

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 578

SPONSOR: Senator Lee

SUBJECT: Florida Statutes - Adoption of

DATE: March 25, 2003 REVISED: \_\_\_\_\_

|    | ANALYST             | STAFF DIRECTOR | REFERENCE | ACTION    |
|----|---------------------|----------------|-----------|-----------|
| 1. | Pollitz (Stat.Rev.) | Kassack        | RC        | Favorable |
| 2. |                     |                |           |           |
| 3. |                     |                |           |           |
| 4. |                     |                |           |           |
| 5. |                     |                |           |           |
| 6. |                     |                |           |           |

## I. Summary:

This bill is drafted by the Division of Statutory Revision of the Office of Legislative Services to adopt the Florida Statutes 2003 and designate the portions thereof that are to constitute the official statutory law of the state. This adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law.

This bill substantially amends the following sections of the Florida Statutes: ss. 11.2421, 11.2422, 11.2424, and 11.2425.

## II. Present Situation:

The adoption act is enacted annually during each regular session. It prospectively adopts as an official document the edition of the Florida Statutes to be published following that session and provides a 2-year curing period for any possible errors in statutory material before it becomes the best evidence of the law. The adoption act revisions submitted to the 2001 and 2002 Regular Sessions of the Legislature did not pass. Currently, all statutes material passed through the 1997 Regular Session and printed in the 1999 edition has been adopted.

## III. Effect of Proposed Changes:

The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes 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 2003 adoption act adopts as the official statute law of the state those portions of the 2003 Florida Statutes edition that are carried forward unchanged from the edition published 1 year previously (2002). Portions carried forward from the 2002 edition are the official law of the state and, therefore, constitute the best evidence of the law. The portions resulting from sessions occurring subsequent to the publication of the 2002 edition are prima facie evidence of the law in all courts of the state; for this material, the enrolled acts stand as the best evidence of the law. Any “statute of a general and permanent nature” enacted before publication of the 2002 Florida Statutes that does not appear in the 2003 edition, or is not recognized and continued in force by reference therein or in s. 11.2423 or s. 11.2424, Florida Statutes, stands repealed, both by the logic of the system and by operation of s. 11.2422, Florida Statutes. *See National Bank v. Williams*, 28 Fla. 305, 20 So. 931 (1896).

The 2003 adoption act will adopt all statutes material passed through the April 29, 2002-May 13, 2002, Special Session and printed in the 2003 edition. Material passed in a session occurring since publication of the 2002 edition must wait 1 more year before being adopted, and the session law form of that material will remain the best evidence of the law for that material.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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