
**IN THE SUPREME COURT OF FLORIDA
CASE NO. SC04-943**

Upon Request From The Attorney General
For An Advisory Opinion As To The
Validity Of An Initiative Petition

**ADVISORY OPINION
TO THE ATTORNEY GENERAL
RE: FLORIDA MINIMUM WAGE AMENDMENT**

MOTION OF FLORIDIANS FOR ALL TO FILE ANSWER BRIEF

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Floridians For All PAC (“Floridians For All”), as sponsor of the Florida Minimum Wage Amendment (the “Amendment”), requests leave, pursuant to Rule 9.300, Florida Rules of Appellate Procedure, to file a short answer brief in these proceedings and, in support thereof, states as follows:

1. On June 10, 2004, the Court entered a Scheduling Order stating that interested parties “shall simultaneously file both the initial and answer briefs on or before 3:00 p.m., Friday June 18, 2004.”

2. On June 18, 2004, Floridians For All filed an initial brief in support of the Amendment. On the same day, and at approximately the same time, the Florida Restaurant Association, Inc. and the Florida Retail Federation, Inc. (“Opponent”), filed the only initial brief opposing the Amendment. In its initial brief, Opponent makes several arguments that challenge and misstate the meaning, text and effect of the Amendment and its accompanying ballot summary.

3. As set forth above, according to the Court’s June 10, 2004 Scheduling Order, interested parties are permitted to file answer briefs. Floridians For All, however, did not have the opportunity to file an answer brief as the initial brief of Opponent was filed several hours before the deadline for all briefs. As a result, Floridians For All respectfully requests that the Court accept the answer brief, attached as Exhibit A, in this important review of a citizens’ initiative petition. The attached answer brief has been filed just seven days after receipt of

Opponent's initial brief via the Court's website.

4. The Court, of course, may declare this Amendment invalid only if the record shows that the proposal is clearly and conclusively defective. Advisory Op. to the Atty. Gen. re Authorizes Miami-Dade & Broward Voters to Approve Slots Machines in Parimutuel Facilities, No. SC03-857, 2004 WL 1064930, *2 (Fla. May 13, 2004). Deference is "especially appropriate" where, as here, an amendment arises through the citizen initiative process. Advisory Op. to the Atty. Gen. re Right to Treatment and Rehab., 818 So. 2d 494, 494 (Fla. 2002). Floridians For All respectfully submits that with regard to this important matter a short answer brief in response to Opponent's initial brief would clarify the issues and aid the Court in its consideration of the initiative petition.

4. As set forth above, a copy of the proposed answer brief is attached hereto as Exhibit A.

WHEREFORE, Floridians For All moves the Court for entry of an order allowing Floridians For All to file an answer brief in these proceedings and deeming the attached as filed.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by U.S. mail to the persons on the attached service list this 25th day of June, 2004.

Brian H. Koch
Counsel for Floridians For All PAC

CERTIFICATE OF CONSULTATION

I HEREBY CERTIFY that pursuant to Florida Rule of Appellant Procedure 9.300(a), movant's counsel has consulted with opposing counsel and opposing counsel will file an objection to this motion. Floridians For All has no objection to opposing counsel filing an answer brief prior to Oral Argument set for June 29, 2004.

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