

RULE 24.1 | CONSTITUTIONAL CHALLENGE TO ACT OF CONGRESS OR STATE STATUTE

(a) Act of Congress. Upon the filing of any action in which the constitutionality of an Act of Congress affecting the public interest is challenged, and to which action the United States or an agency, officer, or employee thereof is not a party in its or their official capacity, counsel representing the party who challenges the Act shall forthwith notify the Court of the existence of the constitutional question. The notice shall contain the full title and number of the action and shall designate the statute assailed and the grounds upon which it is assailed, so that the Court may comply with its statutory duty to certify the fact to the Attorney General of the United States as required by 28U.S.C. §2403. The party challenging constitutionality shall also so indicate on the pleading or paper which first does so by stating, immediately following the title of the pleading or paper, "Claim of Unconstitutionality."

(b) State Statute. Upon the filing of any action in which the constitutionality of a state statute, charter, ordinance, or franchise is challenged, counsel shall comply with the notice provisions of Florida Statutes §86.091.

(c) No Waiver. Failure to comply with this Local Rule will not be grounds for waiving the constitutional issue or for waiving any other right the party may have. Any notice provided under this rule, or lack of notice, will not serve as a substitute for, or as a waiver of, any pleading requirements set forth in the Federal Rules of Civil Procedure or statutes.

Effective December 1, 1994. Amended effective April 15, 2007; April 15, 2010; December 1, 2015.

Authority

(1993) Former Local Rule 9; Model Rule 24.1.

