

IN THE SUPREME COURT OF THE STATE OF FLORIDA

JEB BUSH,
Governor of the State of Florida,

Appellant,

CASE NO.: SC04-925

v.

MICHAEL SCHIAVO, as Guardian of
the Person of **THERESA MARIE SCHIAVO,**

Appellee.

/

AMENDED* MOTION TO PERMIT FILING OF *AMICUS CURIAE*
BRIEF BY THE CENTER FOR HUMAN LIFE AND BIOETHICS

* amended to include Florida Counsel for Movant

Movant, The Center for Human Life and Bioethics at The Family Research Council, pursuant to Rule 9.370, Florida Rules of Appellate Procedure, hereby moves this Court for permission to submit an *amicus curiae* brief in the above captioned matter. In support of this Motion, Movant states as follows:

1. Based in Washington, D.C., The Center for Human Life and Bioethics at the Family Research Council strives to participate in public policy and debate so that the inherent dignity of the human person is

respected in law and society. To that end, the Center publishes papers, sponsors lectures, and develops public policies that embrace a culture of life.

2. The Center for Human Life and Bioethics recognizes that the appeal in the above-captioned matter is likely to present this Court with a number of issues in areas where the Center maintains some specialized knowledge and interest. These areas will likely include issues concerning the inherent dignity of the individual. In particular, this Court will likely be called upon to consider the special considerations involved in ensuring that the inherent dignity of severely disabled citizens is respected and protected.

3. With this Court's permission, the Center would like to provide historical background as to the role played by the three branches of government in respecting and protecting those rights. In particular, the Center will address the historical interplay in this realm between the legislative branch and the judiciary.

4. Although the Center expects that the interaction between the legislature and the judiciary will be explored to some extent, the Center would like to add an historical perspective to this discussion to support the Appellant's position that the enactment of Ch. 2003-418 and the Governor's actions pursuant thereto were valid and appropriate actions which do not

offend the doctrine of separation of powers and which further the state's interest in protecting the inherent dignity of human life, particularly for those who cannot speak for themselves.

5. In the context of this discussion, the Center will also seek to assist the Court by explaining the history of guardianship laws and their relationship to the powers of the legislative and executive branches. In doing so, Movant will not seek to duplicate the arguments of the parties nor to argue the facts of the case.

WHEREFORE, Movant respectfully requests this Court grant permission to file an amicus curiae brief in this matter.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Federal Express overnight delivery to **Kenneth L. Connor/Camille Godwin**, Wilkes and McHugh, P.A., One North Dale Mabry, Suite 800, Tampa, Florida 33609; to **George J. Felos**, Felos & Felos, P.A., 595 Main Street, Dunedin, Florida 34698; to **Thomas Perrelli/Robert M. Portman/ Nicole G. Berner**, Jenner & Block, LLC, 601 13th Street, NW, Suite 1200, Washington, DC; to **Randall C. Marshall**, Legal Director, American Civil Liberties Union of Florida, 4500 Biscayne Blvd., Suite 340, Miami, Florida, 33137; to **Jay Vail**, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399; and to **David Cortman**, American Center for Law and Justice, 1000 Hurricane Shoals Road, Suite D-600, Lawrenceville, GA 30043; on this _____ day of July, 2004.

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CERTIFICATE OF COMPLIANCE WITH FONT REQUIREMENTS

I HEREBY CERTIFY that the foregoing complies with the Florida Rules of Appellate Procedure 9.210 requiring the font size of the type herein to be at least fourteen points if in Times New Roman format.

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