

THE FLORIDA SENATE
SENATOR ANDY GARDINER
President

April 29, 2015

The Honorable Steve Crisafulli, Speaker
Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Mr. Speaker,

On Tuesday, April 28, 2015, you adjourned the Florida House of Representatives in contravention of express provisions of the Florida Constitution. Accordingly, I respectfully request that you reconvene your chamber to finish the important work of the people of Florida.

Article III, section 3 of the Florida Constitution, plainly states: "Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution." Further support for this reading is found in the following subsection of Article III, section 3, granting the Governor the authority to adjourn a session, including the adjournment sine die. This framework, modeled after the United States Constitution, sets up a constitutional framework encouraging cooperation between our chambers and designating the Governor to resolve disputes when our chambers cannot agree on a time to adjourn.

This constitutional parliamentary requirement could not be clearer and trumps our own respective chamber's parliamentary rules. The course of action you have taken is not only unconstitutional; it is unprecedented under our present state constitution. In fact, the last time there was a disagreement between the chambers on when to adjourn, it was resolved by Governor LeRoy Collins in 1956.

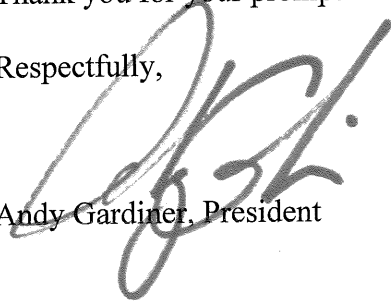
While our current parliamentary practices may gloss over this requirement where consent of the other chamber is taken for granted, such consent should never be assumed, particularly where one chamber transmits their bills and abruptly adjourns more than three days early in the 60 day regular session, effectively depriving the other chamber of providing meaningful legislative consent and dialogue.

Your own rules do not support the unilateral actions you have taken. House Rule 13.1 cites Mason's Manual of Legislative Procedure as highly influential in interpreting the House's rules.

Section 204-3 of Mason's provides "[n]either the senate nor the house can constitutionally adjourn sine die without the other."

The Senate will remain available to conduct business upon the call of the President until the scheduled expiration of the 2015 Regular Session at 11:59 p.m. on Friday, May 1, 2015. Thank you for your prompt attention to this critical constitutional issue.

Respectfully,

A handwritten signature in black ink, appearing to read "AG", is written over the word "Respectfully,".

Andy Gardiner, President

CC: The Honorable Rick Scott, Governor