

IN THE SUPREME COURT OF FLORIDA

**HOUSE OF REPRESENTATIVES,
et al.,**

Petitioners,

v.

CHARLIE CRIST,

Respondent.

Case No. SC07-2154

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MOTION TO APPEAR AS AMICUS CURIAE

The Florida Senate moves to appear as amicus curiae (and to file a brief) in support of the petitioners, the House of Representatives and Speaker Rubio, pursuant to Fla.R.App.P. 9.370. Because of the expedited nature of the case, the Senate files its brief with this motion, for the convenience of the Court.

The petitioners and the respondent have advised the movant that they have no objection to the filing of the brief.

The Senate will address the question whether the Governor has statutory or constitutional authority to bind the state in the gaming compact with the Seminole Tribe of Florida.

STATEMENT OF THE INTEREST OF THE AMICUS

The Florida Senate has a direct interest on this action. A decision in the case directly implicates the Legislature's authority to determine whether and when an executive branch official can bind the state in contract, and thus, by implication, waive the state's sovereign immunity pursuant to Art. X, sec. 13, Fla.Const. The Senate is in doubt about whether the Governor should be required to submit the compact to the Legislature for ratification in order to ensure that it is an enforceable agreement between the state and the Tribe. As a part of the legislative branch, it would be the Senate's responsibility to review and, if warranted, approve the agreement should the compact be submitted to the Legislature. Thus, the Senate believes that its responsibilities under Art. III and Art. X, sec. 13, Fla.Const., are in question due to the manner in which the compact is being implemented.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by U.S. mail on Jeremiah M. Hawkes, General Counsel, Florida House of Representatives, R. 422 The Capitol, Tallahassee, FL 32399-1300; Jon Mills and Timothy McLendon, PO Box 2099, Gainesville, FL 32602; The Honorable Charlie Crist, PL-01, The Capitol, Tallahassee, FL 32399; Barry Richard and Glenn T. Burhans Jr., 101 East College Ave., Tallahassee, FL 32302; Attorney General Bill McCollum, PL-01, The Capitol, Tallahassee, FL 32399; Joseph Webster, Michael Willis and Jerry Strauss, 2120 L St., NW, suite 700, Washington, DC 20037; Cynthia Tunnicliff, PO Box 10095, Tallahassee, FL 32302-2095 , on this _____ day of November, 2007.

Jason Vail