Prepared By: The Professional Staff of the Rules Committee

BILL: SB 1280

INTRODUCER: Senator Villalobos

SUBJECT: Florida Statutes (Adoption of the Statutes)

DATE: February 5, 2009   REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE		ACTION
1.	Pollitz (Stat. Rev.)	Coburn	RC		**Pre-meeting**
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 2009 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:
amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.

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 1-year curing period for any possible errors in statutory material before it becomes the best evidence of the law. Currently, all statutes material passed through the June 12-14, 2007, Special Session and printed in the 2008 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. The 2009 adoption act adopts as the official statute law of

the state those portions of the 2009 Florida Statutes edition that are carried forward unchanged from the edition published 1 year previously (2008). Portions carried forward from the 2008 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 2008 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 2008 Florida Statutes that does not appear in the 2009 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 2009 adoption act will adopt all statutes material passed through the 2008 Regular Session and printed in the 2008 edition. 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 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.   Fiscal Impact Statement:

A.   Tax/Fee Issues:

None.

B.   Private Sector Impact:

None.

C.   Government Sector Impact:

None.

VI.   Technical Deficiencies:

None.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A.   Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B.   Amendments:

None.