

SUPREME COURT OF FLORIDA

CASE NUMBER: 91,230

ST. JOHN MEDICAL PLANS, INC.,  
ST. JOHN CLINIC MEDICAL  
CENTER, INC., and MIGUEL  
ANGEL CRUZ PERAZA on behalf  
of the STATE OF FLORIDA,

Petitioners,

vs.

ALBERTO GUTMAN,

Respondent.

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District Court of Appeal,  
Third District-No. 96-1800

Circuit Court Case  
No.: 95-22930 CA 15

**FILED**

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DEC 9 1997

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

REPLY BRIEF OF PETITIONERS

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## I. ARGUMENT

In his answer brief, Respondent Gutman restates the issue on appeal to suit himself, assuming - as if established - that the Plaintiffs lack standing when, in fact, that is the very issue pending.

In adopting the Sunshine Amendment provision in question, the people of Florida clearly amended the Constitution and expected that their amendment would be given effect. As set forth more fully in the Petitioner's initial brief, the pertinent constitutional provision is self-executing, and expressly grants standing to "the people". Further, even apart from the self-executing nature of the constitutional provision, the definitional section of the part of the Florida Ethics Code relied upon by Defendant Gutman is in direct conflict with the constitutional language, and is unconstitutional to the extent it narrows standing and attempts to limit the right of the people to enforce the provisions of the constitutional public trust provisions.

The lower court rulings should be vacated, the motion to dismiss should be denied as a matter of law, and the case

should be remanded for further proceedings.

Respectfully submitted,

GIEVERS, P.A.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to all parties on the attached service list this 8 day of December, 1997.



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