

SUPREME COURT OF FLORIDA

**CASE NO.: SC21-917
L.T. No.: 1D19-2819**

**NICOLE “NIKKI” FRIED,
Florida Commissioner of
Agriculture and Consumer
Services, et. al.,
Appellants,**

vs.

**STATE OF FLORIDA, et. al.
Appellees.**

**FLORIDA CARRY, INC.’S MOTION FOR
LEAVE TO FILE AMICUS CURIAE BRIEF**

COMES NOW interested party Florida Carry, Inc., pursuant to Rule 9.370, Fla. R. App. P., and requests leave to file an Amicus Curiae Brief in the above matter and as grounds therefore states:

1. Florida Carry, Inc. is a statewide grassroots organization, chartered under the laws of Florida as a not-for-profit corporation, to act in the public interest, to protect the individual freedom of law-abiding persons to keep and bear arms for lawful purposes as guaranteed by the U.S. and Florida constitutions and laws. These purposes include self-defense, recreational and sporting use, and all other lawful use of firearms.

2. Florida Carry, Inc. has over 30,000 registered members and supporters. Florida Carry represents the interest of nearly 2.5 million Florida concealed weapon firearm license holders, and the estimated eight million firearm owners in Florida, as well as visitors to the state who seek to exercise their right to keep and bear arms in a lawful manner.

3. The particular issues that movant seeks to address is the right of law-abiding firearm owners and carriers to be free from a patchwork of laws unique to the various jurisdictions of local governmental entities of Florida, and constitutional principles related to the regulation of firearms in Florida.

4. Presently all regulation of firearms is preempted by Art. I Sec. 8 of the Florida Constitution, as well as Sec. 790.33, Fla. Stat.

5. Movant can assist the Court based on its specialized knowledge and experience in this area of the law as well as its extensive knowledge of the legislative history of Chapter 790 Florida Statutes, and the development Sec. 790.33, Fla. Stat. Movant is the only organization or association that has successfully sought to enforce the provisions of Sec. 790.33 since it was amended in 2011.

6. Movant, through its members, has first-hand experience with

the unintended consequences of patchwork laws that attempt to limit the rights to keep and bear arms, and of the harm that is caused to individuals who run afoul of local ordinances or policies enacted or enforced in violation of state law.

7. This case will have a direct impact on law abiding Floridians who choose to exercise their right to possess and use firearms in accordance with state and federal law, free from interference by local government.

8. Without a mechanism of enforcement Sec. 790.33, would return to what it was before 2011, a toothless tiger to be ignored at will by local governments.

9. Movant's expertise and knowledge regarding the development and application of Chapter 790, Florida statutes, can assist the Court in making an informed decision that protects the rights of law abiding Floridians and visitors.

10. Movant has consulted with the Appellant and Appellee who have no objection to the movant's request.

11. A copy of Movant's proposed amicus brief is filed contemporaneously with this motion.

WHEREFORE, Appellant requests this Court grant leave for Movant to file an Amicus Brief in this action, and accept the brief as filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the attached service list this 24 day of February, 2022, by eService:

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