

By Senator Stargel

22-01459-19

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1                                   A bill to be entitled  
2       An act relating to venue for constitutional  
3       challenges; amending s. 47.122, F.S.; requiring the  
4       Clerk of the Supreme Court to use a blind, random  
5       selection process to determine venue for certain  
6       constitutional challenges under certain circumstances;  
7       providing legislative intent; providing an effective  
8       date.

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

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12       Section 1. Section 47.122, Florida Statutes, is amended to  
13       read:

14       47.122 Change of venue; convenience of parties or witnesses  
15       or in the interest of justice; actions challenging the  
16       constitutionality of a statute or a legislative action.—

17       (1) For the convenience of the parties or witnesses or in  
18       the interest of justice, any court of record may transfer any  
19       civil action to any other court of record in which it might have  
20       been brought.

21       (2) When an action against either or both houses of the  
22       Legislature or another state entity, a member of the Legislature  
23       acting in his or her official capacity, or a statewide elected  
24       official is filed in the Second Judicial Circuit in and for Leon  
25       County, and such action challenges the constitutionality of a  
26       statute or a legislative action, unless the parties mutually  
27       agree upon a venue, the Clerk of the Supreme Court shall use a  
28       blind, random selection process to determine the circuit to  
29       which the case will be transferred, except when the Second

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30 Judicial Circuit is selected through the blind, random selection  
31 process as the venue. For purposes of this subsection, each  
32 trial court in this state is deemed to have proper jurisdiction  
33 over any action involving a constitutional challenge to which a  
34 state entity is a party.

35 (3) It is the intent of the Legislature to ensure that a  
36 single trial court does not effectively have a monopoly over  
37 cases raising issues of statewide, constitutional importance.

38 Section 2. This act shall take effect July 1, 2019.