

IN THE SUPREME COURT OF FLORIDA

NICOLE “NIKKI” FRIED, ET AL.

Petitioners,

Nos. SC 21-917 & 918
(consolidated)

DCA No. 1D19-2819

vs.

STATE OF FLORIDA, ET AL.

Respondents.

**FLORIDA LEAGUE OF CITIES’ MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN SUPPORT OF PETITIONERS**

Pursuant to Rule 9.370, Florida Rule of Appellate Procedure, the Florida League of Cities, Inc. (“League”), hereby moves for the entry of an order granting it leave to file an amicus curiae brief in support of Petitioners. In support of this motion, the League states:

1. The League is the united voice for Florida’s municipal governments. Its goals are to serve the needs of Florida’s municipalities and promote local self-government. The League was founded on the belief that local self-governance is the keystone of American democracy. The League consists of hundreds of municipal members throughout Florida.

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2. The question on appeal concerns whether the penalty provisions in section 790.33, Florida Statutes, are constitutional. The penalty provisions of section 790.33 are triggered when a local government or official enacts an ordinance or regulation relating to firearms, ammunition, or components thereof, which have been preempted by the Florida Legislature. The resolution of the question on appeal is of great importance to the League and its membership of diverse municipalities across the State of Florida. A determination that the penalty provisions are constitutional increases the threat of liability at significant cost to local government officials and will also have a chilling effect on individuals desiring to serve in local government.

3. Because of the membership of the League and its advocacy on behalf of those members, the League is in a unique position to advise the Court on the scale and scope that a determination upholding the First District Court of Appeal's decision would have on local governments throughout the state. The outcome of this decision will directly affect the ability and willingness of local governments to enact future local legislation on any issue tangentially related to those matters contemplated by section 790.33, and could establish a legal precedent with much wider implications beyond just the application of section 790.33.

4. Counsel for the League has conferred with the counsel for both the Petitioners and Respondents and is authorized to represent that Petitioners and Respondents do not oppose the submission of an amicus curiae brief by the League in support of the Petitioners.

WHEREFORE, the Florida League of Cities, Inc., respectfully requests this Court enter an order granting it leave to file an amicus curiae brief in support of the Petitioners.

Dated: September 16, 2021.

Respectfully Submitted,

/s/ Rebecca A. O'Hara

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of September, 2021, a true and correct copy of the foregoing has been electronically filed with the Florida Court's E-filing portal on all counsel in the attached service list.

By: /s/ Rebecca A. O'Hara
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