

In the Supreme Court of Florida

RICK SCOTT, *et al.*,
Defendant/Appellants,

Case No.: SC12-520
LT Case Nos.: 2011 CA 1584
1D12-1269

vs.

GEORGE WILLIAMS, *et al.*,
Plaintiffs/Appellees

THE FLORIDA SENATE AND FLORIDA HOUSE OF REPRESENTATIVES'S MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE AND FILE A BRIEF IN SUPPORT OF APPELLANTS

The Florida Senate, by and through Mike Haridopolos, in his official capacity as the President of the Florida Senate, and the Florida House of Representatives, by and through Dean Cannon, in his official capacity as the Speaker of the Florida House of Representatives, (collectively referred to hereafter as the Florida Legislature or the Legislature), through their respective undersigned counsel, move to appear as *amicus curiae* and file a brief in support of Appellants, Rick Scott, Jeff Atwater, and Pam Bondi, in their capacities as the State Board of Administration, and John P. Miles, in his capacity as Secretary of the Department of Management Services, and would state more specifically as follows:

1. The Florida Legislature is responsible for enacting the state budget. A significant feature of the state budget is the establishment and funding of the salaries and benefits for state employees. Additionally, the benefits of those public

employees which are collectively bargained, including participation in the state retirement system, are necessarily subject to appropriation by the Legislature. The matters at issue involving the Florida Retirement System necessarily implicate the Legislature's appropriations and policy-making powers as well as the responsibility to enact a balanced state budget.

2. The appropriation process requires a complex balancing of interests and difficult decisions. Annual budget development includes consideration of a multi-year financial outlook which includes estimates of the state's forecasted revenues as well as funding needs. *See* Art. III, § 19(c)1 regarding the Long Range Financial Outlook. The Florida Constitution also requires that the Legislature balance the state budget within available revenues. *See* Article VII, § 1(d). Further Florida's annual budget must balance recurring and nonrecurring revenues with recurring and nonrecurring expenditures in order that the budget does not create an inherent budget imbalance in future years. *See* Art. III, § 19(a)(2), Florida Constitution (requiring a super majority vote if appropriations made for recurring purposes from nonrecurring general revenue funds exceed three percent of the total general revenue funds estimated to be available when the appropriation is made.)

3. Because of the Legislature's constitutional responsibility and authority over appropriations, the Legislature is uniquely situated to supplement the information and arguments pending before the Court regarding the evolution of

the Florida Retirement System, the budgeting decisions which were made in the 2011-12 General Appropriations Act, the implications of such decisions, and the interrelationship between the Legislature's appropriations power and the collective bargaining rights of public employees.

4. In accordance with Rule 9.370, the undersigned counsel has contacted counsel for Appellants and Appellees, and is authorized to represent that neither party has an objection to this request for leave by the Florida Legislature to appear as *amicus curiae*.

WHEREFORE, the Florida Senate and the Florida House of Representatives respectfully request the Court to enter an order granting their request to appear as *amicus curiae* and file their *amicus* brief in support of Appellants 10 days after Appellants in accordance with Fla. R. App. P. 9.370(c).

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was and hand delivered to the Court, electronically mailed to e-file@flcourts.org, and served by U.S. mail this 7th day of June, 2012, to:

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