

IN THE SUPREME COURT OF FLORIDA

Case No. SC07-1907

Lower Tribunal Case Numbers: 1D07-5029

2nd Cir. 37-2007-CA-1862

KURT S. BROWNING, ETC., :
:
Appellant/Cross-Appellee, :
:
v. :
:
ERIC M. HERSH, ETC., ET AL., :
:
Appellee/Cross-Appellants. :
_____ :
:

**MOTION OF
FLORIDA PROFESSIONAL FIREFIGHTERS, INC.;;
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO,
FOR LEAVE TO FILE A BRIEF OF AMICUS CURIAE ON
BEHALF OF THE APPELLEE/CROSS-APPELLANTS' POSITION**

The Florida Professional Firefighters, Inc.; International Association of Fire Fighters, AFL-CIO, by and through their undersigned attorney, respectfully move this Court for the entry of an order permitting them to file a brief of amicus curiae on behalf of the appellee/cross-appellants' position and for grounds would state:

1. This motion is made pursuant to Fla. R. App. P. 9.370.

2. The Florida Professional Firefighters, Inc., (commonly called the firefighters' union) is the state-wide labor organization of the International Association of Fire Fighters, AFL-CIO. The firefighters' union is the recognized collective bargaining representative of firefighters and paramedics in regard to wages and conditions of employment with the State of Florida, counties of Florida and numerous cities of Florida and fire control districts located in Florida.

3. The Florida Professional Firefighters, Inc.; International Association of Fire Fighters, AFL-CIO have a direct interest in the outcome of the present case as it is the state-wide organization of fire fighters and paramedics whose local organizations engage in collective bargaining with the governmental units of Florida as to wages and conditions of employment, not only wages, but all benefits, including pensions, which are paid for mainly by local property taxes.

4. The Florida Professional Firefighters, Inc., is a registered lobbyist before the Florida Legislature in regard to laws affecting public employees, especially "first responders" employed by local government.

5. The Florida Professional Firefighters, Inc.; International Association of Fire Fighters, AFL-CIO, have previously been recognized by

the Supreme Court of Florida as an amicus curiae in cases involving the constitutional validity of laws affecting public employees. E.g. *City of Tallahassee v. P.E.R.C.*, 410 So. 2d 487 (Fla. 1981).

6. The Florida Professional Firefighters, Inc.; International Association of Fire Fighters, AFL-CIO, believe that it would be helpful to the Court to understand the position of a public employee's collective bargaining representative in deciding the issues involved in this case.

7. The particular issue to be addressed is whether the tax rollback of ad valorem property taxes with a local option contained in HB 1B is constitutionally valid, which is an issue raised by the cross-appeal.

8. The undersigned counsel has conferred with counsel for the appellant/cross-appellee, Timothy D. Osterhaus, and he has no objection to this motion. The undersigned has conferred with counsel for the appellee/cross-appellants, Jamie Alan Cole, and he agrees to this motion.

9. The brief of the appellee/cross-appellants is due to be filed by November 6, 2007, by the Court's order of October 24, 2007. The brief of this amicus curiae will be filed by November 6, 2007, notwithstanding Fla. R. App. P. 9.370 which would otherwise allow a later filing, in order to comply with the Court's order of October 24, 2007.

WHEREFORE, the Florida Professional Firefighters, Inc.; International Association of Fire Fighters, AFL-CIO, respectfully move this Court for the entry of an order permitting an appearance to file a brief of amicus curiae in support of the appellee/cross-appellants' position.

Respectfully submitted,

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Richard A. Sicking

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by facsimile and U.S. Mail on this _____ day of October, 2007, to: Jamie Alan Cole, Esquire, counsel for the appellee/cross-appellants, Weiss, Serota,

Helfman, Pastoriza, Cole & Boniske, P.L., 200 East Broward Blvd., Suite 1900, Fort Lauderdale, FL 33301; Scott D. Makar, Solicitor General, Office of the Attorney General, State of Florida, The Capitol PL-01, Tallahassee, FL 32399-1050; Luis F. Hubener III, Chief Deputy Solicitor General, Office of the Attorney General, State of Florida, The Capitol PL-01, Tallahassee, FL 32399-1050; Lynn C. Hearn, General Counsel, on behalf of Kurt S. Browning, Secretary of State, Florida Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; J. Bruce Hoffmann, General Counsel, Department of Revenue, 204 Carlton Bldg., P.O. Box 6668, Tallahassee, Florida 32314-6668; and Timothy David Osterhaus, Office of the Attorney General, State of Florida, The Capitol PL-01, Tallahassee, FL 32399-1050.

Richard A. Sicking