

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIRST DISTRICT

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STATE OF FLORIDA, GOVERNOR)	CASE NO. 1D19-2819
RON DESANTIS, ATTORNEY)	LOWER COURT CASE
GENERAL ASHLEY MOODY, and)	NOS. 2018-CA-000699,
FDLE COMMISSIONER RICHARD L.)	2018-CA-001509
SWEARINGEN,)	2018-CA-000882
)	
Appellants,)	
)	
v.)	
)	
CITY OF WESTON, FLORIDA, DAN)	
DALEY, in his official capacity as)	
Commissioner of the City of Coral)	
Springs, Florida, BROWARD COUNTY,)	
a political subdivision of the State of)	
Florida, et al.,)	
)	
Appellees.)	
)	

**THE FLORIDA LEAGUE OF CITIES' AND THE FLORIDA
ASSOCIATION OF COUNTIES' MOTION FOR LEAVE TO FILE
AMICI CURIAE BRIEF IN SUPPORT OF APPELLEES**

Pursuant to Fla. R. App. P. 9.370(a), the Florida League of Cities ("League"), and the Florida Association of Counties ("FAC") hereby move for the entry of an order granting them leave to file an *amici curiae* brief in support of the Appellees. In support of this motion, the League and FAC state:

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.

2. FAC is a state-wide association and not-for-profit corporation organized and existing under Chapter 617 of the Florida Statutes for the purpose of representing county government in the State of Florida and protecting, promoting, and improving the mutual interests of all counties in the State. Among the express purposes for which FAC was organized is to defend the rights of county government under any constitutional provision and statute. Each of Florida's 67 counties is a member of FAC.

3. 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 FAC and their memberships of diverse local governmental entities 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.

4. Because of the membership of the League and FAC and their advocacy on behalf of those members, they are in a unique position to advise the Court on the scale and scope that a determination contrary to the one reached by the Second Judicial Circuit would have on local governmental entities 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.

5. Counsel for the League and FAC has conferred with counsel for both the Appellants and Appellees and is authorized to represent that Appellants and Appellees do not oppose the submission of an *amici curiae* brief by the League and FAC in support of the Appellees.

WHEREFORE, the Florida League of Cities and the Florida Association of Counties respectfully request this Court enter an order granting them leave to file an *amici curiae* brief in support of the Appellees.

Respectfully submitted this 25th Day of November 2019,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of November, 2019, a true and correct copy of the foregoing has been electronically filed with the First District Court of Appeal via Florida Courts E-Filing Portal which will serve it via transmission of Notices of Electronic Filing generated by the ePortal System on counsel of record on the Service List below.

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