

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT IN  
AND FOR LEON COUNTY, STATE OF FLORIDA

TERRANCE PAUL POWER,

Plaintiff,

Case No. \_\_\_\_\_

vs.

STATE OF FLORIDA; KEN DETZNER, in his official  
capacity as Secretary of State for the State of Florida,

Defendants.

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**ACTION FOR DECLARATORY JUDGMENT**

1. This is an action for declaratory relief pursuant to Fla. Stat. § 86.021 (1995) to enforce the validity of Florida's Term Limit laws as it relates to the ability of the Honorable James W. Grant to be certified as a candidate for the Florida House District 64 seat in the August 2018 primary election and November 2018 general election.

2. The Florida Term Limits Amendment, also known as Amendment 9, was an initiated constitutional amendment in Florida which was approved by voters on November 3, 1992. This amendment modified Article VI of the Constitution of the State of Florida to limit terms for most statewide elected offices, including Florida Representative.

3. ARTICLE 6 (Suffrage and Elections), SECTION 4 of the Constitution of the State of Florida (2017) reads as follows (bold type and underline added for emphasis):

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LEON COUNTY, FLORIDA

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Disqualifications.—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

(b) No person may appear on the ballot for re-election to any of the following offices:

- (1) Florida representative,
- (2) Florida senator,
- (3) Florida Lieutenant governor,
- (4) any office of the Florida cabinet,
- (5) U.S. Representative from Florida, or
- (6) U.S. Senator from Florida

**if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.**

*History.*—Am. by Initiative Petition filed with the Secretary of State July 23, 1992; adopted 1992.

4. The Secretary of State is empowered with enforcement of Florida's election laws as outlined in Fla. Stat. SS 97.012. The Secretary of State is also the chief election officer in the state.

5. The Plaintiff has a genuine and current dispute with defendants, is in doubt of his rights, and requires a judgment of this Court to declare them and provide other relief requested herein.

#### **JURISDICTION AND VENUE**

6. This suit is to redress the deprivation of rights and privileges secured to Plaintiff by Article VI, section 4 of the Florida Constitution.

7. This Court has jurisdiction pursuant to Article V §5(b) of the Florida Constitution and Sections 26.012 and 86.011, Florida Statutes.

8. Venue is proper in this Court pursuant to section 47.011, Florida Statutes because Defendants are located in this Circuit.

## **PARTIES**

### **The Plaintiff**

9. Plaintiff TERRANCE PAUL POWER is a Republican Candidate for the Florida House District 64 seat. He is a legal resident of Florida House District 64, residing at 1608 Shady Oaks Drive, Oldsmar, Florida 34677, and therefore has standing to file this matter before the Court.

### **The Defendants**

10. Defendant STATE OF FLORIDA, whose Constitution ARTICLE 6 (Suffrage and Elections), SECTION 4 outlines various qualification requirements of candidates for certain public offices.

11. KEN DENTZER, in his official capacity as Secretary of State of the State of Florida, is the chief election official in the state of Florida. He is empowered with enforcement of Florida election laws as outlined in Fla. Stat. § 97.012.

## **STATEMENT OF FACTS**

12. Representative James W. Grant first appeared as a candidate for the Florida House of Representatives in the 2010 election cycle. He was elected to the Florida House in District 47 on November 2, 2010. Representative Grant also appeared on the ballot for reelection in 2012, 2014, and 2016. He was re-elected to the Florida House each of those successive years.

13. Representative Grant has served as a duly elected Representative in the Florida House during each of the following eight consecutive years: 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018.

14. Representative Grant has filed paperwork with the Florida Division of Elections to run again as a candidate for Florida House District 64 in the 2018 primary and general elections.

15. Representative Grant's November 4, 2014 election results were rejected by the Florida House of Representatives due to a procedural technicality, and a special election was set for April 21, 2015 by Governor Scott. Representative Grant won the special election and was seated the next day as a member of the Florida House. The Florida House was scheduled to be in session in 2015 from March 3<sup>rd</sup> until May 1<sup>st</sup>. There were also three additional Special Session held during 2015. The 1<sup>st</sup> special session was from June 1<sup>st</sup> to June 9<sup>th</sup>, the second Special Session was from August 10<sup>th</sup> to August 21<sup>st</sup>, and the third Special Session was held from October 19<sup>th</sup> to November 5<sup>th</sup>, 2015.

16. Representative Grant appears to claim that since the Florida House rejected the results of the November 2014 election that he somehow is eligible for a "reset" of his "term limit clock", even though he has appeared on the ballot for office in the Florida House for the last four general elections. He has clearly served as a Representative in the Florida House for eight consecutive years, thereby making him ineligible to run for re-election in 2018.

17. A failure by this Honorable Court to strictly enforce Florida's Term Limit laws as outlined in the Florida Statutes by not granting the Plaintiff's Motion for Declaratory Relief would have a chilling effect on these laws and open the door for further manipulation of the intent of the voters of the State of Florida in the future.

## REQUEST FOR DECLARATORY RELIEF

18. The Plaintiff realleges and incorporates the allegations contained in paragraphs 1 through 17 as if set forth fully herein.

19. This is an action for declaratory relief pursuant to Fla. Stat. § 86.021 (1995).

20. There is accordingly a bona-fide, actual, present practical need for a declaration that Representative James W. Grant is not eligible to appear on the ballot for the 2018 primary and general elections as a candidate for the Florida House of Representatives due to Article VI, Section 4 of the Constitution of the State of Florida.

21. That the Court will take action to enforce its ruling if necessary.

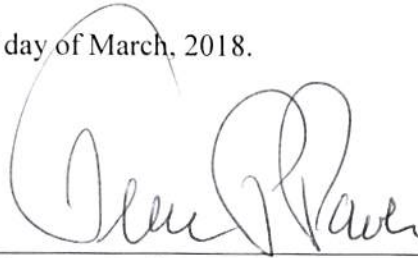
22. The declaration concerns a present, ascertained, or ascertainable set of facts, or present controversy to a state of facts.

23. The relief sought is not merely the giving of legal advice of the answers to questions propounded for curiosity.

WHEREFORE, Plaintiff, TERRANCE PAUL POWER, respectfully requests that this Court enter a declaratory judgment that Representative James W. Grant be prohibited from appearing on the ballot as a candidate for the Florida House for the 2018 primary or general elections, prohibit the State of Florida from allowing him same, and grant such other relief as this Court deems just and proper.



Respectfully submitted this 5<sup>th</sup> day of March, 2018.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I personally delivered the foregoing document to the Clerk of the Court and that I emailed and also personally delivered a true and correct copy of the foregoing document to all counsel listed below on this 5<sup>th</sup> day of March, 2018.

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