

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB RUC 23-05 Florida Statutes

SPONSOR(S): Rules Committee

TIED BILLS: **IDEN./SIM. BILLS:** SB 40

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Rules Committee		Reed	Brink

SUMMARY ANALYSIS

The bill is drafted by the Division of Law Revision and Information of the Office of Legislative Services to prospectively adopt the Florida Statutes 2023 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, F.S., and has the effect of curing any title or single subject defects that may have existed in an act as originally passed.

The bill prospectively adopts all statutes of a general and permanent nature passed through the May 23-27, 2022, special session and printed in the 2022 edition, together with corrections, changes, and amendments to and repeals of the provisions of the 2022 Florida Statutes enacted in additional Reviser’s bill(s) by the 2023 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 2022, which thus serve as the best evidence of the law.

Legislation passed between the December 12-16, 2022, special session and the 2023 Regular Session, which will have occurred since the publication of the 2022 edition, is not adopted as the official statutory law of the state and serves as prima facie evidence of the law until it is adopted in 2024.

This bill has no fiscal impact.

The bill becomes effective on the 60th day after adjournment sine die.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The 2023 adoption act is drafted by the Division of Law Revision and Information of the Office of Legislative Services to prospectively adopt the Florida Statutes 2023 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, F.S., 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 Law Revision submit an adoption act annually, rather than every 2 years. Therefore, statutory material passed since the publication of the 2022 edition (which includes materials passed between the December 12-16, 2022, Special Session through the 2023 Regular Session) must wait one year before being adopted as the official statutory law of the state.

The 2023 adoption act prospectively adopts all statutes of a general and permanent nature passed through the May 23-27, 2022, Special Session and printed in the 2022 edition, together with corrections, changes, and amendments to and repeals of provisions of 2022 Florida Statutes enacted in additional Reviser's bill(s) by the 2023 Legislature. The bill adopts as the official statutory law of the state those portions of the statutes that are carried forward unchanged from the previous year's published edition (2022), which constitute the best evidence of the law.

Portions of Florida Statutes that have been enacted, amended, or repealed in a session occurring after the publication of the 2022 edition are prima facie evidence of the law in all courts of the state. For these portions, the session law of the statutory materials serves as the best evidence of the law.

Any "statute of a general and permanent nature" enacted before 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

B. SECTION DIRECTORY:

Section 1 amends s. 11.2421, F.S., to adopt as the official statutory law of the state the 2023 Florida Statutes, which include the 2022 Florida Statutes and Reviser's Bill(s) enacted during the 2023 Legislative Session.

Section 2 amends s. 11.2422, F.S., to repeal all statutes of a general and permanent nature enacted by the State of Florida at or prior to the May 23-27, 2022, Special Session that are not included in the 2023 Florida Statutes. This does not include any laws adopted during the 2023 regular legislative session.

¹The 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 3 amends s. 11.2424, F.S., to detail that the laws adopted between the December 12-16, 2022, special session and the 2023 Regular Session have full effect and are not repealed by section 1 of the bill.

Section 4 amends s. 11.2425, F.S., to detail that the adoption of the 2023 Florida Statutes does not affect any right that accrued under a statute before it was repealed, nor will it affect any civil remedy where a suit is pending.

Section 5 provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The adoption act prospectively adopts the Florida Statutes 2023 as an official document. It has no fiscal impact on state or local government or on the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The adoption act does not implicate authority for any agency to adopt rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.