

Orig

IN THE SUPREME COURT OF THE
STATE OF FLORIDA.

SUPREME COURT CASE NO. 71,670
DCA-3 NO. 87-431

SUSAN ANN KROPPF,

Petitioner,

vs.

STATE OF FLORIDA, DEPARTMENT
OF HIGHWAY SAFETY & MOTOR VEHICLES,
DIVISION OF HIGHWAY SAFETY,

Respondents.

RESPONDENTS' BRIEF ON JURISDICTION

RONALD W. BROOKS, ESQ.
Brooks & LeBoeuf, P.A.
863 East Park Avenue
Tallahassee, FL 32301
(904) 222-2000
Attorneys for Respondents

TABLE OF CONTENTS

	<u>PAGE</u>
TABLE OF AUTHORITIES-----	ii
PRELIMINARY STATEMENT-----	iii
STATEMENT OF THE CASE AND THE FACTS-----	1
ARGUMENT-----	2
WHETHER THE THIRD DISTRICT COURT OF APPEAL'S DECISION IN THE PRESENT CASE EXPRESSLY AND DIRECTLY CONFLICTS WITH THE DECISIONS OF THE FIRST AND FOURTH DISTRICT COURTS OF APPEAL IN <u>DEPARTMENT OF TRANSP. v. SOLDOVERE, 500</u> <u>So.2d 568 (Fla. 4th DCA 1987);</u> <u>DEPARTMENT OF TRANSP. v. SOLDOVERE, 452</u> <u>So.2d 11 (Fla. 1st DCA 1984); KEITH</u> <u>v. DYKES, 430 So.2d 502 (Fla. 1st DCA</u> <u>1983).</u>	
CONCLUSION-----	3
CERTIFICATE OF SERVICE-----	4

TABLE OF AUTHORITIES

Department of Transp. v. Soldovere,
452 So.2d 11 (Fla. 1st DCA 1984)-----2

Department of Transp. v. Soldovere
500 So.2d 568 (Fla. 4th DCA 1987)-----2

Keith v. Dykes,
430 So.2d 502 (Fla. 1st DCA 1983)-----2

OTHER AUTHORITIES

Article V, Section 3(b)(3), Florida Constitution-----2

Florida Rules of Appellate Procedure,
Rule 9.030(a)(2)(A)(iv)-----2

PRELIMINARY STATEMENT

The "Respondents" refers to the STATE OF FLORIDA, DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES, DIVISION OF HIGHWAY SAFETY. The "Petitioner" refers to SUSAN ANN KROPFF.

STATEMENT OF THE CASE AND THE FACTS

The Respondents accept the Statement of the Case and Facts as set forth by the Petitioner.

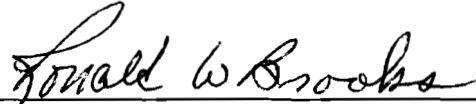
ARGUMENT

WHETHER THE THIRD DISTRICT COURT OF APPEAL'S DECISION IN THE PRESENT CASE EXPRESSLY AND DIRECTLY CONFLICTS WITH THE DECISIONS OF THE FIRST AND FOURTH DISTRICT COURTS OF APPEAL IN DEPARTMENT OF TRANSP. v. SOLDOVERE, 500 So.2d 568 (Fla. 4th DCA 1987); DEPARTMENT OF TRANSP. v. SOLDOVERE, 452 So.2d 11 (Fla. 1st DCA 1984); KEITH v. DYKES, 430 So.2d 502 (Fla. 1st DCA 1983).

The Respondents acknowledge that the decision in the present case is in express and direct conflict with the decision of the first and fourth districts in Department of Transp. v. Soldovere, 500 So.2d 568 (Fla. 4th DCA 1987); Department of Transp. v. Soldovere, 452 So.2d 11 (Fla. 1st DCA 1984); Keith v. Dykes, 430 So.2d 502 (Fla. 1st DCA 1983). Therefore, the Respondents do not advance any argument in opposition to the Court's taking jurisdiction over this conflict pursuant to the provisions of Article V, Section 3(b)(3), Florida Constitution, and Rule 9.030(a)(2)(A)(iv), Florida Rules of Appellate Procedure. The Respondents further acknowledge that the Fourth District's decision in Department of Transp. v. Soldovere, 500 So.2d 568 (Fla. 4th DCA 1987), now before this Court, on appeal, involves exactly the same legal issue as is presented in this controversy. Accordingly, this Honorable Court should consider that the issue presented in this case will be addressed in a matter already pending before this Court.

CONCLUSION

Respondents acknowledge that this Court is invested with jurisdiction to resolve the present controversy pursuant to the provisions of Article V, Section 3(b)(3), Florida Constitution, and Rule 9.030(a)(2)(A)(iv), Florida Rules of Appellate Procedure.



RONALD W. BROOKS, ESQ.
Brooks & LeBoeuf, P.A.
863 East Park Avenue
Tallahassee, FL 32301
(904) 222-2000
Attorneys for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail on this 19th day of January, 1988, to ROBERT D. PELTZ, ESQ., Rossman, Baumberger & Peltz, P.A., Attorneys for Petitioner, 23rd Floor, Courthouse Tower, 44 West Flagler Street, Miami, FL 33130.

Ronald W. Brooks
RONALD W. BROOKS, ESQ.