

**IN THE SUPREME COURT OF FLORIDA**

NICOLE "NIKKI" FRIED, ET AL.

Petitioners,

Nos. SC 21-917 & 918  
(consolidated)

v.

DCA No. 1D19-2819

STATE OF FLORIDA, ET AL.,

Respondents.

\_\_\_\_\_ /

**UNOPPOSED SUPPLEMENTAL MOTION FOR LEAVE TO JOIN AN  
AMICUS CURIAE BRIEF IN SUPPORT OF PETITIONERS**

Pursuant to Florida Rule of Appellate Procedure 9.370(a), Professor Sarah L. Swan ("Amicus") hereby moves for the entry of an order granting her leave to join an *amicus curiae* brief in support of Petitioners ("Motion").

In support of this Motion, the Amicus states:

**Identity and Interest of the Amicus Curiae**

1. On September 30, 2021, several professors moved (unopposed) for leave to file an amicus brief in support of the Petitioners in the above-captioned matter.

2. On October 1, 2021, this Court granted that motion.

3. Sarah L. Swan, who is an Assistant Professor at Florida State University College of Law, where she teaches and writes in the area of state and local government law, now seeks to join this amicus brief.

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4. Based on her extensive research and scholarship on preemption and related issues, the Amicus is in a position to advise the Court on the effects of section 790.33, Fla. Stat. Along with the other professors who have already been granted leave to submit a brief, Amicus will explain that the decision of the First District Court of Appeal would undermine the Florida Constitution's broad grant of home rule to Florida localities in several ways, including: by chilling localities' exercise of their rights; by limiting localities' ability to express policy preferences through local legislation; and by making it more difficult for localities to defend their local enactments in court.

5. Counsel for Amicus have conferred with counsel for both Petitioners and Respondents, neither of which oppose the submission of an amicus curiae brief by Amicus in support of Petitioners.

WHEREFORE, Amicus respectfully requests that this Court grant her Supplemental Motion for Leave to Join Brief as Amicus Curiae in support of Petitioners.

*/s/ Kenneth J. Duvall*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing to be served electronically via the Florida Court's E-filing portal system this 22nd day of November, 2021 upon all counsel of record in the attached service list.

*/s/ Kenneth J. Duvall*

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