

IN THE SUPREME COURT OF FLORIDA

ROBERT EMERSON, et al.,
Appellant,

Case No. SC19-1250

v.

HILLSBOROUGH COUNTY, et al.,
Appellees.

_____ /

STACY WHITE,
Appellant,

Case No. SC19-1343

v.

HILLSBOROUGH COUNTY, et al.,
Appellees.

_____ /

**BRIEF OF AMICI CURIAE THE GREATER TAMPA CHAMBER OF
COMMERCE, THE TAMPA BAY PARTNERSHIP, AND THE TAMPA
HILLSBOROUGH ECONOMIC DEVELOPMENT CORP. SUPPORTING
APPELLEES/CROSS-APPELLANTS, HILLSBOROUGH COUNTY *ET AL.*
& THE INTERVENORS, KEEP HILLSBOROUGH MOVING, INC., *ET AL.***

DIANE G. DEWOLF, BCS (59719)
diane.dewolf@akerman.com
KATHERINE E. GIDDINGS, BCS (949396)
elisa.miller@akerman.com
michele.rowe@akerman.com
Akerman LLP
106 East College Avenue, Suite 1200
Tallahassee, Florida 32301
Telephone: (850) 224-9634
Telecopier: (850) 222-0103

MARILYN MULLEN HEALY
(984086)
marilyn.healy@akerman.com
michelle.hacek@akerman.com
Akerman LLP
401 E Jackson Street, Suite 1700
Tampa, FL 33602
Telephone: (813) 223-7333
Telecopier: (813) 223-2837

Attorneys for Amici Curiae

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AMICI CURIAE STATEMENTS OF INTEREST

Amicus curiae, *The Greater Tampa Chamber of Commerce* (the “**Chamber**”), is a not-for-profit organization dedicated to serving its members and enhancing the community by building success. The Chamber is committed to providing a voice for public policy issues essential to promoting successful business endeavors, a healthy economy, and an improved quality of life for all.

Amicus curiae, *The Tampa Bay Partnership* (the “**Partnership**”) is a privately funded, CEO-driven regional advocacy organization committed to creating a unified, competitive, and prosperous Tampa Bay Region. The Partnership identifies and prioritizes the most pressing issues using fact-based, data-driven research and analysis, and advocates for results-oriented policy solutions. The Partnership has been a consistent voice fighting for investments in new and expanded transit options to expand those areas having the potential to excel and compete. The Partnership and its members focus on regional connectivity and transit investments that provide meaningful economic opportunities and a higher quality of life to residents and businesses.

Amicus curiae, **The Tampa Hillsborough Economic Development Corporation** (“**THEDC**”) is the lead designated economic development agency for Hillsborough County and the cities of Tampa, Plant City, and Temple Terrace. The THEDC offers expansion services to domestic and international companies

interested in doing business in Hillsborough County, and it helps existing local businesses navigate the tools and resources needed to expand and thrive. THEDC's mission is to develop and sustain a thriving local economy by focusing on attracting, expanding, and retaining high-wage jobs and capital investment.

Key to Amici Curiae's¹ and their members' success is reliable and safe transportation. Amici Curiae have been actively engaged in advocating to improve the region's (Hillsborough County's) transportation deficiencies for decades.

Amici Curiae's focus on transportation is larger than just a desire to alleviate congestion. The ongoing efforts are motivated by their members' needs—efficiently connecting residents to jobs, education, healthcare facilities, childcare services, retail establishments, entertainment venues, and other necessary and desired amenities. Despite Amici Curiae's unyielding support for multiple legislative solutions, and community leaders' best efforts at drafting and promoting those solutions, Hillsborough County continues to struggle with growing transportation needs. Before Article 11 was passed, no viable solution to these problems existed.

Article 11, a citizen's initiative that was approved by nearly 60 percent of voting area residents, provides a promising means to solving Hillsborough County's wide-ranging transportation problems because it includes both a

¹ Amici Curiae refers to The Chamber, The Partnership, and THEDC collectively.

comprehensive plan for addressing each individual transportation concern (*e.g.*, road repairs, regional transit (HART), planning and development, maintenance, congestion, safety, etc.) and a means for financing that plan.

Amici Curiae are thus interested in this case because a successful outcome for the Appellees, Hillsborough County, *et al.*, will mean greater success not only for the Amici Curiae's local and regional business members, but for the entire Greater Tampa Bay community as well.

ARGUMENT SUMMARY

Article 11 represents a comprehensive solution to a long running transit problem that has plagued Hillsborough County and the Greater Tampa Bay area for many years. Amici Curiae have historically and actively supported proposed solutions, but until Article 11 passed, none had received the support needed to move forward. Indeed, county and city leaders have tried many times to address transportation issues through referendums and comprehensive planning, but have never before succeeded. Article 11, however, a fully-funded comprehensive transit initiative, proposed by and supported by the majority of local residents, has now achieved that success.

This Court should follow the will of the people, reverse the trial court, and uphold Article 11 in its entirety, not just because the voters have spoken, but for all

the reasons stated in the Appellee's and Intervenor's briefs. Article 11 is not preempted by state law and is a valid exercise of charter county home rule.

Alternatively, this Court should uphold Article 11 as severed by the trial court. While the Commission would have the final say on how the tax proceeds are allocated, the one-cent tax would still be allocated for improving transportation if the allocation and oversight provisions are severed. Amici Curiae trust that the Commission, including Commissioner White, is capable of allocating the tax revenue to the most appropriate transportation projects. In fact, the Commission most recently voted to allocate the sales tax proceeds in the same manner that the proceeds were allocated by Article 11 as passed.

This Court should not consider the arguments made by the Florida House of Representatives and Associated Industries of Florida in their respective amicus briefs. Those arguments almost entirely target the ballot summary, which has not been raised in this appeal. This Court cannot consider arguments raised by amici but not the parties. The House and AIF's remaining arguments regarding severability are otherwise meritless.

ARGUMENT

I. ARTICLE 11 PROVIDES A COMPREHENSIVE SOLUTION TO HILLSBOROUGH COUNTY’S LONG TERM TRANSIT PROBLEMS.

Florida, by far, surpasses every other U.S. state for having the highest number of vehicular accidents.² Far from a statistic to be proud of, Hillsborough County ranks second-highest for vehicular crashes among the 67 counties in Florida.³ The Greater Tampa area, Hillsborough County in particular, stands out as having some of the most dangerous roadways, not just among Florida’s roads, but nationwide.⁴ These dangerous roadways have caused Hillsborough County to have the highest traffic fatality rate per capita of all large United States Counties. *See* 2040 Plan at 65. In fact, for all counties with populations exceeding 1 million, Hillsborough is ranked 12th in the nation for having the most traffic fatalities. *See id.*

Hillsborough County also has the highest pedestrian fatality rate in the nation with 3.5 pedestrian fatalities for every 100,000 residents. *Id.* at 65-66. That

² *See* Brian Kasyoka Musili, *US States With the Most Car Accidents*, WorldAtlas (Aug. 1, 2017), *available at* worldatlas.com/articles/us-states-with-the-most-car-accidents.html.

³ *See* Hillsborough MPO, *State of the System* 11 (approved April 2, 2019) available at http://www.planhillsborough.org/wp-content/uploads/2019/04/Attach-2018-State-of-the-System-report_FINAL.pdf (last visited Oct. 20, 2019) (“**Hillsborough MPO**”).

⁴ *Imagine Hillsborough 2040: Hillsborough Long Range Transportation Plan Summary Report*, Hillsborough Cty. Metro. Planning Org. for Transp. 65 (June 11, 2019) (the “**2040 Plan**”).

means that for every 100,000 residents, about 4 per year will be struck and killed by a car while walking or riding a bike.

No authority is required to suggest that the major contributing factor to vehicular accidents is cars. Thus, it is unsurprising, given these staggering figures, that among the 20 largest metropolitan areas in the United States, Tampa Bay ranks 17th in terms of public transit.⁵ That means, relative to much larger metropolitan areas with significantly fewer crashes, and correspondingly more available transit options, Hillsborough area commuters rely more heavily on cars.

The transit deficiencies in Hillsborough County pose not just a safety problem, the deficiencies pose a business and economics problem. Currently, only 16 percent of jobs in Greater Tampa Bay are accessible to the average resident within a 90-minute commute.⁶ And roughly 20 percent of workers commute to jobs outside their resident county. *Id.* Even more commute across city lines. *Id.* With little or no public transportation choices available—indeed, the only other option for commuters is the outdated local bus system with limited options—most residents must bear the economic burden of car ownership, or even multiple car ownership if they have children of driving age.

⁵ Fed. Transit Admin., *Annual Database UZA Sums* (2017), available at <https://www.transit.dot.gov/ntd/data-product/2017-annual-database-uza-sums> (last visited Oct. 20, 2019) (“**UZA Sums**”).

⁶ Adie Tomer, et al., *Missed Opportunity: Transit and Jobs in Metropolitan America*, 15 Brookings Metro. Policy Prog. (May 2011) (“**Missed Opportunity**”).

Hillsborough County, with over 1.2 million residents, boasts the largest employment and population base in the Tampa Bay Metropolitan area. *See* 2040 Plan at 15. And in fact, Hillsborough County continues to grow exponentially faster than other Florida counties. Between 2010 and 2013, Hillsborough County grew by 5.1 percent when the entire state of Florida grew at just 4 percent during the same time period. *Id.* Yet Tampa Bay continues to spend far less on transit each year than any other major metro area. It is the only top-20 metropolitan area in the nation to spend less than \$213 million annually. *See* UZA Sums. Tampa Bay’s spending on transit is on par with much smaller municipalities having millions fewer people. *Id.*

Indeed, among the 100 largest metropolitan areas in the United States, Tampa Bay ranks 77th for access to jobs by transit. *See* Missed Opportunity at 37. The lack of available and reasonable transit options has a corresponding negative impact on recruiting and retaining desirable businesses and related human talent in the Greater Tampa area.

Studies have shown that access to quality transportation, *e.g.*, commuting time, is one of the single strongest factors in determining whether a person can escape poverty.⁷ An ongoing Harvard study tracked the nation’s largest counties to

⁷ *See, e.g.*, Raj Chetty and Nathaniel Hendren, *The Impacts of Neighborhoods on Intergenerational Mobility*, Harvard Quarterly J. Econ. (May 2015) (“**Harvard Journal**”).

determine where it is easier to escape poverty based on adequate and available transportation. *See* Harvard Journal. The study ranked Hillsborough County 98th out of 100 large counties nationwide. *Id.* at 122, 124.

Given these hard truths, it is unsurprising that among Amici Curiae’s business and community leaders, transportation universally tops the list of economic challenges. As a result, Amici Curiae have actively supported the search for solutions to existing and expanding transportation problems in Hillsborough County and the Greater Tampa area for nearly a decade.

For example, in 2010, the Chamber supported a County commission referendum asking voters to approve a one-cent sales tax increase that would have been used to expand bus services and to build a light rail. But the sales tax referendum failed.⁸

In 2014, the Chamber and the Partnership partially funded and vigorously advocated for Greenlight Pinellas, a plan that would have “transformed the transportation network and given momentum to a similar effort across Tampa Bay.”⁹ Greenlight Pinellas also would have greatly expanded bus services and

⁸ *See generally* Mark Holan, *2010 vote: Amendment 4 transit tax defeated*, Tampa Bay Bus. J. (Nov. 2, 2010); *see also* Ballotpedia, *Hillsborough Cty. Sales Tax*, [https://ballotpedia.org/Hillsborough_County_Sales_Tax_\(November_2010\)](https://ballotpedia.org/Hillsborough_County_Sales_Tax_(November_2010)).

⁹ Tony Marrero, *Voters Reject Greenlight Pinellas*, Tampa Bay Times (Nov. 5, 2014); *see also* Richard Danielson, *Tampa Chambers of Commerce Endorse Greenlight Pinellas*, Tampa Bay Times (Jun. 5, 2014).

created a light rail line. *Id.* But Greenlight Pinellas was also defeated at the polls.

Id.

In 2016, Amici Curiae soldiered on, leading and supporting the “Go Hillsborough” initiative.¹⁰ Go Hillsborough would have imposed a half-penny sales tax in Hillsborough County to fund transportation and transit improvements. But the County Commission ultimately scrapped the plan without giving voters the opportunity to weigh in, while at the same time bemoaning that transportation continues to be the region’s “Achilles heel.”¹¹ *elis*

With County leaders seemingly unable to rally support for any unified plan to improve County transit, a grassroots group of Hillsborough County Citizens recently took on that leadership role. In 2018, residents formed “Keep Hillsborough Moving” a group dedicated to “support[ing] a citizen-driven ballot initiative to amend the Hillsborough County Charter by adopting a new article, Article 11, titled ‘Surtax for Transportation Improvements.’” [W.A. at 10 (Circuit Court Order)]¹² A connected organization, All For Transportation (“AFT”) gathered the 77,000 signatures necessary to place the proposed initiative and ballot summary on the ballot. [*Id.*] And on November 6, 2018, Hillsborough County

¹⁰ See Caitlin Johnson, *Hillsborough leaders set to pursue transit tax vote, despite defeats elsewhere*, Tampa Bay Times (Mar. 25, 2015).

¹¹ Janelle Irwin, *Go Hillsborough dead again, commissioners reject transit tax*, Tampa Bay Bus. J. (Jun. 9, 2016).

¹² “W.A.” refers to Appendix to Stacy White’s Brief.

voters overwhelmingly approved Article 11, with nearly 60 percent voting yes in support. Article 11 enacted a county-wide one-cent sales tax for 30 years and provided a comprehensive formula for allocating the sales tax proceeds to improve and expand upon existing transportation options. [*Id.* at 10-11]

Instead of embracing Article 11's unified plan for improving County transportation, which Hillsborough residents overwhelmingly approved, Robert Emerson and one of Hillsborough County's own Commissioners, Stacy White, chose to fight the measure.

Amici Curiae disagree with Messrs. White and Emerson's arguments that Article 11 is an invalid levy under Hillsborough County's Charter and state law. Amici Curiae thus adopt the Appellees' and the Intervenors' arguments opposing Messrs. White and Emerson arguments on the merits. Amici Curiae fully support that this Court should uphold Article 11 in its entirety or, alternatively, it should affirm the final order preserving the one-cent sales tax for transportation improvements in Hillsborough County. Article 11, as severed, still provides the means to fulfill its stated purpose: amending the Hillsborough County Charter by adopting a surtax for improving transportation. Amici Curiae feel certain that Commissioner White, and his fellow Commissioners are capable of wisely allocating the surtax proceeds for desperately needed transportation improvements in Hillsborough County, even without the guidance provided in Article 11 as

passed. Although County Staff has recently recommended that the allocations set forth by Article 11 should remain intact. *See Hillsborough Cty. Public Hearing Agenda Item Cover Sheet, No. D-3 (Sept. 18, 2019).*

Amici Curiae write separately here to provide context to the ongoing transit issues in Hillsborough County and also to address those arguments raised by the Florida House of Representatives (the “**House**”), and Associated Industries of Florida (“**AIF**”), in their briefs as amici curiae in support of Messrs. White and Emerson.

II. AMICUS CURIAE, THE FLORIDA HOUSE OF REPRESENTATIVES’, ARGUMENTS ARE INAPPROPRIATE AND OTHERWISE MERITLESS.

The House’s arguments regarding Article 11’s ballot title and summary are impermissible because the ballot title and summary have not been challenged by the parties to this appeal. This Court cannot consider arguments raised by an amicus curiae and not by a party. *See Westphal v. City of St. Petersburg*, 194 So. 3d 311, 315 n. 2 (Fla. 2016) (“We do not consider arguments raised by amici curiae that were not raised by the parties.”); *Acton v. Ft. Lauderdale Hosp.*, 418 So. 2d 1099, 1101 (Fla. 1st DCA 1982) (“Amici do not have standing to raise issues not available to the parties, nor may they inject issues not raised by the parties.”).

The House’s arguments are also incorrect. Section 212.055(1)(c), Florida Statutes, does not restrict the items that can be placed on the ballot, as the House

erroneously claims. Section 212.055(1)(c) requires only that the ballot include two specific things: (1) the proposal to adopt a discretionary sales surtax; and (2) the proposal to create a trust fund within the County accounts.

Those two ballot requirements were satisfied here. The ballot expressly inquires whether “transportation improvements [should] be funded ... [b]y amending the County Charter to enact a one-cent sales surtax ... deposited in an audited trust fund with independent oversight?” [W.A. at 4]

Article 11’s ballot title cannot be misunderstood as explaining anything other than the proposed amendment addresses funding for transportation and road improvements throughout Hillsborough County. The ballot hides nothing from the voter. That the funding for transportation and road improvements will be accomplished by amending the County charter to impose a one-cent sales surtax is clearly stated directly above where the voter must choose either “yes” or “no.” *Id.*

The House’s argument regarding the legislature’s requiring descriptive language in 212.055 subsections (2) through (7) but not in subsection (1) (*see* House Br. at 6-8) fails to consider that the subsections distinguish between charter and non-charter counties. Section 212.055(1), Florida Statutes, unlike subsections (2)-(7), expressly refers to “**CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX.**” (emphasis added). Charter counties, such as Hillsborough County here, have the power to establish and enforce all

legislation not specifically prohibited by general law. *See Hillsborough Cty. v. Fla. Restaurant Ass'n, Inc.*, 603 So. 2d 587, 592 (Fla. 2d DCA 1992) (explaining charter counties may exercise all powers not proscribed by general law and non-charter counties may exercise only those powers granted by general law). Section 212.055(1) does not prohibit charter counties from enumerating on the ballot what the surtax proceeds might be used for if approved. Nowhere does section 212.055(1) state that the ballot is restricted to contain just those two items and only those two.

The surtax proposal is neither deceptive nor unauthorized, as the House wrongly maintains. The problem the court had in *Wadhams v. Board of County Commissioners of Sarasota County*, 567 So. 2d 414, 416 (Fla. 1990), on which the House relies (*see* House Br. at 9), was that the ballot title was not descriptive, and no ballot summary was included at all. There, the proposed amendment was listed in its entirety and appeared to require that the Charter Review Board meet once every four years. *Id.* In actuality, the amendment's purpose in *Wadhams* was to curtail Charter Review Board meetings which had previously been unlimited. *Id.* The court held that the ballot was deceptive because it omitted a summary containing a material statement that the amendment was limiting the Review Board's meetings, rendering the proposed amendment misleading. *Id.*

By contrast here, the ballot title and summary are not at all misleading but clearly explain that a “yes” vote supports “funding” for “transportation and road improvements” by levying “a one-cent sales surtax ... for 30 years.” [W.A. at 4]

The House’s second argument, that severability is disfavored, is also incorrect. Of course, the court’s first obligation is to interpret the law as constitutional in its entirety. *See Dep’t of State, Div. of Elections v. Martin*, 885 So. 2d 453, 457 (Fla. 1st DCA 2004) (citing *St. Mary’s Hosp., Inc. v. Phillipe*, 769 So. 2d 961, 972 (Fla. 2000)). But if a court determines that upholding a law in its entirety is not possible, then its second obligation is to keep intact as much of the law as possible and sever only those portions it determines are unconstitutional. *See Ray v. Mortham*, 742 So. 2d 1276, 1281 (Fla. 1999).

In *Mortham*, the Supreme Court considered whether the severability doctrine applies equally to legislative enactments and citizen initiatives and it held that it does. For severability purposes, no logical reason exists to distinguish between (1) a citizen initiative which may be directed at any number of constitutional provisions, as was the case in *Mortham*, versus (2) a citizen initiative carried out under a statutory provision expressly authorizing a one-cent tax for transportation, as is the case here.

No opportunity to “construe” the tax against the County can be had here, as the House mistakenly claims (*see* House Br. at 7, 12), because section 212.055(1)

expressly allows a charter county, such as Hillsborough County here, to “levy a discretionary sales tax, subject to approval by a majority vote of the electorate of the county” for regional transportation. The one-cent tax here is “expressly authorized by ... the Legislature.” *City of Tampa v. Birdsong Motors, Inc.*, 261 So. 2d 1, 3 (Fla. 1972).

The Legislature erroneously relies on *Birdsong*, for the notion that any taxing statute should be construed against the County. *See* House Br. at 7, 12. In *Birdsong*, the city imposed a “license” tax upon retailers which was based upon the retailer’s gross sales. *See* 261 So. 2d at 3. In invalidating the tax, the court explained that “municipalities may be granted the power to levy any tax only by general law.” *Id.* Yet, “the general laws of Florida do not authorize the tax in question.” *Id.* Again, this principle does not apply to charter counties like Hillsborough which have all powers to enact legislation not prohibited or preempted by general law. *See Fla. Restaurant Ass’n*, 603 So. 2d at 592.

Similarly, in *Alachua County v. Adams*, 677 So. 2d 396 (Fla. 1st DCA 1996), on which the House relies (*see* House Br. at 7, 12), Alachua County attempted to use tax revenue in a way the Legislature expressly forbade. There, Alachua County sought to pass a special law allowing it to use surtax revenue for operating and maintaining parks and other public recreational facilities. 677 So. 2d at 397. That special law was directly in conflict with section 212.055(2), Florida

Statutes, which allows counties to levy an infrastructure tax, but expressly prohibits any tax proceeds from being “used for operational expenses of any infrastructure ...”. *Id.* The *Adams* court thus rightly held that tax revenues raised under a general law could not be used for purposes expressly prohibited by that same law.

Here, however, the power to levy a one-cent tax for transportation is expressly granted by section 212.055, Florida Statutes. And the County intends to use the penny tax proceeds for the specific uses permitted by the statute—regional transportation. Thus, unlike in *Birdsong* and *Adams*, no opportunity exists here to construe this statutory grant of authority against the local taxing authority, Hillsborough County.

Furthermore, to the extent Article 11 could be construed to reach beyond the authority granted by the legislature by mandating how the surtax proceeds should be allocated, indeed as the trial court found, the remedy is not to strike Article 11 in its entirety. The remedy is to uphold those portions of the law that the court deems constitutional. *See Mortham*, 742 So. 2d at 1280 (explaining “[s]everability is a judicial doctrine recognizing the obligation of the judiciary to uphold the constitutionality or legislative enactments where it is possible to strike only the unconstitutional portions” and applying the severability doctrine to citizen initiatives with “no less deference” than that given to legislative enactments).

III. AMICUS CURIAE, ASSOCIATED INDUSTRIES OF FLORIDA, ARGUMENTS ARE IMPERMISSIBLE AS NOT RAISED BY THE PARTIES OR ARE OTHERWISE ERRONEOUS.

Amicus Curiae, Associated Industries of Florida, also improperly argues that the ballot title and summary are misleading. Again, that issue has not been raised on appeal. This Court cannot rule on an issue that has not been raised or that was raised below but has not been appealed by the parties. *See, e.g., Doe v. Baptist Primary Care, Inc.*, 177 So. 3d 669, 673 (Fla. 1st DCA 2015) (holding that when an appellant does not raise an issue on appeal as to why a trial court’s ruling is incorrect, that issue is abandoned for purposes of the appeal); *Anheuser-Busch Co. v. Staples*, 125 So. 3d 309, 312 (Fla. 1st DCA 2013) (appellate courts are “not at liberty to address issues that were not raised by the parties”); *Nationwide Mut. Ins. Co. v. Chillura*, 952 So. 2d 547, 553 n.7 (Fla. 2d DCA 2007) (court will not consider issue raised by amici but not the parties because it is unable to grant relief on that issue).

Further, for reasons explained above, the ballot summary is not misleading but clearly asks the voter to answer a simple “yes” or “no” question—should the County amend its Charter to impose a one-cent sales tax to be used to fund transportation. This is true regardless of whether Article 11 is ultimately upheld in its entirety or whether it is upheld minus the provisions severed by the trial court. The ballot summary does not contain any language (*e.g.*, percentage allocations,

the extent of Independent Oversight Committee's powers) that could be construed as inconsistent with either version of Article 11.

AIF's reliance on *Searcy v. State*, 209 So. 3d 1181 (Fla. 2017), is misguided. First, as AIF recognizes, the fee provision this Court determined was unconstitutional in *Searcy* was severed, and the claims bill was left otherwise intact. Neither dissent supports AIF's position here because both Justice Canady and Justice Polston (with Justice Labarga *concurring*) would not have struck the entire claims bill but would have instead upheld the claims bill in its entirety as a valid exercise of legislative power and discretion. The overarching intent of the Legislature in *Searcy* was to compensate a child for his injuries, an intent accomplished by the \$15 million award and by a slightly lesser award after the fee limiting provision was severed.

The same is true here. Although, Amici Curiae support the allocation and oversight provisions, they understand that Article 11's overarching purpose is to fund transportation improvements in Hillsborough County. That purpose can be accomplished with or without the specific percentages and oversight provisions contained in the Charter Amendment as proposed. But if Article 11 is stricken in its entirety, as AIF suggests, then no funding for transportation will be had, and no corresponding improvements will be made. That is wholly against the voters' will and should not be considered by this Court.

CONCLUSION

Hillsborough County is ranked nearly last nationwide among large metropolitan areas for available public transit. The County's transportation deficit has not only rendered the County's roads unsafe, it has negatively impacted the region's economic growth because the majority of people have no effective means of transportation other than cars. The lack of transportation options not only severely limits individual's access to jobs, education, and community events, it impedes opportunities for business growth and for businesses to hire and retain valuable employees. County commissioners and other community leaders have tried but failed multiple times to devise a plan to begin alleviating these transportation deficiencies. The people of Hillsborough County, through a citizen's initiative, have now voted overwhelmingly to impose a penny sales tax, via Article 11, to help fund a comprehensive solution. This Court should not invalidate Article 11 now that the voters have spoken.

For the reasons expressed in this brief and the answer brief filed on behalf of Appellees/Cross-Appellants Hillsborough County, *et al.*, and the Intervenors, Tyler Hudson, Keep Hillsborough Moving, and All For Transportation, this Court should reverse the Final Orders and allow Article 11 to remain intact and in force, or else affirm the Final Orders upholding Article 11 as severed.

Respectfully submitted,

/s/ Diane G. DeWolf

DIANE G. DEWOLF, BCS (59719)

diane.dewolf@akerman.com

KATHERINE E. GIDDINGS, BCS (949396)

elisa.miller@akerman.com

michele.rowe@akerman.com

Akerman LLP

106 East College Avenue, Suite 1200

Tallahassee, Florida 32301

Telephone: (850) 224-9634

Telecopier: (850) 222-0103

MARILYN MULLEN HEALY
(984086)

marilyn.healy@akerman.com

michelle.hacek@akerman.com

Akerman LLP

401 E Jackson Street, Suite 1700

Tampa, FL 33602

Telephone: (813) 223-7333

Telecopier: (813) 223-2837

Attorneys for Amicus Curiae Greater Tampa Chamber of Commerce

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October 2019 that a true and correct copy of the foregoing has been electronically uploaded to The Supreme Court of Florida's e-Portal and a true and correct copy of the foregoing was furnished by E-mail to all parties listed below.

Chris W. Altenbernd, Esq.
Banker Lopez Gassler P.A.
501 E. Kennedy Blvd., Ste. 1700
Tampa, FL 33602
caltenbernd@bankerlopez.com
service-caltenbernd@bankerlopez.com
(Attorneys for Stacy White)

Alan S. Zimmert, Esq.
Nikki C. Day, Esq.
Elizabeth W. Neiberger, Esq.
Bryant Miller Olive, P.A.
One Tampa City Center, Ste. 2700
Tampa, FL 33602
azimmet@bمولaw.com
nday@bمولaw.com
eneiberger@bمولaw.com
nakins@bمولaw.com
cmiller@bمولaw.com
agarner@bمولaw.com
(Attorneys for Hillsborough Co.)

William D. Shepherd, Esq.
Hillsborough Co. Property Appraiser
601 E. Kennedy Blvd., 15th Floor
Tampa, FL 33602
shepherw@hcpafl.org
**(Attorney for Hillsborough County
Property Appraiser)**

Kenneth Buchman, Esq.
City Attorney for Plant City
302 W. Reynolds St.
Plant City, FL 33566
kbuchman@plantcitygov.com
kenbuchman@gmail.com
lyoung@plantcitygov.com
(Attorney for Plant City)

Harry Cohen, Esq.
601 E. Kennedy Blvd., 13th Floor
P.O. Box 1110
Tampa, FL 33601
harry.cohen@hillsclerk.com
(Attorney for Pat Frank)

David L. Smith, Esq.
Kristie Hatcher-Bolin, Esq.
GrayRobinson, P.A.
401 E. Jackson St., Ste. 2700
Tampa, FL 33602
david.smith@gray-robinson.com
kristie.hatcher-bolin@gray-
robinson.com
jane.larose@gray-robinson.com
linda.august@gray-robinson.com
(Attorneys for HART)

Robert E. Brazel, Esq.
Chief Assistant County Attorney
P.O. Box 1110
Tampa, FL 33601
brazelr@hillsboroughcounty.org
matthewsl@hillsboroughcounty.org
johnsonni@hillsboroughcounty.org
**(Attorney for Dough Belden,
Hillsborough County Tax Collector)**

Cameron Clark, Esq.
Hillsborough Co. Attorney's Office
P.O. Box 1110
Tampa, FL 33601
clarkc@hillsboroughcounty.org
(Attorney for Hillsborough MPO)

Ben H. Hill, III, Esq.
Robert A. Shimberg, Esq.
J. Logan Murphy, Esq.
Hill Ward Henderson, P.A.
101 E. Kennedy Blvd., Ste. 3700
Tampa, FL 33602
ben.hill@hwhlaw.com
robert.shimberg@hwhlaw.com
logan.murphy@hwhlaw.com
debra.whitworth@hwhlaw.com
regina.bigness@hwhlaw.com
tina.mcdonald@hwhlaw.com
**(Attorneys for Keep Hillsborough
Moving and All for Transportation)**

Jerry M. Gewirtz, Esq.
City Attorney's Office
315 E. Kennedy Blvd., 5th Floor
Tampa, FL 33602
jerry.gewirtz@tampagov.net
kimber.spitsberg@tampagov.net
(Attorneys for City of Tampa)

Ada Carmona, Esq.
State Attorney's Office
419 N. Pierce St.
Tampa, FL 33602
mailprocessingstaff@sao13th.com
(Attorney for State of Florida)

William H. Stafford, III
Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399
william.stafford@myfloridalegal.com
(Attorney for Fla. Dep't of Revenue)

Raoul G. Cantero, Esq.
David P. Draigh, Esq.
Zachary B. Dickens, Esq.
White & Case LLP
200 S. Biscayne Blvd., Ste. 4900
Miami, FL 33131
rcantero@whitecase.com
ddraigh@whitecase.com
zdickens@whitecase.com
ldominguez@whitecase.com
miamilitigationfileroom@whitecase.com
**(Attorneys for Keep Hillsborough
Moving and All for Transportation
and Tyler Hudson)**

Derek T. Ho, Esq.
Collin R. White, Esq.
Kellogg, Hansen,, Todd, Figel
& Frederick, PLLC
1615 M St., N.W., Ste. 400
Washington, DC 20036
dho@kellogghansen.com
cwhite@kellogghansen.com
(Attorneys for Robert Emerson)

Howard C. Coker, Esq.
Chelsea R. Harris, Esq.
Coker Law
136 East Bay St.
Jacksonville, FL 32202
hcc@cokerlaw.com
crh@cokerlaw.com
(Attorneys for Robert Emerson)

/s/ Diane G. DeWolf
DIANE G. DEWOLF, BCS

CERTIFICATE OF FONT SIZE

I HEREBY CERTIFY that the font used in this brief is the Times New Roman 14-point font and that the brief complies with the font requirements of Rule 9.210(a)(2).

/s/ Diane G. DeWolf
DIANE G. DEWOLF, BCS