

# *Guidelines*

FOR DRAFTING LEGISLATION

2014

House Bill Drafting Service  
*Florida House of Representatives*



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# PART I

## TYPES OF LEGISLATION

Discussion under this part relates to the individual types of legislation (bills, resolutions, etc.) by which the will of the Legislature is put into legal effect. The technical form to which such documents must adhere is covered in Part II.

### GENERAL LAWS

A general law is the primary method by which the Legislature creates programs, amends existing law, and implements policies for the governing of the state.

Ordinarily, a "general law" is a law which is intended to have statewide application. But there are many laws which relate to less than the whole state and which are still legally "general laws." The Supreme Court of Florida, in an early case, declared that "Every law is general which includes in its provisions all persons or things of the same genus." McConihe v. State, 17 Fla. 238 (1879). It would really not be facetious to say that the most workable definition of a general bill is any bill that is not a special bill. The latter is more readily subject to a true definition. Moreover, it is never necessary to distinguish between a general law and a special law except for the Florida constitutional requirements relating to the passage of special laws and prohibited special laws. (See discussion under the heading SPECIAL ACTS.)

It is well established that the Legislature may enact a general law on any subject and containing any provision, so long as it is not restricted from doing so by either the Florida or United States Constitution. Some of the restrictions of the Florida Constitution which relate to the form in which laws may be enacted are discussed under Part II.

Sample general bills may be found in Part IV of this manual.

### **May a bill contain more than one subject?**

No. Section 6 of Article III of the Florida Constitution provides in part that:

Every law shall embrace but one subject and matter properly connected therewith....

In determining whether provisions contained in an act are embraced in one subject and matter properly connected therewith, the subject to be considered is the one expressed in the title of the act. When the subject expressed in the title is restricted, only those provisions that are fairly included in such restricted subject and matter properly connected therewith may legally be incorporated in the body of the act, even though additional provisions may be included in an act having a single broader subject expressed in its title. Ex Parte Knight, 41 So. 786 (Fla. 1906).

Conversely, the "one subject" may be quite broad. The test as to a duplicity of subject is whether or not the provisions of the bill are designed to accomplish separate and disassociated objects of legislative effort. Indeed, so



long as the bill embraces a single subject, it may amend any number of sections or even different chapters.

## **What happens if a bill passes with more than one subject?**

Such an act may be challenged in court, and the court may declare the act to be unconstitutional for failure to comply with the Florida Constitution. It is well to remember the historical purpose of the "one-subject" requirement. As stated in Dept. of Education v. Lewis, 416 So.2d 455 (Fla. 1982): "An extensive body of constitutional law teaches that the purpose of Article III, Section 6 is to insure that every proposed enactment is considered with deliberation and on its own merits. A lawmaker must not be placed in the position of having to accept a repugnant provision in order to achieve adoption of a desired one."

"Omnibus" bills, sometimes referred to during the legislative process as "trains" or "packages," often pose problems with respect to adherence to the single-subject requirement of the Constitution. A case which may prove to be at the outer edge is Burch v. State, 558 So.2d 1 (Fla. 1990), in which the Florida Supreme Court by a 4-3 vote upheld Chapter 87-243, Laws of Florida, the "Crime Prevention and Control Act." Despite recognizing that the act may contain "many disparate subtopics," the court, relying on the strong presumption in favor of the constitutionality of statutes, upheld the act, stating that it "is a comprehensive law in which all of its parts are directed toward meeting the crisis of increased crime." The dissenting opinion noted that while the Legislature has wide latitude in the enactment of acts, "an act in violation of the

single-subject provision of the constitution cannot be saved or pass constitutional muster by virtue of the fact that the improvement of the criminal justice system is the general object of the law--it is the subject matter which is our focus." Accordingly, the drafter should proceed with great caution when tempted to combine two or more bills into a package, lest those impacted by the measure be motivated to seek further elucidation from the court.

For a good overview of the single-subject issue, see Franklin v. State 887 So2d.1063 (Fla. 2004).

### **What is a "general law of local application"?**

It is a "general law" which, by its nature, has application only to a portion of the state. Thus, a statute relating to regions of the state or to subjects or to persons or things as a class, based upon proper distinctions and differences that are peculiar or appropriate to the class, is a "general law of local application." Since such a law is not a "local bill," it does not have to be advertised or made subject to a referendum.

Examples of possible bases for classifications would be: all coastal counties, all counties which permit sales of alcoholic beverages by the drink, or all counties having an elected school superintendent. Other examples would include acts which relate to a particular circuit court, a state university, or to the state capitol building. Section 11(b) of Article III of the Florida Constitution provides in part that:

In the enactment of general laws... political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

So long as the subject of the act is reasonably related to the basis of classification, and the basis of classification is not arbitrary, this type of act should meet the constitutional requirements of Section 11(b) of Article III.

### **What is a relief act or “claim bill”?**

In the larger sense, it is an act by which the Legislature seeks to address the complaint of an aggrieved party. But in practice, nearly every relief act or "claim bill" is legislation which compensates a particular person (or persons) for injuries or losses which were occasioned by the negligence or error of a public officer or agency. It is a means by which an injured party may recover damages even though the public officer or agency involved may be immune from attack by an ordinary lawsuit.

Historically, the state was absolutely immune from liability and, therefore, the objective of a claim bill was to satisfy the "moral obligation of the State...." Dickinson v. Board of Public Instruction of Dade County, 217 So.2d 553, 560 (Fla. 1968).

Under the current statutory framework, there are two types of claim bills. There are those bills which seek to recover excess judgments pursuant to the waiver of sovereign immunity, s. 768.28, Florida Statutes. In those cases, there has been a trial, and the verdict rendered is in excess of the limitations on

liability set forth in s. 768.28, Florida Statutes. The second type of claim bill seeks compensation for persons injured by the state who have no other legal remedy available. Pursuant to s. 11.065, Florida Statutes, a claim bill should be filed within 4 years from the date the claim accrued.

A relief act may also be a local bill, and as such is subject to the “advertising” requirements for special acts. Determining whether a claim bill is a general bill or a special act is a critical distinction which turns on the question of who is going to pay the aggrieved party.

Samples of a general relief act and a local relief act which indicate the key differences between each type may be found in Part IV.

Because claim bills require special master hearings, all requests for drafting of claim bills should be submitted to the House Bill Drafting Service as far in advance of the upcoming legislative session as possible. It should be noted that the Senate has observed an August 1 deadline for the filing of claim bills since the 1999 Legislative Session. Accordingly, it is best to check with the staff of the Civil Justice Subcommittee well in advance of the legislative session to determine whether a deadline for submission of claim bills has been established in the House for the upcoming session. For information regarding other procedural requirements with respect to the introduction of claim bills, the Civil Justice Subcommittee produces the Legislative Claim Bill Manual, a comprehensive manual on policies, procedures, and information concerning the introduction and passage of claim bills.

## What are companion bills?

When copies of the same bill are pending in both houses of the Legislature, they are referred to as companion bills. Bills must be substantially worded the same and must be identical as to specific intent and purpose in order to be considered as companions. In theory, if the same bill is introduced in each house, it can be considered in the respective committees of the two houses at the same time and possibly be passed into law at an early date. The rules of each house provide that if such a bill has already passed the other house, it may be substituted on the calendar for its companion and passed directly into law, subject to reading requirements.

**PLEASE NOTE**--When requesting preparation of a bill that is meant to be a companion, do not submit the same request separately to both the House and Senate drafting services. The result will be two separate drafts that, although they may accomplish the same end, are not stylistically "companions." Choose one drafting service to prepare the bill, and give that request's identification number to the other drafting service. When the draft is completed and approved, it can be messaged to the other drafting service, and you will have an actual companion.

## **SPECIAL ACTS**

As a general statement, a special act is any legislative act which meets both of the following criteria:

1. It applies to an area or group which is less than the total area or population of the state; and
2. Its subject matter is such that those to whom it is applicable are entitled to the publication or referendum required by Section 10 of Article III of the Florida Constitution.

Having said this, it should be noted that it is sometimes difficult to determine whether or not a particular legislative proposal comes within the scope of these two criteria.

It is important to distinguish between general laws and local laws because the State Constitution imposes special requirements on local laws and prohibits local laws on specified subjects for which the law should be uniform statewide. A statute relating to subdivisions of the state or to subjects or to persons or things as a class, based upon proper distinctions and differences that inhere in or are peculiar or appropriate to the class, is a 'general law'; while a statute relating to particular subdivisions or portions of the state, or to particular places of classified localities, is a 'local law.' Laws relating to the exercise of state powers and functions are general laws even though they are local in operation or application. For example, laws creating counties or judicial circuits, appropriating state funds, or affecting the proprietary property of the state are general laws. Exceptions to general law which apply only to specified localities are local laws and, even if

included in the Florida Statutes, are subject to the constitutional requirements and proscriptions governing local laws.

The Local Government Affairs Subcommittee publishes and posts on the House website material relating to local legislation and procedural requirements, including the Economic Impact Statement Form, the Local Bill Certification Form, the Local Bill Amendment Form, and the most recent edition of the Local Bill Policies and Procedures Manual.

### **What are the requirements for “advertising” special acts?**

Section 10 of Article III of the Florida Constitution provides in part that:

No special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law.

The exception to this (approval by referendum) is discussed below.

The law which relates to the manner in which such notice is to be published is found in ss. 11.02, 11.021, 11.03, and 11.065(3), Florida Statutes. None of these sections actually describes the form of such notice. However, s. 11.02, Florida Statutes, does state that "Notice of special or local legislation shall state the substance of the contemplated law, as required by s. 10, Art. III of the State Constitution." Publication is required only one time and must occur at least 30 days before introduction of the bill into the Legislature.

It is a common practice to use the title of the proposed bill to "state the substance of the contemplated law." It makes sense that, if the title is sufficient to meet the constitutional requirement relating to titles, it would also suffice to give notice under the constitutional requirement relating to notice. However, it is not necessarily advisable to use the title as the text for the published notice. A broader narrative-type notice often will leave room for amendments after introduction that would otherwise be outside the scope of the original title.

The suggested form of the notice as it would appear in the newspaper is as follows:

#### NOTICE OF LEGISLATION

TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2011 Session of the Florida Legislature for passage of an act relating to Lee County; amending chapter 30931, Laws of Florida, 1955, relating to sales at auction, to except from the licensing requirements persons and firms who have resided or done business in the county for not less than 12 months; providing an effective date.

This example could be stated in a more general manner, thereby allowing flexibility in amending the act after introduction:

#### NOTICE OF LEGISLATION

TO WHOM IT MAY CONCERN: Notice is hereby given of intent to apply to the 2011 Session of the Florida Legislature for passage of an act relating to Lee County; amending chapter 30931, Laws of Florida, 1955, relating



to sales at auction, to except from the provisions thereof specified persons and firms; providing an effective date.

## **What is the proper form for a local bill referendum?**

There is no required form for a referendum section, but it should provide a statement:

1. That the act is to take effect only upon its approval at an election.
2. That those voting shall be qualified electors.
3. Describing when and by whom the referendum shall be held, whether in conjunction with a special election or a primary election, or at the general election.
4. That in the case of a special election, a time is to be set by the county commission, city commission, or a specified and appropriate local governing body.
5. That the approval of a majority of those voting in the election shall be required for the adoption of the act.
6. That the referendum section itself is to take effect upon becoming a law.

The following are suggested forms which, with appropriate modifications, should be sufficient to meet the constitutional requirements for most local bill referendum sections:

### **1. For a special election**

Section \_\_. This act shall take effect only upon its approval by a majority vote of

those qualified electors of (the governmental unit of the area affected) voting in a referendum election to be called by the (appropriate governing body) and to be held on (or prior to) (date), in accordance with the provisions of law relating to elections currently in force, except that this section shall take effect upon becoming a law.

## **2. For a regular election**

Section \_\_. This act shall take effect only upon its approval by a majority vote of those qualified electors of (the governmental unit of the area affected) voting in a referendum to be held by the (appropriate governing body) in conjunction with the next regular primary or general election, in accordance with the provisions of law relating to elections currently in force, except that this section shall take effect upon becoming a law.

## **JOINT RESOLUTIONS**

The joint resolution is the only authorized method by which the Legislature may propose amendments to the Florida Constitution. Section 1 of Article XI of the Florida Constitution provides in part that:

Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature.

The primary difference between a bill and a joint resolution (or any other kind of resolution for that matter) is that a resolution does not require executive approval and cannot be vetoed by the Governor.

The proposed amendment of sections of the Florida Constitution is not covered by the requirement of Section 6 of Article III that the "revised or amended act, section, subsection or paragraph of a subsection" be set out in full. However, the House Bill Drafting Service, following lengthy discussions with members of the revision commission responsible for the 1968 revised Constitution, adopted a policy requiring that the entire section of the Constitution be set forth in a joint resolution, even though amendment to only a portion of the section is being proposed.

Section 101.161, Florida Statutes, requires that the substance of a constitutional amendment proposed by joint resolution "shall be printed in clear and unambiguous language on the ballot," and the wording of the substance of the amendment and the ballot title "shall be embodied in the joint resolution...." The importance of this requirement became glaringly apparent in October 1982 when the Florida Supreme Court ordered that a proposed constitutional amendment be removed from the ballot for failure to meet the requirements of s. 101.161, Florida Statutes. The ballot statement of SJR 1035 (1982) was held to be misleading in that it failed to fully disclose the primary impact of the amendment.

A sample joint resolution proposing an amendment to the Florida Constitution may be found in Part IV.

In addition to proposing amendments to the Florida Constitution, joint resolutions are occasionally used for other special purposes specifically provided for by the Constitution, such as legislative apportionment.

### **How does a constitutional amendment proposed by joint resolution actually become part of the Florida Constitution?**

Section 5(a) of Article XI of the Florida Constitution provides in part that:

A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution...proposing it is filed with the custodian of state records....

If the Legislature desires to place the proposed amendment before the electors prior to the next general election, Section 5(a) further provides that:

...pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it...[may be] submitted at an earlier special election held more than ninety days after such filing.

You will notice that if a special election is desired, a separate bill must be enacted by a three-fourths vote. The House Bill Drafting Service will assist you in the preparation of such a bill, if the need should ever arise.

### **When does a constitutional amendment take effect?**

Section 5(e) of Article XI of the Florida Constitution provides that:

Unless otherwise specifically provided for elsewhere in this constitution, if the proposed amendment or revision is approved by vote of at least sixty percent of the electors voting on the measure, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

If it is desired to have the amendment take effect on an "other date," this may be accomplished in several ways. Since the Constitution requires that the "other date" be "specified in the amendment," the House has followed the practice of accomplishing this by creation of a new section in Article XII, the schedule. (See Sections 16, 18, 19, 20, 21, and 22 of Article XII for examples.) The Florida Senate prefers to include the "other date" in the amendatory phrase of the joint resolution, but such a placement is not technically "in the amendment." It is also permissible to include the "other date" in the text of the amendment itself, but then it will clutter up the Constitution indefinitely. When placed in the schedule, these provisions can be later removed as obsolete by simple adoption of a joint resolution, requiring no vote of the electors, under the provisions of Section 11 of Article XII.

## **SIMPLE RESOLUTIONS**

A simple resolution (formally styled as a "House Resolution" or "Senate Resolution") is used by a single house of the Legislature to address the internal affairs of that body only or to make a formal statement with regard to a particular matter which is of interest to it. The effect of its adoption does not go beyond the bounds and the authority of the single house which acts upon it, and it is not subject to veto by the Governor.

Simple resolutions are commonly used to:

1. Regulate practice, procedure, and conduct of the House.
2. Create special committees.
3. Express an opinion or request to the other house of the Legislature.
4. Recognize the service or achievements of a particular individual or group.
5. Commemorate a special occasion or event.
6. Express sorrow over the death of a member of the Legislature or some other person.

Simple resolutions of the type listed in examples 4, 5, and 6, commonly known as "ceremonial" resolutions, are often composed in advance and then submitted to the House Bill Drafting Service, a practice which the House Bill Drafting Service encourages. Along with any rough draft of the resolution, any necessary background information needed to prepare the resolution and substantiate the facts contained therein should be submitted.

When preparing a draft ceremonial resolution, the requester should be aware that, prior to introduction, the Chair of the Rules, Calendar & Ethics

Committee reviews all House Resolutions for accuracy and appropriateness of content. A ceremonial resolution must be approved by the Chair of the Rules, Calendar & Ethics Committee before introduction. A ceremonial resolution will usually be adopted by publication in full in the House Journal unless an objection is filed in accordance with House Rule. No ceremonial resolution found to be inaccurate or inappropriate by the Chair of the Rules, Calendar & Ethics Committee will be approved. With this in mind, those preparing working drafts of ceremonial resolutions should be careful to avoid any inflated or exaggerated claims or statistics and any statements that are untrue, misleading, or of a partisan political nature, or that could be construed as a business or commercial advertisement.

Any matter commemorating a local achievement, condolences, or recognition should be treated as a Tribute from the individual member rather than a House Resolution. (For more information on Tributes, see the section on TRIBUTES directly following the discussion of Resolutions).

Upon completion of a draft ceremonial resolution by the House Bill Drafting Service, it is the responsibility of the requester to immediately provide a copy of the completed resolution, along with all information and documentation supporting and verifying every factual statement contained in the resolution, to the Rules, Calendar & Ethics Committee to facilitate their review of the resolution. The committee typically requires a week to complete its review. You should not rely on the House Bill Drafting Service to transmit supporting background information to the committee, nor should you place the committee in

the position of needing to retrieve the information from the House Bill Drafting Service. Doing so only results in unnecessary delay of the committee's review and approval process and may possibly prevent your resolution from being heard in the House.

A resolution to be presented to the subject in a ceremony before the House should not exceed 250 words in length. This is so that the entire text of the resolution can be made to fit on a single page suitable for presentation and framing.

An example of a simple resolution may be found in Part IV.

## **HOUSE TRIBUTES**

A tribute is solely an expression of the member requesting it and may not be presented as an expression of the House of Representatives or the Legislature. A tribute commemorates local achievement, condolences, or other recognition and must meet the same criteria as a resolution. At minimum, a tribute should reflect a newsworthy accomplishment or a significant event (e.g., a heroic deed or significant public service, a sports championship, or the passing of a local public servant or other person of local significance). A tribute should not be used for advocacy or condemnation. In addition, a tribute should not be used to declare a day, week, month, or other time period, but may be used to encourage people to participate in the celebration of an otherwise declared holiday or time period (e.g., Bay Celebration Day, Strawberry Harvest Week).

Members may prepare and print tributes on their own on forms provided



by the Clerk's Office or may submit their requests to House Bill Drafting for preparation. Members must send to the Clerk's Office and House Bill Drafting an electronic copy of the final version of each tribute prepared by the district. The text of a tribute should be printed on the provided form and not exceed 1 page.

For tributes submitted to House Bill Drafting, each request should be submitted in Leagis well in advance of the date needed, with a minimum of 10 business days during an interim and 15 business days during a regular session. Background information must be provided to House Bill Drafting. The tribute will be prepared in draft form and released in Leagis for the member's review. The district office is responsible for printing the tribute on the tribute forms provided by the Clerk's Office and mailing the tribute. House Bill Drafting reserves the right to revise any proposed text if the information provided would exceed the text boundaries of the tribute forms provided by the Clerk's Office or is verbose, inappropriate, or substantive rather than commemorative in nature. House Bill Drafting may not prepare more than 10 tributes per member during each year (November through October) of a 2-year term.

Tributes may be produced at any time of the year other than the last 15 days of a regular session or in an election year interim following a regular session, unless the Member is unopposed in his or her bid for reelection.

An example of a House Tribute may be found in Part IV.

## **CONCURRENT RESOLUTIONS**

In the past, concurrent resolutions were generally used to accomplish the same purposes in relation to the entire Legislature that a simple resolution accomplishes for either the House or Senate alone. House Rules limit the use of concurrent resolutions to "questions pertaining to extension of a session, enactment of joint rules, ratification of federal constitutional amendments, communications with the judiciary, actions taken pursuant to federal law not requiring gubernatorial approval, or other exclusively legislative matters." In addition, there are three purposes, specifically mentioned by the Florida Constitution, for which concurrent resolutions may occasionally be used. (See ss. 2 and 3(e), Art. III and s. 20(i), Art. V.)

Either house may initiate a concurrent resolution to be concurred in by the other house. It is not subject to veto by the Governor.

Possible examples of the "other exclusively legislative matters" cited in House Rules might include the following purposes:

1. Creating joint interim legislative committees.
2. Notifying the Governor of the time of adjournment sine die.
3. Approving joint sessions of the houses.
4. Receiving the Governor's message or the message of some other distinguished guest.
5. Requesting the return of a bill from the Governor's desk.
6. Expressing an opinion to, or urge that action be taken by, an officer or agency of another state.

An example of a concurrent resolution may be found in Part IV.

## **MEMORIALS**

A memorial is really nothing more than a "resolution" expressing the opinion of the Legislature to the Federal Government. A memorial is in the nature of a petition requesting action or expressing an opinion or a desire respecting a matter which is within the jurisdiction of the Federal Government. It may be initiated by either the House or the Senate and is adopted by both houses. Perhaps the most common purpose is to urge the Congress to pass a particular piece of federal legislation that is currently pending, but it is also commonly used to urge the Congress to take appropriate action or provide a legislative solution with regard to an issue of national significance. A memorial may also be used to petition the President or a federal agency.

A memorial is not subject to veto by the Governor and upon its passage is sent directly to the specified congressional officials.

There is no such thing as a "one house" memorial. House Rules provide that memorials contain the resolving clause "Be It Resolved by the Legislature of the State of Florida:" which requires passage by both houses of the Legislature.

A sample memorial may be found in Part IV.

## **AMENDMENTS**

Every type of legislation, whether it be a bill, resolution, or memorial, is subject to being amended in subcommittee or committee and on the floor of either house prior to final passage. This is accomplished by a formal procedure through which additions or modifications to the text are proposed and adopted during debate. When adopted, an amendment becomes a part of the proposed legislation the same as if it had appeared in the original text as introduced. Extreme care must be exercised in the preparation of amendments.

Detailed instructions for preparation of amendments and sample amendments may be found in Part V

### **What is a title amendment?**

A title amendment is an amendment to the title of a bill. In legal effect, it is no different from an ordinary amendment to the body of a bill. Its purpose is to conform the description of the bill contained in the title to substantive changes that have been made by amendment to the body of the bill. Though normally a component of a substantive amendment to the text of a bill, a title amendment can sometimes be a separate amendment. This occurs most commonly when a title amendment to a bill has been inadvertently omitted from a substantive amendment or when a defect is discovered in the title to a bill.

### **What is a directory amendment?**

Often an amendment adds or removes statute text from a section of a bill, consequently necessitating a change in the “directory” of the bill. (See the sample bill at the end of this part. The directory is located on lines 8 and 9 of the bill.) Beginning with the 1998 legislative session, House amendments allowed for a “directory amendment” as an optional third component of an amendment. The directory amendment component of a House amendment is located after the text amendment and before the title amendment. Great care should always be taken in preparing any amendment to ascertain whether the amendment necessitates a directory change, since a discrepancy between the directory language of a section of a bill and the statute text it represents can result in the inadvertent repeal of statute material.

As with title amendments, a directory amendment is normally a component of a substantive amendment, but can sometimes be a separate amendment, as in a case when a directory amendment has been mistakenly omitted from a substantive amendment or when a defect is discovered in the directory of a section of a bill.

### **What is a ballot statement amendment?**

At the end of each joint resolution, in accordance with the requirements of s. 101.161, Florida Statutes, is a provision referred to as the ballot statement. The ballot statement is the provision that will appear on the ballot at the election at which the electors will vote on the constitutional amendment proposed by the

joint resolution. The ballot statement consists of two components, the ballot title, a caption by which the measure is commonly referred to or spoken of, and the substance of the amendment, an explanatory statement of the chief purpose of the amendment. When an amendment to a joint resolution adds text to or removes text from the body of the joint resolution that results in a substantive change to the proposed constitutional amendment, the ballot title and summary at the end of the joint resolution must be amended to reflect that change. The ballot statement component of a joint resolution amendment is a means by which changes can be made to the ballot statement at the end of a joint resolution that correspond to changes made by amendment to the text at the front of the joint resolution without having to prepare a lengthy strike-all amendment. The ballot statement component of a House amendment to a joint resolution is located after the text amendment and before the title amendment.

## **COMMITTEE SUBSTITUTE**

A committee substitute is a bill that a House committee or subcommittee has substituted for a House bill that the committee or subcommittee has amended or combined with one or more other House bills in its possession. Under current House rules, a committee or subcommittee may only report a House bill unfavorably, favorably, or favorably with a committee substitute. Therefore, if a committee or subcommittee adopts any amendment to a House bill, the committee or subcommittee must report the bill favorably with committee substitute. In addition, a committee or subcommittee may introduce a committee

substitute that embraces the same general subject matter of one or more bills in the committee's or subcommittee's possession. Upon the reporting of a committee substitute, the original bill or bills are then laid on the table.

In instances in which a committee or subcommittee introduces a committee substitute for an existing committee substitute, the earlier committee substitute is laid on the table upon the adoption of the committee substitute by the later committee or subcommittee of reference.

With respect to a Senate bill, a House committee or subcommittee may report a Senate bill unfavorably, favorably, or favorably with one or more amendments. Due to the fact that only the Senate may file and introduce bills in the Senate, a committee substitute may not be offered to a Senate bill. If a committee or subcommittee wishes to achieve the equivalent of a substitute measure for a Senate bill, it may report the bill favorably with a strike-all amendment that sets forth the proposed new language for the bill and its title.

## PARTS OF A BILL

### TITLE

1 A bill to be entitled  
2 An act relating to state uniform traffic control; amending  
3 s. 316.1895, F.S.; revising requirements relating to  
4 school zone speed limits; providing an effective date.

### ENACTING CLAUSE

5  
6 Be It Enacted by the Legislature of the State of Florida:

### DIRECTORY (LINES 8-9)

7  
8 Section 1. Subsection (5) of section 316.1895, Florida  
9 Statutes, is amended to read:

10 316.1895 Establishment of school speed zones, enforcement;  
11 designation.--

### BODY\*

12 (5) A school zone speed limit may not be more than 20 miles  
13 per hour nor less than 15 miles per hour ~~except by local~~  
14 ~~regulation~~. No school zone speed limit shall be more than 20  
15 miles per hour in an urbanized area, as defined in s. 334.03.  
16 Such speed limit shall be clearly stated on the proper devices  
17 pursuant to Department of Transportation specifications and  
18 requirements and may be in force only during those times 30  
19 minutes before, during, and 30 minutes after the periods of time  
20 when pupils are arriving at a regularly scheduled breakfast  
21 program or a regularly scheduled school session and leaving a  
22 regularly scheduled school session.

### EFFECTIVE DATE

23 Section 2. This act shall take effect October 1, 2009.

### REQUEST NUMBER

Page 1 of 1

billdraft29367.xml

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

***\*Reference to the "body" of a bill is generally understood to mean all material following the enacting clause, including all directory language and the effective date.***



## **PART II**

### **FORM OF LEGISLATION**

Discussion under this part relates to the individual segments of a bill and offers suggestions as to how each of them may be prepared in order to conform to the legal requirements of the Florida Constitution and the rules of the legislative process. For those who are unfamiliar with the format of general bills, a sample general bill is shown on page 26.

### **TITLE OF BILL**

Section 6 of Article III of the Florida Constitution provides in part that:

Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title [emphasis supplied].

The title, required by the Florida Constitution, is that portion of the bill which serves the purpose of expressing the subject of the bill. A properly prepared title is essential to the validity of the law to be enacted. The title should briefly express the subject of the proposed legislation so that the mere reading of it will indicate the nature of the details which are embodied in the act.

It is not necessary to set forth all the details and provisions of a bill in the title, and a general title is often preferable since it facilitates possible future

amendment of the bill. However, the title must give notice sufficient to reasonably lead an interested person to inquire as to the contents of the bill.

### **What happens if a bill passes with an insufficient title?**

An act is defective to the extent that its scope is broader than the subject of its title. See: Rouleau v. Avrach, 233 So.2d 1 (Fla. 1970). Such an act may be challenged in court, and the court may declare the act to be unconstitutional for failure to comply with Section 6 of Article III of the Florida Constitution. However, such a challenge must be made during the time between the passage of the act and the official adoption of the Florida Statutes, which reenacts as a revision all general acts and cures the imperfections in their titles. See Belcher Oil Co. v. Dade County, 271 So.2d 118 (Fla. 1972).

Two further points are worth noting:

1. This general proposition is not applicable to special acts, which are not reenacted like general laws with each succeeding adoption of the Florida Statutes. See: Rubin v. Sanford, 218 So.2d 177 (Fla. 3d DCA 1969).

2. An imperfect title may be corrected by adoption of the act in the Florida Statutes, even though the act has been adjudicated as inoperative for failure to have a sufficient title. However, in such a case, the act will be operative only from the time of the adoption of the Florida Statutes and not from the date of the original enactment of the bill. See: State ex rel. Badgett v. Lee, 22 So.2d 804

(Fla. 1945), and Thompson v. Intercounty Tel. & Tel. Co., 62 So.2d 16 (Fla. 1952).

### **Must the title to a resolution comply with the same rules?**

No. The title requirements of the Florida Constitution do not relate to the titles of joint resolutions, concurrent resolutions, simple resolutions, or memorials. These pieces of legislation are not "laws" within the meaning of the constitutional requirement. See: Gray v. Winthrop, 156 So. 270 (Fla. 1934).

### **Are there any particular types of provisions in an act for which notice must or should be given in the title?**

Yes. Over the years, a number of acts have been challenged in court for failure to comply with the requirement contained in Section 6 of Article III of the Florida Constitution that the subject of an act be briefly expressed in the title. This case-by-case interpretation of the requirement has necessarily led to the accumulation of a seemingly unrelated list of items the courts have deemed to be too important to be excluded from notice in the title. Given the fact that the courts have repeatedly stated that the title need only disclose the subject and not the object of the act or the matters related to the subject, some of these provisions may seem hard to justify. Nonetheless, review of available case law indicates that the cautious drafter should disclose the existence of the following types of provisions in the title:

1. Any unusual definition; i.e., one that differs from the common meaning of a term.

2. A fee, tax, or assessment.

3. A bond issue.

4. A grant of eminent domain power.

5. A grant of rulemaking authority

6. An award of attorney's fees.

7. Per diem and travel expenses.

8. A penalty or forfeiture. This includes notice of a penalty enhancement such as a new reference to s. 775.084, Florida Statutes, and notice of general penalty provisions which apply to the act but which are not included within it.

9. An appropriation.

10. The general subject of a repealed section and any provision restricting the effect of a repeal.

11. A retroactive effect.

12. A future repeal.

13. A referendum.

14. An effective date.

Please keep in mind that this list is not exclusive. It would seem wise, for example, to include notice of an exception included in the act which might have a similar effect to that caused by an unusual definition.

**Should a statement of sections to be repealed be included in the title?**

Yes. If the sole purpose of a bill is to repeal a present statutory provision, a statement of the subject would be required to comply with Section 6 of Article III of the Florida Constitution. If a bill amends present statutory provisions or adds new provisions, and also provides for the repeal of specific provisions, notice of intention to repeal such provisions should also be included in the title, although failure to do so would probably not be a fatal defect except in a case where the statutes to be repealed are not in conflict with the subject matter of the bill.

**Is it necessary that the title disclose in detail all of the provisions contained in the body of the bill?**

No. The title need not be an index to the contents of the act. It is not necessary that it delineate in detail the substance of the body of the bill. See: Rouleau v. Avrach, 233 So.2d 1 (Fla. 1970). The primary purpose of the constitutional requirement is to avoid surprise or fraud by fairly apprising the Legislature and the public of the subject of the legislation being enacted. The Legislature is allowed a wide latitude in the enactment of laws, and the courts will strike down a title only when there is a plain case of violating or ignoring the constitutional requirement. See: Farabee v. Board of Trustees, Lee County Law Library, 254 So.2d 1 (Fla. 1971). It is the practice of the House Bill Drafting Service to prepare "general" titles in the case of bills which create new programs

or adopt additional provisions, and, in the case of bills which propose to amend the Florida Statutes, to include a brief phrase with respect to each amendatory section of the bill. Admittedly, this procedure may be overly cautious. The Florida Supreme Court has stated that if amendatory provisions are germane to the general subject of an amended act, it is not necessary that the particulars of such amendatory provisions be referred to in the title. It may be presumed from the very fact of amendment that the old law will be changed in some respect; otherwise, there would be no occasion for an amendment at all.

### **What if a bill does less than the title indicates?**

Occasionally, an amendment to a bill deletes certain provisions and mention of these provisions is inadvertently left in the title. The question arises as to whether the title is defective. This is a subject that most commonly arises with respect to the title (or more likely the "advertisement") of a local bill. In the case of a general bill, it is probably safe to say that there is little risk in enacting a general bill which does less than is indicated in the title, so long as the title surplusage is of a relatively insignificant nature. On the other hand, if a bill contains less than the title indicates, it will be held to be defective if, in the opinion of the court, the title is so misleading as to motivate passage on the basis of features which are not, in fact, in the bill.

## **THE ENACTING CLAUSE**

Section 6 of Article III of the Florida Constitution provides in part that:

The enacting clause of every law shall read:

"Be It Enacted by the Legislature of the State of Florida:".

The prescribed enacting clause is a prime essential to the validity of a law.

Resolutions and memorials utilize a "resolving clause" rather than an "enacting clause." A blank numbered line must be left above and below the enacting or resolving clause. (See the sample bills and resolutions in Part IV.)

## **BODY OF THE BILL**

Section 6 of Article III of the Florida Constitution provides in part that:

No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection.

This requirement applies only to amendatory acts, not to bills which seek to establish new programs or additional provisions without reference to the present law. The full meaning of the requirement can be discovered only by a reading of the court cases which have interpreted it. Briefly, it requires that when an amendment is made to present text, the entire text of the portion being amended must be set forth. Often this means that only a single paragraph need

be shown. But if the amendment is to a paragraph or subsection that does not make sense standing alone, the remainder of the subsection or section should be set forth in the bill. In addition, introductory language which precedes a group of subsections or paragraphs or "flush left" material which follows them should be shown whenever any of the subsections or paragraphs is amended. Amendment of the introductory material itself nearly always requires that the following subdivisions be set forth, even though none of them is being amended. The courts will generally hold that the requirement to "set out in full" is satisfied if the statutory enactment is complete and intelligible in itself without the necessity of referring to the Florida Statutes in order to ascertain the meaning of the amendment. However, if the amendatory enactment is not a complete, coherent, and intelligible act, or if it necessitates separate research and analysis of the statute which is being amended, it does not meet the requirements of Section 6 of Article III.

### **What is the proper format for the body of a bill?**

The body of a bill is divided into numbered sections. A bill may contain any number of sections and provisions so long as they are all germane to the single subject expressed in the title. Whenever any question arises as to whether a bill embraces two totally different subjects, it is better to draft separate bills than to include provisions of questionable relationship under a single title.



The body of a bill which does not seek to amend the present law is usually divided into sections and subsections of convenient length.

The body of a bill which does seek to amend the present law contains one or more sections which are made up of two principal parts. The first is the "directory language," an example of which is:

Section 1. Section 823.02, Florida Statutes, is amended to read:

The second part is the text of the section concerned, with the proposed changes indicated by "coding," an example of which is:

823.02 Building bonfires.--Whoever is concerned in causing or making a bonfire within 20 ~~ten~~ rods of any house, or building, or public highway commits ~~shall be guilty of a~~ misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

### **What is the significance of the “directory language”?**

A clear and accurate directory is essential to each amendatory section of a bill. For a complete discussion of the procedures to be used in composing correct directory statements, see the patterns for directories under AMENDING FLORIDA STATUTES in Part III.

## **What is the proper way to use the underlining and striking through with hyphens?**

The Rules of the two houses require that general bills and joint resolutions which propose to amend existing provisions of the Florida Statutes or the Florida Constitution show the new words to be inserted in the text "underlined" and the words to be deleted "lined through with hyphens." This procedure is commonly referred to as "coding."

In the event the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it is not necessary to use the coded indicators of words added or deleted; in lieu thereof, a notation similar to the following must be inserted following the "directory" and immediately preceding the affected section of the statutes:

(Substantial rewording of section. See s. ...., F.S., for present text.)

When such a notation is used, it is underlined.

Although not strictly required by the Rule, it is the practice of the House Bill Drafting Service to use the coded indicators in two other instances. One is when preparing a bill which proposes to amend a general law found in the *Laws of Florida* (session laws) which has not been published in the Florida Statutes. The other is to indicate proposed changes in the section heading of a statute.

It is the practice of the House Bill Drafting Service to use coding in local bills.

## **Does underlined text come before or after stricken text?**

Ordinarily, the underlined text should come before the stricken text. There is no rule on the subject, but it has long been the practice of both houses to observe this arrangement. The result is that the reader has the benefit of seeing the proposed new language first and can then decide whether to read the stricken language or skip over it. If the stricken language comes first, this option is less attractive, and the reader's train of thought may be broken by skipping ahead while mentally connecting the present language and the proposed new text. However, there are occasions when the reverse order is preferred.

## **What language should be underlined?**

Beginning in January 1986, the House adopted a policy calling for the underlining of "all new language." In short, any language which is not current statutory language is to be underlined. This includes:

- All language added to a section of the statutes or the Florida Constitution, and all new sections added to the statutes or constitution.
- All other created text, even though not assigned a specific statute number.
- The "Substantial rewording..." clause, and all text that follows such a clause, except that if only a subdivision is being substantially reworded, the existing catchline and introductory material are not underlined.

-- All nonstatute text of the type commonly found near the end of a bill, such as sections that simply renumber statute sections, repeal and “review and repeal” sections, appropriation sections, and severability clauses.

The following are not underlined:

- The section number of a bill (e.g., “Section 1.”).
- The effective date.
- Court cases cited in “Whereas” clauses.
- Bills setting a date for a special election for a constitutional amendment.

## **What is the significance of section headings?**

A section heading is commonly called a "catchline." This is the descriptive phrase that follows the Florida Statutes section number and precedes the actual substance of the section. The catchline is inserted in the published statute by the Division of Statutory Revision editorial staff, but may also be furnished by the legislative drafter in advance. This section heading or catchline serves a useful purpose in assisting a person to find a particular section quickly. Technically, such a heading, when furnished by the editorial staff, is not a part of the law, but is more in the nature of an editorial aid or device. If furnished by the Legislature, it may be considered by the courts as an aid to interpretation of the section. Its usefulness depends on its accuracy; therefore, when a statute section is amended, its catchline should be amended to conform, if necessary, and when the drafter chooses to supply a catchline for a new section, it should

be chosen with care. It is neither necessary nor desirable that the catchline attempt to summarize the content of the section itself.

### **What if the section being amended or repealed contains a reference to another section or is itself referred to elsewhere in Florida Statutes?**

It is often the case that a bill will seek to amend a section of the statutes which contains a cross-reference to another statute section, or to amend or repeal a section that is referred to elsewhere in the statutes. The drafter should always consider the impact of such an amendment or repeal on existing cross-references. Fortunately, any hidden references to a section which is being amended or repealed can be discovered through use of the *Search & Browse* computer program available on the Legislative Intranet.

## **REPEALS**

Section 6 of Article XII of the Florida Constitution provides in part that:

All laws . . . shall remain in force until they expire by their terms or are repealed.

Some bills consist of nothing more than a statement which repeals present law. In drafting bills which contain amended or created text, it is sometimes necessary to also repeal existing statutes. The drafter must be particularly careful not to overlook current law which, if left on the books, would be in direct

conflict with the new law. Do not create new provisions and then rely on repeal by implication. A repealing section should be set forth which makes specific reference to the conflicting or superseded statutes. This serves to prevent much confusion and difficulty later in interpreting and applying the new law. (As to the technique of drafting specific repeal language, see the discussion on page 66.)

### **Does the repealed language have to be set forth in the bill?**

When repealing a section of the statutes in its entirety, it is not necessary to set forth the text of the section and hyphen through it. Cite the section to be repealed, indicating that it is repealed, as in the following example:

Section 28. Section 198.0919, Florida Statutes, is repealed.

Since no text is set forth to indicate the substance of what is being repealed, an accurate title provision must be included in the title of the bill to give the reader sufficient notice of the effect of the repeal.

With respect to instances in which there is a desire to repeal a subdivision of a section (subsection, paragraph, etc.), it is recommended that such subdivision be set forth in the bill, hyphenated, and characterized as "amended" rather than "repealed."

## What about using a “general repealer” clause?

A provision sometimes found in older bills is the so-called "general repealer" which goes something like this: "All laws in conflict with this act are hereby repealed." Sutherland's Statutory Construction makes the following comment about a general repealer clause:

An express general repealing clause to the effect that all inconsistent enactments are repealed, is in legal contemplation a nullity.

We strongly recommend that the general repealer not be used since it adds nothing to good drafting technique and may cause confusion.

## THE EFFECTIVE DATE

Section 9 of Article III of the Florida Constitution provides in part that:

Each law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted or as otherwise provided therein.

An effective date section is not necessary to a properly prepared bill. Indeed, a reading of the constitutional provision implies that to "otherwise provide" an effective date different from the sixtieth day after adjournment is an exceptional case. To the contrary, however, it has become customary over the years to include an effective date in almost every bill. This may be due to the

fact that it is considered desirable to give advance notice that a new law is to take effect on a particular date.

It is generally desirable to defer the effective date of an act to a date some months subsequent to its enactment unless there are compelling reasons for an earlier or immediate effective date. If the effective date is too soon after passage of the bill, it will occur prior to the publication and distribution of the act and may result in confusion.

The House Bill Drafting Service does not observe any "standard" effective dates, though in the past October 1 and July 1 have been considered standard and continue to be the most often used effective dates. If in doubt about setting a specific effective date in a draft, it is advised that you consult the House Bill Drafting Service.

There are certain types of bills for which the choice of an effective date should be given special consideration:

**1. Ad valorem taxes** – Bills dealing with assessment of ad valorem taxes usually take effect January 1.

**2. Appropriations** – Bills which contain an appropriation or other fiscal impact, and bills affecting taxes other than ad valorem taxes, should ordinarily take effect at the beginning of the fiscal year, July 1. (Note that the fiscal year of most local governments begins October 1.)

**3. Crimes** – Bills which create new criminal offenses or which increase the penalties for existing offenses should ordinarily be delayed long enough for



the general public to have the printed text of the law readily available and for law enforcement agencies to prepare for enforcement.

**4. Education** – Bills which relate to the public school system, state university system, or community college system should have effective dates which allow for timely coordination with the dates of the respective school years. Often a July 1 effective date is appropriate.

**5. Elections laws and laws affecting voting rights** – Timing is of importance in bills affecting the elections process. Caution should be exercised, particularly with respect to bills taking effect in even-numbered years, to ensure that the effective date chosen is not one which interferes with the elections process. In addition, bills which change voting or elections procedures or which otherwise affect voting rights must, under federal law, be submitted to the Justice Department for preclearance before they may be legally enforced. Because of time considerations involved in completing the elections process, it is suggested by the staff of the Attorney General's Office that such bills be given an effective date of January 1 of the following year, or later.

**6. Regulatory or other state agencies** – Bills which relate to the operation of state agencies or require agencies to implement new regulatory programs or requirements should be delayed long enough for the agency to develop and implement administrative procedures.

**7. Remedial acts** – Bills to correct errors or oversights in existing law should, in nearly all cases, take effect upon becoming a law.

## **What is the difference between “taking effect” and “becoming a law”?**

This is often a confusing distinction, but it is an important one. Section 8 of Article III of the Florida Constitution provides in part that:

Every bill passed by the legislature shall be presented to the governor for approval and shall become a law if the governor approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, the governor shall have fifteen consecutive days from the date of presentation to act on the bill.

This section tells us that the Governor determines when (and even "if") an act is going to "become a law."

The Legislature, however, usually determines when that "law" shall "take effect"; that is, when it will actually begin to operate, as expressed in the effective date. It is possible for these two events to occur on the same date, which leads us to our next question.

## **How can a bill be made to take effect at the earliest possible moment?**

The effective date of a bill may provide that it shall become operative, or "take effect," at the same time that the Governor permits it to "become a law." Thus, the use of the phrase "This act shall take effect upon becoming a law" will

result in the bill taking effect as soon as possible after its passage. It is not necessary to use the phrase "immediately upon becoming a law."

### **May separate provisions of an act take effect at different times?**

Yes. The effective date may stipulate that certain sections of the act, or, in a proper case, specified provisions or applications of the act, shall take effect at one point in time, and that the remainder shall take effect at a different time. This is occasionally useful when it is desired that a certain requirement or regulation not be in force until a future date, but that the remainder of the bill take effect at a standard time.

The House Bill Drafting Service strongly recommends that a special effective date, applicable to a single section, be placed in directory language which introduces the section to which it relates, rather than in the general effective date at the end of the bill. Such a procedure avoids complications and potential errors which may otherwise result when bills are amended to add, delete, or reorder sections.

The form for such a directory would look like this:

Section 1. Effective January 1, 2011,  
section 11.242, Florida Statutes, is amended to  
read:

The form for the effective date at the end of such a bill should be:

Section \_\_. Except as otherwise  
expressly provided in this act, this act shall  
take effect October 1, 2011.

The form for the corresponding title provision is “providing effective dates.”

### **What happens if an act fails to become a law until after the effective date provided in it?**

This is most apt to happen if the bill specifies an effective date which falls soon after the adjournment of the session. If a bill which provides an effective date of July 1 passes the Legislature on, for example, June 7, it may be several days before the officers of each house sign the bill and present it to the Governor. Assuming that this were to occur on June 17, the Governor would then have 15 days to consider whether or not to veto it. If, in this example, the Governor allows the bill to become a law without signing it, this would occur on July 2, at a time after the effective date provided in the act had already passed.

It has been ruled by the Attorney General that if, by its terms, the effective date does not contemplate this situation, and the specified date passes before the act becomes a law, the effective date must be totally disregarded and the act read as though the effective date provision were not in it. (See: Attorney General's Opinion, 067-49 (1967).)

The likelihood of this happening has been diminished since the convening of the regular legislative session has been moved to March.

## MISCELLANEOUS PROVISIONS

There are a number of "stock" clauses which, although not essential or even common to all bills, are used often enough to merit discussion here.

**"Whereas" clauses** – Occasionally, it is desirable to recite reasons for the enactment of legislation on the face of the bill itself. Such material usually takes the form of one or more "whereas" clauses which are placed at the beginning of the bill following the title and preceding the enacting clause.

Such clauses do not become part of the official law and are considered as explanatory or clarifying matter only--a sort of built-in committee presentation. They may, however, be considered by the courts in construing legislative intent. The House Bill Drafting Service strongly recommends that legislative "findings and intent" provisions be written as "whereas" clauses. Doing so greatly decreases the possibility of future challenge of the law in the courts and subsequent litigation.

Most bills do not have "whereas" clauses. They should be included only when there is a compelling reason to do so. (See the sample resolution on page 102.)

**Severability clause** – Rarely, if ever, is a severability clause necessary. In 1969, the Florida Supreme Court stated that the absence of a severability clause in a statute does not prevent the court from exercising its inherent power to preserve the constitutionality of an act by the elimination of invalid clauses. Conversely, it has been indicated that the presence of a severability clause will

not prevent the court from throwing out the whole act if, in its opinion, to preserve a remainder would produce an unreasonable, unconstitutional, or absurd result.

When used, severability clauses are often observed to be quite lengthy and awkward. For those who insist on using a severability clause, the following short version would probably be as good as any:

Section \_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

**Penalty section** – Chapter 775, Florida Statutes, provides a classified system of uniform penalties under which the penalties for nearly all felonies and misdemeanors are designated by "degree." The penalties for the specific degrees are set forth in ss. 775.082 (imprisonment), 775.083 (fines), and 775.084 (habitual felony offenders), Florida Statutes.

The general misdemeanor penalty is expressed as follows:

Section \_\_. A person who violates any provision of this section commits a misdemeanor of the [second] degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

Similarly, the general felony penalty is:

Section \_\_. ... commits a felony of the [first] degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

Occasionally, it may be desired to impose a fine in an amount greatly different from that provided in the general penalty provision. For example, the state may wish to punish a polluter with only 60 days in the county jail, but by a fine of \$5,000. In such a case, the penalty could read:

Section \_\_. ... commits a misdemeanor of the second degree, punishable as provided in s. 775.082, Florida Statutes, or by fine not exceeding \$5,000, or both.

We recommend resistance to variations from uniformity, but if a request embodying a felony penalty, for example, states specifically that no fine for the offense is desired, the language may be expressed:

Section \_\_. ... commits a felony of the [first] degree, punishable as provided in s. 775.082 or s. 775.084, Florida Statutes.

**Appropriation section** – Language making an appropriation should always include four essential elements: how much, from where, to whom, and for what. An example:

Section \_\_. There is hereby appropriated for the 2011-2012 fiscal year from the General Revenue Fund to the Department of Transportation the sum of \$1,250,000 for the purpose of carrying out the provisions of this act.

Sometimes, the amount required is not known at the time of drafting. Since all bills which make appropriations are referred to an appropriations subcommittee for study and possible amendment, it is acceptable to leave the decision to the subcommittee by using the following form:

Section \_\_. There is appropriated for the 2011-2012 fiscal year from the General Revenue Fund to the Department of Transportation an amount sufficient to carry out the purposes of this act.

If the subcommittee approves the bill, it will be amended to provide the specific dollar amount.

**Short title** – The use of short title allows a simplified form of reference to "this act" and is appropriate when an act creates a complete new program or otherwise addresses a subject in a comprehensive way. It would not ordinarily be appropriate in a bill that addresses disconnected aspects of a subject or in a bill that both creates new statute text and amends existing text. Examples:

Section 1. This act may be cited as the  
" \_\_\_\_\_ Act."

Section 1. Sections 2 – 17 of this act  
may be cited as the " \_\_\_\_\_ Act."

The catchline for a section that creates a short title should read:

888.999 Short title.--

The title proviso should read:

providing a short title;

## **BILLS WITH SPECIAL REQUIREMENTS**



In preparing working drafts for submission to the House Bill Drafting Service, one should keep in mind that there are two types of general bills which have specific requirements uncommon to other bills. These are bills relating to trust funds and bills proposing an exemption from public records or meeting requirements.

**Trust fund bills** – In 1992, the electors of the State of Florida voted to adopt Section 19 of Article III of the Florida Constitution, which relates to the state budgeting, planning, and appropriations processes and which, among other requirements, applies restrictions on the creation of new trust funds, the continuation of existing trust funds, and the duration of all trust funds not specifically exempted from that duration restriction. Bills relating to trust funds are governed by such provisions as follows:

Section 19(f)(1) of Article III of the Florida Constitution specifies that a trust fund may only be created or re-created in a separate bill, which must be limited to that purpose only and must pass by a three-fifths vote of the membership of each house of the Legislature. Section 215.3207, Florida Statutes, establishes criteria, based on the constitutional requirements, for the contents of a bill creating a trust fund. This means that if you have a bill that creates a new program or modifies an existing program and you want to fund it through a new trust fund rather than an existing trust fund, you are required to have two bills to do so--one for the creation or modification of the program and another for the creation of the trust fund itself.

Section 19(f)(2) of Article III of the Florida Constitution requires that state trust funds shall terminate not more than 4 years after the effective date of the act authorizing the initial creation of the trust fund. Sections 215.3206 and 215.3208, Florida Statutes, provide criteria and the schedule for the review of existing trust funds.

Section 19(f)(3) of Article III of the Florida Constitution provides that certain trust funds are exempt from the termination requirements of Section 19(f)(2) of Article III of the Florida Constitution.

Bills that create, re-create, or terminate trust funds or that declare trust funds exempt from termination follow specific patterns established by the House Bill Drafting Service in conjunction with the House appropriations subcommittees. Examples of each may be found in the *Trust Fund Manual*, prepared by the House appropriations staff in the fall of 1994, or, for examples from the most recent legislative session, in the most recent *Laws of Florida*. Because these patterns have evolved since 1994, it is best to check with the House Bill Drafting Service for the latest versions.

**Public records and public meetings exemptions** – Section 24 of Article I of the Florida Constitution provides that every person has the right to inspect or copy a public record, and that all meetings of collegial public bodies be open to the public. It also authorizes the Legislature to enact exemptions to these requirements upon passage by a two-thirds vote of each house of the Legislature and imposes restrictions on such exemptions. Sections 119.07 and 286.011, Florida Statutes, also address public records and public meeting requirements.

In addition, s. 119.15, Florida Statutes, the "Open Government Sunset Review Act of 1995," sets forth restrictions on enactment of such exemptions. Taken together, these provisions require that a bill proposing an exemption from public records or public meeting requirements must:

1. Be a SEPARATE GENERAL bill.
2. Be no broader than necessary to accomplish the stated purpose.
3. Include a specific statement of the public necessity justifying the exemption.
4. Include a statement that the exemption is repealed on October 2 of the fifth year after enactment and must be reviewed by the Legislature before the scheduled repeal date.

It is essential to comply with these constitutional and statutory requirements when drafting a bill that creates an exemption.

Often a new public records or public meeting exemption is included within a request for a longer substantive bill, for example, one creating a new regulatory program. Such an exemption would only need to take effect if the program itself takes effect, but the exemption must be drafted as a separate bill, with the substantive bill and the exemption bill linked together with contingent effective dates.

Following are patterns for the creation of a new public records or public meetings exemption:

**Public records**

[Specify clearly the records affected] are [confidential and] exempt from s. 119.07(1)

and s. 24(a), Art. I of the State Constitution.

In a separate section of the bill, or a separate subdivision of the text in which the exemption is created, set forth the “review and repeal” language:

[Section, subsection, paragraph, etc.] is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 20 , unless reviewed and saved from repeal through reenactment by the Legislature.

### **Public meetings**

[Specify clearly the portion of the meeting that is affected] is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

In a separate section of the bill, or a separate subdivision of the text in which the exemption is created, set forth the “review and repeal” language:

[Section, subsection, paragraph, etc.] is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 20 , unless reviewed and saved from repeal through reenactment by the Legislature.

Always create a new exemption in a discrete statutory unit, such as a new section, subsection, paragraph, or subparagraph. This is necessary because s. 119.15, Florida Statutes, requires that the exemption be reviewed by the Legislature after 5 years and either repealed or reenacted, and it is important to

be able to identify the exemption in a statutory unit that can be easily reviewed and reenacted or repealed.

When submitting a drafting request for a public records or public meetings exemption bill, it is essential that you include a statement of public necessity with the request. Logic would dictate that the proponent of a new public records or public meetings exemption is in the best position to supply the justification for a new exemption. Though House Bill Drafting will draft a public necessity statement when supplied with the information needed to do so, House Bill Drafting should not be put in the position of conceiving a rationale for a new public records exemption. Failure to include a public necessity statement or the information necessary to draft the statement will only delay the completion of such a drafting request.

Draft the public necessity statement with great care. "Identifiable public purposes" that can justify an exemption are listed in s. 119.15(6)(b), Florida Statutes, and can be used as the basis for such a statement. Make certain that the public necessity statement is narrowly tailored to the exemption that is being proposed. Public necessity statements in bills of similar subject matter that were introduced in previous sessions can often provide direction when preparing a public necessity statement for a newly proposed exemption.

For more detailed information regarding these exemptions, contact the staff of the Government Operations Subcommittee or the House Bill Drafting Service.

## **PART III**

### **PREPARING LEGISLATION**

Discussion under this part relates to the basic mechanics of preparing legislation. Included in the part are questions for preliminary consideration; general and specific drafting suggestions; request submission instructions; guidelines on amending and creating provisions of the Florida Statutes, including sample directories and title citations; and style and usage guidelines, which should be sufficient to prepare most legislation. Use of the basic quality control and final checklists on pages 68 and 96 is especially recommended

## **DRAFTING**

### **PRELIMINARY CONSIDERATIONS**

Unlike a press release, a political campaign speech, or directions on how to assemble metal shelving, the language chosen to express the intent of the Legislature must be free of ambiguity.

In a sense, the drafter should think of himself or herself as in an adversarial position with those attorneys, somewhere in the future, who may try to twist his or her words and arrive at an interpretation quite different from that which was intended by the drafter and the sponsor. Extreme care should be taken to design a package of words which expresses the desired intent, or which will produce the desired result.

The following is a brief checklist of matters which should be considered when preparing to draft almost any bill, regardless of its subject:

**What precisely is the object of the proposal?**

Be sure you understand exactly what is intended. If you don't, there is little likelihood that you will express the idea in technically sufficient language. The legislator may not have a clear idea of the most appropriate method to achieve the desired result. It is never the drafter's place to support or oppose an idea presented to him or her for preparation. But it is the drafter's obligation to ask the requester those questions which will help to crystallize the proposal in such a way that it may be reduced to precise expression.

**What does existing law presently provide?**

Occasionally, it is found that an existing statute already covers a subject adequately. More common is the bill which is drawn and passed in ignorance of existing law. When this happens, and the bill becomes law in the context of previously undiscovered provisions or court decisions, the result may be so different from that envisioned by the author as to be disconcerting. Therefore, existing law must be checked prior to the drafting of a bill, not only to determine if a minor amendment may suffice, but primarily to ensure that the contemplated enactment will not be in conflict with provisions of law previously enacted. This process has been greatly facilitated by the ability to search the current law for specific words, phrases, and citations via computer.

### **Is the proposal constitutional?**

Many brilliant suggestions are found, upon examination, to have the single fault of unconstitutionality. The Florida Constitution, unlike the United States Constitution, is not a grant of power. Rather, it is a collection of provisions which restrict the Legislature from fully exercising its discretion. Needless to say, if a bill is prepared without consideration of a pertinent constitutional restriction, the result may be problematic and embarrassing.

### **What is the proper approach?**

Try to begin a rough draft with a definite plan for organizing and arranging the proposed content of the bill. The drafter should critically examine the approach that he or she has chosen and be satisfied that it meets the tests of clarity and legality.

## **GENERAL SUGGESTIONS**

### **Look to work already done**

Few legislative proposals are completely new. Most of them amend, replace, or supplement existing statutes on a subject. If the proposal embraces a substantially new concept, often a model or prior pattern can be found in the statutes of other states, federal acts, unenacted proposals of previous sessions, or in publications such as *Suggested State Legislation*.



### **Avoid "technician's verbosity"**

"Technician's verbosity" is an affliction commonly found among lawyers, university professors, and, alas, bill drafters. It is characterized by the compulsion to "never use one word where two will do." This tendency not only results in much unnecessary typing, proofreading, printing, and bulk in the laws of the nation, but also increases the chances for ambiguity.

One of the most important considerations in the drafting of any legislative document is that its language should be simple and direct. The objective of otherwise fine legislation is often obscured by the use of doubtful language in the drafting process. Simplicity of phrase and directness of approach are always to be preferred. The clarity provided by simple language will help to ensure an understanding of proposed legislation by members of subcommittees or committees and the public. Short, simple sentences are easier to read and understand than are long, complex sentences. However, as useful as the principle of brevity is in legislative drafting, clarity should not be sacrificed simply for the sake of brevity.

### **Be consistent**

Clarity will be greatly aided by consistency. Use the same word or phrase throughout the bill to express the same thought or meaning. Avoid the use of synonyms. If two different words which ordinarily mean the same thing are used in the same bill, a court would be inclined to suspect that a distinction in their meanings was intended.

**Choose terminology with care**

Be careful not to use terms in ignorance of their established legal meanings. There are two pitfalls in particular to avoid: (a) court decisions may have interpreted certain words or phrases to mean something other than what you would ordinarily imagine, and (b) a section of the statutes which you intend to amend may contain a word which an earlier section of the same chapter defines in an unusual way.

**Prepare the title last**

Although the title appears at the head of all bills and resolutions, it is best to leave its preparation until the body of the bill has been completed. To prepare the title first is to speculate as to all the details the final product will contain. Occasionally, this can be done without risk. But the better practice is to construct the title using the directories and provisions of the completed draft as a guide.

## **SPECIFIC SUGGESTIONS**

### **Definitions**

The drafter should restrain himself or herself from providing definitions. In the first place, certain words and terms of frequent occurrence are defined in s. 1.01, Florida Statutes. If a word is to be used in the same sense as defined in that section, it is ordinarily unnecessary to define it again in your bill. In the second place, your bill may be adding text to a chapter which already contains the definitions that you need. There is also a danger of making new or special definitions either too broad or too narrow. However, if the Legislature chooses to define the language it uses in a bill, its definition is binding on the courts even though the definition does not coincide with the ordinary meaning of the word or term used.

It is often better to leave words and terms to be construed and interpreted according to their usual dictionary definitions or general legal usage unless the use of technical terms is required because of the subject matter of the bill. It is helpful, of course, and considered good drafting practice, to define technical words and terms having no popular meaning in commonly understood language.

Definitions may also be used to limit or extend the meaning of a word, to give an exact meaning to a word that has several dictionary meanings, to avoid repeating a particular phrase or the full title of an officer or agency, or to give an

exact meaning to a word that is used in a sense other than its dictionary meaning.

**NEVER WRITE SUBSTANTIVE LAW INTO A DEFINITION.** If you do, the result can be a substantive statutory provision which is very difficult to locate. An example of this poor drafting practice can be observed in s. 564.01, Florida Statutes.

When the intent of the definition is to restrict or limit the usage of a word, use "means." When the intent is to broaden or extend the usage, use "includes." Do not use "means and includes."

If definitions are used, the bill should be carefully checked to make sure that the meaning ascribed to a word in its definition is the exact meaning intended wherever the word appears in the bill. Indeed, we occasionally find a law which should have been checked to make sure that the defined word appears in the text at all.

If a definition applies to only one section of a bill, it should be incorporated in the appropriate section.

If words and terms applicable to more than one section of a bill are defined, the definitions should be placed in a single definition section, which immediately precedes the main provisions of the bill. Example:

Section 1. As used in this act, unless the context otherwise requires:  
    (1) "Action" includes counterclaim, setoff, and suit in equity.  
    (2) "Delivery" means voluntary transfer of possession from one person to another.

Many terms are currently defined in Florida Statutes, and these are often useful as models. They may be easily found by consulting the current edition of the publication *Florida Statutes Definitions Index*, which is distributed by the Division of Statutory Revision.

### **Provisos**

The purpose of a proviso is to qualify or restrict the generality of a preceding declaration. Provisos are all too frequently used indiscriminately, being freely tacked on to sentences and sections, introduced by such phrases as "provided that" or "provided further that." Often, the material added may be an additional declaration, a new idea not necessarily connected with the preceding clause. A proviso is not properly used if it enlarges the scope of the statement to which it is attached.

Make sure you understand exactly what kind of limitation you want to impose, and phrase it accordingly. If an exception, a limitation, or a qualification is called for, introduce it with the proper language, such as "except that" or "but" or "however." It is often better simply to start a new sentence. Sometimes, an exception may be more conveniently stated as a condition at or near the beginning of a sentence. If there are many conditions or exceptions, they may be placed in a tabulated list at the end of the sentence.

### **Choosing new section numbers**

The authority to select Florida Statutes section numbers for newly created sections is reserved by s. 11.242, Florida Statutes, to the Division of Statutory Revision. However, new statute provisions are often created under numbers assigned by the drafter. (See pages 81-83 for specific instructions.)

### **Cross-references and adjectival references**

1. **References within the text** – When amending or creating text which contains a cross-reference to another statutory provision or section of the bill, it is important to look at the referenced provision or section to verify the accuracy of the reference. Also, when revising or amending a bill which includes sections containing numerical cross-references to other parts of the bill, be sure to correct these references wherever necessary.

2. **Statutory cross-references** – When repealing, renumbering, or substantially changing the content of a statute section, it is essential to check any references to that section that may exist in the statutes and conform them where necessary. A preliminary search for these references can be made by scanning the chapter in which the section appears and any related chapters, and by checking the Florida Statutes Index. However, the only reliable method is to conduct a computer search using the **Search and Browse** program available on the Legislative Intranet, which will indicate all occurrences of the section number being amended or repealed.

3. **Nonnumerical references** – A reference such as "said hearing" should never be used to refer to a provision which is outside the statute or bill

section in which it appears. Such a phrase is sometimes used to refer to provisions which lie within the same section if the context does not allow for misinterpretation of intent, but in most cases the more direct phrase "the hearing" would be preferable. Avoid similar vague terms such as "above," "below," or "herein" in cross-references; they do not convey specific information and can be confusing.

### **References to effective date**

It is sometimes necessary in the text of a bill to refer to the time at which the bill is going to take effect. Suppose a bill has an effective date of October 1, 2011, and somewhere in the text of the bill we find: "Every person registered with the board on October 1, 2011...." If the purpose of mentioning the date in the text is simply to tie it to the effective date, it is far better practice to say: "Every person registered with the board on the effective date of this act...." This avoids the risk of error which arises if the effective date in the bill is changed by amendment. If the bill becomes law, the statute editors have the authority to change the phrase "the effective date of this act" so that the actual effective date will appear in the text of the Florida Statutes.

If a bill has multiple effective dates, references in the text to "the effective date of this act" will be ambiguous. Use a more specific term, such as "the effective date of this section."

### **Administrative provisions**

Most legislation of substantial scope will be administered either by an agency in existence or one created by the proposed act. Unless specifically superseded, the provisions of the Administrative Procedure Act found in chapter 120, Florida Statutes, will control. This chapter provides uniformity for the rulemaking power of state agencies for their enforcement procedures and for appeals to the courts. Its existence also operates to make the repetition of many administrative provisions in bills unnecessary.

### **Repeals**

The drafting of bills which seek to repeal provisions of existing law involves considerations not always present in amendatory acts. A repeal section should be used only when it is desired to eliminate a specific whole provision from the law completely. It should be expressed in a concise and specific manner. Example:

Section 2. Section 800.01, Florida Statutes, is repealed.

The drafter should be on the lookout for cross-references in the text which is being repealed. If the section referred to is affected by the repeal, it may require amendment, or perhaps repeal, itself. In addition, a search should be made for any existing references to the section being repealed.

### **SUBMISSION OF REQUESTS FOR DRAFTING TO THE HOUSE BILL DRAFTING SERVICE**



House Rules govern the filing of bills for introduction and provide that all bills (other than a general appropriations bill, concurrent resolutions relating to organization of the Legislature, resolutions relating to organization of the House, reviser's bills, reapportionment bills or resolutions, and recall of acts from the Governor) shall either be prepared or, in the case of local bills, reviewed by the House Bill Drafting Service. The Rules further provide that after completion and delivery by the House Bill Drafting Service, no change shall be made in the text or title of the bill without returning the bill to the House Bill Drafting Service prior to filing with the Clerk of the House.

The Director of the House Bill Drafting Service is required to notify any member proposing a bill if an identical or substantially similar bill has been filed and provide that member with the name of the sponsor.

It is crucial to keep the following procedures in mind:

**1. SUBMIT REQUESTS IN LEAGIS**

All requests for drafting of legislation must be submitted electronically to the House Bill Drafting Service via LEAGIS, the WORD-based computer system of the House of Representatives. The House Office of Information Technology provides staff training to both district and local house staff with respect to the proper method of preparing and submitting draft requests. The LEAGIS system allows both district and local staff to prepare clear and accurate draft requests and eliminates problems frequently encountered in the past such as the possibility of using out-of-date or inaccurate Florida Statute text in the preparation of such requests. Proposed drafts are to be submitted to Bill Drafting

as attachments to the draft request. The LEAGIS system allows staffpersons to indicate changes in a draft with the "Track Changes" option or the highlighting feature, and allows for commentary or explanation at any point in the draft using the "Insert Comment" and "Toggle Commentary" options. It is important to remember, especially when submitting a request for a "redraft" of a bill that has already been prepared by House Bill Drafting, that you indicate the changes you are making in the revised version of the draft using these options and features. Do not submit a completely new version of the draft with no indication of the changes you are making. Doing so will greatly increase the amount of time it takes to prepare your request.

## **2. FOLLOW THIS BASIC QUALITY CONTROL CHECKLIST**

a. As has always been the case, if amending the present law, making sure that you are working with the most current version of Florida Statute text is always the primary consideration in preparing a draft. With the advent of the LEAGIS system, the possibility of working with outdated or inaccurate statute text is minimized since LEAGIS will only provide the user with the most current statute text. There is, however, still the need to check for amendments that may have been made since the most recent publication of the Florida Statutes. For instance, when the Legislature holds a special session after the publication of the Florida Statutes and bills are passed which add or amend sections of the statutes, there is a period of time during which these sections of law have not been engrossed into the Florida Statutes electronic database. One would need to be mindful of this fact and check any appropriate special session citator for

pertinent amendments or additions when preparing a draft prior to the engrossing of such acts. Also, do not overlook footnote versions of statute text or future effective dates that might be indicated in footnotes to statutes. If you are unsure of the current version of any statute, please check with House Bill Drafting.

b. If creating new provisions, make sure that the present law does not already cover the situation. For the new idea as a whole, this means checking "Search and Browse" and the subject index of the Florida Statutes, including a check of any session law that contains enactments more recent than those contained in the Florida Statutes. As to each feature of the new idea, this means checking the chapter in which it is to be placed for applicable definitions, rules of construction, penalties, etc., as well as determining the logic of the placement.

c. If amending the present law, make sure that you amend all sections which need to be amended to accomplish your desired result without creating statutory inconsistencies. It is often necessary to conform references or provisions in sections other than the primary section being amended.

d. If proposed new language contains a cross-reference to a section in the Florida Statutes or is affected by an existing cross-reference, make sure that the cross-reference does not have an unintended effect on your intended result.

e. Make sure that the bill complies in structure and in content with both the appropriate legislative Rules and with the constitutional requirements found in Section 6 of Article III of the Florida Constitution, which reads:

SECTION 6. Laws.--Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be

revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection. The enacting clause of every law shall read: "Be It Enacted by the Legislature of the State of Florida:".

f. Give specific consideration to the effective date that is appropriate for the subject matter and intent of your draft. Effective dates can get quite complicated. Our office will be glad to consult with you on any effective date problem.

g. Read what you have written critically. Better yet, have someone else read it. Remember that if it ends up in court, the court will only have the statutory language to read, not your mind. Consider whether your words are reasonably susceptible to being construed as meaning something other than what you intend. If they are, REWRITE!

## **AMENDING FLORIDA STATUTES GENERAL PROCEDURES**

Every section of a bill which proposes to amend or create any provision of the Florida Statutes is introduced by a statement which identifies the particular statute provision by number and directs the action that is to be taken. (Thus, these statements have come to be called "directory language" or "directories.") These statements must cite exactly and accurately the section or subdivision of a section being dealt with, and there must be an accompanying title citation.

However, as the following examples illustrate, except for repeals, the title need cite only the section numbers of the particular Florida Statutes followed by the abbreviation "F.S."

Before you start to draft a directory--in fact, before you start to draft a bill--be sure you are using the most up-to-date statute text. Three different sources may have to be consulted:

**1. Florida Statutes** – The most recent edition of the official Florida Statutes is published annually. If the current text is there, the pattern is:

DIRECTORY:

Section 98.082, Florida Statutes,  
is amended to read:

TITLE:

amending s. 98.082, F.S.;

**2. Chapter law** – If there has been a legislative session and the most recent edition of the statutes have not yet been published, check the Table of Section Changes in the *Digest of General Laws*, which is made available in “Search and Browse” and on “Online Sunshine” shortly after every session by the Division of Statutory Revision, to see if the section you are dealing with has been affected. This table is preferable to the Legislative Information Services Division's citator, *Final Legislative Bill Information*, since it supplies information on editorial, as well as legislative, action. If the section was affected, for several months after the session, the appropriate chapter law of the *Laws of Florida* must be consulted. The pattern for amending such a section is:

DIRECTORY:

Paragraph (a) of subsection (2)  
of section 319.21, Florida Statutes,

TITLE:

amending s. 319.21, F.S.;

as amended by chapter 2011-134, Laws of Florida, is amended to read:

When it is necessary to amend newly created text that was created under a specific statute number:

DIRECTORY:

Section 92.04, Florida Statutes, as created by chapter 2011-71, Laws of Florida, is amended to read:

TITLE:

amending s. 92.04, F.S.;

When new text was not created under a statute number:

DIRECTORY:

Paragraph (b) of subsection (2) of section 5 of chapter 2011-71, Laws of Florida, is amended to read:

TITLE:

amending s. 5, ch. 2011-71, Laws of Florida;

However, several months before the next printed statutes are published, all newly created sections and the merged text of all amended sections will be available in Leagis. The House Bill Drafting Service strongly advises waiting until that version is available. At that point there will be no need to cite a chapter law in a directory or title.

**3. Enrolled bill** – When drafting a bill immediately after the close of a legislative session (for a special session, for example), the *Digest of General Laws* will not yet be available. The only source to check for amendments is the citator portion of the *Daily Bill History*, published by the Legislative Information Services Division, which lists amended statute sections. To amend a section that

was amended in an immediately preceding session, use the text as shown in the enrolled copy of the bill, deleting coding. If no chapter law number is available, the pattern is:

DIRECTORY:

Section 83.795, Florida Statutes, as amended by House Bill 1075, 2011 Regular Session, is amended to read:

TITLE:

amending s. 83.795, F.S.;

If a chapter law number is available, use the following pattern:

DIRECTORY:

Section 83.795, Florida Statutes, as amended by chapter 2011-66, Laws of Florida, is amended to read:

TITLE:

amending s. 83.795, F.S.;

When amending new text in an enrolled bill, created with or without a specific statute number, use the same patterns as given under heading 2., substituting the bill number for the chapter law citation where necessary.

## **SPECIAL SESSION DISCLAIMER**

Because information on the activities of the preceding session is incomplete in the special-session situation just described, it has been the practice of the House Bill Drafting Service to include the following section in such bills:

Section \_\_. Amendments to sections of the Florida Statutes enacted by this act shall

not operate to repeal or otherwise negate amendments to the same sections which may have been enacted at the 2011 Regular Session of the Florida Legislature and which are not indicated herein, and full effect shall be given to each, if that is possible. If provisions of this act are in direct conflict with amendments enacted at the 2011 Regular Session of the Legislature, the provisions of this act shall control.

An equally effective and more concise variation of the section above may also be used:

Section \_\_ . If any law amended by this act was also amended by a law enacted during the 2011 Regular Session of the Legislature, such laws shall be construed to have been enacted during the same session of the Legislature and full effect shall be given to each if possible.

Recommended title provisions for such a section would be:

providing for construction of the act in pari materia;

**-OR-**

providing for construction of the act in pari materia with laws enacted at the 2011 Regular Session;



## **AMENDING SUBDIVISIONS**

### **GENERAL PROCEDURES**

Usually, all subsections or paragraphs to be amended are individually cited in the directory. If this becomes cumbersome, a long series of consecutive subdivisions can be grouped, using the word "through" rather than a hyphen.

The following patterns illustrate the most common directory situations:

#### **AMENDING A SUBSECTION**

**DIRECTORY:**

Subsection (3) of section 74.051, Florida Statutes, is amended to read:

**TITLE:**

amending s. 74.051, F.S.;

#### **AMENDING A PARAGRAPH**

**DIRECTORY:**

Paragraph (a) of subsection (4) of section 90.951, Florida Statutes, is amended to read:

**TITLE:**

amending s. 90.951, F.S.;

#### **AMENDING AN INTRODUCTORY PARAGRAPH, FLUSH LEFT MATERIAL, OR SUBDIVISIONS BELOW THE PARAGRAPH LEVEL**

An amendment to the introductory paragraph of a section should be treated as an amendment to the entire section and the entire text of the section should be shown.

An amendment to flush left material should be treated as an amendment to the entire section, subsection, or paragraph to which the flush left material refers and the entire text of the section, subsection, or paragraph should be shown.

The Florida Constitution and the House Rules provide that "laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection." Accordingly, an amendment to any subdivision lower than a paragraph should be treated as an amendment to the paragraph and the entire text of the paragraph should be shown.

## **ADDING SUBDIVISIONS TO AN EXISTING SECTION**

If the existing section is presently subdivided and you wish to add a subsection or subsections at the end so that no renumbering of existing subsections is necessary, show any necessary introductory and flush left material, underline the new subsections, and use the following patterns:

**DIRECTORY:**

Subsections (3), (4), and (5)  
are added to section 443.181,  
Florida Statutes, to read:

**TITLE:**

amending s. 443.181,  
F.S.;

When adding one or more subsections between existing subsections, it is necessary to renumber existing subsections. Renumbering is accomplished in the directory, so the text of subsections that are to be renumbered and not amended does not need to be shown. Show necessary introductory and flush left material and underline new subsections as usual.

DIRECTORY:

Subsections (5) and (6) of section 322.21, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and a new subsection (5) is added to that section to read:

TITLE:

amending s. 322.21, F.S.;

These same basic patterns apply as well to paragraphs.

For example:

DIRECTORY:

Paragraph (c) is added to subsection (2) of section 39.03, Florida Statutes, to read:

TITLE:

amending s. 39.03, F.S.;

DIRECTORY:

Paragraphs (c), (d), and (e) of subsection (2) of section 276.01, Florida Statutes, are redesignated as paragraphs (d), (e), and (f), respectively, and a new paragraph (c) is added to that subsection to read:

TITLE:

amending s. 276.01, F.S.;

If the existing section is not presently subdivided, the entire section must be set forth in the bill. Indent and preface the text of the existing section with an

underlined subsection number, and also underline the new subsection or subsections, indicating new material. Use these patterns:

DIRECTORY:

TITLE:

Section 38.17, Florida Statutes,  
is amended to read:

amending s. 38.17, F.S.;

### **AMENDING AND ADDING SUBDIVISIONS AT THE SAME TIME**

It is possible to add subdivisions to, and amend subdivisions of, a section under one directory statement. Renumber to include necessary introductory and flush left material and show proper coding. When no renumbering is involved:

DIRECTORY:

TITLE:

Subsection (6) of section 322.21,  
Florida Statutes, is amended, and  
subsection (7) is added to that  
section, to read:

amending s. 322.21, F.S.;

When renumbering is involved:

DIRECTORY:

TITLE:

Subsection (5) of section  
322.21, Florida Statutes,  
is renumbered as subsection  
(6), present subsection (6) is  
renumbered and amended, and a new  
subsection (5) is added to  
that section, to read:

amending s. 322.21, F.S.;

## **SPLITTING A SECTION INTO MULTIPLE SECTIONS**

This can get somewhat complicated, so it might be advisable to check with the House Bill Drafting Service, but it is possible to transfer a portion of an existing section to a newly created section. The following example would accomplish this:

**DIRECTORY:**

Subsections (3) and (4) of section 195.07, Florida Statutes, are renumbered as section 197.25, Florida Statutes, and amended to read:

**TITLE:**

amending s. 195.07, F.S.;

Underline the new number and catchline and code the text as required.

## **AMENDING MORE THAN ONE CONSECUTIVE SECTION**

It is permissible to amend more than one consecutive section under a single directory. However, structural considerations and the possibility that amendments to the sections involved will require troublesome amendment of the directory usually result in this being a bad idea. In an appropriate case, use these patterns:

**DIRECTORY:**

**TITLE:**

Sections 38.01, 38.02, 38.03, and 38.04, Florida Statutes, are amended to read:

amending ss. 38.01-38.04, F.S.;

## **AMENDING AN ENTIRE CHAPTER OR SPLITTING A CHAPTER INTO PARTS**

Directories for amending whole chapters or splitting existing chapters into two or more parts can become quite complicated depending on the details of each situation. Sometimes a chapter can be addressed as a group of sections:

### **DIRECTORY**

### **TITLE:**

Chapter 38, Florida Statutes, consisting of sections 38.01, 38.02, 38.03, and 38.04, is amended to read:

amending ch. 38, F.S.;

Other times it makes more sense to address each section with a separate directory. As to splitting existing chapters into parts, there is more than one approach to this as well. Sections 1 and 6 of chapter 94-224, Laws of Florida, are somewhat instructive in this regard:

Section 1. Part I of chapter 97, Florida Statutes, consisting of sections 97.011, 97.012, 97.021, 97.023, and 97.025, is created and entitled "General Provisions."

Section 6. Part II of chapter 97, Florida Statutes, consisting of sections 97.032, 97.041, 97.051, 97.052, 97.053, 97.055, 97.057, 97.058, 97.061, 97.071, 97.073, 97.1031, and

97.105, is created and entitled the "Florida  
Voter Registration Act."

## **CREATING FLORIDA STATUTES**

### **GENERAL PROCEDURES**

It is not necessary when creating a section that will be placed in the Florida Statutes to assign that section a specific section number. Because of the restrictions associated with the statutory numbering system, it is sometimes better not to. If you do wish to designate a specific location, it is essential to adhere to certain requirements, or a more appropriate number will be chosen by the statute editors. First of all, check the Table of Repealed and Transferred Sections in the current Florida Statutes Index or Search and Browse, and any later supplementary tables, to be sure that the number you choose has not been used before. Be certain you choose a number that will place the new section where you want it in the chapter and leave a few unused numbers on either side of the new number for future use. For example, if you wish to create a section between existing sections 27.12 and 27.13, the number "27.125" would be a good choice. Further discussion may be found under the heading "Numbering system" in the Preface to Florida Statutes. Do not assign a statute number to material that is local or temporary in nature.

DIRECTORY:

TITLE:

Section 27.125, Florida Statutes,  
is created to read:

creating s. 27.125, F.S.;

If you are uncertain as to which chapter of the statutes the created section should be assigned to, leave this task to the statute editors. In such a case, no directory is required and the text of the section immediately follows "Section 1."

### **CREATING MORE THAN ONE CONSECUTIVE SECTION**

DIRECTORY:

TITLE:

Sections 38.25, 38.26, and 38.27,  
Florida Statutes, are created to read:

creating ss.38.25-  
38.27, F.S.;

### **CREATING AN ENTIRE CHAPTER**

DIRECTORY:

TITLE:

Chapter 77, Florida Statutes,  
of sections 77.01, 77.02, 77.03,  
77.04, 77.05, 77.06, and 77.07,  
is created to read:

creating ch. 77, F.S.; consisting

### **CREATING A PART**

DIRECTORY:

TITLE

Part III of chapter 99, Florida  
Statutes, consisting of  
sections 99.31, 99.33, and  
99.35, is created to read:

creating pt. III of  
ch. 99, F.S.;

**-OR-**



DIRECTORY:

Chapter 76, Florida Statutes,  
is designated part I of  
that chapter, and part II,  
consisting of sections  
76.201, 76.205, and 76.209,  
is created to read:

TITLE:

creating pt. II of  
ch. 76, F.S.;

## **STYLE AND USAGE**

The purpose of this section is to summarize briefly those basic principles of English style and usage that are most often violated in the drafting of bills and to discuss the exceptions to ordinary practice that are peculiar to bill drafting. For the most part, standard English style and usage should be followed. The drafter should always use a good dictionary and the spellcheck feature on his or her computer. In addition, the *U.S. Government Printing Office Style Manual*, to which the style of the Florida Statutes primarily conforms, can be very helpful.

### **Capitalization**

The names of political entities, titles of officers, proper names of persons and chartered organizations, and proper names of state and local agencies are capitalized. However, references to these proper names (i.e., "the department," "such act," or "the state") are not capitalized. The following are examples of commonly used proper names and other terms arranged alphabetically by topic with the proper capitalization indicated:

#### **Acts (Popular names)**

"Florida Retirement System Act"  
"The Florida Election Code"  
"Workers' Compensation Law"

#### **Agencies (state and federal)**

Department: Department of Management Services  
Division: Division of Human Resource Development  
Bureau: Bureau of Aircraft

Board: State Board of Education  
Commission: Public Service Commission  
Council: Small Business Advisory Council  
Committee: Human Rights Advocacy Committee  
Authority: Jacksonville Transportation Authority  
Federal: United States Department of Veterans Affairs

### **Colleges and universities**

Tallahassee Community College  
State Community College System  
University of Florida  
State University System

### **Constitutions (state and federal)**

State Constitution  
United States Constitution

### **Courts and rules of court**

Florida Supreme Court; Supreme Court  
First Appellate District  
District Court of Appeal, First District  
Second Judicial Circuit  
Circuit Court, Second Circuit  
County Court in Liberty County  
United States Supreme Court  
Rules of Criminal Procedure

### **Florida Statutes**

Internal cross-references are not capitalized. Thus:

chapter 627  
part VII  
s. 232.01  
subsection (1)  
paragraph (a)

## **Funds**

General Revenue Fund  
Internal Improvement Trust Fund  
State Treasury

## **Governments (state and federal)**

Florida; State of Florida  
Florida Government  
United States  
United States Government; Federal Government

## **Highways**

State Road 19

## **Legislative bodies (state and federal)**

Florida Legislature; State Legislature; Legislature  
Florida Senate; Senate  
Florida House of Representatives; House  
of Representatives  
United States Congress; Congress

## **Officers**

Governor and Cabinet  
Chief Financial Officer  
Attorney General (and all other cabinet officers)  
State Fire Marshal  
Senator; Representative  
President of the Senate; Speaker of the House  
of Representatives  
United States Congresswoman  
United States Congressman  
Supreme Court Justice  
Chief Justice  
circuit judge  
county court judge  
state attorney; public defender

city commissioner; mayor  
sheriff (and all other county officers)

### **Political subdivisions**

County: Leon County  
City: City of Tallahassee  
Town: Town of Bronson  
District: Central and Southern Florida  
Flood Control District

### **Miscellaneous**

Board of County Commissioners of Leon County  
Florida Retirement System  
United States Armed Services  
The Florida Bar  
Title II of the Social Security Act

### **Punctuation**

When drafting bills, pay particular attention to punctuation. The addition or omission of a punctuation mark can change the entire meaning of a sentence. Be sure the punctuation you use is an aid to understanding, not a source of confusion. Don't be guilty of overuse of commas; if in doubt in a specific situation, consult a basic English grammar book. Whatever you do, punctuate consistently.

### **Specifying time periods**

When specifying a time period, make clear what the first and last days are.

Don't say:

from July 1, 2011, to ....

but say

after June 30, 2011, and before ....

When writing a legal provision of continuing effect, don't say "now," "heretofore," or "hereafter" to relate events to the time when the provisions take effect; instead, say something like "on the effective date of this act." Beware of other ambiguities: Does "2 years' service" mean continuous service for 2 years, or does it allow adding noncontinuous periods totaling 2 years?

### **Expressing exact time**

Use these forms:

10:30 p.m.

12 noon

10 a.m.

"O'clock" is unnecessary.

### **Dates**

Use these forms:

March 2011 (Notice there are no commas.)

October 1, 2011 (Followed by a comma if the  
sentence continues.)

Use "annually" instead of phrases such as "each and every year."

Examples:

The report required by this act shall be  
filed with the department on July 1, 2011, and

supplements shall be submitted on July 1 annually thereafter.

All persons appointed to the commission during March 2011 shall become members of the committee created by this act.

## **Age**

Express age precisely. Don't say "more than 17 years old"; it is not clear whether this means anyone who has reached the 17th anniversary of his or her birth or means only one who has become 18 years of age. Say instead "who has passed his or her 17th birthday" or "who is 18 years of age or older," depending on which you mean. Don't say "between ages 17 and 45," but say "between 17 and 45 years of age, inclusive," or "at least 17 but not more than 45 years of age."

## **Numbers**

Numbers from one through nine are spelled out; 10 and above appear as numerals, EXCEPT that in the following categories numerals are always used:

Dates: July 1

Time: 10 a.m.

Measurements: 5 miles

Money: \$12 (Notice that it is unnecessary to show a decimal point and two zeros when specifying whole dollar amounts.)

6 cents (Notice that the word "cents" is used, not the symbol.)

\$13 million (With the exception of claim bills, monetary amounts in millions of dollars should be written in this manner when specifying even amounts.)

Percentages: 7 percent (Notice that the word "percent" is used, not the symbol.)

Fractions are generally spelled out and hyphenated (one-half). However, fractions modifying a unit of measurement (2-inch pipe) or mixed with whole numbers (2 1/2 times) are written numerically.

In tables, such as fee schedules or population classifications, numerals should be used. In "whereas" clauses, the drafter may use his or her own discretion.

### **Distinguish between "shall" and "may"**

"Shall" imposes an enforceable duty and is generally mandatory. Don't use "will" when you mean "shall."

"May" authorizes or grants permission and is usually permissive.

Use "may not" instead of "shall not" to preclude discretion or deny authority.

### **Avoid "State of Florida"**

It is not necessary to specify the "State of Florida." Since the Florida Legislature cannot enact legislation for any other state, usually "the state" or "this state" will be sufficient.



## Subdividing a section

Both the Florida Statutes and the bodies of bills are subdivided according to the following pattern:

987.01 This is a catchline.--The text of every Florida Statutes section is introduced by a catchline. When a section is subdivided, it also sometimes has an "introductory paragraph" such as the one you are now reading. The following are examples of the pattern that is used when a section is subdivided:

(1) SUBSECTION CATCHLINE.--This is a subsection. Subsections are designated by arabic numerals within parentheses. If a subsection has its own catchline (most don't), it is capitalized as shown here.

(a) Paragraph catchline.--This is a paragraph. If a paragraph has its own catchline, it should be styled as shown here; i.e., the same as the catchline for the whole section.

1. Subparagraph catchline.--This is a subparagraph. A subparagraph begins with an arabic numeral followed by a period.

a. This is a sub-subparagraph. Florida Statutes sections are seldom broken down any further, but, if the occasion demands, we have:

(l) The seldom seen sub-sub-subparagraph, which is designated by a Roman numeral within parentheses. While there is presently no example of any further subdivision of a section in the Florida Statutes, the next level down would be:

(A) The mythical sub-sub-sub-subparagraph, which is designated by a capital letter within parentheses.

Notice that this sample is incomplete; in actual practice the common-sense rule that "division" implies at least two parts applies. Thus, there should be at least a subsection (2), paragraph (b), etc. It is never correct to leave a subdivision of a section unnumbered or unlettered.

Examples of lengthy sections that have been subdivided to a high degree are sections 212.08 and 627.351, Florida Statutes, 2008.

### **"Flush left"**

Occasionally, after a section has been subdivided, the drafter may desire to add a general statement that is to apply to all of the preceding subdivisions. If this statement were simply "tacked on" to the end of the last subdivision, it would seem to apply only to that subdivision. The solution is known in printer's language as "four point space flush left," which means that following an extra blank line, the general statement appears flush with the left margin. The segment beginning "Notice that this sample..." in the preceding example is a "flush left" segment. Examples in Florida Statutes, 2008, can be found in ss. 220.731 and 1002.22(3), which also have introductory paragraphs.

### **Punctuating subdivisions**

When a section is subdivided into a series of subsections, paragraphs, or subparagraphs, if the intention is to have each listed element apply individually,

punctuate the end of each subdivision with a semicolon, ending with “; or” before the final subdivision:

- 901.21 Search of person arrested.--  
(1) When a lawful arrest is effected, a peace officer may search the person arrested and the area within the person's immediate presence for the purpose of:
- (a) Protecting the officer from attack;
  - (b) Preventing the person from escaping; or
  - (c) Discovering the fruits of a crime.

If the intention is to have all the elements listed apply jointly, punctuate the end of each subdivision with a period:

- 455.701 Disclosure of financial interest by production.--  
(1) A health care provider shall not refer a patient to an entity in which such provider is an investor unless, prior to the referral, the provider furnishes the patient with a written disclosure form, informing the patient of:
- (a) The existence of the investment interest.
  - (b) The name and address of each applicable entity in which the referring health care provider is an investor.
  - (c) The patient's right to obtain the items or services for which the patient has been referred at the location or from the provider or supplier of the patient's choice, including the entity in which the referring provider is an investor.
  - (d) The names and addresses of at least two alternative sources of such items or services available to the patient.

**Keep ideas parallel**

When enumerating ideas, make them all parallel, both in meaning and grammatical structure. Avoid statements such as: "The applicant shall state his or her name, address, birthday, and shall file it with the Department of State." This is especially important to remember when listing subdivisions after an introductory statement. Don't repeat introductory material unnecessarily, and be certain all the subdivisions make grammatical sense when read with the introductory statement.

In the following example, paragraph (b) unnecessarily repeats "shall contain" and paragraph (c) is not parallel--it does not follow the introductory statement.

- (1) The application shall contain:
  - (a) The applicant's name and address.
  - (b) Shall contain the applicant's birth date.
  - (c) Shall be filed with the Department of State.

Also, be careful not to mix tenses. In the following example, "were" (which is past tense) should be changed to match the present tense "are."

Applications which are accompanied by the correct fee but which were received after the deadline shall be returned to the applicant.

### **Be aware of the ambiguities inherent in "and" and "or"**

"And" usually implies that the elements are to be considered jointly, that all listed requirements must be met or all conditions apply. "Or" implies that the listed elements may apply individually, although it is generally understood they can also be taken together. Thus, a requirement that an applicant "be 21 years of age, a veteran of the armed forces, and a college graduate" means that all

three qualifications are required. A requirement that an applicant "be 21 years of age, a veteran of the armed forces, or a college graduate" means that an applicant meeting any one or more of the requirements is qualified.

In a given context either term may be ambiguous, particularly when modifiers are being joined. For example, does "charitable and educational institutions" mean institutions that are both charitable and educational, or does it mean those that are either charitable or educational?

In spite of these problems, avoid falling back on the use of "and/or." Make your meaning clear by using repetition or clarifying words such as "or both" or "either," if necessary.

### **Be specific; eschew "legalese"**

Very seldom is it necessary to use "such" or "said"; in most cases an article such as "the" will be sufficient.

Vague terms such as "above" and "below" or "herein" should be replaced with specific citations or references.

Avoid couplets such as "null and void" and "each and every" and inflated phrases such as "be and the same is hereby." "Void," "each," and "is" will do just as well.

### **Avoid the future, the negative, and the plural**

A statutory provision meant to have continuing effect should be phrased in the present tense--the way it should be read at the time it will be consulted or

used for problem solving. Instead of saying "It shall be a misdemeanor of the second degree....," say "It is a misdemeanor of the second degree...."

If a provision can be phrased either positively or negatively, use the positive. Avoid especially the confusing double negative. Instead of "All licensees except those who have not paid the fee....," say "All licensees who have paid the fee...."

Phrasing provisions in the plural can lead the drafter into awkward grammatical corners. Whenever possible, use the singular: thus, a requirement that "All taxpayers who claim an exemption retroactive to the date they purchased their property shall state on their respective applications..." becomes a problem with the awkward use of "they" and "their" and the attempt to clarify by use of the term "respective."

"Each taxpayer who claims..." leads to no such problems.

## **FINAL CHECKLIST**

1. Check for presence of "A bill to be entitled" (or the appropriate resolution or memorial designation) and the enacting (or appropriate resolving) clause.

2. Check to see that the title matches the body of the bill. In particular, Florida Statutes and Laws of Florida sections being amended, created, or repealed should be cited in the title, and the substance of repealed sections should be briefly described. If the bill includes any of the elements listed on page 30, the title should so indicate.

3. TRIPLE CHECK citations in the title, directories, and sections themselves to be sure they correspond. Be certain that the statute text shown in the bill exactly matches what the directories say is being amended or created. If a directory states that an entire section is to be amended, the text of the whole section should be shown, not just a few subsections. Conversely, do not state in the directory that an entire section is to be amended if it is intended to set forth and amend only certain subdivisions of that section.

4. Make sure all title and directory citations include "F.S.," "Florida Statutes," or "Laws of Florida," whichever is appropriate.

5. Check page, section, and subdivision numbering to be sure they are consecutive.

6. Verify all cross-references, especially those to other sections of the bill.

7. Check the whole bill for omissions, misspellings, and typographical errors.

8. Check to make sure the effective date is correct.

## **PART IV**

### **SAMPLE LEGISLATION**

The sample bills which follow are included primarily to show the format and general organization that is preferred. These samples do not address the more complex situations that are often encountered; but by using them as a guide in combination with other examples that can be found among bills from previous sessions, the novice drafter should be able to achieve a result which will be satisfying to everyone concerned.



# GENERAL BILL AMENDING FLORIDA STATUTES

1 A bill to be entitled

2 An act relating to railroads; amending s. 860.04, F.S.,  
3 relating to persons riding or attempting to ride on a  
4 railroad train with intent to ride free; increasing the  
5 penalty for such offense; providing an effective date.  
6

7 Be It Enacted by the Legislature of the State of Florida:  
8

9 Section 1. Section 860.04, Florida Statutes, is amended to  
10 read:

11 860.04 Riding or attempting to ride on a railroad train  
12 with intent to ride free.--Any person who, without permission of  
13 those having authority, with the intention of being transported  
14 free, rides or attempts to ride on any railroad train in this  
15 state commits ~~shall be guilty of~~ a misdemeanor of the first  
16 ~~second~~ degree, punishable as provided in s. 775.082 or s.  
17 775.083.

18 Section 2. This act shall take effect October 1, 2009.

**GENERAL BILL AMENDING SUBDIVISIONS OF  
FLORIDA STATUTES**

1                   A bill to be entitled  
2           An act relating to anatomical gifts; amending s. 765.511,  
3           F.S.; revising the definition of "donor"; defining  
4           "donee"; providing an effective date.

5  
6   Be It Enacted by the Legislature of the State of Florida:

7  
8           Section 1. Subsections (4) and (5) of section 765.511,  
9           Florida Statutes, are renumbered as subsections (5) and (6),  
10           respectively, subsection (3) of said section is amended, and a  
11           new subsection (4) is added to said section, to read:

12           765.511 Definitions.--For the purpose of this act:

13           (3) "Donor" means an individual who makes a gift of ~~all or~~  
14           part of his or her body.

15           (4) "Donee" means an individual who receives a part of the  
16           body of a donor.

17           Section 2. This act shall take effect upon becoming a law.

# JOINT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT

House Joint Resolution

A joint resolution proposing an amendment to Section 2 of Article VI of the State Constitution, relating to electors, to limit the right to vote to women only.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 2 of Article VI of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

## ARTICLE VI

### SUFFRAGE AND ELECTIONS

Section 2. Electors.--Every female citizen of the United States who is at least eighteen years of age and who is a permanent resident of the state, if registered as provided by law, shall be an elector of the county where registered.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

## CONSTITUTIONAL AMENDMENT

### ARTICLE VI SECTION 2

LIMITING VOTING RIGHT TO WOMEN.--Proposes an amendment to Section 2 of Article VI of the State Constitution to limit the right to vote to women only.

**\*IMPORTANT:** WHEN PREPARING A JOINT RESOLUTION, ALWAYS SHOW THE NUMBER OF THE APPROPRIATE ARTICLE [AS INDICATED ON LINE 13 OF THIS SAMPLE] AND THE TITLE OF THE ARTICLE [AS INDICATED ON LINE 14 OF THIS SAMPLE] CENTERED, WITHOUT UNDERLINING, ON SEPARATE LINES, BEFORE SETTING FORTH THE SECTION OR SECTIONS OF THE CONSTITUTION.

Page 1 of 1

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

# HOUSE RESOLUTION OF COMMENDATION

## House Resolution

1  
2 A resolution commending the New World Festival of the  
3 Arts.

4  
5 WHEREAS, the New World Festival of the Arts in Dade County,  
6 June 6-30, 2009, will be one of the biggest cultural events ever  
7 undertaken in the United States, and

8 WHEREAS, the New World Festival of the Arts will contribute  
9 significantly to the enhancement of the reputation of the State  
10 of Florida in the art world, and

11 WHEREAS, the New World Festival of the Arts will have a  
12 tremendous effect toward fostering tourism in Florida by  
13 attracting residents of other states and citizens from abroad to  
14 the state, and

15 WHEREAS, the New World Festival of the Arts will greatly  
16 strengthen the economy of the State of Florida, NOW, THEREFORE,

17  
18 Be It Resolved by the House of Representatives of the State of  
19 Florida:

20  
21 That 2009 is declared to be the Year of the New World  
22 Festival of the Arts.

23 BE IT FURTHER RESOLVED that a copy of this resolution be  
24 presented to the Board of Directors of the New World Festival of  
25 the Arts as a tangible token of the sentiments expressed herein.

## CONCURRENT RESOLUTION

### House Concurrent Resolution

A concurrent resolution extending the 2009 regular legislative session under the authority of Article III, Section 3(d) of the State Constitution and establishing limitations on the scope of legislation to be considered.

WHEREAS, the sixty days of the 2009 Regular Session of the Florida Legislature will expire on May 6, 2009, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the 2009 Regular Session of the Florida Legislature is extended until 3:00 a.m., Saturday May 7, 2009, under the authority of Article III, Section 3(d) of the State Constitution.

BE IT FURTHER RESOLVED that the regular session so extended shall consider only the following matters:

(1) House Bill 9998, the general appropriations bill, and the Conference Committee Report thereon;

(2) House Bill 9999, the appropriations implementing bill, and the Conference Committee Report thereon;

(3) Any substantive bills necessary to implement budget reductions, transfers, or adjustments contained in the general appropriations bill.

BE IT FURTHER RESOLVED that all other measures in both houses are hereby indefinitely postponed.

# MEMORIAL REQUESTING ACTION FROM CONGRESS

## House Memorial

A memorial to the Congress of the United States, urging Congress to reauthorize the Older Americans Act.

WHEREAS, since its passage in 1965, the Older Americans Act has been the prime funding source for aging programs benefiting the multiple needs of persons who are age 60 and older, and

WHEREAS, Florida is the year-round home of more than 3.3 million senior citizens, many of whom rely on Older Americans Act Services for their daily sustenance, and

WHEREAS, the Older Americans Act has been calendared for reauthorization in 2006, 2007, and 2008, but placed in a continuation budget for each of the specified years, and

WHEREAS, the legislation is usually reauthorized for a period of three or four consecutive years, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is requested to reauthorize the Older Americans Act for a five-year period beginning January 1, 2010, or sooner, to help assure the right of older Americans to live their retirement years with merited dignity.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

# GENERAL RELIEF ACT or "CLAIM BILL"

1                                   A bill to be entitled  
2           An act for the relief of Deborah Allen; providing an  
3           appropriation to compensate her for injuries and damages  
4           sustained as result of the negligence of the Department of  
5           Transportation; providing an effective date.

6  
7           WHEREAS, .....[SET FORTH CIRCUMSTANCES]....., and

8           WHEREAS, .....[SET FORTH CIRCUMSTANCES]....., and

9           WHEREAS, the unpaid amount of the final judgment is  
10          \$210,749.68, NOW, THEREFORE,

11  
12          Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. The facts stated in the preamble to this act are  
15 found and declared to be true.

16           Section 2. There is appropriated from the General Revenue  
17 Fund to the Department of Transportation the sum of \$210,749.68  
18 for the relief of Deborah Allen for injuries and damages  
19 sustained.

20           Section 3. The Chief Financial Officer is directed to draw  
21 a warrant in favor of Deborah Allen in the sum of \$210,749.68  
22 upon funds of the Department of Transportation in the State  
23 Treasury, and the Chief Financial Officer is directed to pay the  
24 same out of such funds in the State Treasury.

25           Section 4. This act shall take effect upon becoming a law.

## LOCAL RELIEF ACT or "CLAIM BILL"

1                   A bill to be entitled  
2           An act for the relief of David Roberts by Washington  
3           County; providing for an appropriation to compensate him  
4           for injuries sustained as a result of the negligence of  
5           Washington County; providing an effective date.

6  
7           WHEREAS, .....[SET FORTH CIRCUMSTANCES]....., and

8           WHEREAS, .....[SET FORTH CIRCUMSTANCES]....., and

9           WHEREAS, the unpaid amount of the final judgment is  
10          \$105,247.15, NOW, THEREFORE,

11  
12          Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. The facts stated in the preamble to this act are  
15          found and declared to be true.

16           Section 2. The Board of County Commissioners of Washington  
17          County is authorized and directed to appropriate from funds of  
18          the county not otherwise appropriated and to draw a warrant in  
19          the sum of \$105,247.15 payable to David Roberts as compensation  
20          for injuries and damages sustained.

21           Section 3. This act shall take effect upon becoming a law.



## HOUSE TRIBUTE

### A Tribute to Samuel Rivers

1  
2  
3 WHEREAS, Samuel Rivers was born August 15, 1909, the eldest  
4 of six children; and

5  
6 WHEREAS, after attending public schools in Florida, Samuel  
7 Rivers entered American University where he earned his doctorate  
8 and a law degree; and

9  
10 WHEREAS, upon leaving the university, Samuel Rivers began a  
11 distinguished 45-year teaching career; and

12  
13 WHEREAS, after retiring from teaching, Samuel Rivers began a  
14 successful second career as a manufacturer of medical diagnostic  
15 equipment; and

16  
17 WHEREAS, on August 15, 2009, Samuel Rivers celebrated his  
18 100th birthday. NOW, THEREFORE,

19  
20 BE IT RESPECTFULLY PROCLAIMED that it is a distinct pleasure  
21 and honor to congratulate Mr. Samuel Rivers on the observance of  
22 his 100th birthday.

23  
24  
25  
26  
27 \_\_\_\_\_  
28 Lee Clayton  
Representative, District 135

## PART V

### AMENDMENTS

An amendment is the method used by a member or a subcommittee or committee to make a change in a bill once it has been introduced. In preparing an amendment, one should bear in mind all of the aspects essential to the proper creation and amendment of statutes in a bill as discussed in this manual. There are a number of different types of amendments for use in different situations. LEAGIS allows the user to access the templates necessary to prepare the various types of amendments, examples of which are shown on pages 137-148. It is important to be familiar with the various types of amendments and their differences and requirements in order to prepare amendments correctly.

Amendments can be offered at various stages in the legislative process and can be used to accomplish different results. The stage of the legislative process determines the *type of amendment* to be used, e.g., a substitute amendment. The result the amendment is intended to accomplish determines the *content of the amendment*. Amendments can be offered by Members when a bill is being heard in subcommittee or in committee, and when the bill reaches the House floor.

## **IN SUBCOMMITTEE OR COMMITTEE**

The same rules for preparation of an amendment on the House floor apply to preparation of an amendment to be offered in subcommittee or committee, with these exceptions:

1. This is the only situation in which a handwritten or typed amendment is acceptable. If time constraints require you to submit such an amendment, be sure that it contains all the information required on the LEAGIS amendment template, and be sure it is legible. Handwritten amendments adopted in subcommittee or committee are then prepared in LEAGIS by subcommittee or committee staff. Though still acceptable, it is preferable to prepare amendments offered in subcommittee or committee in LEAGIS.

2. The amendment template used in subcommittee and committee is slightly different from the floor amendment template; it includes a space for entering the name of the subcommittee or committee hearing the bill.

(See the sample subcommittee amendment template on page 122.)

## **ON THE FLOOR**

The following are the most common situations that occur when a bill is being considered on the House floor and that determine the *form of the amendment*. Many other complex and relatively obscure situations can arise, most often in the closing days of a session. House Bill Drafting staff is available to assist district and local staff with any amendment problems or questions that may arise.

## **A House or Senate bill is being taken up for the first time**

In this posture, it is possible for an amendment to be offered at any one of four levels. These levels, and the corresponding wording on the amendment templates, are:

- 1. *An amendment to the bill***--this is the simplest of all cases:

Representative(s) \_\_\_\_\_ offered the following:

**Amendment (with directory and title amendments)**

- 2. *An amendment to the amendment***--when you wish to amend another amendment which is pending adoption:

Representative(s) \_\_\_\_\_ offered the following:

**Amendment to amendment (012345) (with directory and title amendments)**

The language specifying the location of the amendment (Space #6 of the model amendment template) should direct the reader to the line number of the **amendment** which is being amended, **not** to a line number of the bill.

- 3. *A substitute amendment***--when you want your amendment to be considered instead of the amendment pending adoption:

Representative(s) \_\_\_\_\_ offered the following:

## **Substitute Amendment for Amendment (012345)**

The language specifying the location of the amendment (Space #6 of the model amendment template) should direct the reader to the line number of the **bill** which is being amended.

**4. *An amendment to the substitute***--when a substitute amendment is pending adoption and you want to offer an amendment to it:

Representative(s) \_\_\_\_\_ offered the following:

### **\*Amendment to Substitute Amendment (012345)**

**\*NOTE:** *There is no separate template for an amendment to a substitute amendment. Technically, it is a form of an amendment to an amendment. Select the "amendment to amendment" template and insert the word "substitute" manually.*

The language specifying the location of the amendment (Space #6 of the model amendment template) should direct the reader to the line number of the **substitute amendment** being amended.

## **"Strike everything" amendments**

Consideration of an amendment to "remove everything after the enacting clause" is a type of amendment which deserves special attention.

The purpose of such an amendment, commonly referred to as a "strike everything" or "strike all" amendment, is to remove the entire text of a bill and substitute new text in its place. When such an amendment is offered, all previously adopted amendments as well as any other amendments on the Reading Clerk's desk are placed in jeopardy. Now what?

Quite often, if the "strike everything" amendment appears destined for approval, members will want to offer their amendments while it is pending (as amendments to the amendment), rather than pursuing further amendment to the bill. The reasoning here is simple--to get on board before the big amendment passes. In this case, a previously prepared amendment which is on the Reading Clerk's desk **must be modified so that it relates to the appropriate line numbers of the pending "strike everything" amendment. To accomplish this, a new request for the amendment must be submitted in LEAGIS.** If the "strike everything" amendment is such that it renders a previously drawn amendment inapplicable, the amendment should be withdrawn. Amendments to the "strike everything" amendment can be *prepared* prior to the filing of the "strike everything" amendment, **but cannot be filed until the "strike everything" amendment is filed.** Filing the "strike everything" amendment generates the barcode which gives the "strike everything" amendment its amendment identification number to which other amendments should then be drawn. It should be noted, however, that so long as the "strike everything" amendment is pending, a whole level of subsidiary amendments is unavailable under House Rules relating to the sequence of amendments to an amendment.

The procedural result of adopting a "strike everything" amendment is twofold:

- All previously adopted amendments are wiped out, even those which are not incompatible with the text of the "strike everything" amendment.
- Any amendments which remain on the Reading Clerk's desk are in technically incorrect form, since they have been drafted against a bill which has been totally replaced.

**Once a "strike everything" amendment has been adopted, further amendment is in order and the text of the "strike everything" amendment is considered to be the text of the bill**, even though it has not been engrossed.

This means that the full range of amendments, amendments to amendments, and substitute amendments permitted under House Rules is once again available.

An amendment to remove everything after the enacting clause does not have to indicate the line numbers of the bill being amended.

### **A House bill is returned from the Senate with an amendment**

When a bill is in this posture, it has already passed the House. It has also passed the Senate, but with a Senate amendment. Since the Senate engrossing room does not engross House bills, the bill arrives back on the House floor and is taken up, with the unengrossed Senate amendment attached to it, during the

order of business entitled "Messages from the Senate." Since the bill has previously passed the House, the bill proper is no longer available for amendment. However, the House may concur or refuse to concur in the Senate amendment, or it may amend the Senate amendment.

In this posture it is possible for an amendment to be offered at any one of four levels. These levels, and the corresponding wording on the amendment template, are:

**1. *An amendment to the Senate amendment***--when your amendment is an amendment to an unengrossed Senate amendment:

Representative(s) \_\_\_\_\_ offered the following:

**Amendment to Senate Amendment (543210)**

The language specifying the location of the amendment (Space #6 of the model amendment template) should direct the reader to the page and line number of the **Senate amendment** being amended.

**2. *An amendment to an amendment to the Senate amendment***-- when your amendment is an amendment to another House amendment which is pending adoption to the Senate amendment:

Representative(s) \_\_\_\_\_ offered the following:

**Amendment to Amendment (012345)**



The language specifying the location of the amendment (Space #6 of the model amendment template) should direct the reader to the line number of the **House amendment to the Senate amendment** which is being amended.

**3. A substitute amendment**--when you want your amendment to be considered instead of a pending House amendment to the Senate amendment:

Representative(s) \_\_\_\_\_ offered the following:

**Substitute Amendment for Amendment (012345)**

The language specifying the location of the amendment (Space #6 of the model amendment template) should direct the reader to the page and line number of the **Senate amendment** which is being amended.

**4. An amendment to the substitute**--when a substitute amendment for a House amendment to a Senate amendment is pending adoption and you want to offer an amendment to it:

Representative(s) \_\_\_\_\_ offered the following:

**Amendment to Substitute Amendment (012345)**

The language specifying the location of the amendment (Space #6 of the model amendment template) should direct the reader to the line number of the **substitute amendment** being amended.

# MODEL FLOOR AMENDMENT TEMPLATE

HOUSE AMENDMENT

**1** Bill No.

**2** Amendment No. (for drafter's use only)

## CHAMBER ACTION

Senate

House

**3**

**3**

**4** 1 Representative(s) offered the following:

**5** 3 **Amendment (with directory and title amendments)**

**6** 4 Remove line(s) and insert:

**7** 7 ===== D I R E C T O R Y A M E N D M E N T =====

8 Remove line(s) and insert:

**8** 11 ===== T I T L E A M E N D M E N T =====

12 Remove line(s) and insert:

**9** 540221

**10** 12/16/2004 9:01:31 AM Page 1 of 1

## FLOOR AMENDMENT TEMPLATE GUIDE

An amendment offered on the House floor by a member **must be submitted as a request for an amendment in LEAGIS**. LEAGIS then provides for the display of the amendment in Bill Navigator and the Committee and Chamber Automation System used by the Senate. When entering a request for an amendment in LEAGIS, the user is prompted to choose one of the various amendment templates from a drop-down menu, and then the template for the appropriate type of amendment appears on the screen.

The model amendment template on page 116 is the template for use by a Member on the House floor. The numbered indicators on the sample identify the various components of the template. A model of the amendment template for use in subcommittee and committee appears on page 122.

### **SPACE # 1**

In this space, the number of the House or Senate bill to be amended is automatically inserted using the Populate Amendment Data [PAD] button on the LEAGIS toolbar.

**This information is derived from the information supplied in the LEAGIS request for the amendment. For this reason, it is extremely important that you double-check any request for an amendment before you transmit it to House Bill Drafting to make certain that the information supplied is correct.**

-- If the House bill you intend to amend is a committee substitute, or if the Senate bill you intend to amend is a committee substitute, the CS version of the bill will

automatically be indicated with the prefix "CS/HB" or "CS/SB" appearing before the number of the bill. **LEAGIS will always load the most recent version of a committee substitute** and, in the case of a bill that has been voted out as a committee substitute more than once, the appropriate prefix will appear in front of the bill number [CS/CS/SB 1054 or CS/CS/CS/ HB 2089].

-- Similarly, if a House bill or Senate bill has had amendments engrossed into it, the suffix "1<sup>st</sup> Eng," "2<sup>nd</sup> Eng," or "3<sup>rd</sup> Eng" will automatically be indicated after the bill number. **Regardless of the number of times a House bill has been engrossed, LEAGIS will always load the most current engrossed version of the bill.**

-- If a *resolution, joint resolution, concurrent resolution, or memorial* is to be amended, LEAGIS will automatically indicate the appropriate prefix before the bill number instead of "HB": [Examples: HR, HJR, HCR, HM, SR, SJR, SCR, or SM]

## **SPACE #2**

This space is for use when arranging multiple amendments in a specific order, such as designating "Amendment No. 2 " in a series of 15 amendments.

## **SPACE # 3**

For Clerk's Office use only.

## **SPACE # 4**

On this line, the name of the sponsor or sponsors offering the amendment will automatically be inserted by using the Populate Amendment Data button [PAD] on

the LEAGIS toolbar. Because amendment requests are received in the name of individual Members, in instances in which an amendment is to be offered by more than one sponsor, the names of additional sponsors must be added manually at Space #4. Note that, in instances in which two or more sponsors have the same last name, LEAGIS automatically determines the identity of the sponsoring Member based upon the information supplied in the amendment request.

#### **SPACE # 5**

This line indicates the exact type of the amendment and is automatically inserted as a function of the Populate Amendment Data button [PAD] with information supplied in the LEAGIS amendment request. It can be in any of the following forms:

**Amendment**

**Amendment to Amendment (012345)**

**Amendment to Substitute Amendment (012345)**

**Substitute Amendment for Amendment (012345)**

Any of these descriptions can be followed by the phrase "(with directory and title amendments)" or an appropriate modification of that phrase, if either or both of such amendments is necessary.

#### **SPACE #6**

On this line, indicate the exact location in the bill at which the amendment is to occur.

Example:

Remove line(s) 107 and insert:

Unless the entire title or body of a bill is being deleted, you will always need to identify the line where an amendment begins. If necessary, make "line" plural.

Example:

Remove line(s) 107-732 and insert:

If you are amending an amendment, **use the line numbers of the amendment you are amending.**

Also on this line, you will begin to set forth the specific instructions of the amendment to either remove, add, or alter text. If the amendment is adopted, the Clerk's Office will implement these instructions according to your directions. **It is extremely important that you double-check for accuracy and correctness.** See pages 125-131 for complete instructions on preparing the content of an amendment.

#### **SPACE # 7**

This area is used to set forth an amendment to the directory, if one is necessary, or this directive will be deleted when the Create Amendment Instructions button on the LEAGIS toolbar is used to eliminate the directory component of the amendment when no directory amendment is necessary.

#### **SPACE # 8**

This area is used to set forth the title amendment, if one is necessary, **or to set forth an amendment that amends only the title of a bill.** This directive will be deleted

when the Create Amendment Instructions button on the LEAGIS toolbar is used to eliminate the title component of the amendment if no title amendment is necessary.

### **SPACE # 9**

This is the LEAGIS amendment identification number. It is assigned automatically by LEAGIS and "names" the amendment. For instance, an amendment to this amendment would be "**Amendment to Amendment (754077).**" A substitute amendment for this amendment would be "**Substitute Amendment for Amendment (754077).**"

An amendment barcode number can only be generated when an amendment that has been requested through LEAGIS has been filed. LEAGIS does not allow for the preparation of a "generic amendment" that does not have a sponsor or that does not identify a specific bill number to be amended (sometimes referred to as the "vehicle"). *Floor amendments can only be prepared by House Bill Drafting pursuant to a LEAGIS request for amendment transmitted to House Bill Drafting or through a LEAGIS request for amendment generated by House Bill Drafting staff on the floor of the House chamber.*

### **SPACE # 10**

Indicates the date and time the amendment was approved for filing.

# MODEL COMMITTEE AMENDMENT TEMPLATE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No.

## COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1

2

1 Council/Committee hearing bill:

2 Representative(s) offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) and insert:

6  
7  
8 ===== D I R E C T O R Y A M E N D M E N T =====

9 Remove line(s) and insert:

10  
11  
12 ===== T I T L E A M E N D M E N T =====

13 Remove line(s) and insert:

14  
000000

Page 1 of 1

3

PCB001-005



## **COMMITTEE AMENDMENT TEMPLATE GUIDE**

The model amendment template on page 122 is the LEAGIS template for use by a member in subcommittee or in committee. Subcommittee and committee amendments do not receive an amendment identification number as do House floor amendments.

The numbered indicators identify the areas where this template differs from the floor amendment template.

### **SPACE # 1**

This area indicates the subcommittee or committee action that was taken on the bill and is for subcommittee or committee use only. Do not mark in this area.

### **SPACE # 2**

Identifies the subcommittee or committee hearing the bill.

### **SPACE # 3**

This is the subcommittee or committee computer storage number of the amendment. A common practice in subcommittees and committees is to name the amendment with a number consisting of the number of the bill being amended, followed by a hyphen and a number such as "003" to indicate the third amendment in a series of amendments to that particular bill. Hence, "4175-003" would be a logical identification number for the third amendment to House Bill 4175. Another common identifier is "PCB001-005, indicating the fifth in a series of amendments to the

subcommittee's PCB #1. However, the amendment can be stored under any name or number. **This identification number is not a LEAGIS amendment number of the type used for floor amendments.**

**Please keep in mind that If you are attempting to amend a House bill on the floor using an amendment previously prepared and offered in subcommittee or committee, that amendment must be transmitted via LEAGIS to Bill Drafting as a new request for a floor amendment and prepared as a floor amendment in order to be filed on the House floor.**

## CONTENT OF AN AMENDMENT

The result you wish to accomplish with an amendment will dictate the content of the amendment. This section describes how to make use of the three basic kinds of amendments, those which simply remove text, those which simply add text, and those which both remove and add text, along with title and directory amendments. It is important to remember that the House and the Senate observe the convention of only removing entire lines of text from a bill. This applies regardless of how small the proposed change might be - even if it is only a punctuation mark. Do not write amendment instructions to remove one or several words in a line of text. Direct that the entire line be removed and then set forth the text that will replace it.

### 1. AN AMENDMENT WHICH SIMPLY REMOVES TEXT

This type of amendment simply removes text and does not insert anything in its place. You should indicate the exact line or lines to be removed. Example:

Remove line(s) 231 and 232

[Then delete the "and insert" directive]

If entire lines are to be removed on consecutive pages, use the same pattern:

Remove line(s) 231-1048

[Then delete the "and insert" directive]

### 2. AN AMENDMENT WHICH SIMPLY ADDS TEXT

This type of amendment simply adds text and does not remove any existing text. You can add words or phrases or whole new sections to a bill. This type of amendment generally takes one of two forms.

Remove line 231, and insert:

[Set forth line 231 of the text in the bill with the text to be added immediately following.]

**-OR-**

Between lines 231 and 232, insert:

[Set forth the text to be added.]

REMEMBER, if the words you are adding should be *underlined in the bill*, you must also make sure they are *underlined in the amendment*. In nearly every case, an amendment to add new text to a bill will require underlining, because the new text will either be an addition to an existing Florida Statutes section, or it will be text which is new to the bill.

### ***Adding a new section or sections***

Sometimes it is the purpose of an amendment to add a whole new section or sections to the bill which is being amended. Such an amendment will almost always require a corresponding title amendment. Following are some special considerations in such an instance:

A new section can be added at the beginning, in the middle, or at the end of the bill being amended. In each case, the instructions would read something like this:

Between lines 8 and 9, insert:

[Set forth the new section]

Adding a section anywhere other than the very end of the bill will change the numbering of all the following sections. Note that the directive to "RENUMBER SUBSEQUENT SECTIONS" is no longer used in floor amendments (it is, however, still an accepted practice for use in committee amendments). The renumbering of subsequent sections will be done by the engrossing staff automatically. However, whenever such an amendment will result in renumbering the sections of a bill, it is essential that the entire bill be checked for internal references to bill section numbers that will have to be amended to conform to the change in section numbering. The engrossing staff does not have the authority to renumber internal references to section numbers of the bill.

If you are adding a section to the end of a bill, it is sometimes preferable to simply remove the line or lines on which the effective date appears and then add the effective date back in at the end of your amendment.

When adding part of one bill to another by amendment, always check to see if there are conflicting provisions in the two bills that need to be addressed. There are several examples of this worth mentioning:

-- Assuming your amendment is germane and can be added without violating the single-subject rule, check the "relating to" clause of the title to make sure it still

applies; if not, correct it with a title amendment that properly reconciles the combined provisions.

-- Always check to see if the effective dates of provisions being combined are in agreement with each other. If you need to use multiple effective dates, be sure to change the section directories, effective date section, and title to conform.

-- Definitions contained in either of the bills, as well as references to such things as "the department," need to be carefully checked to confirm that they will continue to have the originally intended meaning.

-- If the phrase "this act" appears in either of the bills, changes must be made to ensure that such references relate only to the originally intended portions of the combined bill. Often in such instances, a reference to "this act" may need to be changed to specific sections, such as "Sections 15-38 of this act may be cited as . . . . ."

If you are contemplating adding a bill in its entirety to another by amendment you should bear in mind that House Rules provide that an amendment is out of order if it is the principal substance of a bill that has received an unfavorable committee or subcommittee report, has been withdrawn from further consideration, or has not been reported favorably by at least one committee or subcommittee of reference and thus may not be offered to a bill on the Calendar and under consideration by the House.

### **3. AN AMENDMENT WHICH BOTH REMOVES AND ADDS TEXT**

This type of amendment removes text from the bill and inserts new text in its place. Examples:

Remove line 11 and insert:

Department of State shall have the authority to certify the eligible persons or entities.

**-OR-**

Remove lines 278 through 1085 and insert:

[set forth full text as you wish it to appear in the space you have created by the removal of those lines]

A great many variations are possible, using a combination of the suggestions shown in 1. and 2. and adapting them to meet your needs.

#### **4. TITLE AMENDMENTS**

Most title amendments accompany an amendment to the body of a bill and are included on the same template with the body amendment. The inclusion of a title amendment is indicated by the parenthetical phrase following the description of the amendment type:

**Amendment (with title amendment)**

**Amendment to Amendment (012345) (with title amendment)**

Title amendments are prepared according to the same basic rules as body amendments, but coding is never required in a title amendment. An amendment to remove the entire title and replace it with a new title does not need to indicate line numbers:

Remove the entire title

and insert: [set forth text of new title]

Occasionally an amendment does nothing more than amend the title of a bill. In this case, set forth your changes to the title in the Title Amendment portion of the template, deleting other inapplicable directives in the template:

If an amendment to an amendment requires a title amendment, and the amendment being amended includes a title amendment, the title portion of the amendment to the amendment should cite the line numbers of the title portion of the amendment being amended.

If the amendment being amended does not include a title amendment, the title portion of the amendment to the amendment should cite the line numbers of the title of the bill being amended.

## **5. DIRECTORY AMENDMENTS**

Whenever subdivisions of statute text such as subsections or paragraphs are added to or deleted from the text of a bill which amends statute sections, the *directory* as originally written in the bill *will have to be amended to conform*. Changes in directory language necessitated by an amendment that affects statute text are included on the same template with the body amendment. The inclusion of a directory amendment is indicated in parentheses after the description of the amendment:

### **Amendment (with directory amendment)**

Example:



Remove line 21 and insert:

[Set forth new directory language]

The most useful application of the directory amendment component of the amendment template occurs when adding an amended or created subdivision or subdivisions to a lengthy section of a bill. Let's say that you are adding an additional subsection to the end of a section in a bill. Between the directory and the point at which you will insert the new subsection there are 13 pages of text. Because you are adding another subsection, you need to reach the directory to change it as well. Rather than writing an amendment that removes 13 pages of text and then reinserts those pages with the new subsection added and the directory corrected, you can simply insert the new subsection between the appropriate lines at the end of the section and amend the directory accordingly, making for a much shorter amendment.

## **IMPORTANT THINGS TO REMEMBER**

**1. THE ABSOLUTE FIRST CONSIDERATION.** Identify the bill you wish to amend. Often, material supplied by a requester may be out of date. Check the bill history citator, Bill Navigator in LEAGIS, or the session data available on "Online Sunshine," the official Internet site of the Florida Legislature, to see if a committee substitute has been adopted or if the bill has already been amended.

If the bill has been amended by the House or Senate, any further amendment must be addressed to the engrossed version. If you are attempting to amend a bill

with respect to which previous amendments have not been engrossed, follow the instructions beginning on page 113.

**2. DEALING WITH CODING.** When amending a portion of a bill that contains coded Florida Statutes sections, be careful to carry over the proper coding in your amendment. It is essential to remember that the amendment template is not used to make changes in statute text directly; it only does so indirectly by making changes in the text of a bill. Thus, the directives on the amendment template to "remove" and "insert" words do not in themselves accomplish the hyphening out and underlining that are required to change statute text; they are only tools to be used to change the text of the bill to accomplish that purpose.

The way in which an amendment can be used to make changes in a portion of a bill that contains coded statute text is to remove and replace the entire line or lines.

Assume you have a portion of statute text that appears in a bill on line 135, like this:

must be filed with the clerk within 40 ~~60~~ days after the

This means that the present law calls for a 60-day filing period and the bill proposes to change that to a 40-day period. If you want the bill to propose a 1-month period instead of a 40-day period, prepare the amendment as follows:

-- Remove the entire line from the bill and replace it with an entire line that is properly coded:

Remove line 135 and insert:

must be filed with the clerk within 1 month ~~60 days~~ after the

When preparing an amendment that involves coded statute text, always make a final check to be sure that the final product will be language that is properly coded against existing Florida Statutes text. Check to see if the directory needs to be amended. Also, if you have removed coding, check to see if the result is a statute section or subdivision that is no longer being amended; if so, the whole section or subdivision should be removed from the bill, instead of just the coding.

**3. MAKING CHANGES IN MORE THAN ONE PLACE.** Because the House observes the convention of removing and adding only whole lines of text by amendment, the option of directing that a word or phrase that recurs at a number of specific line locations be removed from those locations and another single word or phrase substituted in each of the locations is no longer available as it had been in the past. Rather than preparing multiple amendments in such a case (which in most instances is undesirable), the simplest method of preparing such an amendment is to remove the text of the bill that encompasses all the changes, beginning with the line on which the first change occurs and ending with the line on which the last change occurs, and then reinsert that text with the appropriate changes incorporated.

**4. AMENDMENTS WHICH INVOLVE ADDING OR DELETING SECTION SUBDIVISIONS.** When your amendment involves adding or deleting subdivisions of a statute section that is being amended in a bill, such as subsections or paragraphs,

always be sure to correct the directory. Also, double check for any necessary introductory or "flush left" material that will need to be included.

**5. DEALING WITH WHEREAS CLAUSES.** "Whereas" clauses can be amended in the same way that the body of a bill is amended, although coding will never be needed. However, a special situation arises when you are preparing a "strike the entire title" amendment for a bill containing "Whereas" clauses. Since these clauses are not technically part of the title, in order to remove them you must provide specific line number directions which encompass not only the entire title but the "Whereas" clauses as well, rather than simply directing that the "entire title" be removed from the bill, without any line number indications.

## **SPECIAL TYPES OF AMENDMENTS**

**1. TECHNICAL AMENDMENTS.** Although proposed amendments that supposedly have no substantive impact are often characterized in legislative jargon as being "technical amendments," only the Rules, Calendar & Ethics Committee and House Bill Drafting have access to the technical amendment template in LEAGIS and can prepare what are officially recognized technical amendments used to offer purely corrective changes in the name of the Rules, Calendar & Ethics Committee. Members and other committee or subcommittee staff are not permitted access to this form.

### **2. AMENDMENTS TO THE GENERAL APPROPRIATIONS BILL.**

Amendments to the general appropriations bill are not prepared by House Bill Drafting but are prepared by the Appropriations Committee and the various appropriations subcommittees of the committee. Contact the staff of the Appropriations Committee for information regarding such an amendment.

### **3. AN AMENDMENT TO REMOVE THE ENACTING OR RESOLVING CLAUSE.**

This amendment is rarely used and should not be confused with an amendment to remove everything after the enacting clause. Under House Rules, adoption of an amendment to "remove the enacting clause of a bill or the resolving clause of a resolution or memorial" is the equivalent of rejection of the bill, resolution, or memorial by the House. The purpose of such an amendment is, therefore, to bring the bill to a final vote on second reading, when otherwise such a vote would not occur until third reading.

**AMENDMENT SAMPLES ARE DRAFTED TO THIS BILL**

HB 3053

1                   A bill to be entitled  
2           An act relating to the lottery; amending s. 24.1055, F.S.;  
3           prohibiting vendors from selling lottery tickets to  
4           certain persons; prohibiting redemption of lottery tickets  
5           by certain persons; providing penalties; providing an  
6           effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. Subsections (1) and (3) of section 24.1055,  
11   Florida Statutes, are amended to read:

12           24.1055 Prohibition against sale of lottery tickets to  
13   minors or redemption by minors; posting of signs; penalties.--

14           (1) (a) No person who is less than 18 years of age:

15           1. May purchase a lottery ticket by means of a machine or  
16   otherwise.

17           2. May redeem any lottery ticket for anything of value.

18           (b) No vendor shall sell, by means of a machine or  
19   otherwise, any lottery ticket to, or redeem any lottery ticket  
20   from, any person who is less than 18 years of age.

21           (3) Any minor person, including any vendor, who violates  
22   this section commits is guilty of a misdemeanor of the second  
23   degree, punishable as provided in s. 775.082 or s. 775.083. Any  
24   vendor who violates this section commits a misdemeanor of the  
25   first degree, punishable as provided in s. 775.082 or s. 775.083.

26           Section 2. This act shall take effect upon becoming a law.

**AMENDMENT SAMPLE 1**

HOUSE AMENDMENT

HB 3053

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.  
. .  
. . .

---

**REMOVES CODED TEXT FROM BODY OF THE BILL**

*[Removes "or s. 775.083" from line 25 of text of sample bill]*

---

1 Representative(s) Robertson offered the following:

2

3 **Amendment**

4 Remove line 25 and insert:

5

6 first degree, punishable as provided in s. 775.082.

**AMENDMENT SAMPLE 2**

HOUSE AMENDMENT

HB 3053

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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.  
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---

**STRIKES EXISTING STATUTE TEXT**

*[Strikes existing statute text "posting of signs;" in catchline of s. 24.1055, F.S.]*

---

1 Representative(s) DaSilva offered the following:

2

3 **Amendment**

4 Remove line 13 and insert:

5

6 minors or redemption by minors; ~~posting of signs;~~ penalties.--



**AMENDMENT SAMPLE 3**

HOUSE AMENDMENT

HB 3053

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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.

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**RESTORES EXISTING STATUTE TEXT**

*[Deletes underlined word "commits" and removes hyphens from existing statute text "~~is guilty of~~" in subsection (3) of bill]*

---

1 Representative(s) Higgins offered the following:

2  
3  
4  
5  
6

**Amendment**

Remove line 22 and insert:

this section is guilty of a misdemeanor of the second

**AMENDMENT SAMPLE 4**

HOUSE AMENDMENT

HB 3053

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.  
. .  
. . .

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**REMOVES AND INSERTS CODED TEXT IN BODY AND  
CONFORMS TITLE**

*[Changes the term "vendor" to "convenience store clerk" on lines  
18 and 24 of the text of the bill and on line 3 of the title]*

---

1 Representative(s) McLaughlin offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove lines 18-24 and insert:

5  
6 (b) No convenience store clerk shall sell, by means of a  
7 machine or otherwise, any lottery ticket to, or redeem any  
8 lottery ticket from, any person who is less than 18 years of  
9 age.

10 (3) Any minor person, including any vender, who violates  
11 this section commits ~~is guilty of~~ a misdemeanor of the second  
12 degree, punishable as provided in s. 775.082 or s. 775.083. Any  
13 convenience store clerk who violates this section commits a  
14 misdemeanor of the  
15

**AMENDMENT SAMPLE 4**

HOUSE AMENDMENT

HB 3053

Amendment No. (for drafter's use only)

16  
17  
18  
19  
20  
21

===== T I T L E A M E N D M E N T =====

Remove lines 3 and insert:

prohibiting convenience store clerks from selling lottery  
tickets to

**AMENDMENT SAMPLE 5**

HOUSE AMENDMENT

HB 3053

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.  
. .  
. . .

---

**REMOVES TEXT FROM BILL AND CONFORMS TITLE AND DIRECTORY**

*[Removes subsection (3) from the bill, makes the appropriate conforming change in the directory, and removes "providing penalties" in the title, to conform.]*

---

1 Representative Lloyd offered the following:

2  
3 **Amendment (with directory and title amendments)**

4 Remove lines 21-25

5  
6  
7 ===== D I R E C T O R Y A M E N D M E N T =====

8 Remove lines 10 and 11 and insert:

9  
10 Section 1. Subsection (1) of section 24.1055, Florida  
11 Statutes, is amended to read:

12  
13 ===== T I T L E A M E N D M E N T =====

# AMENDMENT SAMPLE 5

HOUSE AMENDMENT

HB 3053

Amendment No. (for drafter's use only)

14           Remove line 5 and insert:  
15  
16 by certain persons; providing an

Page 2 of 2

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Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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. .  
. . .

**ADDS NEW AMENDED SUBSECTION TO BILL AND  
CONFORMS TITLE AND DIRECTORY**

*[Adds amended subsection (2) of section 24.1055 to text of the bill, conforms the directory (section 24.1055 is now shown in its entirety), and conforms the title by adding "specifying certain sign requirements;"]*

1 Representative Blackwell offered the following:

2  
3 **Amendment (with directory and title amendments)**

4 Between lines 20 and 21, insert:

5  
6 (2) Any retailer that sells lottery tickets by means of a  
7 player activated machine or redeems lottery tickets shall post a  
8 clear and conspicuous sign on such machine, which states the  
9 following:

10 THE SALE OF LOTTERY TICKETS OR PAYMENT OF LOTTERY TICKET  
11 PROCEEDS TO PERSONS UNDER THE AGE OF 18 IS AGAINST FLORIDA LAW  
12 (SECTION 24.105, FLORIDA STATUTES). PROOF OF AGE IS REQUIRED FOR  
13 PURCHASE OR REDEMPTION.

**AMENDMENT SAMPLE 6**

HOUSE AMENDMENT

HB 3053

Amendment No. (for drafter's use only)

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

===== D I R E C T O R Y A M E N D M E N T =====

Remove lines 10 and 11 and insert:

Section 1. Section 24.1055, Florida Statutes, is amended  
to read:

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:

by certain persons; specifying certain sign requirements;  
providing penalties; providing an

**AMENDMENT SAMPLE 7**

HOUSE AMENDMENT

HB 3053

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.  
.
.

---

**AMENDMENT TO AN AMENDMENT**

*[Amends Amendment 273437 (Amendment Sample 6) to remove "or redeems lottery tickets" on line 7 of the amendment and insert "or redeems" on line 6 of the amendment.]*

---

1 Representative Haynes offered the following:

2

3 **Amendment to Amendment (273437)**

4 Remove lines 6 and 7 and insert:

5

6 (2) Any retailer that sells or redeems lottery tickets by

7 means of a player activated machine shall post a



**AMENDMENT SAMPLE 8**

HOUSE AMENDMENT

HB 3053

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.  
. .  
. . .

**SUBSTITUTE AMENDMENT**

*[An amendment offered in place of, or as a "substitute" for, Amendment 273437 (Amendment Sample 6). \*NOTE: LINE NUMBER DIRECTIONS ARE DRAWN TO THE BILL, NOT THE AMENDMENT.]*

1 Representative Haynes offered the following:

2

3 **Substitute Amendment for Amendment (273437) (with directory**  
4 **and title amendments)**

5 Remove line(s) 13-25 and insert:

6

7 minors or persons more than 55 years of age; posting of signs;  
8 penalties.--

9 (1) No person who is less than 18 or more than 55 years of  
10 age may purchase a lottery ticket by means of a machine or  
11 otherwise.

12 (2) Any retailer that sells lottery tickets by means of a  
13 player activated machine shall post a clear and conspicuous sign  
14 on such machine, which states the following:

**AMENDMENT SAMPLE 8**

HOUSE AMENDMENT

HB 3053

Amendment No. (for drafter's use only)

15 THE SALE OF LOTTERY TICKETS TO PERSONS UNDER THE AGE OF 18 OR  
16 OVER THE AGE OF 55 IS AGAINST FLORIDA LAW (SECTION 24.105,  
17 FLORIDA STATUTES). PROOF OF AGE IS REQUIRED FOR PURCHASE.

18 (3) Any person, including any vendor, who violates this  
19 section commits ~~is guilty of~~ a misdemeanor of the second degree,  
20 punishable as provided in s. 775.082 or s. 775.083.

21  
22 ===== D I R E C T O R Y A M E N D M E N T =====

23 Remove lines 10 and 11 and insert:

24  
25 Section 1. Section 24.1055, Florida Statutes, is amended  
26 to read:

27  
28  
29 ===== T I T L E A M E N D M E N T =====

30 Remove lines 3-5 and insert:

31  
32 prohibiting the purchase of lottery tickets by certain persons;  
33 providing penalties; providing an

## **GLOSSARY**

This listing is primarily intended to supplement, and not duplicate, material found throughout this manual. Terms which have more to do with legislative procedure than bill drafting per se are not covered.

Act An act is a bill which has been approved by both houses of the Legislature and has become a law either with or without the Governor's signature. The acts adopted by each session of the Legislature are annually published in the bound volumes *Laws of Florida*. Acts of general application are compiled, edited, and published annually in the multivolume set *Florida Statutes* which the Legislature periodically reenacts as the official statute law of the state.

Bill Navigator The component of the House of Representatives' LEAGIS computer system which provides access to comprehensive information relating to current and past legislation, including bills and amendments filed in the House and Senate for the current legislative session and previous sessions; sponsors, cosponsors, and summaries of legislation; committee and subcommittee referrals and committee and subcommittee actions; text and staff analyses of bills; companion bills; vote histories; bill history; and listings of statutes that are referenced within bills.

Bubble Either of the two glass enclosed areas which flank the entrance at the rear of the chamber of the House of Representatives. The occupants of the southwest bubble are staff persons from the House Bill Drafting Service.

CCAS Abbreviation for Committee and Chamber Automation System, the computer-generated system that displays amendments to bills currently under consideration on the floor of the Senate.

CS Abbreviation for Committee Substitute.

Calendar The calendar is a published agenda of the order of business for the legislative day. Each house issues a calendar which contains a listing of all proposed legislation which has been reported favorably by each committee or subcommittee and is awaiting consideration on the floor of the respective house.

Chapter law When an individual bill is enacted into law at a particular session of the Legislature it becomes a chapter law, so called because of the identifying number assigned to it, such as chapter 98-403 or chapter 2004-178. Chapter laws are collected and published annually in the *Laws of Florida*. The substance of most general chapter laws is subsequently merged into the next edition of the *Florida Statutes*.

Citation As it relates to bill drafting, a citation is a specific reference to a section, subsection, or paragraph of the law (e.g., s. 11.242, Florida Statutes, or section 1 of chapter 94-85, Laws of Florida) or to another portion of the bill itself (e.g., section 5).

Claim bill A claim bill, or "relief act," is a bill which compensates a particular individual or entity for injuries or losses which were occasioned by the negligence or error of a public officer or agency. It is a means by which an injured party may

recover damages even though the public officer or agency involved may be immune from attack by an ordinary lawsuit.

Coding The underlining of proposed language and the striking through with hyphens of language in the present law, which is required in general bills, local bills, and joint resolutions by the House and Senate Rules, is often referred to as coding.

Committee Substitute A committee substitute is a bill that a House committee or subcommittee has substituted for a House bill that the committee has amended or combined with one or more other House bills in its possession. (See Part I of this manual for a complete discussion). If a committee or subcommittee adopts any amendment to a House bill, the committee or subcommittee must report the bill favorably with committee substitute, accordingly. In addition, a committee or subcommittee may introduce a committee substitute that embraces the same general subject matter of one or more bills in the possession of the committee or subcommittee. Committees and subcommittees may also introduce a committee substitute for an existing committee substitute.

A committee substitute may not be offered to a Senate bill.

Companion bill When copies of the same bill are pending in both houses of the Legislature, they are referred to as companion bills. Bills must be substantially

pageworded the same and identical as to specific intent and purpose in order to be considered as companions.

Conference committee An ad hoc committee composed of members of both the House and the Senate appointed by the respective presiding officers for the sole purpose of resolving the differences between two different versions of the same bill which each house has indicated a desire to enact into law.

Cut-off date The date provided by the House or Senate rules after which no further bills or joint resolutions may be introduced by a member. The phrase may also refer to the last day upon which the House Bill Drafting Service will accept requests to prepare legislation.

Directory (See pages 35 and 70)

Draft number Also known as the “request number,” this is the number which appears in the lower left-hand corner of any bill prepared by the House, appearing as “billdraft26553.docx.” Draft numbers for Senate bills appear as a series of numerals separated by hypens in the upper left-hand corner of the bill.

Enacting clause The phrase "Be It Enacted by the Legislature of the State of Florida:" which appears between the title and body of every bill and which is required by the Florida Constitution.

Engrossed bill A bill which, in accordance with rules of the respective houses, has been regenerated to include any amendments that may have been adopted by vote of the membership on the House or Senate floor.

Enrolled bill The final official form of a bill after having passed both houses and after having amendments of both houses, if any, engrossed into it. It is in this form that the bill is presented to the legislative officers and the Governor for signature.

First reading This occurs when a bill is officially introduced into one of the houses of the Legislature and its title is published in the Journal. Since the amendment to Section 7 of Article III of the State Constitution in 1980, it is no longer required that the reading clerk actually read the bill. The publication of "first reading" in the Journal also shows the subcommittee or subcommittees to which the presiding officer has referred the bill and any committee references given.

F.S. Abbreviation for Florida Statutes.

Interim The period of time between regular sessions of the Legislature.



Journal The official record of legislative proceedings. Each house issues a journal on a daily basis during the session and later a corrected bound volume of the entire session's proceedings. Journals of the Florida Legislature report only formal actions and do not include debate.

LEAGIS The computer system of the Florida House of Representatives maintained by the House Office of Information Technology (HOIT) and its counterpart, Senate LEAGIS, the computer system of the Florida Senate maintained by the Office of Legislative Information Technology Services (OLITS). Each serves the various functions of the legislative process for its house in accordance with the rules of that house, including bill and amendment drafting.

Legislative Intranet The Florida Legislature's electronic repository for a variety of legislative information, including: House and Senate Rules; calendars; journals; administrative policies and procedures; session summaries; member and staff directories; Bill Information Citator; staff directories; online training registration; training calendars; Search and Browse program.

Local bill See discussion under SPECIAL ACTS in Part I.

Online Sunshine The official Internet site of the Florida Legislature, which provides: electronic access to the Florida Statutes and Constitution; member and committee information for the House and Senate; press releases; House and Senate Bills; search capability for bill texts; calendars; journals; Bill Information

Citator; subject index for bills; sponsor reports by member; links to other legislative and state government sites.

PCB A bill developed by a committee or subcommittee is a "committee bill." Prior to a bill being formally introduced as a committee bill, it is known as a proposed committee bill (PCB).

PCS A proposed committee substitute, prepared by subcommittee or committee staff prior to the date the bill for which it will be offered as a substitute is heard by the subcommittee or committee.

Preliminary draft A term employed primarily by the House Bill Drafting Service which essentially means "rough draft" or "first draft." It is a bill which is in technically complete form, but which is presented to a member for consideration, possible revision, and approval prior to filing and introduction.

Proof of publication A notarized statement which contains a copy of a newspaper advertisement indicating an intention to seek legislative approval of a special or local bill. Such a statement accompanies the bill when introduced and proves that the bill was advertised in advance as required by law.

Request number Also known as the "draft number," this is the number which appears in the lower left-hand corner of a bill prepared by the House, appearing

as "billdraft26553.docx."

Reviser's bill A reviser's bill is a nonsubstantive bill passed by the Legislature for the purpose of removing inconsistencies, redundancies, and unnecessary repetitions in the Florida Statutes and for otherwise improving clarity and facilitating correct and proper interpretation of the statutes. A reviser's bill is accompanied by revision and history notes, commonly called reviser's notes, which explain the changes being made in the statutes and the reasons therefor. A bill is not a "reviser's bill" simply because it may contain the explanatory comments of the sponsor. The only official reviser's bills are those prepared by the staff of the Division of Statutory Revision of the Office of Legislative Services under the authority of s. 11.242, Florida Statutes.

Search and Browse The browser-based search engine available on the Legislative Intranet which enables legislative staff to conduct searches of: the Florida Statutes, Florida Statutes Index, Tracing Table, Table of Section Changes, Cross-References Table, and Table of Repealed and Transferred Sections; the Florida Constitution and Florida Constitution Index; current-year Laws of Florida and Laws of Florida Index; current-year House and Senate Enrolled Acts; the U.S. Constitution and U.S. Constitution Index; opinions and Ethics Commission opinions; Senate journals; Senate Rules; House journals; House Rules.

Session laws The *Laws of Florida*, a set of bound volumes, published each year, which contains the annual work product (acts, resolutions, and memorials) of the Legislature.

Sponsor A Member who introduces a bill into the Legislature.

Statutory Revision The editorial staff which compiles and publishes the official Florida Statutes every year. The Division of Statutory Revision operates under the authority of s. 11.242, Florida Statutes.

Sunset A term which was used in the past to refer to the Regulatory Sunset Act (repealed in 1993) and is now incorrectly used in legislative vernacular to refer to the repeal of an act, section, or subdivision of a section. A person who wishes to “sunset” a provision in 2012 actually wants to repeal the provision in that year.

Technical amendment Strictly speaking, this is an amendment prepared on a special amendment template which is used in the House of Representatives to make technical amendments of a purely nonsubstantive corrective nature. Such amendments are prepared by the House Bill Drafting Service and may only be introduced in the name of the Rules, Calendar & Ethics Committee.

Amendments introduced by members are sometimes characterized as “technical” amendments, but only amendments submitted on the technical amendment

template and introduced in the name of the Rules, Calendar & Ethics Committee are truly technical amendments.

Title amendment An amendment to the title of a bill. Title amendments are often necessary to conform the title to the contents of the bill after an amendment to the bill itself has made a substantial change in the effect of its provisions.

XML (Extensible Markup Language) is a Web application used in LEAGIS to tag and structure bills and amendments from initial drafting through filing, enrolling, and merging and publishing in the Laws of Florida and Florida Statutes databases.



House Bill Drafting Service  
*skill. service. trust.*