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Basic Citation Forms: Legislative Materials

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FLA. BAR FOUND. BY-LAWS, art. 2.18(b)
 FLA. BAR FOUND. ART. OF INC., art. 3.4
 FLA. BAR R. DISC. 3-5.1
 FLA. BD. BAR EXAM. RULE III
 FLA. JUD. QUAL. COMM'N RULE 9
 FLA. STD. JURY INSTR. (CIV.) 6.4(c)
 FLA. STD. JURY INSTR. (CRIM.) 2.10(a)
 FLA. SUP. CT. BAR ADMISS. RULE, art. III

(b) Legislative Rules

FLA. H.R. RULE 1.6
 FLA. S. RULE 4.6

BASIC CITATION FORMS

3. LEGISLATIVE MATERIALS

TYPEFACE OF LEGISLATIVE MATERIALS

Whether the footnote citation of a legislative material appears in ordinary roman type or in large and small capital letters will depend upon the exact material being cited. Generally, published official legislative materials appear in large and small capital letters, while unpublished or unofficial materials (e.g., computer printouts, unofficial staff analyses, tape recordings, and transcripts) appear in ordinary roman type.

1. FLA. S. JOUR. 1397-98 (Reg. Sess. 1990).
2. Staff of Fla. S. Comm. on Com., CS for SB 1 (1985) Staff Analysis 2 (final June 10, 1985) (on file with comm.).
3. STAFF OF FLA. S. COMM. ON FIN., TAX'N & CLAIMS, HISTORY OF FLORIDA TAX STUDY COMMISSIONS 1911-1988, at 3 (1988) (available at Fla. Dep't of State, Div. of Archives, Tallahassee, Fla.)
4. Fla. H.R. Comm. on Govtl. Ops., Subcomm. on Governmental Effectiveness, unpaginated draft transcript of proceedings (Feb. 20, 1991) (on file with comm.).

3.1 FLORIDA LEGISLATIVE JOURNALS

3.1.1 In Text

Both the House and the Senate publish an official journal for each day that each house is in formal session. Specific references to the House or Senate journals should be italicized.

Representative Jones reported in the *Journal* that she abstained from voting on House Bill 256 because she had a financial interest in the subject matter of the bill.

3.1.2 In Footnotes

(a) *Basic Form*

The basic form is:

FLA. [S. or H.R.] JOUR. [page] (session designation and year).

5. FLA. S. JOUR. 903 (Reg. Sess. 1990).

(b) *Numbering Problems*

The reason for indicating in the parenthetical whether it is a regular session, special session, or an organizational session is that the Legislature begins a new set of page numbers each time a new session convenes (the 1976 House Journal is one of the few exceptions). Also, more than one session may be bound in the same volume.

The following examples are in the same volume:

FLA. H.R. JOUR. (Org. Sess. 1988).

FLA. H.R. JOUR. (Reg. Sess. 1989).

The following examples are in the same volume:

FLA. S. JOUR. (Reg. Sess. 1989).

FLA. S. JOUR. (Spec. Sess. A 1989).

FLA. S. JOUR. (Spec. Sess. B 1989).

(c) *Multiple Special Sessions*

If a single volume reports more than one special session, regular session, or organizational session having the same year, and the sessions by designation are indistinguishable, then cite the exact date.

The following special session examples are in the same volume:

FLA. H.R. JOUR. (Spec. Sess. 1969).

FLA. H.R. JOUR. (Spec. Sess. Oct. 9, 1970).

FLA. H.R. JOUR. (Spec. Sess. June 10, 1970).

[Note: In 1969 there was only one special session of the Legislature, therefore, an exact date is unnecessary for its citation.]

Even though the years are the same in the following examples, the exact date is unnecessary because the session types are distinguishable by their designations:

FLA. S. JOUR. (Spec. Sess. A 1989).

FLA. S. JOUR. (Spec. Sess. B 1989).

(d) Unbound Copies of the Journals

Use the same basic forms except include in the parenthetical the exact date for the page number being cited. Ordinarily, this will arise only for the journals of the immediate past session.

6. FLA. H.R. JOUR. 604 (Reg. Sess. Apr. 17, 1991).

7. FLA. S. JOUR. 1430 (Reg. Sess. May 1, 1991).

8. FLA. S. JOUR. 9 (Spec. Sess. B Jan. 22, 1991).

(e) Special Parentheticals

In addition to the basic form, it is often helpful to include a second parenthetical that pinpoints the exact action being cited. This may include a particular bill, amendment, conference committee report, bill reference, or any other relevant action. If this form is used, it may also be necessary to indicate two page numbers: the first page number indicates where the relevant action starts, and the second page number pinpoints the exact item being cited.

9. FLA. H.R. JOUR. 665 (Reg. Sess. 1985) (rep. of standing comms.).

In the following example, the first page number references where the bill was first considered for action on the floor, and the second page number indicates where the vote was recorded:

10. FLA. H.R. JOUR. 1885, 1886 (Reg. Sess. 1990)
(reconsideration of Fla. CS for SB 2794).

(f) *Short Forms: The Use of "Id."*

Complete Reference: Use "*id.*" alone only when the footnote refers to everything in the preceding note.

Partial Reference: If the reference is to the same general matter or to a different matter, then use the form "*id.*" followed by the word "at" and the page number the citation is to (if the cite is to a different page), and then an appropriate parenthetical to pinpoint the matter.

For example, if the *id.* citation is to the same bill, but to a different amendment, cite as follows:

11. FLA. S. JOUR. 577, 595-96 (Reg. Sess. 1990) (amendment 1B).
12. *Id.* at 596-97 (amendment 2).

If the *id.* citation is to different bills, the first page number references where the report starts, and the second page number references where the vote or other action is recorded:

13. FLA. S. JOUR. 1005, 1006 (Reg. Sess. 1985) (Conference Comm. Rep. on Fla. CS for HJR 386); *id.* at 1006, 1008 (Conference Comm. Rep. on Fla. CS for HB 387); FLA. H.R. JOUR. 1160, 1162 (Reg. Sess. 1985) (Conference Comm. Rep. on Fla. CS for HB 387); *id.* at 1162, 1163 (Reg. Sess. 1985) (Conference Comm. Rep. on Fla. CS for HJR 386).

3.1.3 Index

There is a separate index for each session, but no master index for the bound volume. For the current session, before the index is available, the daily legislative computer printout (the *Daily Legislative Bill Information* [sometimes entitled *Provisional Legislative Bill Information*]) will contain a cross-reference to the journal for each entry.

3.1.4 Use of the Journals

The journals should be cited whenever there is a footnote reference to committee or floor actions, including floor amendments. Do not cite to the Legislature's computer printout (either the *Daily Legislative Bill Information* or the end of the session's *Final Legislative Bill Information* [previously entitled *History of Legislation*]). Note that the Legislature's computer printouts cross-reference committee and floor actions to the respective journals.

The most important use of the journals is to trace bill history. There are indices by subject and bill number. Be sure to check the journals and the Legislature's computer printout (either the *Daily Legislative Bill Information* or the end of the session's *Final Legislative Bill Information*) because each has information that the other does not.

Each journal has basic data about the number of bills introduced each session, a listing of the bills introduced by each legislator, all roll call votes, and a verbatim statement of every amendment to a bill in floor debate. One of the journals usually reproduces the Governor's messages to the Legislature.

3.1.5 Limitations

Unlike the *Congressional Record*, the journals do not reproduce a transcript of the floor debate. Debate must be listened to from tape recordings.

Each journal begins only on the first day of a legislative session and is published only for each day the House or Senate meets in formal session. The journals are not published during the interim and do not carry any reports of interim committee activity.

When reporting the date a bill was introduced, note that the first reading of each bill reported in the journal at the start of each session is a formality observed for State constitutional reasons. Many bills are prefiled, and often committee activity has taken place before the legislative session officially commences. To determine the date of prefiling and to learn of any interim committee action, examine the appropriate bill report in either the *Daily Legislative Bill Information* or the end of the session's *Final Legislative Bill Information*.

3.2 LEGISLATIVE BILL INFORMATION PUBLICATIONS

3.2.1 Introduction

Each day of the legislative session, the Legislative Information Division produces a report in the form of a bound computer printout entitled *Daily Legislative Bill Information* (sometimes entitled *Provisional Legislative Bill Information*). At the end of the session, the Division produces a final version of this computer printout and renames the report *Final Legislative Bill Information*. Before the 1987 special sessions B, C, and D, the final version was entitled *History of Legislation*.

Both of these documents are indexed by subject, bill number, and legislator, with each day's report including the cumulative action to

date and whether there are any companion or similar bills for each bill as of the date of publication. Additionally, *Final Legislative Bill Information* shows the final disposition of all bills, including the date of the Governor's signing or vetoing, the session law chapter numbers of approved legislation, and various statistical reports for the session.

These documents also have an index by statute number that lists all bills introduced that relate to identified chapters or sections of the *Florida Statutes*. This provides a quick way to find out if a statute has been repealed or modified. Note, however, that this is not foolproof because not all bills are keyed to specific statutes.

3.2.2 In Text

Do not mention these legislative computer printouts in the text. It is more appropriate to discuss the action or source referenced by the printout rather than to discuss the printout's memorialization of the action.

3.2.3 In Footnotes

Only the *Final Legislative Bill Information* (or *History of Legislation*, as previously entitled) is ever cited, and then only for actions that are not otherwise indicated in the journals or session laws.

The basic form is:

FLA. LEGIS., [FINAL LEGISLATIVE BILL INFORMATION OR HISTORY OF LEGISLATION], [YEAR OF SESSION AND TYPE OF SESSION], HISTORY OF [HOUSE OR SENATE] BILLS at [page number], [bill number under discussion].

14. FLA. LEGIS., FINAL LEGISLATIVE BILL INFORMATION, 1990 REGULAR SESSION, HISTORY OF HOUSE BILLS at 419, CS for HB 2539.

15. FLA. LEGIS., HISTORY OF LEGISLATION, 1985 REGULAR SESSION, HISTORY OF SENATE BILLS at 23, SB 159.

(a) Short Forms: The Use of "Id."

Complete Reference: When the next reference is to the same year's report and to the same house's bill report, use "*id.*," the page number cited, and the bill number under discussion.

16. FLA. LEGIS., FINAL LEGISLATIVE BILL INFORMATION, 1989 REGULAR SESSION, HISTORY OF SENATE BILLS at 82, SJR 341; *id.* at 37, SB 46.

Partial Reference: When the next reference is to the same year's report but to the other house's history, use the following form:

17. FLA. LEGIS., FINAL LEGISLATIVE BILL INFORMATION, 1990 REGULAR SESSION, HISTORY OF HOUSE BILLS at 204, HB 1127.

18. *Id.*, HISTORY OF SENATE BILLS at 224, SB 2890.

19. *See, e.g.*, FLA. LEGIS., HISTORY OF LEGISLATION, 1976 REGULAR SESSION, HISTORY OF SENATE BILLS at 123, SB 387; *id.*, HISTORY OF HOUSE BILLS at 390, HB 2590; FLA. LEGIS., HISTORY OF LEGISLATION, 1977 REGULAR SESSION, HISTORY OF HOUSE BILLS at 56, HB 219.

(b) Short Forms: Use of "Hereinafter"

As a general rule, "hereinafter" forms should not be used with *Final Legislative Bill Information* if there is more than one house's bill report cited in the entire article. However, if within an article there are references to only one *Final Legislative Bill Information* and it is to only one house's bill report, then the hereinafter form may be used. Note that the hereinafter form takes the same type style as the full citation form.

In the following example, the bill report is the only one cited in the article:

20. FLA. LEGIS., HISTORY OF LEGISLATION, 1985 REGULAR SESSION, HISTORY OF SENATE BILLS at 8, SJR 27 [hereinafter HISTORY OF SENATE BILLS].

3.3 FULL COMMITTEES, SELECT COMMITTEES, AND SUBCOMMITTEES

In a citation sentence in a footnote, the form is:

Fla. [H.R. or S.] Comm. on [abbreviation for committee].

Fla. [H.R. or S.] Select Comm. on [abbreviation for committee].

When citing to a subcommittee, the form is:

Fla. [H.R. or S.] Comm. on [abbreviation for committee],
Subcomm. on [full name of committee, not abbreviated].

3.4 JOINT LEGISLATIVE COMMITTEES

There are two types of joint committees in the Florida Legislature. The first type, created by the Speaker and the President, continues as a committee for a definite period to investigate a particular topic. The second type of joint committee is created by statute to continue indefinitely.

3.4.1 Statutory Joint Committees

Use the statutory name specified in chapter 11, *Florida Statutes*. See abbreviations, Rule 2.2.2.

3.4.2 Nonstatutory Joint Committees

Use the abbreviations in Rule 2.2.2. Follow the basic rules for committee names set out above, except that the form will be:

Jt. Comm. on [abbreviation for committee]

3.5 LEGISLATIVE STAFF ANALYSES AND FISCAL NOTES

3.5.1 Staff Analysis

The basic form is:

Staff of Fla. [H.R. or S.] Comm. on [abbreviation of committee name], [bill and number] (year of bill) Staff Analysis [page cited] (parenthetical indicating version of analysis and date) (location of analysis).

The original version will have only the date. Use the abbreviation "rev." for revised, "2d rev." for a second revision that is not indicated as the final version, and spell out "final" if the analysis indicates that it is the final version.

21. Staff of Fla. H.R. Comm. on HRS, HB 19-A (1984) Staff Analysis 2 (final Dec. 12, 1984) (on file with comm.).

22. Staff of Fla. H.R. Comm. on HRS, HB 715 (1985) Staff Analysis 3 (rev. Apr. 16, 1985) (on file with comm.).

3.5.2 Senate Staff Analysis and Economic Impact Statement

The Senate "Staff Analysis and Economic Impact Statement" is cited only as a "Staff Analysis" and follows the basic form.

23. Staff of Fla. S. Comm. on Com., CS for SB 1162 (1985) Staff Analysis 2 (May 2, 1985) (on file with comm.).

3.5.3 Fiscal Notes

The fiscal notes produced by the House Finance and Taxation Committee and the House Appropriations Committee are cited like a staff analysis except that the phrase "Fiscal Note" is substituted for the phrase "Staff Analysis." Because the Senate fiscal note is a part of the "Staff Analysis and Economic Impact Statement" there will be no references to Senate fiscal notes.

24. Staff of Fla. H.R. Comm. on Approp., HB 261 (1985) Fiscal Note 1 (May 22, 1985) (on file with comm.).

3.5.4 Short Forms: Use of "Hereinafter"

Short forms should include enough information to identify and distinguish the citation from any other short forms that might be used in the article. This may include as little as an abbreviation for the committee and the phrase "Staff Analysis." Note that the hereinafter form takes the same type style as the full citation.

25. Staff of Fla. S. Comm. on HRS, SB 708 (1985) Staff Analysis 1 (May 2, 1985) (on file with comm.) [hereinafter HRS Comm. SB 708 Staff Analysis].

3.6 OFFICIAL LEGISLATIVE BRANCH REPORTS OR PUBLICATIONS

The basic form is the same as that for books:

26. STAFF OF FLA. S. COMM. ON GOVTL. OPS., A REVIEW OF INDEXING OF AGENCY ORDERS ISSUED PURSUANT TO CHAPTER 120, F.S., ADMINISTRATIVE PROCEDURE ACT 5-7 (1989) (on file with comm.).

27. FLA. H.R. BILL DRAFTING SERV., GUIDELINES FOR BILL DRAFTING 3 (1989).

3.6.1 Author

The author's name, whether a person or an institution, will appear in large and small capital letters. Institutional authors may be abbrevi-

ated. For legislative committee staff authors, use the appropriate committee abbreviations. For individuals, use the author's full name. Shorten any middle name to a middle initial unless the author uses an initial in place of his or her first name, in which case retain the first initial and the full middle name.

3.6.2 Title

In large and small capital letters, reproduce the title exactly as it appears on the title page. Do not abbreviate the title unless it is abbreviated in the original. For some reports there will not be a formal title; it will be "Final Report" or something similar.

3.6.3 Date

Abbreviate the month, if used.

3.6.4 Location

The place where someone may acquire or examine the report should be indicated in a parenthetical.

3.6.5 Short Forms: Use of "Hereinafter"

Short forms should include enough information to identify and distinguish the citation from any other short forms that might be used in the article.

3.6.6 Conference Committee Reports

These reports are not formal reports in the sense that they are formally published or printed. Rather, they are usually short summaries prepared by the conference committee for a bill that explains to each house which version of the underlying bill is being recommended. These reports should be cited to the House or Senate journal, see Rule 3.1, when they are reproduced therein; otherwise the typewritten report may be cited, with a parenthetical indicating where a copy may be obtained.

28. FLA. S. JOUR. 1005 (Reg. Sess. May 31, 1985) (Conference Comm. Rep. on Fla. CS for HJR 386); FLA. H.R. JOUR. 1160 (Reg. Sess. May 31, 1985) (Conference Comm. Rep. on Fla. CS for HJR 386).

3.7 TAPE RECORDINGS OF LEGISLATIVE PROCEEDINGS

Ordinarily, legislative debates and testimony are not transcribed in full. Tape recordings for formal sessions of either house are available

through the Clerk of the House or Secretary of the Senate. Tapes of committee debates are made by the respective committees. Each recording is retained by the Clerk, Secretary, or the individual committees for several years. Usually after each biennium, the tapes are sent to the Legislative Library. The Legislative Library eventually sends all legislative materials to the Florida State Archives in the R.A. Gray Building, Tallahassee, Florida.

3.7.1 House or Senate Formal Proceedings

The basic form is:

Fla. [S. or H.R.], tape recording of proceedings (date) (location) (nature of matter under discussion or person who spoke).

Generally, the location parenthetical will be either "on file with Secretary" or "on file with Clerk."

29. Fla. S., tape recording of proceedings (Apr. 12, 1990) (on file with Secretary) (discussion of access to the floor of the Senate under SJR 2).

3.7.2 Committee Proceedings

The basic form is:

Fla. [S or H.R.] Comm. on [abbreviation for committee], [name of subcommittee if appropriate], tape recording of proceedings (date) (location) (nature of matter under discussion or person who spoke).

Generally, both committee and subcommittee tapes are kept on file with the committee.

30. Fla. H.R. Comm. on Com., Subcomm. on Small Business, tape recording of proceedings (Apr. 16, 1985) (on file with comm.) (testimony of Barbara Garrett, representing the Northwest Fla. Creek Indians).

3.7.3 Short Forms: The Use of "Hereinafter"

Short form references may be used with either chamber or committee tapes. These short forms should include enough information to identify and distinguish the citation from any other of the short forms. This may include a committee's proper abbreviation or the

date of the tape. Note that the hereinafter form is in the same typeface as the full citation. Also note that the hereinafter designation should go immediately after the full cite but before additional specific information that may vary from cite to cite.

31. Fla. S. Comm. on Approp., tape recording of proceedings (May 23, 1985) (on file with comm.) [hereinafter S. Approp. Tape].

32. Fla. S. Comm. on Rules & Calen., tape recording of proceedings (Apr. 5, 1990) (on file with comm.) [hereinafter April Committee Debate] (comments of Sen. Curt Kiser, Repub., St. Petersburg).

3.8 TRANSCRIPTS OF LEGISLATIVE PROCEEDINGS

3.8.1 Basic Form

The basic form is:

Fla. [S. or H.R.] [committee, if applicable], transcript of proceedings [or hearing, as appropriate] at [page] (date of tape) (location of tape) (nature of matter under discussion or person who spoke).

33. Fla. H.R. Select Comm. on Sovereignty Lands, transcript of hearing at 40 (June 7, 1978) (available at Fla. Dep't of State, Div. of Archives, Tallahassee, Fla.) [hereinafter H.R. SCSL Transcript] (statement of David Gluckman).

3.8.2 Unusual Pagination

If the transcript is not continuously paginated or the transcript is only a part of the hearing or proceeding, modify the usual form so that the citation will properly direct the reader to the location of the information.

34. Fla. S. Select Comm. on Sovereignty Lands, unpaginated partial transcript of tape recording of proceedings, lines 375-83 (June 6, 1978, tape 1) (available at Fla. Dep't of State, Div. of Archives, Tallahassee, Fla.) (statement of Dean Frank E. Maloney).

Where the statement of the witness has its own pagination, cite as follows:

35. Fla. H.R. Select Comm. on Oil Spill Legislation, Statement of C. Jensen at 2 (Oct. 11, 1973) (on file with comm.).

3.9 LEGISLATIVE COMPUTER PRINTOUTS

3.9.1 Statutory Revision Division Computer

The Legislature's Statutory Revision Division has the full text of the *Florida Statutes* on computer. When requested, the Division will conduct searches of the statutes; these searches can be of key words or phrases.

When used as a citation, the form is:

Fla. Legis., Jt. Legis. Mgmt. Comm., Div. of Statutory Revision, computer printout at [page] (date) (location where copy of printout may be obtained) (nature of search or matter under discussion).

36. Fla. Legis., Jt. Legis. Mgmt. Comm., Div. of Statutory Revision, computer printout at 1 (Mar. 27, 1984) (on file with *Journal of Land Use and Environmental Law*, Fla. State Univ. College of Law, Tallahassee, Fla.) (rep. on the appearance of the phrase "legislative intent" in the 1983 Fla. Stat.).

3.9.2 Economic and Demographic Research Division

The Legislature's Economic and Demographic Research Division has a computer database that contains numerous statistical analyses regarding the State of Florida, including invaluable data concerning tax revenues and forecasts.

When used as a citation, the form is:

Fla. Legis., Jt. Legis. Mgmt. Comm., Div. of Economic & Demographic Research, computer printout at [page number] (date) (location) (nature of the search or matter under discussion).

37. Fla. Legis., Jt. Legis. Mgmt. Comm., Div. of Economic & Demographic Research, computer printout at 15 (Feb. 5, 1986) (rep. on 1985 Fla. sales tax receipts, Leon County data).

3.10 OFFICIAL LEGISLATIVE RULES

3.10.1 In Text

Both the House and Senate have codified rules governing the administration of their house and the behavior of their members. Spe-

cific references to the House or Senate rules are capitalized, unabbreviated, and typed in normal roman typeface.

Florida House Rule 5.19 provides that legislation shall be considered pending if filed with the Clerk of the House and

3.10.2 In Footnotes

In a citation sentence, the form is:

FLA. [H.R. or S.] RULE [rule number] (year).

38. FLA. H.R. RULE 5.19 (1990).

3.10.3 Amendments to Rules and Proposed Rules

Amendments to a legislative rule or to a proposed legislative rule should be cited as unofficial material.

39. Fla. S. Comm. on Rules & Calen., Amendment 1 to S. Rules Rep. at 2 (proposed Mar. 9, 1989).

3.11 IDENTIFYING INFORMATION FOR LEGISLATORS

3.11.1 General Rule

The first time a member of the Legislature is mentioned in either the text or in a footnote, cite to the member's party and home town. The basic form is: [party], [home town].

Representative Frances Irvine⁴⁰ said

40. Repub., Orange Park.

3.11.2 First Reference in a Footnote

If the first reference to the member occurs in a footnote, then simply follow the member's name with the party and home town.

41. The committee consisted of Representatives F. Allen Boyd, Democrat, Monticello; Chris Corr, Republican, Apollo Beach; Daryl Jones; Charles Sembler II, Republican, Sebastian; and Robert Trammell.

[Note: the example shows some legislators who had been previously mentioned, thus, there is no party or home town designation.]

3.11.3 Former Legislators

If the legislator is no longer in the Legislature, then the footnote should indicate the term of office.

In 1983, with encouragement from the Florida Press Association and the Florida Society of Newspaper Editors and the support of the Speaker of the House, Representative H. Lee Moffitt,⁴² the Legislature

42. Dem., Tampa, 1974-1984.

3.11.4 Committee Heads

While the Florida Legislature has no express uniform method of title when referring to committee heads, the accepted practice among legislators is to use the term "Chair" to denote both male and female committee heads.

4. BILLS

4.1 INTRODUCTION

Bills are either sponsored by individual members of the Legislature or by committees of the Legislature. When discussing legislation, it is important to remember that a bill requires nothing: it only *proposes* change in the law. Session laws (acts) and statutes require or permit action.

While an individual member's bill will not be heard by a committee until it has been formally introduced, the committees often hear "proposed committee bills" or "PCBs." These bills may eventually be formally introduced as committee bills, but they are heard by the committee before introduction for refinement and to avoid some of the technical amending procedures required of introduced bills.

Often a bill is substantially amended in committee, and it becomes a committee substitute. The committee substitute also may be amended into a new committee substitute, either in the same committee or when it is heard by another committee. Consequently, because some bills may be heard by as many as three committees, the final bill heard by the full house may be referred to as "the Committee Substitute for Committee Substitute for Committee Substitute for House/Senate Bill xxx."

Depending upon the author's approach, an article may discuss the legislation either by reference to the bill or to the act. However, the