Why do Florida legislative history research?

- definition of terms in a statute
- statutory construction and application
- legislative intent
- background information/context
- project is assigned to you
What are the relevant Florida legislative history resources and documents?

• bills:
  – text of the bill as introduced into the legislature and as amended during the legislative process
  – companion bills
  – useful to see the statute section in the context of other statute sections introduced at the same time
Florida legislative history resources and documents

• committee hearings:
  – citizens, organizations, and experts are invited to speak about the bill
  – hearings are taped, but the tapes are not usually transcribed or indexed

• committee reports:
  – short fact sheets
  – only one or two pages
Florida legislative history resources and documents

- **staff analyses:**
  - considered the most-important legislative history documents
  - prepared by committee staff
  - summarize the bill
Florida legislative history resources and documents

• staff analyses:
  – include statements about the purpose and need for the bill and potential effects of the new legislation
  – sometimes include fiscal notes or economic impact statements
  – analysis is updated if the House or Senate amends the bill
Florida legislative history resources and documents

• floor debates:
  – sometimes legislators make statements on the floor that shed light on the purpose of the bill
  – a bill can be amended on the floor
  – debates are taped, but the tapes are not usually transcribed or indexed
Florida legislative history resources and documents

• History of Legislation (1965 - 1987)
or
Final Legislative Bill Information “Citator” (1988 and after)
  – doesn’t provide a full transcript of the proceedings
  – records the formal actions taken by the Senate or House on a bill, including introduction, reference to committees, and voting records
Florida legislative history resources and documents

- **Journal of the Senate**
- **Journal of the House of Representatives**
  - doesn’t provide a full transcript of the proceedings
  - records only the formal actions taken by the Senate or House on a particular day
  - includes the text of floor amendments
Florida legislative history resources and documents

• governor’s statements:
  – might include the governor’s objections to an act he vetoes
  – sent to the house where the bill originated
  – statement will appear in the journal of that house
How far back are Florida legislative history resources and documents available?

• Documents have existed in an organized, comprehensive way since 1969.

• Very few documents were retained before that time.
What is the process of conducting Florida legislative history research?

• We’ll go through the worksheet.
• Assume that you are assigned to do legislative history research on Florida Statutes §776.031: Use or threatened use of force in defense of property
• Of particular interest is when the duty to retreat was removed.
Process of conducting Florida legislative history research

- Look at the relevant Florida statute section in the Florida Statutes Annotated, if possible.

F.S. §776.031
Use or threatened use of force in defense of property
776.031. Use or threatened use of force in defense of property

(1) A person is justified in using or threatening to use force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to prevent or terminate the other’s trespass on, or other tortious or criminal interference with, either real property other than a dwelling or personal property, lawfully in his or her possession or in the possession of another who is a member of his or her immediate family or household or of a person whose property he or she has a legal duty to protect. A person who uses or threatens to use force in accordance with this subsection does not have a duty to retreat before using or threatening to use such force.

(2) A person is justified in using or threatening to use deadly force only if he or she reasonably believes that such conduct is necessary to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.

Process of conducting Florida legislative history research

• Look at the history line to identify the chapter numbers of the laws that enacted or amended the statute section.

Laws 1974, c. 74-383, §13
Laws 1997, c. 97-102, §1189, eff. July 1, 1997
Laws 2014, c. 2014-195, §5, eff. June 20, 2104
Process of conducting Florida legislative history research

• If you’re interested in a particular issue, look at the historical notes to see which law enacted or amended the relevant part of the statute section.

• If not mentioned in the historical notes, you might need to look at all listed laws.
Historical and Statutory Notes

Amendment Notes:

Laws 1997, c. 97–102, eff. July 1, 1997, removed gender-specific references applicable to human beings from volume 4 of the Florida Statutes without substantive changes in legal effect.

Laws 2005, c. 2005–27, § 3, added the last sentence, relating to the duty to retreat.

Laws 2014, c. 2014–195, § 5, rewrote this section, which formerly read:

“A person is justified in the use of force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to prevent or terminate the other’s trespass on, or other tortious or criminal interference with, either real property other than a dwelling or personal property, lawfully in his or her possession or in the possession of another who is a member of his or her immediate family or household or of a person whose property he or she has a legal duty to protect. However, the person is justified in the use of deadly force only if he or she reasonably believes that such force is necessary to prevent the imminent commission of a forcible felony. A person does not have a duty to retreat if the person is in a place where he or she has a right to be.”

Law Review and Journal Commentaries

Process of conducting Florida legislative history research

• Using the chapter number of the relevant law, go to the Laws of Florida for that year, and look at the text of the law that enacted or amended your statute section.

Look at:
CHAPTER 2005-27

Committee Substitute for Committee Substitute for Senate Bill No. 436

An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or great bodily harm exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; defining the term "criminal prosecution"; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines
(c) "Vehicle" means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.

Section 2. Section 776.012, Florida Statutes, is amended to read:

776.012 Use of force in defense of person.—A person is justified in using the use of force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other’s imminent use of unlawful force. However, a person is justified in the use of deadly force and does not have a duty to retreat only if:

(a) He or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony; or;

(b) Under those circumstances permitted pursuant to s. 776.013.

Section 3. Section 776.031, Florida Statutes, is amended to read:

776.031 Use of force in defense of others.—A person is justified in the use of force, except deadly force, against another when and to the extent that the
person reasonably believes that such conduct is necessary to prevent or terminate the other’s trespass on, or other tortious or criminal interference with, either real property other than a dwelling or personal property, lawfully in his or her possession or in the possession of another who is a member of his or her immediate family or household or of a person whose property he or she has a legal duty to protect. However, the person is justified in the use of deadly force only if he or she reasonably believes that such force is necessary to prevent the imminent commission of a forcible felony. A person does not have a duty to retreat if the person is in a place where he or she has a right to be.

Section 4. Section 776.032, Florida Statutes, is created to read:

776.032 Immunity from criminal prosecution and civil action for justifiable use of force.—

(1) A person who uses force as permitted in s. 776.012, s. 776.013, or s. 776.031 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, unless the person against whom force was used is a law enforcement officer, as defined in s. 943.10(14), who was acting in the performance of his or her official duties and the officer
Process of conducting Florida legislative history research


Line added:

“A person does not have a duty to retreat if the person is in a place where he or she has a right to be.”
Process of conducting Florida legislative history research

• Find the House or Senate bill number, which is listed immediately below the chapter number of the law.

SB 436, 2005

• This bill number is used for obtaining relevant documents.
CHAPTER 2005-27

Committee Substitute for
Committee Substitute for Senate Bill No. 436

An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or great bodily harm exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; defining the term “criminal prosecution”; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines
Process of conducting Florida legislative history research

• Using the House or Senate bill number, go to that year’s History of Legislation (1965 - 1987) or the Final Legislative Bill Information “Citator” (1988 and after), to get the chronological history of the bill.
Process of conducting Florida legislative history research

- The Citator provides the names of sponsors, dates of each action on the bill, including introduction, and an indication of any companion bills.
- References are to page numbers in the House or Senate Journal.
- The Citator is indexed by bill number, by Florida Statute chapter number, and by subject.
Process of conducting Florida legislative history research

- Look up the bill number in the Senate Bill Actions Report or the House Bill Actions Report (in the History of Legislation) or in the History of Senate Bills or the History of House Bills section (in the Final Legislative Bill Information "Citator").

Look at SB 436 in the History of Senate Bills section in the 2005 Citator.
03/22/05  HOUSE  In Messages
04/27/05  HOUSE  Received, referred to Calendar –HJ 00902
04/29/05  HOUSE  Substituted for HB 153 –HJ 01077; Read second time –HJ 01077; Amendment(s) adopted –HJ 01077; Read third time –HJ 01079; CS passed as amended; YEAS 114 NAYS 0 –HJ 01079
04/29/05  SENATE  In returning messages
05/05/05  SENATE  Concurred –SJ 01106; CS passed as amended; YEAS 39 NAYS 0 –SJ 01108; Ordered engrossed, then enrolled –SJ 01108
05/24/05  Signed by Officers and presented to Governor
05/26/05  Approved by Governor; Chapter No. 2005–63

S 436  GENERAL BILL/CS/CS/1ST ENG by Judiciary; Criminal Justice; Peaden; (CO–SPONSORS) Argenziano; Clary; Wise; Lawson; Crist; Baker; Bennett; Posey; Villalobos; Garcia; Fasano; Webster; Lynn; Haridopolos; King; Dockery; Diaz de la Portilla; Bullard; Campbell; Jones; Sebesta; Pruitt; Constantine; Smith; Alexander; Saunders; Aronberg; Klein (Similar H 0249)
Protection of Persons/Use of Force; authorizes person to use force, including deadly force, against intruder or attacker in dwelling, residence, or vehicle un-
(CONTINUED ON NEXT PAGE)
S 436 (CONTINUED)

Order specified circumstances; provides that person is justified in using deadly force under certain circumstances; provides immunity from criminal prosecution or civil action for using deadly force; defines term “criminal prosecution”, etc. Creates 776.013,.032; amends 776.012,.031. Effective Date: 10/01/2005.

12/08/04 SENATE Filed
12/17/04 SENATE Referred to Criminal Justice; Judiciary
01/14/05 SENATE On Committee agenda—Criminal Justice, 01/26/05, 2:00 pm, 37–S—Temporarily postponed
01/31/05 SENATE On Committee agenda—Criminal Justice, 02/09/05, 2:00 pm, 37–S
02/09/05 SENATE CS by Criminal Justice; YEAS 8 NAYS 0
02/10/05 SENATE Now in Judiciary
02/15/05 SENATE On Committee agenda—Judiciary, 02/23/05, 2:00 pm, 401–S
02/23/05 SENATE CS/CS by— Judiciary; YEAS 7 NAYS 0
02/25/05 SENATE Placed on Calendar, on second reading
03/08/05 SENATE Introduced, referred to Criminal Justice; Judiciary —SJ 00031; On Committee agenda—Criminal Justice, 01/26/05, 2:00 pm, 37–S—Temporarily postponed; On Committee agenda—Criminal Justice, 02/09/05, 2:00 pm, 37–S; CS by Criminal Justice; YEAS 8 NAYS 0 —SJ 00104; CS read first time on 03/08/05 —SJ 00098; Now in Judiciary; SJ 00104; On Committee agenda—Judiciary

S 440 (CONTINUED)

04/12/05
04/14/05
05/06/05
S 442 General
Efficiency
Industries
Haridop
ENG/H 1697, H
1470, CS

Building
Building
Insurance
based on relative int $200,000
12/08/04
S 438 GENERAL BILL by Lynn; (CO-SPONSORS) Haridopolos

DUI/ Test Refusal; requires that person whom law enforcement officer believes is operating motor vehicle or commercial motor vehicle while under influence of alcohol, chemical substances, or controlled substances be told that if he or
Process of conducting Florida legislative history research

• Date and House or Senate Journal page number(s) for Senate amendments, adopted and failed: 3-22-05, SJ 00244

• Date and House or Senate Journal page number for the final vote in the House: 4-5-05, HJ 00342
S 438  GENERAL BILL by Lynn; (CO-SPONSORS) Haridopolos

DUI/ Test Refusal; requires that person whom law enforcement officer believes is operating motor vehicle or commercial motor vehicle while under influence of alcohol, chemical substances, or controlled substances be told that if he or she refuses to submit to test of his or her breath, blood, or urine for alcohol or

S 438  GENERAL BILL by Lynn; (CO-SPONSORS) Haridopolos

DUI/ Test Refusal; requires that person whom law enforcement officer believes is operating motor vehicle or commercial motor vehicle while under influence of alcohol, chemical substances, or controlled substances be told that if he or she refuses to submit to test of his or her breath, blood, or urine for alcohol or
Process of conducting Florida legislative history research

- Date and House or Senate Journal page number for the governor’s approval of the bill: 4-26-05, SJ 00585
S 438  GENERAL BILL by Lynn; (CO-SPONSORS) Haridopolos

DUI/Test Refusal; requires that person whom law enforcement officer believes is operating motor vehicle or commercial motor vehicle while under influence of alcohol, chemical substances, or controlled substances be told that if he or she refuses to submit to test of his or her breath, blood, or urine for alcohol or...
Process of conducting Florida legislative history research

• If useful, look in the Senate or House Journal, to see the text of floor amendments, or vote counts.

• Look at the entry in the Senate Journal for the senate amendments, adopted and failed.

3-22-05, SJ 00244
On motion by Senator Peaden—

CS for CS for SB 436—A bill to be entitled An act relating to the protection of persons and property; creating s. 776.013, F.S.; authorizing a person to use force, including deadly force, against an intruder or attacker in a dwelling, residence, or vehicle under specified circumstances; creating a presumption that a reasonable fear of death or great bodily harm exists under certain circumstances; creating a presumption that a person acts with the intent to use force or violence under specified circumstances; providing definitions; amending ss. 776.012 and 776.031, F.S.; providing that a person is justified in using deadly force under certain circumstances; declaring that a person has no duty to retreat and has the right to stand his or her ground and meet force with force if the person is in a place where he or she has a right to be and the force is necessary to prevent death, great bodily harm, or the commission of a forcible felony; creating s. 776.032, F.S.; providing immunity from criminal prosecution or civil action for using deadly force; defining the term “criminal prosecution”; authorizing a law enforcement agency to investigate the use of deadly force but prohibiting the agency from arresting the person unless the agency determines that there is probable cause that the force the person used was unlawful; providing for the award of attorney’s fees, court costs, compensation for loss of income, and other expenses to a defendant in a civil suit who was immune from prosecution under this section; providing an effective date.

—was read the second time by title.
Senator Smith moved the following amendments which were adopted:

Amendment 1 (844260)—On page 4, line 7, after “person” insert: who is not engaged in an unlawful activity and

Amendment 2 (591424)—On page 6, line 5, delete “described” and insert: permitted

MOTION

On motion by Senator Geller, the rules were waived to allow the following amendment to be considered:

Senator Geller moved the following amendment which failed:

Amendment 3 (494914)—On page 4, lines 7-13, delete those lines

Pursuant to Rule 4.19, CS for CS for SB 436 as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

SB 532—A bill to be entitled An act relating to court-ordered payment awards in legal proceedings; amending ss. 61.16 and 742.045, F.S.: au-
How do you obtain Florida legislative history documents?

- Since 1998, all legislative history documents generated by the Florida legislature are available on the Internet, in full text.

- If the bill was enacted before 1998, call the appropriate source below for related legislative history documents, depending on when the bill was enacted.
Obtaining Florida legislative history documents

- Floor debates from the 1999 regular session, and committee hearings from the 2007 regular session are available at the Florida Channel.

http://thefloridachannel.org/

- Older recordings must be obtained from one of the sources below.
Obtaining Florida legislative history documents

• When calling, you must provide the law number, the bill number, and the year of the session when the bill was enacted.

• Specify whether you need the print materials, recordings of floor debates and committee hearings, or all available material.
Obtaining Florida legislative history documents

• Senate sessions from the last 2 – 3 years: Senate Document Center Rm. 304, The Capitol 487-5915

• House sessions from the last 2 – 3 years: House Document Center Rm. 334, The Capitol 488-7475

• Earlier Senate and House sessions: State Archives of Florida R.A. Gray Building 245-6719
Obtaining Florida legislative history documents

- As a state agency, the Supreme Court is not charged for legislative history documents.
- We are sometimes required to go to the appropriate office to pick up the documents or recordings.
- The limit is 100 pages and/or two bill files per day, and requests can often be filled on the same day of the request.
Any questions?