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Basic Citation Forms: Florida Session Laws

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6. FLORIDA SESSION LAWS

6.1 BASIC FORM

Bills that have passed the Florida Legislature and become law are reproduced in their entirety in the session laws. A session law's section numbers will be identical with those that appeared in the bill.

The statutes are the selected reproduction of those portions of each session law that have general applicability. For example, the title of the bill and the "Whereas" clauses that appear at the beginning of a bill are not reproduced in the statutes, but they do appear in the session laws and they are sometimes used by the courts to help identify the legislative intent of the act.

The session law should be cited only when it is the subject of discussion. Thus, if the text refers to an earlier legislative action, it is appropriate to cite to the session law, since that is the product of the legislative action. Similarly, if a court deals with a new law before it has been codified, a cite to the session law would be required.

The basic form is:

Ch. [number], [year of reporter] Fla. Laws [page number where session law begins].

2. Ch. 85-83, 1985 Fla. Laws 516.

6.2 PRIORITY

Always cite to the official Laws of Florida. If these have not yet been published, they may be available from the Statutory Revision Division of the Florida Legislature by examining the Division's computer printouts of the page proofs. If the official Laws of Florida are unavailable, cite to West's Florida Session Laws Service.

6.3 CHAPTER NUMBERS

Session law chapter numbers appear at the head of each bill approved by the legislature, signed by the governor, and filed with the secretary of state. These numbers are assigned by the secretary of state in the order in which the acts are filed with the office. The first two digits of the chapter number represent the year of the legislation, the numbers after the hyphen indicate the numerical order in which the acts appear in the session laws. This is a different chapter from a Florida Statute chapter. Note that prior to 1957

the secretary of state used a different numbering system that numbered all session laws from the nineteenth century until 1956 in a consecutive numbering system. When citing to pre-1957 session laws, include the year of the law.

3. Ch. 22000, Laws of Fla. (1943).

6.4 SECTION NUMBERS

Two types of section numbers are used in legislation. Each act begins with Section One and is numbered consecutively throughout. Sometimes this is the only set of section numbers. For example, the Local Government Comprehensive Planning Act of 1975 was divided into nineteen sections; after becoming a law it was codified at sections 163.3161-.3211, Florida Statutes, but the location in the statutes was not established by the enactment.

More frequently, each act also contains the intended location of codification in the Florida Statutes. For example, chapter 75-108, 1975 Fla. Laws 205, created the Uniform Contribution Among Tortfeasors Act. It begins as follows:

Section One. Section 768.31, Florida Statutes, is created to read:

It is "Section one of the Act," or "Section 768.31, Florida Statutes," but not "Section 768.31 of the Act."

6.5 SECTIONS OF ACTS

Use the section symbol when referring to a specific section within the session law.

9. Ch. 73-334, § 49, 1973 Fla. Laws 906, 956.

6.6 NAMES OF ACTS

The legal title of an act is found in the language directly following the chapter and bill number. Often, this title is not reproduced in the statutes. It will be in the session laws.

Chapter 86-224, SB 217 is entitled: "An act relating to funds for teaching writing skills."

6.6.1 In Text

When referring to an act by its name, capitalize according to its appearance in the statute. Also, on first reference to the act, include a footnote that cites to the session law.

House Bill 287 creates the Coastal Zone Protection Act of 1985.

6.6.2 Short Forms

After the first reference to an act by its full name, it is permissible in subsequent references to simply use "Act" as a short form reference.

The new Act seeks to streamline the permitting process. This procedure is a licensing action subject to the requirements of Florida's Administrative Procedure Act (APA).

6.6.3 In Footnotes

If an act has an official name, it may be cited the first time the act is referenced, but it is not necessary, particularly if the text gives the full name of the act.

17. The Warren S. Henderson Wetlands Protection Act, ch. 84-79, 1984 Fla. Laws 202 (codified at FLA. STAT. §§ 403.91-.929 (Supp. 1984)).

If the act does not have an official name, do not use the "Act of" format specified in Bluebook Rule 12.4. Instead, simply start the citation with the chapter number.

18. Ch. 85-220, 1985 Fla. Laws 1514.

6.7 SECTIONS WITHIN AN ACT

When making a specific reference to a section within an act, cite both the page on which the act begins and the page on which the cited section begins. The beginning of the act is where it states the chapter number, not where section one begins. Include a pinpoint reference to the Florida Statutes if it is helpful to identify the specific portion of the section of the act under discussion.

107. Ch. 85-104, § 33, 1985 Fla. Laws 627, 631.

368. Ch. 85-55, § 33, 1985 Fla. Laws 207, 242 (to be codified at FLA. STAT. § 161.053(12)).

369. *Id.* (to be codified at FLA. STAT. § 161.053(8)).

370. *Id.* § 35, 1985 Fla. Laws 207, 247 (to be codified at FLA. STAT. § 161.054(1)).

6.8 USE OF *Id.*

The "*id.*" alone is sufficient when, on subsequent reference in the next footnote, the citation is to the same section. However, if the next footnote is to the same act but to a different section, then include the section number, the session law reporter and the page the cited section begins on. If the next footnote is to the same section as the preceding footnote but to a different point within the section, then use "*Id.*" followed by a pinpoint parenthetical.

90. Ch. 85-175, § 2, 1985 Fla. Laws 1180, 1183 (to be codified at FLA. STAT. § 395.011(8)(a)-(b)); *id.* § 3, 1985 Fla. Laws at 1184 (to be codified at FLA. STAT. § 395.0115(5)(a)-(b)); *id.* § 8, 1985 Fla. Laws at 1189 (to be codified at FLA. STAT. § 768.40(6)(a)-(b)).

91. Ch. 84-551, 1985 Fla. Laws 38 (amending FLA. STAT. § 402.301(2) (1983)).

92. *Id.*

93. Ch. 85-54, 1985 Fla. Laws 146.

94. *Id.* § 2, 1985 Fla. Laws at 150 (amending FLA. STAT. § 110.1127 (1983)).

6.9 PARENTHETICAL INDICATING CONSTITUTIONAL OR STATUTORY CHANGE

6.9.1 General Rule

Include a parenthetical reference to aid the reader in finding the law in the current version of the statutes or the portion of the constitution that is affected. This is not needed if the law is no longer in force and there is no current version to cite. However, in such a case indicate that the law has been repealed or transferred.

6.9.2 Creation of New Statutes: "To Be Codified At"

If it is a new law, indicate parenthetically where it is to be codified if the official statutes containing the new act are not yet published. If relying upon the bill or session laws for the citation, the

parenthetical should read, “(to be codified at FLA. STAT. § xxx.xx)” with no year for the statute indicated.

106. Ch. 85-175, § 17, 1985 Fla. Laws 1180, 1205 (to be codified at FLA. STAT. § 768.575(1)-(5)).

6.9.3 Creation of New Statutes: Codification Completed

Once the session law is codified in the official statutes, indicate parenthetically its location in the current code. Use the form “codified at” if indicating a historical fact or the legislation as it appeared when first codified. Use the form “current version at” to reflect any amendments since enactment when referencing the current codification of the act. If the codification is to a supplement to the Florida Statutes, which comes out in the even numbered years, use the form “(Supp. 19xx)” for the year of the statute.

11. See ch. 73-132, 1973 Fla. Laws 254 (codified at FLA. STAT. 905.36 (1973)).

5. Ch. 67-356, § 1, 1967 Fla. Laws 1147, 1148 (current version at FLA. STAT. § 286.011(1) (1983)).

6.9.4 Amending Existing Law

If the session law amends an existing law, then the parenthetical must indicate the existing statute and the year of the statute being amended. This will be indicated in the act.

318. Ch. 85-55, § 48, 1985 Fla. Laws 207, 291 (amending FLA. STAT. § 380.11 (1983)).

6.9.5 Amending and Recodifying Existing Law

If the session law amends an existing law and directs that it be codified at a new location, then indicate both the amending section as well as the new location in a single parenthetical.

302. Ch. 85-55, § 43, 1985 Fla. Laws 207, 256 (amending FLA. STAT. § 380.06(14) (Supp. 1984), to be codified at FLA. STAT. § 380.06(15)(d)(1)-(3)).