

IN THE CIRCUIT COURT OF THE SECOND
JUDICIAL CIRCUIT IN AND FOR LEON
COUNTY, FLORIDA

CASE NO. 09-CA-2639

CITY OF WESTON, FLORIDA; VILLAGE
OF KEY BISCAZYNE, FLORIDA; TOWN OF
CUTLER BAY, FLORIDA; LEE COUNTY,
FLORIDA; CITY OF DEERFIELD BEACH,
FLORIDA; CITY OF MIAMI GARDENS,
FLORIDA; CITY OF FRUITLAND PARK,
FLORIDA, and CITY OF PARKLAND,
FLORIDA,

Plaintiffs,

vs.

THE HONORABLE CHARLIE CRIST,
Governor of the State of Florida;
HONORABLE KURT S. BROWNING,
Secretary of State, State of Florida; THE
HONORABLE JEFF ATWATER, President of
the Senate, State of Florida; THE
HONORABLE LARRY CRETUL, Speaker of
the House, State of Florida,

Defendants.

UNOPPOSED MOTION TO INTERVENE

Intervenors, City of Homestead, Florida, Cooper City, Florida, City of Pompano Beach, Florida, City of North Miami, Florida, Village of Palmetto Bay, Florida, City of Coral Gables, Florida, City of Pembroke Pines, Florida, and Broward County, Florida (“Intervenor Plaintiffs”), pursuant to Fla. R. Civ. P. 1.230, hereby move to intervene as party plaintiffs in this action between plaintiffs, City of Weston, Florida; Village of Key Biscayne, Florida; Town of Cutler Bay, Florida; Lee County, Florida; City of Deerfield Beach, Florida; City of Miami Gardens,

Florida; City of Fruitland Park, Florida, and City of Parkland, Florida (collectively, the “Local Governments”) and defendants, The Honorable Charlie Crist, Governor of the State of Florida, The Honorable Kurt S. Browning, Secretary of State, The Honorable Jeff Atwater, President of the Senate, and The Honorable Larry Cretul, Speaker of the House, each in his official capacity only (collectively, “Defendants”), and state as follows:

1. This is an action by a coalition of local governments challenging the recent enactment of a bill (“SB 360”) that was passed in the waning hours of the legislative session. The Local Governments allege that the enactment violates the Florida Constitution because it contains more than “one subject and matters properly connected therewith” and because it constitutes an unlawful “unfunded mandate” on local governments.

2. The Local Governments filed their complaint on July 8, 2009. Defendants have not yet responded to the complaint.

3. Intervenor Plaintiffs are governmental entities subject to SB 360.

4. Intervenor Plaintiffs have the requisite interest in the litigation to permit their intervention, because the issues they seek to raise are encompassed by the present controversy between the parties to this case. *See Union Cent. Life Ins. Co. v. Carlisle*, 593 So. 2d 505, 507 (Fla. 1992) (Intervention should be permitted where the parties’ interests are “of such a direct and immediate character that the intervenor will either gain or lose by the direct legal operation and effect of the judgment. In other words, the interest must be that created by a claim to the demand in suit or some part thereof . . . which is the subject of litigation.”). Consequently, Intervenor Plaintiffs are appropriate parties to this litigation.

5. Leave to intervene shall be given freely when justice so requires and is greatly favored in Florida. *See Fla. R. Civ. P. 1.230; National Wildlife Fed’n Inc. v. J.T. Glisson*, 531

So. 2d 996, 997 (Fla. 1st DCA 1988) (“Intervention should be liberally allowed.”); *see also Miracle House Corp. v. Haige*, 96 So. 2d 417, 418 (Fla. 1957) (same).

6. The granting of this Motion to Intervene will not unduly delay this action or prejudice any of the parties because the action has only recently commenced and is currently still in the pleading stage. *See Hartford Fire Ins. Co. v. School Bd.*, 661 So. 2d 111 (Fla. 3d DCA 1995) (intervention is appropriate where litigation is in pleading stage and intervention will not cause delay or disruption).

7. Undersigned counsel has conferred with counsel for Defendants who has advised that they have no objection to the relief sought herein.

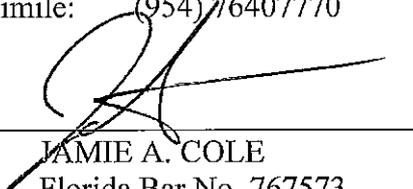
WHEREFORE, Intervenor Plaintiffs respectfully request that this Court: (a) grant their motion to intervene as party plaintiffs; (b) permit them to enter this case as party plaintiffs with the same rights and privileges as all other plaintiffs in this action; (c) permit Intervenor Plaintiffs to adopt the Complaint; (d) deem the definition in the Complaint of “Local Governments” to include the Intervenor Plaintiffs; (e) direct the Clerk to amend the style in this case to reflect the intervention; and (f) for such other and further relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true copy of the foregoing was sent via facsimile and U.S. Mail to **Jonathan A. Glogau, Esq.**, Office of the Attorney General, *Attorney for the Defendants*, 400 South Monroe Street, # PL-01, Tallahassee, Florida 32399-6536, this 11th day of August, 2009.

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