

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

| | | | |
|-----------------------------|---|----------------------------------|----------|
| BILL #: | HB 7005 | FINAL HOUSE FLOOR ACTION: | |
| SPONSOR(S): | Rules & Calendar Committee, Aubuchon | 116 Y's | 0 N's |
| COMPANION BILLS: | SB 894 | GOVERNOR'S ACTION: | Approved |

SUMMARY ANALYSIS

HB 7005 passed the House on January 25, 2012, and passed the Senate on February 13, 2012. The bill adopts the Florida Statutes 2012 and designates the portions that constitute the official statutory law of the state. The bill amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and cures any title or single subject defects that may have existed in an act as originally passed.

The bill adopts all statutes of a general and permanent nature passed through the end of the 2011 Regular Session together with corrections, changes, and amendments to and repeals of the provisions of the 2011 Florida Statutes enacted in additional Reviser's bill(s) by the 2012 Legislature. The bill adopts as official statutory law of the state those portions of the statutes that are carried forward from the regular edition published in 2011, which thus serve as the best evidence of the law.

Legislation passed in the 2012 Regular Session, occurring after publication of the 2011 edition of the Florida Statutes, is not adopted as the official statutory law of the state but serves as prima facie evidence of the law until being adopted into the statutes in 2013.

The bill has no fiscal impact.

The bill was approved by the Governor on February 24, 2012, ch. 2012-4, Laws of Florida. The bill becomes effective on the 60th day after adjournment sine die.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

The bill was drafted by the Division of Statutory Revision of the Office of Legislative Services to adopt the Florida Statutes 2011 and designate the portions that constitute the official statutory law of the state. The bill amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and cures any title or single subject defects that may have existed in an act as originally passed.¹ The adoption act is usually enacted annually during each regular session.

The adoption act provides a 1-year curing period for title or single subject defects 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 2012 adoption act prospectively adopts all statutes of a general and permanent nature passed through the 2011 Regular Session together with corrections, changes, and amendments to and repeals of provisions of 2011 Florida Statutes enacted in additional Reviser's bill(s) by the 2012 Legislature. The bill adopts as official statutory law of the state those portions of the statutes that are carried forward from the regular edition published in 2011, which thus serve as the best evidence of the law.

Any "statute of a general and permanent nature" enacted prior to the period since publication of the last adopted regular edition of the *Florida Statutes* that does not appear in the current edition stands repealed, both by logic of the system and by the operation of s. 11.2422, F.S.²

The adopted statutes that have been enacted, amended, or repealed in a session occurring subsequent to publication of the 2011 edition are prima facie evidence of the law in all courts of the state. For this material, the enrolled acts stand as best evidence of the law. Therefore, legislation passed in the 2012 Regular Session, which will have occurred since the publication of the 2011 edition, is not adopted as the official statutory law of the state and serves as prima facie evidence of the law.

Material passed in a session occurring since publication of the 2011 edition must wait one more year before being adopted, and the session law form of the material will remain the best evidence of the law for that material.

The bill makes the following specific changes to statute:

- Section 11.2421, F.S., is amended to adopt as the official statutory law of the state the 2012 Florida Statutes, which include the 2011 Florida Statutes and Reviser's Bill(s) enacted during the 2012 Legislative Session.
- Section 11.2422, F.S., is amended to repeal all statutes of a general and permanent nature enacted by the State of Florida at or prior to the 2011 regular legislative session that are not included in the 2012 Florida Statutes. This does not include any laws adopted during the 2012 regular legislative session.

¹ The adoption of the *Florida Statutes* cures title defects that existed in an act as originally passed. See *State ex rel. Badgett v. Lee*, 156 Fla. 291, 22 So. 2d 804 (1945). Thus, general legislation must be attacked on this ground only during the period between its original enactment and its subsequent adoption as the official law of the state. An act with a title defect is considered valid only from adoption and not from the date of original enactment. See *Thompson v. Intercounty Tel. & Tel. Co.*, 62 So. 2d 16 (Fla. 1952). Analogously, once reenacted as a portion of the *Florida Statutes*, a statute is no longer subject to challenge on the ground that it violates the single subject requirement of s. 6, Art. III of the State Constitution. See *State v. Combs*, 388 So. 2d 1029 (Fla. 1980); *Loxahatchee River Environmental Control District v. School Board of Palm Beach County*, 515 So.2d 217 (Fla. 1987); *State v. Johnson*, 616 So. 2d 1 (Fla. 1993).

² See *National Bank v. Williams*, 38 Fla. 305, 20 So 931 (1896). Section 11.2423, F.S., provides that no special or local statute, or statute, local, limited or special in its nature, shall be repealed via reviser's bill.

- Section 11.2424, F.S., is amended to detail that the laws adopted during the 2012 Regular Session have full effect and are not repealed by section 2 of the bill.
- Section 11.2425, F.S., is amended to specify that the adoption of the 2012 Florida Statutes shall not affect any right that accrued under a statute before it was repealed by the 2012 Florida Statutes, nor will the adoption of the statutes affect any civil remedy where a suit is pending.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Please see FISCAL COMMENTS in Part II, Section D.

2. Expenditures:

Please see FISCAL COMMENTS in Part II, Section D.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please see FISCAL COMMENTS in Part II, Section D.

D. FISCAL COMMENTS:

The adoption act prospectively adopts the Florida Statutes 2012 as an official document. It has no fiscal impact on state or local governments or on the private sector.