

IN THE SUPREME COURT OF FLORIDA

ROBERT EMERSON, *et al.*,

Appellants,

v.

Case Nos. SC19-1250, SC19-1343
CONSOLIDATED

HILLSBOROUGH COUNTY, *et al.*,

Appellees.

**MOTION OF FLORIDA SENATE TO APPEAR AS *AMICUS CURIAE* AND
JOIN IN *AMICUS* BRIEF OF FLORIDA HOUSE OF REPRESENTATIVES
IN SUPPORT OF
APPELLANTS ROBERT EMERSON AND STACY WHITE**

Pursuant to Florida Rule of Appellate Procedure 9.370(a), the Florida Senate moves this Court for leave to appear in these consolidated appeals as *amicus curiae* and simply join in the *amicus* brief already filed by the Florida House of Representatives in support of Appellants Robert Emerson and Stacy White.

1. On September 3, 2019, the Florida House sought leave to file a brief as *amicus curiae* in both of the above-referenced appeals.
2. On September 5, 2019, the Court granted that leave and approved the filing of the House's brief.
3. On September 4, 2019 the Tampa Bay Times published an article that was entitled *Hillsborough's transportation tax has a new opponent: the Florida*

House.¹ The article included the following quote from the organizer for All for Transportation, Christina Barker, the sponsor of the referendum at issue in this case: “Hillsborough County voters exercised a right that the Florida Legislature gave them. The fact that this is being walked back now is incredibly disappointing.”

4. The Senate wishes to appear in this case as an additional *amicus curiae* and join in the House brief in order to clarify that both Chambers of the Legislature support the House’s position stated therein. The Legislature is united in seeking a proper interpretation and enforcement of section 212.055, *Florida Statutes*, and in opposing an expansion of the severability doctrine to include local exercises of legislatively delegated non-ad valorem taxation authority.
5. The Senate agrees with and supports the House position, which respects and protects the voters. Unlawful referendums that do not follow the clear procedures laid out by statute should not be judicially repaired by the trial court. The result reached by the trial court ignores the premise upon which voters may have supported the referendum, namely how the transportation tax would be administered.

¹ <https://www.tampabay.com/news/transportation/2019/09/04/hillsboroughs-transportation-tax-has-a-new-opponent-the-florida-house/> [Accessed 5 Sep. 2019].

6. The Parties will not be prejudiced because the Senate would be joining the House brief without providing additional arguments.
7. Additionally, the Court has given Associated Industries of Florida until September 10, 2019, to file a brief.
8. Granting this motion will clarify the position of the Legislature for both the public and the Court.
9. The House has no objection to the granting of this motion.

The Florida Senate respectfully requests the Court grant this motion and allow the Senate to appear as an additional *amicus curiae* in this matter and to be deemed to have joined in the *amicus* brief filed by the Florida House.

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CERTIFICATE OF SERVICE

I certify that, on September 9, 2019, the foregoing brief was furnished by email to the individuals identified on the Service List that follows.

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