

**IN THE FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

JOSE OLIVA, in his official capacity
as Speaker of the Florida House of
Representatives, *et al.*,

Appellants,

Case No. 1D18-3141

L.T. Case Nos. 2018-CA-001423

2018-CA-002682

v.

FLORIDA WILDLIFE FEDERATION,
INC., *et al.*,

Appellees.

**THE LEGISLATIVE PARTIES' RESPONSE TO
WATERKEEPERS FLORIDA'S MOTION FOR LEAVE TO
FILE AMICUS CURIAE BRIEF IN SUPPORT OF APPELLEES**

Appellants, the Speaker of the Florida House of Representatives, the President of the Florida Senate, and the Florida Legislature, oppose Waterkeepers Florida's Motion for Leave to File Amicus Curiae Brief in Support of Appellees.

1. Waterkeepers Florida should not be permitted to file a brief because Waterkeepers Florida is little more than an alter ego of St. Johns Riverkeeper, one of the plaintiffs below and appellees before this Court.

2. Not only is St. Johns Riverkeeper one of the thirteen "waterkeeper" organizations that comprise Waterkeepers Florida, but it was also one of the "principal movers of the formation of WATERKEEPERS Florida." SUWANNEE

RIVERKEEPER, <http://www.wwals.net/2018/12/30/waterkeepers-florida-signs-resolution-against-phosphate-mines-in-florida-2018-12-19>.

3. With that background, it is not surprising that Lisa Rinaman, who is the head of St. Johns Riverkeeper, and who testified below as St. Johns Riverkeeper's corporate representative, also serves as Chair of the newly formed Waterkeepers Florida. *Id.* Nor is it surprising that, in addition to the same leadership, the two organizations share the same address and telephone number: 2800 University Boulevard North, Jacksonville, Florida 32211, (904) 256-7591. *Id.*

4. Waterkeepers Florida claims that it "works to protect and restore our water resources," Mot. ¶ 3, but that work has a short history. Waterkeepers Florida was formed only late in 2018, and its board held its inaugural meeting only two and a half months ago, on December 19, 2018. SUWANNEE RIVERKEEPER, <http://www.wwals.net/2018/12/30/waterkeepers-florida-signs-resolution-against-phosphate-mines-in-florida-2018-12-19>. Almost no information about Waterkeepers Florida is available publicly (*e.g.*, on the Internet), and there is little indication that Waterkeepers Florida has taken any action as an organization since its formation two months ago, other than sign a resolution against phosphate mines, *id.*, and move for leave to assist this Court in the disposition of this appeal.

5. Waterkeepers Florida cryptically describes itself as a “unified entity,” but does not explain what a “unified entity” is. Mot. ¶ 2. It is neither incorporated nor a non-profit organization, further calling into question its independent existence. And its motion does not disclose the extent to which St. Johns Riverkeeper’s counsel—who have already filed a fifty-page answer brief in this appeal, *see* Answer Br. of Fla. Wildlife Fed. Appellees (Feb. 15, 2019)¹—might have participated in the preparation of Waterkeepers Florida’s motion and proposed brief.

6. St. Johns Riverkeeper should not be permitted to exceed the fifty-page limit under the “Waterkeepers Florida” moniker. The two organizations have the same leadership, the same address, and the same telephone number, and for all practical purposes appear to be interchangeable. St. Johns Riverkeeper could easily have presented the same argument that Waterkeepers Florida, as a proxy for St. Johns Riverkeeper, proposes to present in its amicus brief. The submission of an amicus brief by Waterkeepers Florida—effectively a second brief by St. Johns Riverkeeper—is therefore unnecessary and a circumvention of the page limitations in the Florida Rules of Appellate Procedure. The Court should reject this attempt to secure additional pages and to present argument that St. Johns Riverkeeper could and should have presented in its own fifty-page brief. *See Ciba-Geigy Ltd. v. Fish*

¹ St. Johns Riverkeeper is one of the “Florida Wildlife Federation Appellees.”

Peddler, Inc., 683 So. 2d 522, 523 (Fla. 4th DCA 1996) (“Since the parties are limited as to the number and length of briefs, amicus briefs should not be used to simply give one side more exposure than the rules contemplate.”).

WHEREFORE, Appellants, the Speaker of the Florida House of Representatives, the President of the Florida Senate, and the Florida Legislature, respectfully request that the Court deny Waterkeepers Florida’s Motion for Leave to File Amicus Curiae Brief in Support of Appellees.

Respectfully submitted,

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