

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: April 14, 1998 Revised: 4/16/98 _____

Subject: Legislature

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	_____	Krasovsky	RC	Fav/1 amendment
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill expands those situations in which certain proceedings or activities involving legislators may be continued based on a conflict the legislator has with scheduled committee activity during the interim.

This bill amends section 11.111 of the Florida Statutes.

II. Present Situation:

Currently, any proceeding before a court, municipality, or agency of government of the state shall be continued during session and during any period of required committee work when the representing attorney, party, or witness is a member of the Legislature. The continuance is also available in those situations in which a legislator is scheduled to appear before any municipal government, administrative board or agency. The continuance is not automatic, but must be requested (Little v. Sullivan, 173 So.2d 135 (1965)). The continuance may not be granted in cases involving emergency circumstances (A.B.C. Business Forms Inc. v. Spaet, 201 So.2d 890 (1967)). The period of continuance is to include 15 days before and after a legislative session, and one day before and after the required committee work. The continuance is not to be charged against any party.

III. Effect of Proposed Changes:

This bill expands the situations during the interim in which the continuance provided in this statute may be granted. A conflict based on any scheduled committee activity rather than just required committee work can be the basis for a continuance. Technical drafting changes are also made in the bill.

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:

The additional cost, if any, to those involved in a proceeding delayed as a result of a continuance granted under this section is undeterminable.

C. Government Sector Impact:

The cost, if any, to governments as a result of the proceedings or activities covered by this statute being continued cannot be determined. The savings as a result of the efficiency of legislators being able to attend legislative activities and represent their constituents, likewise, cannot be determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Rules and Calendar:

Provides that the continuance shall be granted upon filing of a verified pleading or affidavit.

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