

Florida Supreme Court Library Feb. 13, 2020



- 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

- 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



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

#### 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

#### • 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

• History of Legislation (1965 - 1987)

or

Final Legislative Bill Information "Citator" (1988 and after)

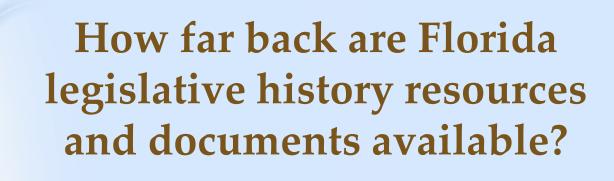
- doesn't provide a full transcript of the proceedings
- records the formal actions taken by the Senate or House on a bill, including introduction, reference to committees, and voting records



- 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



- 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



- 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.

 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.

Laws 1974, c. 74–383, § 13. Amended by Laws 1997, c. 97–102, § 1189, eff. July 1, 1997; Laws 2005, c. 2005–27, § 3, eff. Oct. 1, 2005; Laws 2014, c. 2014–195, § 5, eff. June 20, 2014.

• 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 2005, c. 2005-27, §3, eff. Oct. 1, 2005

Laws 2014, c. 2014-195, §5, eff. June 20, 2104

#### 776.031. Use or threatened use of force in defense of property

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Laws 1974, c. 74–383, § 13. Amended by Laws 1997, c. 97–102, § 1189, eff. July 1, 1997; Laws 2005, c. 2005–27, § 3, eff. Oct. 1, 2005; Laws 2014, c. 2014–195, § 5, eff. June 20, 2014.

- 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

Florida?s "Stand Your Ground" law: The actual effects and the need the clarification.

Zachary L. Weaver, 63 U.Miami L.Rev. 395 (Oct. 2008).

• 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:

Laws 2005, c. 2005-27, §3

#### 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

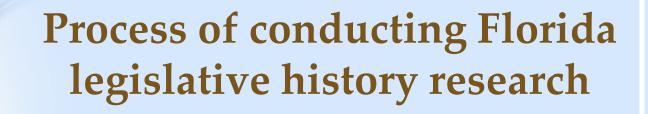
- (c) "Vehicle" means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.
  - Section 2. Section 776.012, Florida Statutes, is amended to read:
- 776.012 Use of force in defense of person.—A person is justified in <u>using</u> the use of force, except 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 <u>the such</u> other's imminent use of unlawful force. However, <u>a</u> the 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 such 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



Laws 2005, c. 2005-27, §3

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."

• 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

• 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.

- 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.

• 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.

ions;	03/22/05 04/27/05		In Messages Received, referred to Calendar –HJ 00902			
e on	04/29/05		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			
sec-	04/29/05	SENATE	0 –HJ 01079 In returning messages			
ıble, (Ch.		SENATE	Concurred –SJ 01106; CS passed as amended; YEAS 39 NAYS 0 –SJ 01108; Ordered engrossed, then enrolled –SJ 01108			
e H	05/24/05 05/26/05		Signed by Officers and presented to Governor Approved by Governor; Chapter No. 2005–63			
; re-			ILL/CS/CS/1ST ENG by Judiciary; Criminal Justice;			
very			ONSORS) Argenziano; Clary; Wise; Lawson; Crist;			
uire-	Baker; I	sennett; 1	Posey; Villalobos; Garcia; Fasano; Webster; Lynn;			
ition	cial- Haridopolos; King; Dockery; Diaz de la Portilla; Bullard; Campbell;					
			Pruitt; Constantine; Smith; Alexander; Saunders;			
Date:			Similar H 0249)			
	Protection	n of Person	ns/Use of Force; authorizes person to use force, including			
	deadly for	rce, against	t intruder or attacker in dwelling, residence, or vehicle un-			
			(CONTINUED ON NEXT PAGE)			

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#### FLORIDA LEGISLATURE – REGUL HISTORY OF SENATE

	00104; CS read first time on 03/08/05 –SJ 00098; Now in Judiciary –SJ 00104; On Committee agenda—Judiciary, 02/23/05, 2:00 pm, 401–S; CS/CS by– Judiciary; YEAS 7	12/08 12/17
	NAYS 0 -SJ 00105; CS read first time on 03/08/05 -SJ 00098; Placed on Calendar, on second reading -SJ 00105	02/15
03/22/05 SENATE	Placed on Special Order Calendar –SJ 00246; Read second time –SJ 00244; Amendment(s) adopted –SJ 00244; Amendment(s) failed –SJ 00244; Ordered engrossed –SJ 00244	02/22 02/28
03/23/05 SENATE	Read third time –SJ 00262; CS passed as amended; YEAS 39 NAYS 0 –SJ 00263	30/80
03/30/05 HOUSE	In Messages; Received, referred to Calendar –HJ 00298, –HJ 00303	
03/31/05 HOUSE	Substituted for HB 249 –HJ 00310; Read second time –HJ 00311; Amendment(s) failed –HJ 00311	
04/05/05 HOUSE	Read third time -HJ 00342; Amendment(s) failed -HJ 00342; CS passed; YEAS 94 NAYS 20 -HJ 00342	03/11
04/07/05 SENATE	Ordered enrolled -SJ 00388	03/16
04/20/05 04/26/05	Signed by Officers and presented to Governor –SJ 00535 Approved by Governor; Chapter No. 2005–27 –SJ 00585	03/17
	ILL by Lynn; (CO-SPONSORS) Haridopolos	04/08
is operating motor v	equires that person whom law enforcement officer believes rehicle or commercial motor vehicle while under influence	04/18
of alcohol, chemical	substances, or controlled substances be told that if he or	04/15

 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

		Ψ200,01
	00104; CS read first time on 03/08/05 –SJ 00098; Now in Judiciary –SJ 00104; On Committee agenda—Judiciary, 02/23/05, 2:00 pm, 401–S; CS/CS by– Judiciary; YEAS 7	12/08/0 12/17/0
	NAYS 0 -SJ 00105; CS read first time on 03/08/05 -SJ 00098; Placed on Calendar, on second reading -SJ 00105	02/15/0
	Placed on Special Order Calendar -SJ 00246; Read sec-	02/15/0
	ond time -SJ 00244; Amendment(s) adopted -SJ 00244;	02/22/0
	Amendment(s) failed –SJ 00244; Ordered engrossed –SJ	02/28/0
	00244 Read third time –SJ 00262; CS passed as amended; YEAS	03/08/0
	39 NAYS 0 –SJ 00263	
03/30/05 HOUSE	In Messages; Received, referred to Calendar -HJ 00298,	
	-HJ 00303	
	Substituted for HB 249 –HJ 00310; Read second time –HJ	
	00311; Amendment(s) failed -HJ 00311 Read third time -HJ 00342; Amendment(s) failed -HJ	03/11/0
	00342; CS passed; YEAS 94 NAYS 20 -HJ 00342	00/11/0
04/07/05 SENATE	Ordered enrolled -SJ 00388	03/16/0
	Signed by Officers and presented to Governor –SJ 00535	08/4 5/0
04/26/05	Approved by Governor; Chapter No. 2005–27 –SJ 00585	03/17/0 04/08/0
	LL by Lynn; (CO-SPONSORS) Haridopolos	04/00/0
is operating motor ve	equires that person whom law enforcement officer believes ehicle or commercial motor vehicle while under influence	04/13/0
	substances, or controlled substances be told that if he or	04/15/0
she refuses to submit	t to test of his or her breath, blood, or urine for alcohol or	04/18/0

Date and House or Senate
 Journal page number for the
 governor's approval of the bill:

 4-26-05, SI 00585

	00104; CS read first time on 03/08/05 –SJ 00098; Now in Judiciary –SJ 00104; On Committee agenda—Judiciary, 02/23/05, 2:00 pm, 401–S; CS/CS by– Judiciary; YEAS 7	12/08/ 12/17/
	NAYS 0 -SJ 00105; CS read first time on 03/08/05 -SJ	
03/22/05 SENATE	00098; Placed on Calendar, on second reading –SJ 00105 Placed on Special Order Calendar –SJ 00246; Read sec-	02/15/
	ond time -SJ 00244; Amendment(s) adopted -SJ 00244;	02/22/
	Amendment(s) failed –SJ 00244; Ordered engrossed –SJ	02/28/
03/23/05 SENATE	00244  Read third time CT 00262, CC paged as amended, VEAC	03/08/
03/23/05 SENATE	Read third time –SJ 00262; CS passed as amended; YEAS 39 NAYS 0 –SJ 00263	
03/30/05 HOUSE	In Messages; Received, referred to Calendar –HJ 00298, –HJ 00303	
03/31/05 HOUSE	Substituted for HB 249 –HJ 00310; Read second time –HJ 00311; Amendment(s) failed –HJ 00311	
04/05/05 HOUSE	Read third time -HJ 00342; Amendment(s) failed -HJ 00342; CS passed; YEAS 94 NAYS 20 -HJ 00342	03/11/
04/07/05 SENATE	Ordered enrolled –SJ 00388	03/16/
04/20/05	Signed by Officers and presented to Governor –SJ 00535	09/17/
04/26/05	Approved by Governor; Chapter No. 2005–27 –SJ 00585	03/17/ 04/08/
	ILL by Lynn; (CO-SPONSORS) Haridopolos	0-100/
is operating motor	requires that person whom law enforcement officer believes vehicle or commercial motor vehicle while under influence	04/13/
	substances, or controlled substances be told that if he or	04/15/

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- 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

Bills on Third Reading.

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.

On motion b

SB 730—A prostitution; as mean an indec including a lay

—was read t

Senator Fasa

Amendmen thing after the

Section 1. I Statutes, is an

796.07 Prol tions.—

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#### DURNAL OF THE SENATE

#### March 22, 2005

ent the specific report entitled reatment in the chieve nitrogen in the Wekiva iva River Basin 2004 shall, if shieve nitrogen or recommend the report rec

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:

369.318, F.S.; i's rulemaking

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.

engrossed and

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.

• 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.

- 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.

- Senate sessions from the last 2 3 years:
   Senate Document Center
   Rm. 304, The Capitol
   850-487-5915
- House sessions from the last 2 3 years: House Document Center
   Rm. 334, The Capitol
   850-488-7475
- Earlier Senate and House sessions: State Archives of Florida R.A. Gray Building 850-245-6719

- 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.

