

Fall 1991

Basic Citation Forms: Florida Constitutional Materials

Follow this and additional works at: <https://ir.law.fsu.edu/lr>



Part of the [Legal Writing and Research Commons](#)

Recommended Citation

Basic Citation Forms: Florida Constitutional Materials, 19 Fla. St. U. L. Rev. (1991) .
<https://ir.law.fsu.edu/lr/vol19/iss2/18>

This Article is brought to you for free and open access by Scholarship Repository. It has been accepted for inclusion in Florida State University Law Review by an authorized editor of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

5.9.4 Quoting Further Internal Subdivisions

While the following is an example of a correct citation, try to avoid quotations consisting of large omissions by using narrative to tie the blocks of material together.

68. Under section 680.1031(1)(g), *Florida Statutes* (Supp. 1990), a finance lease is defined as a lease in which:

1. The lessor does not select, manufacture, or supply the goods; . . . and

3. Either:

a. The lessee receives a copy of the contract evidencing the lessor's purchase of the goods on or before signing the lease contract; . . . or

d. Only if the lease is not a consumer lease, on or before the signing of the lease contract by the lessee the lessor: . . .

III. Advises the lessee in writing to contact the supplier for a description of any such rights.

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, because 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].

69. Ch. 90-40, 1990 Fla. Laws 48.

6.2 PRIORITY

Always cite to the official *Laws of Florida*. If the official *Laws of Florida* are unavailable, cite to West's Florida Session Laws Service.

The basic form is:

Ch. [number], § [number (if applicable)], [year of reporter] Fla. Sess. Law Serv. [page number where session law begins], [(if applicable) page number where section begins] (West) (to be codified at FLA. STAT. § [number]).

70. Ch. 90-50, § 6, 1990 Fla. Sess. Law Serv. 64, 75 (West) (to be codified at FLA. STAT. § 415.504(4)(c)1.g.).

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 Statutes* chapter. Note that before 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.

71. 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, in the chapter laws, the Uniform Trade Secrets Act was divided into ten sections. After becoming a law, it was codified at sections 688.001-.009, *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 88-337, 1988 Florida Laws 1750, created the Family Policy Act. It provided as follows:

Section 13. Section 39.403, *Florida Statutes*, is amended to read:

. . . .

It is “Section thirteen of the Act,” or “Section 39.403, *Florida Statutes*,” but not “Section 39.403 of the Act.”

6.5 SECTIONS OF ACTS

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

72. Ch. 91-75, § 1, 1991 Fla. Laws 459, 459.

6.6 TITLES OF ACTS

The legal title of an act is found in the language directly following the chapter and bill number. It will be in the session laws.

Chapter 91-74, House Bill 1431 is entitled: “An act relating to bias in Florida’s court and justice systems”

6.6.1 In Text

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

Senate Bill 1330 designated part I of chapter 713 as the Construction Lien Law.⁷³

73. Ch. 90-109, 1990 Fla. Laws 307.

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.

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

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.

74. The Uniform Trade Secrets Act, ch. 88-254, §§ 1-10, 1988 Fla. Laws 1377 (codified at FLA. STAT. §§ 688.001-.009 (1989)).

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.

75. Ch. 90-110, 1990 Fla. Laws 334.

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.

76. Ch. 89-114, § 2, 1989 Fla. Laws 307, 310 (codified at FLA. STAT. § 287.133(3)(e)1. (1989)).

77. Ch. 90-109, § 13, 1990 Fla. Laws 307, 326-29.

78. *Id.* § 8, 1990 Fla. Laws 307, 319-22. (amending FLA. STAT. § 713.135(1)(d) (1989)).

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.

79. Ch. 91-74, § 1, 1991 Fla. Laws 455, 455 (amending FLA. STAT. § 43.29 (1989)); *id.* § 4, 1991 Fla. Laws at 456 (to be codified at FLA. STAT. § 760.51); *id.* § 5, 1991 Fla. Laws at 456 (to be codified at FLA. STAT. § 16.57).

80. Ch. 90-50, § 6, 1990 Fla. Sess. Law Serv. 64, 75 (West) (to be codified at FLA. STAT. § 415.504(4)(c)1.g.).

81. *Id.*

82. See ch. 90-109, 1990 Fla. Laws 307.

83. *Id.* § 3, 1990 Fla. Laws at 313 (amending FLA. STAT. § 713.03(1) (1989)).

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.

84. Ch. 91-74, § 10, 1991 Fla. Laws 455, 457 (to be codified at FLA. STAT. § 943.1715).

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.

85. See ch. 88-337, 1988 Fla. Laws 1774 (codified at FLA. STAT. § 415.504(4)(a) (1989)).

86. Ch. 85-55, § 14(g), 1985 Fla. Laws 207, 230 (current version at FLA. STAT. § 163.3202(2)(g) (1989)).

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.

87. Ch. 91-75, § 1, 1991 Fla. Laws 459, 459 (amending FLA. STAT. § 581.192 (1989)).

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.

88. Ch. 91-74, § 3, 1991 Fla. Laws 455, 456 (amending FLA. STAT. § 39.024(2)(b) (Supp. 1990), to be codified at FLA. STAT. § 39.024(2)(c)).

6.9.6 Reenacting Law

If the session law reenacts a previously repealed statute, indicate that fact parenthetically.

89. Ch. 91-187, § 3, 1991 Fla. Laws 1587, 1588 (reenacting FLA. STAT. § 270.22).

7. FLORIDA CONSTITUTIONAL MATERIALS

7.1 IN TEXT

Spell out the terms but not the numbers.

If the Governor dies, article IV, section 3, subsection a of the *Florida Constitution* provides that the Lieutenant Governor shall become Governor.

7.2 IN FOOTNOTES

Use roman numerals for the article number, arabic numerals for the section number (regardless of the form used by the original source), and large and small capital letters for the phrase "Fla. Const."

90. FLA. CONST. art. V, § 3(b)(3).