

By Senator Stargel

22-01623A-20

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1                                   A bill to be entitled  
2           An act relating to circuit courts and district courts  
3           of appeal; 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           specifying venue for any appeals; providing  
8           legislative intent; providing an effective date.

9  
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 on the 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 as the venue through the blind,  
31 random selection process. 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) The venue for any appeal of an order or a judgment  
36 entered in an action initiated under subsection (2) shall be the  
37 First District Court of Appeal, regardless of which judicial  
38 circuit was the venue for the action.

39 (4) It is the intent of the Legislature to ensure that a  
40 single trial court does not effectively have a monopoly over  
41 cases raising issues of statewide, constitutional importance.

42 Section 2. This act shall take effect July 1, 2020.