

**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.**

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**MOTION FOR LEAVE TO FILE SECOND AMENDED  
MOTION FOR REHEARING AND CLARIFICATION**

Appellant, Jeb Bush, Governor of the State of Florida, by and through his undersigned attorneys, hereby files this Motion for Leave to File Second Amended Motion for Rehearing and Clarification. The second amended motion includes discussion on pages 13-14 of an opinion issued on October 8, 2004, by the Circuit Court for the Second Judicial Circuit in another case.

As Appellant predicted to this Court in the original Motion, a lower court has already misinterpreted this Court's opinion. In the lower court case, the opinion in *Bush v. Schiavo* has been read as a significant restriction of the Legislature's ability to grant discretion to the Executive in its implementation of legislation. In that case, the opinion in *Busch v. Schiavo*

has been taken to such an extreme as to throw the state's electoral system into chaos.

Because the opinion was not issued in time to be included in the original or amended Motion, Appellant requests leave to include discussion of it as a further reason why this Court should grant rehearing and clarification. The undersigned has contacted opposing counsel with regard to the filing of this motion, and he opposes the motion.

WHEREFORE, Appellant, Jeb Bush, Governor of the State of Florida, respectfully requests this Court grant him leave to amend his Amended Motion for Rehearing and Clarification.

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Counsel for Appellant

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail to **George J. Felos**, Felos & Felos, P.A., 595 Main Street, Dunedin, Florida, 34698; **Thomas J. Perrelli, Robert M. Portman, Nicole G. Berner**, Jenner & Block, LLC, 601 13th Street, NW, Suite 1200, Washington, D.C; **Randall C. Marshall**, Legal Director, American Civil Liberties Union of Florida, 4500 Biscayne Blvd., Suite 340, Miami, Florida, 33137; **Jay Vail**, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida, 32399; **James Alan Sekulow, James M. Henderson, Sr., Walter M. Weber, David Cortman**, ACLJ, 1000 Hurricane Shoals Road, Suite D-600, Lawrenceville, GA, 30043; **Patricia Fields Anderson**, 447 Third Avenue North, Suite 405, St. Petersburg, Florida, 33701; **Max Lapertosa, Kenneth M. Walden, Aliza Kaliski**, Access Living, 614 West Roosevelt Road, Chicago, Illinois, 60607; **George K. Rahdert**, Rahdert, Steele, Bryan & Bole, P.A., 535 Central Avenue, St. Petersburg, Florida, 33701; **William L. Sanders, Jr.**, Center for Human Life and Bioethics at The Family Research Council, 801 G. Street, NW, Washington, DC 20001; **Jan G. Halisky**, 507 S. Prospect Avenue, Clearwater, Florida, 33756; **Mary L. Wakeman, Lauchlin T. Waldoch, Scott M. Solkoff**, The Elder Law Section of the Florida Bar and AFELA, 101 N. Monroe Street, Suite 900, Tallahassee, Florida, 32302-0229; **David S. Ettinger, Jon B. Eisenberg**, Horvitz & Levy, LLP, 15760 Ventura Blvd., 18th Floor, Encino, California, 91436; **Bruce G. Howie**, 5720 Central Avenue, St. Petersburg, Florida, 33707; and **Gordon Wayne Watts**, 821 Alicia Road, Lakeland, Florida, 33801-2113, on this 12th day of October, 2004.

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**CERTIFICATE OF COMPLIANCE**

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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CAMILLE GODWIN