

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.)

BILL: SB 836

SPONSOR: Senator McKay

SUBJECT: Florida Statutes Adoption Act

DATE: February 10, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pollitz (Stat. Rev.)</u>	<u>Kassack</u>	<u>RC</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill is drafted by the Division of Statutory Revision of the Office of Legislative Services to adopt the Florida Statutes 1999 and designate the portions thereof that are to constitute the official law of the state. The Adoption Act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 2-year (or 3-year, if dealing with supplement year material) window for finding errors and making changes before statutory material becomes the best evidence of the law.

II. Present Situation:

The Adoption Act is enacted biennially during each odd-year regular session. It prospectively adopts as an official document the edition of the Florida Statutes to be published following that session. It adopts as the official statute law of the state those portions of that edition that are carried forward from the preceding regular edition. Portions carried forward from the preceding regular 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 preceding odd-year regular session 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 prior to the period since publication of the preceding regular edition of the Florida Statutes that does not appear in the current 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is not recognized and continued in force by reference therein or in s. 11.2423 or s. 11.2424, Florida Statutes, stands repealed, both by the logic of the system and by operation of s. 11.2422, Florida Statutes.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).

Currently, all statutes material passed through the 1995 regular session (and printed in the 1997 edition), is adopted. Material passed after that date must wait 2 more years before being adopted; for this material, the session law form of the material remains the best evidence of the law.

III. Effect of Proposed Changes:

The 1999 adoption act will adopt all statutes material passed through the 1997 regular session (and printed in the 1999 edition). Material passed in a session occurring since publication of the 1997 edition must wait 2 more years 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.

D. Other Constitutional Issues:

The adoption act cures title defects for any material passed during the period covered by this year's adoption act (1996 and 1997 regular session material). *See State ex rel. Badgett v. Lee*, 156 Fla. 291, 22 So. 2d 804 (1945). General legislation may be attacked on this ground only during the period between the legislation's original enactment and its subsequent adoption as the official law of the state 2 or 3 years later, depending on whether the original enactment occurred in an odd-numbered year or an even-numbered year.

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.

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