



IN THE SUPREME COURT OF FLORIDA **DEC 04 2000**
CASE NOS.: SC00-2346, SC00-2348 & SC00-2349

CLERK, SUPREME COURT
BY _____

**PALM BEACH COUNTY
CANVASSING BOARD**

**vs. KATHERINE HARRIS, ET
AL.**

**VOLUSIA COUNTY
CANVASSING BOARD**

**vs. MICHAEL MCDERMOTT,
ET AL.**

FLORIDA DEMOCRATIC PARTY

**vs. MICHAEL MCDERMOTT,
ET AL.**

**ON REMAND FROM THE SUPREME COURT
OF THE UNITED STATES**

**MOTION OF THE FLORIDA LEGISLATURE
TO PARTICIPATE AS AMICUS CURIAE AND TO
FILE A BRIEF**

THE FLORIDA LEGISLATURE, by and through its undersigned counsel,
and pursuant to Rule 9.370, Florida Rules of Appellate Procedure, hereby requests
that this Court enter an Order permitting it to participate as an amicus curiae in the
above-captioned matter and to provide for the opportunity for the Florida
Legislature to file a brief on its own interest. In support thereof, the Florida
Legislature would show the following reasons:

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DATE 12-4-00
TIME 6:40 P.M.
INITIALS JM

1. Pursuant to Art. III, § 3, Fla. Const., the two houses of the Florida Legislature were prohibited from organizing and electing their respective presiding officers prior to November 21, 2000;

2. Under rules adopted by the each house of the Legislature, pursuant to Art. III, § 4, Fla. Const., counsel may not appear on behalf of a house of the Legislature except as directed by the presiding officer of such house;

3. Because of the emergency nature of the original appeal, this Court scheduled briefing and argument prior to the date on which the Legislature could organize. This conflict between the need for quick action by the Court and the limitation on the Legislature's ability to participate in the original action deprived the Court of the opportunity to be advised as to the Legislature's interest in:

Preservation of the Legislature's plenary powers under Article II, Section 1 of the Constitution of the United States in selecting the Manner by which electors for President and Vice President of the United States shall be determined;

Assuring that any appointment of electors be done in a manner which will require the Congress of the United States to accept such appointment as conclusive under Title 3, Section 5 of the United State Code;

The correct application of laws enacted by the Florida Legislature pursuant to its powers under the Constitution of the United States and the Florida Constitution;

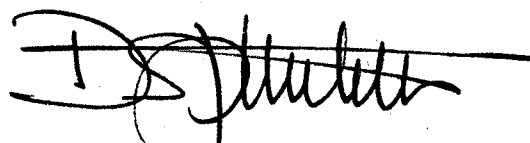
4. The Florida Legislature filed a brief as an amicus curiae in the appeal of this matter before the United States Supreme Court, asserting a position in support of neither of the parties in this matter;

5. The presiding officer of each house, pursuant to its rules, has authorized the undersigned counsel to file this motion and, with the assistance of additional counsel, to represent the interests of the Legislature in this matter.

Respectfully submitted:



THOMAS R. TEDCASTLE
General Counsel
Florida House of Representatives
Florida Bar No. 0245291
826 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399
(850)488-5644
fax(850)487-1336



D. STEPHEN KAHN
General Counsel
The Florida Senate
Florida Bar No. 99740
409 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399
(850)487-5229
Fax(850)487-5800

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished by U.S. Mail this 4th day of December, 2000, to:

W. DEXTER DOUGLASS
Douglass Law Firm
211 East Call Street
Tallahassee, FL 32302
Fax (850) 224-3644

BARRY RICHARD, ESQ.
Greenberg, Traurig, P.A.
101 East College Avenue
Tallahassee, FL 32302

MITCHELL W. BERGER
Berger, Davis & Singerman
350 East Las Olas Boulevard,
Ste. 100
Ft. Lauderdale, FL 33301
Fax (954) 523-2872

BRUCE ROGOW,
DENISE D. DYTRYCH
BEVERLY A. POHL
Bruce A. Rogow, P.A.
Broward Financial Centre
500 East Broward Blvd.,
Ste. 1930
Ft. Lauderdale, FL 33394

KAREN GIEVERS
Karen A. Gievers Prof. Ass'n
524 East College Avenue
Tallahassee, Florida
(850) 222-2153

DAVID BOIES
Boies, Schiller & Flexner, LLP
80 Business Park Drive, Ste. 110
Armonk, New York 10504
Fax (914) 273-9810

JOHN D.C. NEWTON, II
Berger, Davis & Singerman
215 South Monroe Street, Ste. 705
Tallahassee, FL 32301
Fax (850) 561-3013

MIGUEL DeGRANDY, ESQ.
Greenberg, Traurig, P.A.
1221 Brickell Avenue
Miami, FL 33131
Fax (305)579-0500

MARLENE K. SILVERMAN,
Greenberg, Traurig, P.A.
1221 Brickell Avenue
Miami, FL 33131
Fax (305)579-0500

RAQUEL A. RODRIGUEZ, ESQ.
Greenberg, Traurig, P.A.
1221 Brickell Avenue
Miami, FL 33131
Fax (305)579-0500

BENJAMIN L. GINSBERG
Patton Boggs, LLP
2550 M Street, NW
Washington, D.C. 20037
Fax (202)457-6315

BOBBY R. BURCHFIELD
Covington & Burling
1201 Pennsylvania Ave., NW
Washington, D.C. 20004
Fax (202)778-5350

Palm Beach County Attorneys
JAMES C. MIZE, JR.
ANDREW J. McMAHON
GORDON SELFRIDGE
301 North Olive Avenue, Ste. 601
West Palm Beach, FL 33401

LYN UTRECHT
ERIC KLEINFELD
Ryan, Phillips, et al
1133 Connecticut Avenue, N.W.,
Suite 300
Washington, D.C. 20036
Fax: (202) 778-4007



THOMAS R. TEDCASTLE
General Counsel
Florida House of Representatives
Florida Bar No. 0245291
826 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300
Phone: (850)488-5644
Fax: (850)487-1336