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Florida Statutes and Legislative History Research

The structure of this guide first presents a glossary of key terms used in statutory and legislative history research. Next, research materials for searching the Florida Statutes are presented and finally, resources for performing proper Florida Legislative history research. These materials and resources are listed with call number or collection name for the St. Thomas University Law Library when appropriate.

Glossary of Key Terms

Annotation: An explanatory memo or body of notes added to a text.

Bill: A draft of a proposed statute presented to a legislature, but not yet enacted or passed and made law.

Citation: The act of quoting a reference to an authority or a precedent.

Committee: A group of people formally entrusted to execute a purpose, such as investigating, considering, reporting, or acting on a matter.

General Law: Law that is unrestricted as to time and applicable throughout the entire region based on the power of the legislature that enacted it. The law also applies to all persons in the same class.

House of Representatives: Usually the lower house of a legislative body.

Index: A more or less detailed alphabetical listing of names, places, cases and topics along with the location in which they are cited or discussed in a set of resources.

Laws of Florida: collection of all the laws, resolutions, and memorials passed during a legislative session. They are separated into General Laws and Special Laws.

Legislature: Persons, who are empowered to make, change, or repeal the laws of a country or state.

Local Law: Law that is limited in its application to a particular district within a region.

Public Law: Enactment of legislature that affects the public at large throughout the entire state.

Senate: The upper house in the bicameral legislature of many states in the United States.

Session: A phase of time during which a group of people assemble to pursue a particular activity.

Session Law: A Statute published in their chronological, pre-Code form.

Slip Law: A first printing of a new law on a single piece of paper in pamphlet form.

Special Session: Session assembled by the Governor to address a specific topic of business.

Statute: An enactment made by a legislature and expressed in an official text.

Table: A concise directory or guide.

How a Bill Becomes a Law

To perform an effective statutory and legislative history search with the materials of the State of Florida, it is important to properly understand how laws in Florida are made. A few resources for learning about the process of how a bill becomes a law are available online at the Florida Senate http://www.flsenate.gov/Info_Center and the Online Sunshine http://www.leg.state.fl.us/Info_Center sites which provide PDF images of the process in both the House and the Senate.

Florida Statutory Information

Florida Statutes are first published by the state in a slip law format and are indexed in the **Biweekly Subject Index** and the **Legislative Bill Summary**. Session Law information can be located in several resources. The **West's Florida Session Law Services** published by Thomson West and the **Florida Law Weekly Session Law Reporter** provide indexes, tables, and full text version of some of the laws passed during the session. The **Laws of Florida** is the multi volume publication containing the laws enacted in a particular year for a specific Legislative session. Each law from the session, is assigned a chapter number and then reprinted in the **Laws of Florida** in chapter order. Local laws and laws from a Special session are included in the **Laws of Florida**, usually

in chapters other than assigned to the regular session general laws. The **Laws of Florida** are also often referred in Florida as either chapter laws or session laws. The **Laws of Florida** is published at the end of each session under the direction of the Florida Office of Legislative Services and is available in the *Florida Collection* or as a CD-Rom in the *Audio Visual Collection*. A free online resource for the Laws of Florida from the 1997 to the most current session is available at the Division of Elections Florida Department of State: http://election.dos.state.fl.us/laws/laws_proced.shtml. These laws are also available electronically through the paid subscription services WestLaw and LexisNexis. In WestLaw, the materials are in the Florida Legislative Services database. In LexisNexis, the file containing the session laws is Florida Advanced Legislative Services. The **Index for Special and Local Laws** is available from 1845 to present in the *Florida Collection*. Each volume of the **Laws of Florida** includes indexing for all the laws included in the volume, general, local or special.

Florida Statutes are a multi volume set of books that compile the legislatively enacted laws of the State of Florida into an official codified version of the law. This official codified set has been published every year since 1999. Before 1999, the official codified version was released in odd years with an additional bound supplement made available for the even years. The **Florida Statutes** are available in the *Florida Collection*. Each set of the **Florida Statutes** contains a table of section changes, a table tracing session laws to Florida Statutes, and a table of repealed and transferred sections. The index is available in the final volume and the popular names of acts are listed in the short titles section of the index. A free online resource for the **Florida Statutes** from 1997 to the present is available from Online Sunshine: <http://www.leg.state.fl.us/Statutes>.

The **Florida Statutes** are available online through paid subscription to WestLaw or LexisNexis. WestLaw availability is from 1989 to the current year. Statutes from 1991 to current year are available through LexisNexis in the file Legislative Archive. To assist people with understanding the language used in the Florida Statutes, the legislature publishes a soft bound resource, **Florida Statutes Definitions Index**, it is available from 2002 to the present in the *Florida Collection*.

The **Florida Statutes Annotated (FSA)** is published by West and is available in its current version in the *Florida Collection*. The superseded version is available in the *Microfiche collection* KFF30 1941 .A4. This publication is not official but does contain helpful information such as court rules, case notes, bar rules and citations to other background material applicable to the statute. The **FSA** is updated with pocket parts that are in turn updated by the **Interim Annotation Service**, covering case law changes, and when the Legislature is in session with the **West's Florida Session Law Service**, which notes statutory changes prior to compiling into the annual pocket parts. A paperback subject index for the **FSA** is published each year. The **FSA** is available online through WestLaw. Another unofficial statutory resource is the **Florida Annotated Statutes** that are published by LexisNexis. This set contains case annotations and background reference citations that are somewhat different than those in the West publication.

Session Law Information

The key to Florida legislative history information is the bill number of new legislation that was passed. The bill number may be found in the Session Law so determining the Session Law from a Florida Statute is a simple yet important first step in locating legislative history information that will aid in the discovery of the legislatures

intent for a bill. Once a statute is located in the FSA or the Florida Statutes a researcher will then be able to begin the process of back tracking the law and eventually locating various stages and versions that the law went through on its journey from its original bill form. Therefore, it is important that the researcher first locate the appropriate statute. Next, they must look at the history note at the end of the statute section. Listed in the history note is the session law information that added and/or amended the statutory section. At this point, the important information for the researcher is the session law section and chapter. An example of this search process using an actual statute would be the researcher locates Fla. Stat. § 607.1430. Now the researcher looks at the end of the statute under history and discovers the following information § 131, ch.89-154. The researcher knows that this means the statute was created by section 131 of chapter 89-154 of the **Laws of Florida**. The researcher also knows that chapter 89-154 means that the particular law is the 154th law that was enacted in 1989 by the Legislature. The researcher uses this date to locate additional information about that section of law. It is important to note that if the statute has been amended several times, several chapters will be listed in the history, in order chronologically. In fact, in 1994 a change was made to the statute used in the example above in the form of some additional language. The history of our sample statute lists this change in chapter 94-327 section 7. In the editorialized version of the statute, **West's Florida Statutes Annotated** for example, the history note will provide information about all the changes that have been made to the statute.

Once the researcher has located the correct chapters from the history note, they begin tracing the statute back through its various stages to glean the intent of the

legislature. Taking the chapter number, the researcher goes to the **Laws of Florida** and locates the year and appropriate chapter. This information is on the spine of the **Laws of Florida**. After locating the chapter in the book, the researcher looks at the top of the first page to find the Senate or House bill number.

Locating Bill Information

Bill numbers are assigned sequentially during a regular session of the Florida Legislature after the bill is introduced. They are designated with either H or S identifying the house of the legislature in which the bill originated in, the House or the Senate. A bill must go through a long process before it is codified and published in the Official Florida Statutes. Throughout this process the bill is returned to committee, debated and rewritten. In addition, legislative staff members write reports about the legislation. This additional background bill information will provide the researcher with more of an understanding of what the intent of the Legislature was in regards to the bill. A single word change or omission from one version to the next can drastically change the intent and impact of the bill. For example, a bill that uses the word *will* in its original version and then in subsequent version replaces *will* with the word *shall* suggests a significant shift in the bill's weight and meaning. The text of the bills in their various forms as they go through the legislation is available online, for free, provided through the Florida Senate link <http://www.flsenate.gov/Session/index.cfm> from 1998 to the present. Locate a specific bill on the site by choosing the appropriate year and chamber, inputting the bill number and then selecting go.

The applicable bill information a researcher needs, to discover legislative intent, is available in various documents. Sometimes the documents are published and readily

available and other times the researcher will only be able to locate unpublished files about the bill. When looking for a committee substitute for a bill it is important to note that CS/HB or CS/SB will be added to the designated bill number.

As was explained above, word selection is critical when writing a bill, viewing a House or Senate Bill in the form it was originally introduced in allows a researcher to see the bill prior to any legislative changes. This allows the researcher to discover legislative intent through the changes made to the bill from its original format. Most of the House and Senate Bills in their original format are available for free online from 1997 to the present at <http://www.myfloridahouse.gov/Sections/Bills/bills.aspx>. A researcher can view the original bill by first selecting, House, Senate or Both and then selecting the appropriate Session year. A list of bills will appear, and the researcher can then select the correct bill and then the original filed version link under the heading bill text. General information about a bill from 1969 to 1975 is exiguous and only available in the *Florida State Archive* in Tallahassee, Florida. Bill information from 1975 to 1988 is complete but also only available at the *Florida State Archive* in Tallahassee, Florida. To acquire information about a particular bill during these time spans call the *Florida State Archive* (850)245-6700.

Final Legislative Bill Information is a white soft bound resource that is organized by bill number and this book is available for limited years in the *Florida Collection*. This resource provides the researcher with both indexing and tracking data for legislation that is pending and data on actions that were proposed but were never passed. This resource does not contain the text of the bill. The researcher will search in the S section for research on Senate bills and the H section for House bills. Limited years

of **The House** and **Senate Journals** are available in print form in the *Florida Collection*; the journals are also available on a CD in the *Audio Visual Collection* KFF15.F56, for 1997 and 1998 only. **The House** and **Senate Journals** provide the researcher with a summary of the day's events in the House or the Senate. It is important for the researcher to note that the journals do not contain any debate information but do contain amendments to bill made on the floor. Bill amendments are also contained in the senate website and are listed at the end of the bill. The Senate Journals from 1998 forward are available for free online at the Florida Senate web page:

<http://www.flsenate.gov/Session/index.cfm?Mode=Journals&Submenu=3&Tab=session>

A researcher can locate a specific journal on the site by choosing the appropriate year and chamber and then selecting go. The **House Journals** are also available for free online from 1998 to 2002 at the same site by selecting the year and chamber as House. The **House Journals** are also available from 1998 to the present session at the Florida House of Representative website document page. To retrieve the journals, select the applicable year and the House Journals link at

<http://www.myfloridahouse.gov/Sections/Documents/publications.aspx> .

The **Staff Analysis** is a report written by the committee's staff about the bill. There may be more than one staff analysis formally written if the bill was referred to multiple committees. The report often contains a description of the language utilized in the bill and what is different between the language proposed in this bill and the current applicable Statute. The **Staff Analysis** is usually written by a specific committee's staff member and may be amended from its original form by the same committee's staff. Often

an economic impact statement for the proposed legislation will also be included in the report.

The resource **Compilation of Committee Staff Analyses** is a compilation of available bill versions, **Staff Analyses**, committee investigations and reports, and voting date and governmental signing statements about bills during a particular time period. **Compilation of Committee Staff Analyses** is available in several different formats and locations. The resource is located in the *Florida Reserve* KFF15 .F56, in the *Microfiche Collection* KFF15 .F56 and CD for the 1996, 1997, and 1998 years in the *Audio Visual Collection* KFF15 .F56. **Staff Analyses** from 1998 to the current session are available for free online by selecting the applicable session year and chamber and then the applicable bill number at <http://www.leg.state.fl.us/Session/>. For fairly current bills a printed copy of the **Staff Analysis** is often held with the committee. Once the committee is finished with the document they send it to the *Legislative Library*.

The *Legislative Library* is located in Room 701, The Capitol Tallahassee, Florida 32399-1400. The library phone number is (850) 488-2812. After the library has completed their processing of the **Staff Analysis**, it will be sent to the *Florida State Archives*. The *Florida State Archive* is located at 500 S. Bronough St. Tallahassee, FL 32399-0250 and the phone number is (850)245-6700. The *Florida State Archive* is a resource for Legislative materials from 1969 to present, though the legislative collection from 1969 to 1975 is weaker and does contain some gaps. Legislative materials from 1975 to 1988 are only available from the State Archives. The archive staff will perform research on only two session laws per request charging a fee of \$20.00 per bill or session law. This fee includes a copying charge for 100 pages. Pages copied over 100 are at .25

cents a page. Paper records can be faxed for a fee of \$1.00 per page. An individual may perform research at the state archives for free with only the .25 cent per page copy fee.

Committee Reports are informal short fact sheets created by the committee and are not published. The committee is not required to keep or create a **Committee Report**. Some reports can be located at the *State Archive* in Tallahassee. For a bill that has recently been passed, the **Committee Report** will only be available by contacting the applicable committee directly. The web pages for both the Florida Senate and Florida House provide the researcher with the address and telephone numbers of all the Legislative committees.

Committee Hearings are not transcribed or published. Audio tapes are available for every day of the prior session from the *State Archives*. The archive staff will not listen to the tape to find the applicable content but will make taped copies of the session for the date that is requested. The cost per tape is \$8.00. Occasionally a researcher can locate **Committee Hearings** from the individual committee that is involved with the bill. The Florida Senate website carries live feeds for committees, when available <http://www.flsenate.gov/Session/Index.cfm?Mode=Video&Submenu=8&Tab=session>. Archival copies of committee work are generally only available for 1 year from WFSU-TV (850-488-1281) http://www.wfsu.org/tv/live_webcasts.html. The Florida Senate website also carries live feeds and some archival storage for floor debates for both Senate and House, but generally only for the current session. Archival materials for the floor debate from prior sessions are available from WFSU-TV starting with some partial coverage from the 1998-99 session. The TV station will not do research but will produce

copies of the floor debate for a day's session for \$35 per DVD disc. If the day's session was long, as some towards the end of a session are, the result could be 3 to 4 discs.

Pending and proposed bill information and full text is available by contacting the legislative information service at (800) 342-1827 and (850) 488-4371. For House bill information contact the Clerk of the House at (850) 488-1157. For Senate bill information contact the Secretary of the Senate at (850) 487-5270. Free online bill information is available at the Senate web page www.flsenate.gov/ and in the house under the heading Bill Tracking

<http://www.myfloridahouse.gov/Sections/MyHouse/login.aspx>.

Additional resources on Florida statutory and legislative history research:

Busharis, Barbara J., Florida legal research: sources, process, and analysis /
Durham, NC : Carolina Academic Press, c2002. 2nd ed.
Location: Florida Call Number: KFF75 .R69 2002

Florida code research guide / Rochester, N.Y. : Lawyers Cooperative Pub., c1992.
Location: Florida Reserve Call Number: KFF 40 .F56 1992

Florida Senate rules and manual
<http://www.flsenate.gov/publications/2006/Senate/Administrative/rules.pdf>

Guide to Florida legislative publications and information resources, 1995-1996 /
Tallahassee, FL : Capitol Publications Services, c1995. 4th ed.
Location: Florida Reserve Call Number: KFF 75 .G84 1995

Martin, Niki L. Florida legal research and source book / Clearwater, Fla : D & S
Publishers, c1989-.
Location: Florida Reserve Call Number: KFF 75 .M37 1989

Morris, Allen, The Florida handbook/ Tallahassee, Peninsular Pub. Co 2005/2006
Location: Florida Reserve Call Number: F 306 .F597

Roehrenbeck, Carol A. Florida legislative histories: a practical guide to their preparation and use / Clearwater, Fla.: D & S Publishers, c1986.
Location: Florida Reserve Call Number: KFF 75 .R64 1986

The rules of the Florida House of Representatives
<http://www.flsenate.gov/Publications/2003/House/administrative/hrules2003.pdf>

Stupski, Betsy L. Guide to Florida legal research / Tallahassee, Fla.: Florida Bar, Continuing Legal Education ; Albany, NY : Distributed by LEXIS, 2001. 6th ed.
Location: Florida Reserve Call Number: KFF75 .S78 2001