

By Senator Peaden

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1 A bill to be entitled
2 An act relating to the jurisdiction of the circuit
3 court; creating s. 86.112, F.S.; providing that the
4 circuit court has jurisdiction to entertain an action
5 for declaratory judgment to provide relief when the
6 State Constitution contains redundant statutory
7 language and when the State Constitution is itself
8 unconstitutional under the United States Constitution;
9 requiring the Secretary of State to remove redundant
10 and unconstitutional provisions from the State
11 Constitution; authorizing the circuit court to remove
12 certain constitutional provisions if there is a
13 showing that voters were likely confused at the
14 adoption of the constitutional provision; providing an
15 effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 86.112, Florida Statutes, is created to
20 read:

21 86.112 Circuit court jurisdiction.-

22 (1) The circuit court has jurisdiction to entertain actions
23 for declaratory relief for cases brought to determine whether
24 provisions of the State Constitution are themselves
25 unconstitutional under the United States Constitution.

26 (2) If a provision is found to be unconstitutional, the
27 circuit court shall order the Secretary of State to remove that
28 provision and, if the provision was adopted through an
29 initiative amendment, to order that any other provision adopted

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30 along with the unconstitutional provision be removed from the
31 State Constitution.

32 (3) If a showing is made that there was a likelihood of
33 voter confusion when adopting the initiative provision that
34 contains provisions that are invalid under the United States
35 Constitution, the circuit court shall not apply principles of
36 severability.

37 (4) The circuit court may declare redundant any portion of
38 the State Constitution whose sole purpose is to provide
39 statutory language such as much of the schedule language. On a
40 finding of redundancy, the court has jurisdiction to order the
41 Secretary of State to remove the redundant material.

42 Section 2. This act shall take effect upon becoming a law.