

D.A. 2-4-91

FILED
SID J. WHITE
NOV 27 1990
CLERK SUPREME COURT
By _____
Deputy Clerk

IN THE SUPREME COURT OF FLORIDA

Case No. 76,090
(Consolidated with Case No. 76,803)

DICK LOCKE,
Petitioner,

v.

PAUL M. HAWKES,
Respondent.

BRIEF OF AMICUS CURIAE
FLORIDA HOUSE OF REPRESENTATIVES

On Review from the District Court
of Appeal, Fifth District
State of Florida

Kevin X. Crowley, Esquire
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INTEREST OF THE AMICUS CURIAE

Amicus, the Florida House of Representatives, is a duly elected legislative body under Article III, Section 1 of the Florida Constitution vested with the legislative power of the state. In the implementation of such legislative power, the House of Representatives is granted the exclusive authority under Article III, Section 4(a) of the constitution to determine its rules of procedure. Historical practice and judicial precedent place the management and control of legislative papers within this constitutional grant of authority. The House of Representatives has exercised this authority through legislative policy and through the adoption of legislative rules. Under the ruling of the Fifth District Court of Appeal, Rule 1.11 of the House of Representatives, entitled "Legislative Records" is rendered a nullity. The district court usurps the power of the legislature when it seeks to coerce legislative papers through a statute which is incompatible with legislative procedures and inapplicable to the legislative branch. Under the district court analysis, the House of Representatives would be required to obtain the concurrence of the Senate and the Governor (via amendments to Chapter 119, Florida Statutes) in order to shape its own policy with respect to legislative records. Such a requirement unconstitutionally infringes upon the exclusive authority of the House to manage its internal affairs. In scope and effect, the action of the district court encroaches upon the legislative power in violation of Article 11, Section 3 of the Florida Constitution.

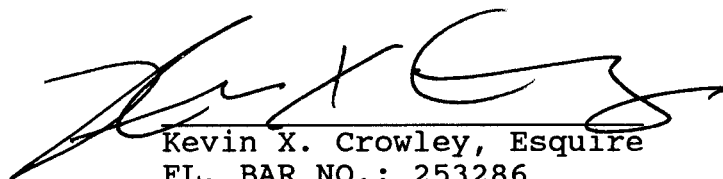
ARGUMENT

The amicus, Florida House of Representatives, fully adopts the legal reasoning of the Petitioner, Dick Locke, as set forth in the Petitioner's Initial Brief.

CONCLUSION

The decision of the district court of appeal should be reversed.

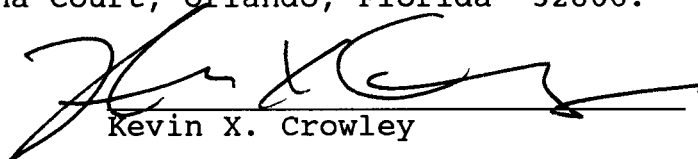
Respectfully Submitted this 26TH day of November, 1990.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by United States Mail on this 26TH day of November, 1990 to **Charles P. Horn**, Esquire, Hawkes & Horn, 5641 W. Gulf To Lake Highway, Crystal River, Florida 32629; and to **Valerie W. Evans**, Esquire, 1808 Kalurna Court, Orlando, Florida 32806.



Kevin X. Crowley