEHTINEN SCHULTZ, PLLC 1111 Brickell Avenue, Suite 2200 Miami, FL 33131 <i>General Counsel for Village of Palmetto Bay</i></p>	<p>Jacqueline M. Kovilaritch City Attorney eservice@stpete.org Jacqueline.kovilaritch@stpete.org Joseph P. Patner Executive Assistant City Attorney joseph.patner@stpete.org Office of The City Attorney The City of St. Petersburg P.O. Box 2842 St. Petersburg, FL 33731 <i>Co-Counsel for Plaintiff City of St. Petersburg</i></p>
<p>René D. Harrod rharrod@broward.org Andrew J. Meyers ameyers@broward.org Nathaniel A. Klitsberg nklitsberg@broward.org Joseph K. Jarone jkjarone@broward.org Broward County Attorney 115 S. Andrews Ave., Suite 423 Fort Lauderdale, FL 33301 <i>Counsel for Appellees Broward County, Mayor Mard D. Bogen, Vice Mayor V.C. Holness, Commissioner Nan H. Rich, Commissioner Michael Udine, and Commissioner Beam Furr</i></p>	<p>Altanese Phenelus Altanese.phenelus@miamidade.gov Shanika A. Graves sgraves@miamidade.gov Angela F. Benjamin Angela.benjamin@miamidade.gov Miami Dade County Attorney's Office Stephen P. Clark Center, Suite 2810 111 NW 1st Street Miami, FL 33128 <i>Counsel for Appellees Miami-Dade County, Members of the Miami Dade County Board of County Commissioners, and Mayor of Miami-Dade County</i></p>
<p>Herbert W.A. Thiele countyattorney@leoncountyfl.gov Lashawn Riggins rigginsl@leoncountyfl.gov tsonose@leoncountyfl.gov 301 South Monroe Street, Suite 202 Tallahassee, FL 32301 <i>Counsel for Appellee Leon County</i></p>	<p>Matthew Triggs mtriggs@proskauer.com florida.litigation@proskauer.com Proskauer Rose LLP One Boca Place 2255 Glades Rd., Suite 421 Atrium Boca Raton, FL 33431</p>

<p>Davis Cooper pdcooper@cooperkirk.com J. Joel Alicea Cooper & Kirk, PLLC 1523 New Hampshire Avenue, N.W. Washington, D.C. 20036 <i>Counsel for Amicus Curiae National Rifle Association of America, Inc.</i></p>	<p>Michael Cardozo mcardozo@proskauer.com Chantel L. Febus cfebus@proskauer.com Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299</p>
<p>John B. Thompson (Pro Se) amendmentone@comcast.net 5721 Riviera Drive Coral Gables, FL 33146</p>	<p>Eric A. Tirschwell etirschwell@everytown.org Everytown Law 450 Lexington Ave, #4184 New York, NY 10017 <i>Counsel for Appellees Dan Daley, Frank C. Ortis, Rebecca A. Tooley, Justin Flippen, City of Coral Springs, City of Pembroke Pines, City of Coconut Creek, and City of Wilton Manors</i></p>
<p>Kraig A. Conn kconn@flcities.com Rebecca A. O'Hara rohara@flcities.com 301 South Bronough St Post Office Box 1757 Tallahassee, Florida 32302-1757 <i>Counsel for Florida League of Cities, Inc.</i></p>	<p>Brook Dooley David J. Rosen drosen@keker.com Andrew S. Bruns Keker, Van Nest & Peters LLP 633 Battery Street San Francisco, CA 94111</p>