HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

BILL #:   HB 7067

SPONSOR(S): Rules & Calendar Committee
Artiles

COMPANION BILLS: 686

FINAL HOUSE FLOOR ACTION:

115 **Y's**   0 **N's**

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 7067 passed the House on March 22, 2013, as SB 686.

The bill is drafted by the Division of Law Revision and Information of the Office of Legislative Services to prospectively adopt the Florida Statutes 2013 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.

The 2013 adoption act prospectively adopts all statutes of a general and permanent nature passed through the March 14-28, 2012, Special Session together with corrections, changes, and amendments to and repeals of the provisions of the 2012 Florida Statutes enacted in additional Reviser's bill(s) by the 2013 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 2012, which thus serve as the best evidence of the law.

Legislation passed in the 2013 Regular Session, which will have occurred since the publication of the 2012 edition, is not adopted as the official statutory law of the state and serves as prima facie evidence of the law until is it adopted in 2014.

The bill was approved by the Governor on April 10, 2013, ch. 2013-13, L.O.F., and will become effective on July 2, 2013.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

This bill is drafted by the Division of Law Revision and Information of the Office of Legislative Services to prospectively adopt the Florida Statutes 2012 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and has the effect of curing 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 2013 adoption act prospectively adopts all statutes of a general and permanent nature passed through the March 14-28, 2012, Special Session together with corrections, changes, and amendments to and repeals of provisions of 2012 Florida Statutes enacted in additional Reviser's bill(s) by the 2013 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 2012, 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.[2]

The adopted statutes that have been enacted, amended, or repealed in a session occurring subsequent to publication of the 2012 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 2013 Regular Session, which will have occurred since the publication of the 2012 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 2012 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.

---

[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.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

    1. Revenues: See FISCAL COMMENTS in Part II, D.

    2. Expenditures: See FISCAL COMMENTS in Part II, D.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

    1. Revenues: See FISCAL COMMENTS in Part II, D.

    2. Expenditures: See FISCAL COMMENTS in Part II, D.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: See FISCAL COMMENTS in Part II, D.

D. FISCAL COMMENTS: The adoption act prospectively adopts the Florida Statutes 2013 as an official document. It has no fiscal impact on state or local governments or on the private sector.