

IN THE SUPREME COURT OF FLORIDA

ERIC M. HERSH, individually as a
registered voter and taxpayer, and as
the Mayor of the City of Weston,
Florida,

Petitioner,

CASE NO. SC07-1268

v.

KURT S. BROWNING, as Secretary of
State, State of Florida,

Respondent.

_____ /

PETITIONER'S MOTION TO EXPEDITE

Pursuant to Rules 9.030, 9.100 and 9.300(c) of the Florida Rules of Appellate Procedure, Petitioner, Eric M. Hersh ("Mayor Hersh"), respectfully moves to expedite resolution of the Petition for Writ of Mandamus ("Petition"), and states as follows:

1. The Petition seeks review of Legislative enactments that are of great public importance throughout the State. It seeks an order directing the Secretary of State to remove Proposed Constitutional Amendments related to Florida's current property tax system from the January 29, 2008 special election, due to their confusing and misleading ballot summary, and the inability of the Legislature to schedule these amendments for a special election. The Petition also seeks an order commanding the Secretary of State to expunge from HB 1B, the Legislature's

premature enactment of the power they will receive if, and only if, the Proposed Constitutional Amendments are approved by the Florida voters. These matters are highly time sensitive, necessitating expedited review.

2. By enacting HB 1B, the Legislature is attempting to immediately limit the authority of local governments to increase ad valorem taxes, prior to the enactment of any Constitutional amendments giving them authority to do so.

3. This act by the Legislature interferes with and directly violates the right and ability of local governments to levy ad valorem property taxes up to ten mills under Article VII, Section 9 of the Florida Constitution.

4. Moreover, as the time for local governments to set their “not to exceed” millage rate is at hand, Chapter 200, Fla. Stat., there is a significant need for prompt resolution of the claims contained in the Petition. *See* § 200.065, Fla. Stat.

5. Finally, the election on the Proposed Constitutional Amendments is currently scheduled for January 29, 2008.

6. Given the on-going Constitutional violation and impending deadlines, and for the reasons set forth in the Petition, expedited review is warranted. *See generally In re: Advisory Opinion to the Governor re: Judicial Vacancy Due to Mandatory Retirement*, Case No. SC06-1184, Briefing Schedule dated June 28, 2006.

WHEREFORE, Mayor Hersh respectfully requests that the Court expedite its review of the Petition and set an expedited schedule that includes an order to show cause forthwith under Rule 9.100(h) and shortened time periods for any response under Rule 9.100(j) and reply under Rule 9.100(k).

Respectfully submitted,

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CERTIFICATE OF TYPE SIZE AND STYLE

In accordance with Fla. R. App. P. 9.210, the undersigned hereby certifies that the instant brief has been prepared with Times New Roman 14-point.

By: _____
Jamie A. Cole

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by telecopy and U.S. Mail this ___ day of July, 2007 to: Kurt S. Browning, Secretary of State, Florida Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; and to Bill McCollum, Attorney General, Office of the Attorney General, State of Florida, The Capitol PL-01, Tallahassee, FL 32399-1050.

By: _____
Jamie A. Cole