

**SUPREME COURT OF FLORIDA
TALLAHASSEE, FLORIDA**

FREDDY D'AGASTINO, et al.,

Petitioners,

Case No. SC16-645

L.T. No. 3D10-2704

v.

THE CITY OF MIAMI, et al.,

Respondents.

**MOTION OF
FLORIDA PROFESSIONAL FIREFIGHTERS, INC.,
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AFL-CIO,
FOR LEAVE TO FILE A BRIEF OF AMICUS CURIAE
ON BEHALF OF THE PETITIONERS' POSITION**

The Florida Professional Firefighters, Inc., International Association of Firefighters, AFL-CIO, by and through its undersigned attorney, respectfully files this motion in this Court for the entry of an order permitting it to file a brief of amicus curiae on behalf of the petitioners' position and for grounds would state:

1. This motion is made pursuant to Fla. R. App. P. 9.370.
2. The Florida Professional Firefighters, Inc., is the Florida chapter of the International Association of Firefighters, AFL-CIO,

RECEIVED, 08/18/2016 05:23:34 PM, Clerk, Supreme Court

commonly called the firefighters' union. The Florida Professional Firefighters, Inc., is a state-wide labor organization of the International Association of Firefighters, AFL-CIO, which is a nationwide and international (Canada) labor organization. The firefighters' union is the recognized collective bargaining representative of firefighters, paramedics, emergency medical technicians, and life guards in regard to wages, hours, terms and conditions of employment, with the State of Florida, counties of Florida and numerous cities of Florida and fire control districts located in Florida.

3. The Florida Professional Firefighters, Inc., International Association of Firefighters, AFL-CIO, has a direct interest in the outcome of the present case as it is an organization of employees whose local organizations engage in collective bargaining with the governmental units of Florida. The Florida Professional Firefighters, Inc., International Association of Firefighters, AFL-CIO, is also a registered lobbyist with the Florida Legislature, concerning laws of interest to public employees, especially "First Responders", firefighters, paramedics and police officers.

4. The Florida Professional Firefighters, Inc., International Association of Firefighters, AFL-CIO, was responsible for successfully

lobbying the passage of the Firefighters' Bill of Rights, which is similar to the Police Officers' Bill of Rights, involved in this case.

5. The Florida Professional Firefighters, Inc., International Association of Firefighters, AFL-CIO, has previously been recognized by the Supreme Court of Florida as amicus curiae in a case involving public employee collective bargaining. E.g. *City of Tallahassee v. P.E.R.C.*, 410 So. 2d 487(Fla. 1981).

6. The Florida Professional Firefighters, Inc., International Association of Firefighters, AFL-CIO, appeared as an amicus curiae in *Hollywood Fire Fighters, Local 1375, IAFF, Inc. v. City of Hollywood*, 133 So. 3d 1042 (Fla. 4th DCA 2014); now pending under stay in this Court as *City of Hollywood v. Hollywood Firefighters, Local 1375, IAFF, Inc.*, Fla. Sup. Ct. Case No. 14-244.

7. The Florida Professional Firefighters, Inc., International Association of Firefighters, AFL-CIO, believes that it would be helpful to the Court to understand the position of an employee's collective bargaining representative for "First Responders" in deciding the issues involved in this case.

8. The particular issue to be addressed is: whether the statutory Police Officers' Bill of Rights, which is similar to the statutory Firefighters'

Bill of Rights, trumps municipal law creating a civilian investigative panel especially the panel's complaint committee. This would involve the court examining the 2 to 1 decision of the Third District Court of Appeal below which conflicts with a prior decision of the Fifth District Court of Appeal in *Demings v. Orange County Citizens Review Board*, 15 So. 3d 604 (Fla. 5th DCA 2009).

9. The brief of petitioners was filed August 10, 2016.

10. The undersigned counsel has conferred with counsel for the petitioners, Robert C. Buschel and Ronald J. Cohen, and they agree to this motion for leave to appear as amicus curiae in support of their position. John A. Greco, counsel for the respondents, City of Miami, et al., has been contacted and he advises that he objects to this motion.

11. The brief of this amicus curiae will be filed within the time provided for in Fla. R. App. P. 9.370.

WHEREFORE, the Florida Professional Firefighters, Inc., International Association of Firefighters, AFL-CIO, respectfully moves this Court for the entry of an order permitting an appearance to file a brief of amicus curiae in support of the petitioners' position.

Respectfully submitted,

RICHARD A. SICKING, ESQ.
TOUBY, CHAIT & SICKING, P.L.
Attorney for Amicus Curiae,
Florida Professional Firefighters, Inc.,
International Association of
Firefighters, AFL-CIO
2030 South Douglas Rd., Suite 217
Coral Gables, FL 33134
Telephone: (305) 442-2318
E-Mail: ejcc3@fortheworkers.com
Florida Bar No. 073747



Richard A. Sicking

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by e-mail this 18 day of August, 2016, to: Ronald J. Cohen, Esq. (rcohen@rprslaw.com), 101 N.E. Third Avenue, Suite 1800, Ft. Lauderdale, FL 33301; Robert C. Buschel, Esq. (buschel@bglaw-pa.com), 100 S.E. Third Avenue, Suite 1300, Ft. Lauderdale, FL 33394; Victoria Mendez, Esq., (VMendez@miamigov.com) and John A. Greco, Esq. (jagreco@miamigov.com), Office of the City Attorney, City of Miami, 444 S.W. 2nd Avenue, Suite 945, Miami, FL 33130; John J. Quick, Esq. (jquick@wsh-law.com) and Edward G. Guedes, Esq. (eguedes@wsh-law.com), 2525

Ponce de Leon Blvd., Suite 700, Coral Gables, FL 33134; Robert D. Klausner, Esq. (bob@robertdklausner.com) and Paul A. Daragiati, Esq. (paul@robertdklausner.com), 7080 N.W. 4th Street, Plantation, FL 33317; and Charles Chester Mays, Esq. (ccmays@bellsouth.net), City of Miami Civilian Investigative Panel, 10240 S.W. 144th Street, Miami, FL 33176..


RICHARD A. SICKING