

RICK SCOTT, *et al.*,

Defendant/Appellants,

Case No. SC12-520

LT Case Nos. 2011 CA 1584

ID12-1269

vs.

GEORGE WILLIAMS, *et al.*,

Plaintiffs/Appellees

MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE

Florida TaxWatch Research Institute, Inc. (“Florida TaxWatch”), by and through undersigned counsel and pursuant to Florida Rule of Appellate Procedure 9.370, respectfully moves this Honorable Court for leave to file an amicus curiae brief in support of Appellants in this case.

1. Interests of Proposed Amicus

As an independent, nonpartisan, nonprofit public policy research institute, it is the mission of Florida TaxWatch to provide the citizens of Florida and public officials with high quality, independent research and analysis on issues related to taxation, government expenditures, and public policies and programs. For several consecutive years, Florida TaxWatch has provided recommendations for changes to the state pension system based on independently-conducted research and analysis, including changes similar to those enacted under the law (Chapter 2011-68, Laws of Florida) in the case at bar.

2. Issue To Be Addressed

The issues addressed in the amicus curiae brief are the Legislature's authority to make policy changes to the public employee pensions system, the potential fiscal impacts of a decision in favor of Appellees, a review of similar actions in other states, and the comparability of the rights of public employees to private sector employees regarding prospective changes to employee pension system.

The Florida TaxWatch brief will provide information on the fiscal impacts of a decision voiding the changes to the FRS on the state, including the effect on the state budget and the potential impact on the cost of borrowing money if the state's credit ratings are affected. The brief also puts the changes to the FRS at issue in this case in the context of public policy decisions regarding employee pension systems around the country by providing information about the public employee pension systems in other states and summaries of recent policy actions regarding those systems.

3. How The Movant Can Assist the Court

Florida TaxWatch can assist the Court in this case because the organization has conducted exhaustive independent policy analysis of Florida's public employee pension system, and has conducted analysis of the public pension systems other states. With more than 30 years of experience in public policy research, Florida TaxWatch can provide the Court important and relevant information on the legal

history relating to the case at hand as well as the larger context of the issues before the court, all of which will assist the court in analyzing the case and which have not been discussed by the parties to the case.

4. Objection to the Proposed Amicus Curiae Brief

Florida TaxWatch informed lead counsel for Appellants and Appellees of its intention to petition this Court for leave to file as Amicus Curiae, and was informed by Appellants' counsel, and Ron Meyer, on behalf of Appellees, that they did not object. Subsequently, Florida TaxWatch notified all counsels, after which notice came from Lynn C. Hearn (of Meyer, Brooks, Demma, and Blohm, P.A.) that her firm would, in fact, object. No other Appellees' counsel objected. No Appellants' counsel objected.

CONCLUSION

For all the foregoing reasons, Florida TaxWatch hereby moves this Court to permit the filing of the proposed amicus curiae brief on the merits in support of Appellees in this matter.

Respectfully submitted,

Florida TaxWatch

/s/ Robert Weissert

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CERTIFICATE OF SERVICE

I certify that a copy of this motion was mailed on June 20, 2012 to the

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By: /s/Robert Weissert
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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the foregoing motion complies with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

/s/ Robert Weissert

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