

IN THE SUPREME COURT OF FLORIDA

FILED

SID J. WHITE

SEP 29 1989

CLERK, SUPREME COURT

By _____ Deputy Clerk

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CASE NO. 74,747

THE FLORIDA HOUSE OF REPRESENTATIVES;)
TOM GUSTAFSON, as Speaker of the Florida)
House of Representatives and as a)
citizen and taxpayer of the State of)
Florida; and T.K. WETHERELL, as Chairman)
of the Committee on Appropriations, as)
Speaker-designate of the Florida House)
of Representatives and as a citizen of)
the State of Florida,)

Petitioners,)

v.)

BOB MARTINEZ, Governor of the State of)
Florida; JIM SMITH, in his capacity)
as Secretary of State of Florida; and)
GERALD LEWIS, in his capacity as)
Comptroller of the State of Florida,)

Respondents.)

Response to Petition for Writ of Mandamus

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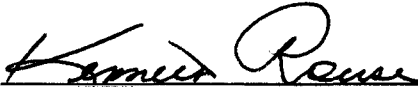
Comes Now the Respondent Jim Smith in his capacity as Secretary of State for the State of Florida, by and through his undersigned Counsel, and in response to the Order to Show Cause, issued by this court on September 26, 1989, would show unto this court that:

1) Jim Smith, in his capacity as Secretary of State for the State of Florida is a nominal party to this action by virtue of his ministerial role as custodian of the records of the official acts of the legislative and executive departments. Article IV, Sec. 1(b), Fla. Const. Brown v. Firestone, 382 So.2d 654.

2) As nominal respondent, the Secretary of State does not intend to address the merits of the Writ of Mandamus unless ordered to do so by this court.

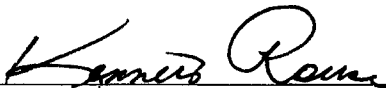
3) As Secretary of State, the respondent Jim Smith stands ready and willing to abide by any order of this court relating to his official duties and the issues before this court.

Respectfully submitted,


Kenneth Rouse
General Counsel
Department of State
The Capitol, Room LL-10
Tallahassee, Florida 32399-0250
(904) 488-3684
Fla. Bar No. 148931
Attorney for Respondent
Jim Smith

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Response to Petition for Writ of Mandamus has been furnished by U.S. Mail this 28th day of September, 1989 to Kevin X. Crowley, Esquire, Cobb Cole & Bell, 315 South Calhoun Street, Suite 500, Tallahassee, Florida 32301, Attorney for Petitioners; to Honorable Bob Martinez, Office of the Governor, The Capitol, Tallahassee, Florida 32399; to Honorable Gerald Lewis, Office of the Comptroller, The Capitol, Tallahassee, Florida 32399.


Kenneth Rouse