

**IN THE SUPREME COURT OF FLORIDA**

DAVID P. TROTTI,

Petitioner,

v.

Case No.: SC14-1941

L.T. No.: 1D14-3667

KEN DETZNER, SECRETARY  
OF STATE, and BRUCE R.  
ANDERSON, JR.,

Respondents.

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**ON REVIEW FROM THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA**

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**RESPONDENT BRUCE R. ANDERSON, JR.'S BRIEF ON JURISDICTION**

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## **STATEMENT OF THE CASE AND OF THE FACTS**

Respondent Bruce R. Anderson, Jr., a Jacksonville attorney who planned to run for Chief Judge Moran's seat if subject to election, intervened in the action below. (Pet. App. 2.) Mr. Anderson took no position on the merits of the petition and only intervened to address the appropriate remedy in the event the court concluded that the vacancy would be filled by election. Mr. Trotti's requested remedy would have resulted in Mr. Trotti taking office without an actual election because he was the only person to defy the Secretary of State's announced position that the seat was not subject to election and tender qualifying papers during the 2014 qualifications period. Mr. Anderson was ready to submit his qualifying papers for the seat until the Secretary's announcement shortly before the qualifying period would have opened that the seat was subject to appointment, and he argued below that if Mr. Trotti prevails on the merits, then the remedy should be to have an election where all interested candidates have a chance to run.<sup>1</sup>

## **SUMMARY OF ARGUMENT**

This Court has jurisdiction because the decision below expressly construes

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<sup>1</sup> Mr. Anderson was the only party to address the remedy in the district court and in light of the majority's ruling, which rendered the remedy moot, the opinion below does not address the remedy. Mr. Anderson recognizes that the jurisdictional inquiry is confined to the four corners of the opinion below and provides the foregoing information solely so the Court will understand the procedural posture of the case when it exercises its discretion whether to accept review.

the state constitution and affects a class of constitutional officers (circuit judges). This Court should exercise its discretion to accept review because the issue is exceptionally important, not only on the merits, but also as to the appropriate remedy if the Court concludes that the seat should be filled by election.

### **ARGUMENT**

Because the decision below expressly construes the Florida Constitution and unquestionably affects a class of constitutional officers (circuit judges), this Court clearly possesses discretionary jurisdiction. Art. V, § 3(b)(3), Fla. Const. And because the patently important question is one on which reasonable minds can disagree, as reflected by the split decision below, the Court should exercise its discretion to decide the case. If the Court does accept jurisdiction, Mr. Anderson will file an answer brief that, consistent with his stance below, takes no position on the merits but addresses the proper remedy in the event the Court concludes that the seat at issue is subject to election.

It is critical to note that the issue in this case may be more important than even Mr. Trotti acknowledges. If this Court accepts jurisdiction and ultimately concludes that the judicial seat at issue is subject to election, the question becomes whether an actual election should be held or whether, in the name of enforcing policies favoring elections, Mr. Trotti takes the seat without an election because no other interested candidate chose to defy the Secretary of State's determination and

undertake the futile act of tendering papers for a seat the Secretary announced was subject to appointment. Thus, if an election is to be held, this Court will be called on to decide whether the proper remedy is a default election with no other candidates or one in which all interested candidates have an opportunity to qualify and have their names placed on the ballot.

### **CONCLUSION**

For the foregoing reasons, this Court should grant the petition for review.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following persons by email on October 21st, 2014:

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### **CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that the foregoing brief is in Times New Roman 14-point font and complies with the font requirements of Rule 9.210(a)(2), Florida Rules of Appellate Procedure.

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