

proper interpretation of the statute has also been presented to the Court in *City of Hollywood, Petitioner, vs. Hollywood Fire Fighters, etc. Respondent*, Case No.: SC14-244. In that case the Court has issued an order staying consideration of that case pending disposition of the instant case. Upon the Court's acceptance of jurisdiction in the instant case, Respondent in that case filed a Motion to Dissolve Stay and Accept Jurisdiction, which this Court very recently denied.

2. On August 4, 2014, in *Board of Trustees of the City Of Hollywood, etc., et al., Petitioners, vs. City of Hollywood, etc., Respondent*, Case No.: SC14-1538, Amici filed a Notice to Invoke the Discretionary Jurisdiction of Supreme Court based upon conflict jurisdiction. The parties have filed their jurisdictional briefs. The issue in Amici's case is whether the circuit and district court erred in dismissing Amici's request for declaratory relief to interpret § 447.4095, Fla. Stat., on the grounds that the Public Employees Relations Commission had exclusive jurisdiction to consider the request. Amici are currently seeking an alternative interpretation of the statute in a part of the case still pending in circuit court.

3. In the matter before this Court, Amici had sought the circuit court's interpretation of § 447.4095, Fla. Stat., in a context somewhat different from the interpretation of the statute at issue in the *Headley* and *Firefighters* cases. Amici alleged that even assuming the validity of the City of Hollywood's financial urgency determinations and the pension changes enabled thereby, the validity of

the changes should be strictly construed to limit their effective date to the length of the effective dates of the City Resolutions approving the determinations, which were only for one year.

4. Even though the relief being sought would thereby be somewhat different, Amici's argument relies substantially on a rationale central to the reasoning of the Fourth District in the *Fire Fighters* case—i.e., that strict construction of the City's financial urgency determination is required by the Florida Constitution as interpreted by this Court in *Chiles v. United Faculty of Florida*, 615 So.2d 671 (Fla. 1993)—which, in turn, is contrary to the interpretation of *Chiles* given by the First District Court in the instant case. In the portion of its case that remains pending in circuit court, Amici have challenged the constitutionality of § 447.4095, Fla. Stat., as applied, which places that portion of the case in a posture more aligned with *Fire Fighters* and *Headley*.

5. Both Amici's case and *Fire Fighters* involve the same implementation by the City of Hollywood of the same financial urgency determination. Because of its interest in the outcome of *Fire Fighters*, Amici has filed a Notice of Intent to File Amicus Curiae Brief in that case. Because of its interest in the instant case, the City of Hollywood has filed a Motion for Leave to File Amicus Brief in Support of Respondent, City of Miami. Because the City of Hollywood is the opposing party to Amici in a case with an issue closely related to a key issue in the instant case,

and because Amici will apparently have no opportunity to file an amicus brief in *Fire Fighters*, Amici should be given the same opportunity as the City of Hollywood to file an amicus brief in the instant case.

6. More importantly, the outcome of this case will be of particular interest to boards of trustees of firefighter and police pension systems such as the Boards of Trustees plaintiffs in Amici's case. These boards have been established throughout Florida under §§ 175.071 & 185.05, Fla. Stat., and other laws and local ordinances, to manage municipal firefighter and police officer pension funds as fiduciaries. There is a strong need for clarity as to application of the financial urgency determination process and its consequent impact on municipal pension systems so that the boards will make pension decisions properly. This need for clarity applies both to the legality of changes to pension systems that have been enabled through the financial urgency determination process, and to how long the changes can remain in effect assuming the changes have legally be made in the first place.

7. Counsel for Amici has contacted counsel for the parties for their positions on this motion. Counsel for Petitioner Headley does not object. Counsel has not been able to obtain a response from counsel for Respondent City of Miami.

Respectfully submitted on this 25th day of September, 2014.

/s/Daniel H. Thompson
Daniel H. Thompson
Fla. Bar No. 195101
dthompson@bergersingerman.com
BERGER SINGERMANN LLP
125 S. Gadsden Street, Suite 300
Tallahassee, Florida 32301
(850) 561-3010
(850) 561-3013 (fax)
Attorneys for Appellants/ Plaintiffs

Mitchell W. Berger
Fla. Bar No. 311340
mberger@bergersingerman.com
BERGER SINGERMANN LLP
350 East Las Olas Boulevard
10th Floor
Fort Lauderdale, Florida 33301
Telephone: (954) 525-9900
Facsimile: (954) 523-2872
Attorney for Appellants/ Plaintiffs

Stephen H. Cypen
Fla. Bar No. 110833
scypen@cypen.com
CYPEN & CYPEN
777 Arthur Godfrey Road, Suite 320
Post Office Box 402099
Miami Beach, Florida 33140-0099
Telephone: 954.522.3200
Facsimile: 305.535.0050
Attorney for Appellants/ Plaintiffs

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on September 25, 2014, a true and correct copy of the foregoing was electronically filed with the Florida Courts E-Filing Portal with noticed furnished to all registered users, and as indicated on the attached Service List:

Service List

David C. Miller, Esq.
Michael L. Elkins, Esq
Bryant Miller Olive, P.A
Sun Trust International Center,
1 S.E. 3rd Avenue, Suite 200
Miami, FL 3313
Email: dmiller@bmolaw.com
Email: melkins@bmolaw.com
Email: jcrosland@bmolaw.com

John Anthony Greco, Esq.
Diana Vizcaino, Esq.
Victoria Mendez, Esq.
Ms. Julie Bru
Office of the City Attorney
444 SW 2nd Avenue, Suite 945
Miami, FL 33130-1910
Email: jagreco@miamigov.com
Email: dvizcaino@miamigov.com
Email: vmendez@miamigov.com
Email: juliebru@me.com

William D. Salmon, Esquire
Public Employee Relations Commission
4050 Esplanade Way
Tallahassee, Florida 32399-0950
Email: Bill.Salmon@perc.myflorida.com
Email: Cameron.leslie@perc.myflorida.com
Email: Barry.dunn2perc.myflorida.com

Ronald J. Cohen, Esq.
8100 Oak Lane, Suite 403
Miami Lakes, Florida 33016
Email: rcohen@rprslaw.com
Email: jgutierrez@rprsla.com

Michael P. Spellman, Esq.
Sniffen and Spellman
123 North Monroe Street
Tallahassee, FL 32301
Email: mspellman@sniffenlaw.com
Email: hdesai@sniffenlaw.com
Email: chommel@sniffenlaw.com
Email: Twolfe@sniffenlaw.com

Thomas W. Brooks, Esq.
P O. Box 1547
Tallahassee, Florida 32302
Email: tbrooks@meyerbrookslaw.com
Email: daldrich@meyerbrookslaw.com

Kraig Conn, Esq.
Harry Morrison, Jr., Esq.
Florida League of Cities, Inc.
P.O. Box 1757, Tallahassee, FL
Email: kconn@flcities.com
Email: cmorrison@flcities.com

Richard A. Sicking, Esq.
1313 Ponce de Leon Blvd., #300
Coral Gables, Florida 33134
Email: sickingpa@aol.com

Michael Mattimore, Esq.
Luke Savage, Esq.
Allen, Norton & Blue, P.A.
906 North Monroe Street
Tallahassee, Florida 32303
Email: mmattimore@anblaw.com
Email: lsavage@anblaw.com

Luke C. Savage, Esquire
Allen, Norton & Blue, P.A.
121 Majorca Avenue, Suite 300
Coral Gables, Florida 33134
Email: lsavage@anblaw.com

G. Hal Johnson, Esq.
Florida Police Benevolent Association
300 E. Brevard Street
Tallahassee, Florida 32301
Email: hal@flpba.org

Paul A. Donnelly, Esq.
Donnelly and Gross, P.A.
2421 N.W. 41st Street, Suite A-1
Gainesville, Florida 32606
Email: pdonnelly@laborattorneys.org

By: /s/Daniel H. Thompson
Daniel H. Thompson