

## **FLORIDA ASSOCIATION OF COUNTIES, INC. POLICY**

**Subject:** Amicus Curiae Briefs

**Objective:** To create and maintain a consistent and objective method of determining whether the Florida Association of Counties will appear as an amicus curiae before any court.

The Florida Association of Counties will participate as amicus curiae in cases that concern issues of substantial interest to the Association and when the Association's involvement is approved by the Executive Committee. The Association should file a brief only when it believes that the Association is able to present the argument, or the Association's position, more effectively than the parties, or with some special focus, or that the court may be interested in the Association's position. The purpose of an Association brief is not to merely repeat arguments that are already being advanced by the parties.

### **Procedure for Seeking Amicus Brief Participation**

A request for the Association to appear as amicus curiae must be made in writing to the General Counsel, Florida Association of Counties, 100 South Monroe Street, Tallahassee, Florida 32301, or to the electronic mail address of the Association's General Counsel. Requests may be submitted by non-members of the Association but preference will be given to member requests. The written request will be distributed, as soon as possible, to the Association's Executive Director and the President of the Florida Association of County Attorneys.

Unless exceptional circumstances exist, an amicus curiae request will not be reviewed and granted for participation at the trial court level. Briefs will generally be filed only at the appellate level and generally only before the highest court in which the issue is likely to be determined. In addition, briefs will be filed only when an appeal is to be heard on the merits. However, exceptional circumstances may exist when the Association would consider filing a brief in support of a petition or leave to appeal or certiorari, including by way of example, the United States Supreme Court.

The preparation and filing of a brief will be conditioned on the Association's securing the assistance of qualified counsel to draft and file the brief. If the Association's General Counsel is not the primary drafter of the brief, the Association must be provided a reasonable amount of time to review the brief, drafted by other counsel and to comment on the brief. The Association retains the right to determine, in its sole discretion, to refuse to consent to the filing of a brief, in the name of the Association, that is not acceptable to the Association.

The requesting party must provide the following information in its request:

1. A statement that articulates the specific legal issue(s) that the requesting party believes the Association should address;
2. A statement outlining the facts of the case;
3. A brief discussion of the case's procedural history, including the name of the court in which the brief will be filed;
4. The arguments that the principal brief will make;
5. A survey of significant cases that address the issue(s);
6. A statement explaining how the legal issue(s) relate to the Association's Amicus Brief Policy;
7. A copy of the order being appealed and any briefs already filed on appeal;
8. The date the amicus brief is due. All requests for Association participation must be made no later than 50 days before the Association's amicus brief would be due;
9. The names and addresses of other persons or organizations which have submitted or are considering submitting an amicus brief; and
10. Recommendations of counsel who are qualified, able and willing to prepare the proposed brief in the time available if requested to do so by the Association.

### **Executive Committee Approval**

The General Counsel will present amicus brief requests, after review and consultation with the Executive Director of the Association and the President of the Florida Association of County Attorneys, along with a recommendation for action to the Executive Committee. The General Counsel will recommend that an amicus brief should be filed if: (1) the case presents a significant issue for counties in Florida; (2) the brief would directly address an issue on which the Association has adopted or contemplates adopting a policy position; (3) adequate resources are available to prepare a brief, including the cooperation and assistance of qualified counsel; and (4) sufficient time is available to prepare and file a brief.

The requests for amicus briefs will be presented to the Executive Committee as soon as practical from the time the request is received. Such presentation may be way of electronic, telephonic, or video communication.

**Reservation of Authority:** The Board of Directors of the Association reserves the right to modify, amend or abolish this policy by majority vote at any regular meeting of the Board.

As approved by the Board of Directors  
this 22nd day of June, 2005

\_\_\_\_\_/s/\_\_\_\_\_  
Cliff Thaell, President