

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RCC 09-03 Reviser's Bill - Adoption Act

SPONSOR(S): Rules & Calendar Council

TIED BILLS: IDEN./SIM. BILLS:

| | REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--------------|--------------------------|--------|---------|----------------|
| Orig. Comm.: | Rules & Calendar Council | | Hassell | Birtman |
| 1) | | | | |
| 2) | | | | |
| 3) | | | | |
| 4) | | | | |
| 5) | | | | |

SUMMARY ANALYSIS

This bill is drafted by the Division of Statutory Revision of the Office of Legislative Services to prospectively adopt the Florida Statutes 2009 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.

The 2009 adoption act prospectively adopts all statutes of a general and permanent nature passed through the 2008 Regular Session and printed in the 2009 edition. The bill adopts as official statutory law of the state those portions of the statutes that are carried forward from the regular edition published in 2008, which thus serve as the best evidence of the law.

Legislation passed in the January 2009 special session and the 2009 regular session, which will have occurred since the publication of the 2008 edition, is not adopted as the official statutory law of the state, and serves as prima facie evidence of the law until it is adopted in 2010.

The bill has no fiscal impact.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives:

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

This bill is drafted by the Division of Statutory Revision of the Office of Legislative Services to prospectively adopt the Florida Statutes 2009 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.¹ The adoption act is enacted annually during each regular session.

The adoption act provides a 1-year curing period for title or single subject defects before statutory material becomes the best evidence of the law. This is consistent with the decision by the Legislature, beginning in 2000, to publish the Florida Statutes on an annual basis, and to have the Division of Statutory Revision submit an adoption act annually, rather than every 2 years.

The 2009 adoption act prospectively adopts all statutes of a general and permanent nature passed through the 2008 Regular Session and printed in the 2009 edition. The bill adopts as official statutory law of the state those portions of the statutes that are carried forward from the regular edition published in 2008, which thus serve as the best evidence of the law.

¹ The adoption of the *Florida Statutes* cures title defects that existed in an act as originally passed. See *State ex rel. Badgett v. Lee*, 156 Fla. 291, 22 So. 2d 804 (1945). Thus, general legislation must be attacked on this ground only during the period between its original enactment and its subsequent adoption as the official law of the state. An act with a title defect is considered valid only from adoption and not from the date of original enactment. See *Thompson v. Intercounty Tel. & Tel. Co.*, 62 So. 2d 16 (Fla. 1952). Analogously, once reenacted as a portion of the *Florida Statutes*, a statute is no longer subject to challenge on the ground that it violates the single subject requirement of s. 6, Art. III of the State Constitution. See *State v. Combs*, 388 So. 2d 1029 (Fla. 1980); *Loxahatchee River Environmental Control District v. School Board of Palm Beach County*, 515 So.2d 217 (Fla. 1987); *State v. Johnson*, 616 So. 2d 1 (Fla. 1993).

Any “statute of a general and permanent nature” enacted prior to the period since publication of the last adopted regular edition of the *Florida Statutes* which does not appear in the current edition stands repealed, both by logic of the system and by the operation of s. 11.2422.²

The adopted statutes that have been enacted, amended, or repealed in a session occurring subsequent to publication of the 2008 edition are prima facie evidence of the law in all courts of the state; for this material, the enrolled acts stand as best evidence of the law. Therefore, legislation passed in the January 2009 special session and the 2009 regular session, which will have occurred since the publication of the 2008 edition, is not adopted as the official statutory law of the state, and serves as prima facie evidence of the law.

Material passed in a session occurring since publication of the 2008 edition must wait 1 more year before being adopted, and the session law form of the material will remain the best evidence of the law for that material.

B. SECTION DIRECTORY:

Section 1 amends s. 11.2421, F.S., to adopt as the official statutory law of the state the 2009 Florida Statutes, which includes the 2008 Florida Statutes and Reviser’s Bill(s) enacted during the 2009 Legislative Session.

Section 2 amends s. 11.2422, F.S., to repeal all statutes of a general and permanent nature enacted by the State of Florida at or prior to the 2008 regular legislative session that are not included in the 2009 Florida Statutes. This does not include any laws adopted during the January 2009 special legislative session or the 2009 regular legislative session.

Section 3 amends s. 11.2424, F.S., to detail that the laws adopted during the 2009 special legislative session and 2009 regular legislative session have full effect and are not repealed by section 2.

Section 4 amends s. 11.2425, F.S., to detail that the adoption of the 2009 Florida Statutes shall not affect any right that accrued under a statute before it was repealed by the 2009 Florida Statutes, nor will it affect any civil remedy where a suit is pending.

Section 5 provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Please see “FISCAL COMMENTS” in part II, Section D.

2. Expenditures:

Please see “FISCAL COMMENTS” in part II, Section D.

² See *National Bank v. Williams*, 38 Fla. 305, 20 So 931 (1896). Section 11.2423, F.S., provides that no special or local statute, or statute, local, limited or special in its nature, shall be repealed via reviser’s bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Please see "FISCAL COMMENTS" in part II, Section D.

2. Expenditures:

Please see "FISCAL COMMENTS" in part II, Section D.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please see "FISCAL COMMENTS" in part II, Section D.

D. FISCAL COMMENTS:

The proposed adoption act prospectively adopts the Florida Statutes 2009 as an official document. There is no fiscal impact on state or local government or on the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the proposed adoption act does not appear to require counties or cities to: spend funds or take action requiring the expenditure of funds; reduce the authority of counties or cities to raise revenue in the aggregate; or to reduce the percentage of a state tax shared with counties or cities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The proposed adoption act does not implicate authority for any agency to adopt rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES