

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY

John W. Liccione,

Plaintiff,

Case No. 26-002751-CI

v.

Ron DeSantis, in his official capacity as
Governor of the State of Florida, *et al.*,

Defendants.

DEFENDANTS GOVERNOR AND SECRETARY OF STATE'S MOTION TO DISMISS

Plaintiff, John W. Liccione, filed his complaint in the wrong venue. Defendants, Governor Ron DeSantis and Secretary of State Cord Byrd, thus move to dismiss under Florida Rule of Civil Procedure 1.140(b)(3). The proper venue is the Second Judicial Circuit in Leon County, where three other complaints challenging the same statute have been filed, temporary injunction proceedings held, and from which appellate review remains ongoing. *See Equal Ground Educ. Fund, Inc., et al. v. Sec'y, Fla. Dep't of State, et al.*, Nos. SC2026-0857, 1D2026-1539, 2026-CA-000914 (providing case numbers for proceedings before the Florida Supreme Court, the First District Court of Appeal, and the Second Judicial Circuit).

Background

On April 29, 2026, the Florida Legislature passed a bill creating a new congressional redistricting plan. On May 4, 2026, the Governor signed that bill into law. Mr. Liccione is a candidate for U.S. Representative in Florida's 13th Congressional District. *See, e.g.*, Compl. at ¶ 14. The same day that the new redistricting plan became law, Mr. Liccione filed a complaint for declaratory and injunctive relief against Governor DeSantis, in his official capacity as Governor of Florida, Secretary Byrd, in his official capacity as Florida Secretary of State, and Julie Marcus, in her official capacity as

Pinellas County Supervisor of Elections. The complaint asserts that the new redistricting plan violates Article III, § 20 of the Florida Constitution, and should therefore be declared invalid and implementation enjoined. *See, e.g.*, Compl. at ¶¶ 140-54. On May 5, 2026, Mr. Liccione filed a motion for temporary injunction pursuant to Florida Rule of Civil Procedure 1.610. On June 5, 2026, Mr. Liccione filed a second motion for temporary injunction.

Argument

Mr. Liccione has sued in the wrong venue.

First, § 8.062, Florida Statutes, provides that: “Notwithstanding any other provision of law, state court actions challenging the state’s congressional districts shall be brought only in Leon County.” “[I]f a suit is brought under a specific State statute and that statute provides its own individual venue, then such specifically prescribed venue governs.” *Stewart v. Carr*, 218 So. 2d 525, 527 (Fla. 2d DCA 1969). The venue provision in § 8.062 controls and requires dismissing this action.

Second, and separately, the claims against the Governor and the Secretary of State must also be dismissed under the home venue privilege. “The home venue privilege provides that, absent waiver or exception, venue in a suit against the State, or an agency or subdivision of the State, is proper only in the county in which the State, or the agency or subdivision of the State, maintains its principal headquarters.” *Fla. Dep’t of Child. & Fams. v. Sun-Sentinel, Inc.*, 865 So. 2d 1278, 1286 (Fla. 2004) (citing *Fla. PSC v. Triple “A” Enters.*, 387 So. 2d 940, 942 (Fla. 1980); *Carlile v. Game & Fresh Water Fish Comm’n*, 354 So. 2d 362, 363-64 (Fla. 1977)).

“Florida courts recognize four exceptions to the home venue privilege: (1) when venue is waived by statute; (2) when the governmental entity is the ‘sword wielder’; (3) when the governmental entity is sued as a joint tortfeasor; and (4) when a ‘good cause’ petition is filed under chapter 119, Florida Statutes, to access otherwise confidential records.” *Scott v. Thompson*, 326 So. 3d 123, 126 (Fla. 1st DCA 2021) (quotation removed). “[A] trial court must apply the home venue privilege unless one

of the exceptions to the privilege is satisfied.” *Sun-Sentinel*, 865 So. 2d at 1288. “Absent waiver or application of an identified exception, the home venue privilege appears to be an absolute right.” *Jacksonville Elec. Auth. v. Clay Cnty. Util. Auth.*, 802 So. 2d 1190, 1192 (Fla. 1st DCA 2002) (citing *Carlile*, 354 So. 2d at 366; *Triple “A” Enters.*, 387 So. 2d at 942; *Dep’t of Cnty. Affs. v. Holmes County*, 668 So. 2d 1096, 1102 (Fla. 1st DCA 1996)).

Here, there’s been no waiver by the Governor or Secretary and none of the exceptions to the home venue privilege apply. There’s no statutory waiver—on the contrary, § 8.062 requires that this action be brought in Leon County. This isn’t a tort case, so the joint tortfeasor exception doesn’t apply. This case doesn’t involve a public records petition under chapter 119. Lastly, the sword wielder exception is inapplicable here. The Florida Supreme Court explained that the sword wielder exception applies when:

[T]he primary purpose of the litigation is to obtain direct judicial protection from an alleged unlawful invasion of the constitutional rights of the plaintiff within the county where the suit is instituted, because of the enforcement or threatened enforcement by a state agency of rules and regulations alleged to be unconstitutional as to the plaintiff, and where the validity or invalidity of the rules and regulations sought to be enforced comes into question only secondarily and as incidental to the main issue involved.

Sun-Sentinel, 865 So. 2d at 1287 (quoting *Smith v. Williams*, 35 So. 2d 844, 847 (Fla. 1948)).

As an initial matter, the sword wielder exception can’t apply here because the constitutional challenge to the new redistricting plan doesn’t “come[] into question only secondarily and as incidental to the main issue involved.” *Id.* Mr. Liccione brings this action on the basis that the new congressional districts violate Article III, § 20 of the Florida Constitution. That constitutional question is the main issue involved.

Relatedly, the sword wielder exception doesn’t apply to a constitutional challenge against statewide redistricting. In *Dickinson v. Florida NOW, Inc.*, 763 So. 2d 1245 (Fla. 4th DCA 2000), the court held that “where the official action being challenged is uniform and statewide, and does not involve an invasion of personal rights of the plaintiff, as in the case here, the sword wielder exception

would not apply to excuse compliance with the home venue rule.” *Id.* at 1247. “Where the state agency’s actions are statewide in scope, in the absence of any showing of particularized harm to the plaintiffs that will occur within the county itself separate and apart from the generalized harm suffered by all citizens by the operation or enforcement of an allegedly unconstitutional law, the home venue privilege applies.” *Id.* at 1248. Like Mr. Liccione here, the plaintiffs in *Florida NOW* sought a declaratory judgment and a temporary and permanent injunction against the allegedly unconstitutional law. *Id.* at 1246. The home venue privilege applied because the challenged law directed “the same acts which will be occurring at the same time in every county in Florida.” *Id.* at 1248.

Similarly, in *State Department of Highway Safety & Motor Vehicles v. Sarnoff*, 734 So. 2d 1054 (Fla. 1st DCA 1998), the court rejected the argument that “to overcome the state’s venue privilege all that is required is action which is alleged to actively violate a plaintiff’s constitutional rights within the county at issue.” *Id.* at 1055-56. The sword wielder exception requires “more than mere implementation of a statutory scheme.” *Id.* at 1057. The court concluded that “by merely implementing the law, without taking any affirmative action to enforce a failure to comply, the Department’s activity at this point does not constitute ‘sword wielding,’ the threat of any enforcement action being only contingent and anticipatory.” *Id.* at 1056. The redistricting plan being challenged here applies to the whole state and governs congressional districts in all Florida counties.

Mr. Liccione doesn’t allege any specific enforcement action against him. He’s challenging the constitutionality of the redistricting plan that applies across the state.

Although policy reasons cannot be used to depart from the home venue privilege, *see Sun-Sentinel*, 865 So. 2d at 1288; *Jacksonville Elec. Auth.*, 802 So. 2d at 1193, the considerations underlying the rule show why this action must be dismissed. “The reason for subjecting such suits to the home venue privilege is ‘to promote orderly, efficient, and economical government.’” *Sun-Sentinel*, 865 So. 2d at 1287 (quoting *Smith*, 35 So. 2d at 847). “The home venue privilege allows for such suits to be

‘defended at a minimum expenditure of effort and public funds.’” *Id.* (quoting *Smith*, 35 So. 2d at 847). “It also allows for a ‘uniformity of interpretation’ and ‘prevents conflicting judicial rulings in different jurisdictions.’” *Id.* (quoting *Smith*, 35 So. 2d at 847); *see also Fla. NOW*, 763 So. 2d at 1248 (“The policy of orderly and uniform handling of state litigation and the prevention of conflicting rulings from different jurisdictions requires that the litigation be brought at the state agency headquarters.”).

The Governor and Secretary are already defending the 2026 redistricting law against three plaintiff groups in Leon County. *Equal Ground Educ. Fund, Inc., et al. v. Byrd, et al.*, No. 2026-CA-000914 (Fla. 2d Cir. Ct.) (consolidated with *Vaccari, et al. v. Byrd, et al.*, No. 2026-CA-000925 (Fla. 2d Cir. Ct.), and *Common Cause, et al. v. DeSantis, et al.*, No. 2026-CA-000928 (Fla. 2d Cir. Ct.). That case includes challenges to the redistricting in the Tampa Bay area under Article III, § 20. The First District Court of Appeal declined pass-through certification to the Florida Supreme Court and is considering appeals of temporary injunction orders concerning the 2026 redistricting law. *Equal Ground Educ. Fund, Inc., et al. v. Byrd, et al.*, No. 1D2026-1539 (Fla. 1st DCA); *Common Cause, et al. v. DeSantis, et al.*, No. 1D2026-1557 (Fla. 1st DCA); *Thompson-Wynn, et al. v. Byrd, et al.*, No. 1D2026-1559 (Fla. 1st DCA). And yesterday, the Florida Supreme Court denied the plaintiffs’ petition for a constitutional writ, meaning that the cases proceed in the Leon County Circuit Court and First District Court of Appeal. *Equal Ground Educ. Fund, Inc., et al. v. Sec’y, Fla. Dep’t of State, et al.*, No. SC2026-0857 (Fla.).

* * *

A note about Supervisor Marcus being named as a Defendant: § 8.062 still controls, and it states that “state court actions challenging the state’s congressional districts shall be brought only in Leon County.” Adding Supervisor Marcus as a Defendant can’t change that. And, separately, under the home venue rule, Mr. Liccione must sue the Governor and Secretary in Leon County.

Conclusion

For the foregoing reasons, this Court should dismiss the complaint for improper venue.

CERTIFICATE OF CONFERRAL

I certify that conferral prior to filing is not required under Florida Rule of Civil Procedure 1.202.

/s/ Mohammad O. Jazil
Mohammad O. Jazil

Dated: June 11, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on June 11, 2026, a true and correct copy of the foregoing has been furnished to all parties by electronic mail via the Florida Courts E-Filing Portal:

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