

Principles of Statutory Interpretation

MORGAN WEINSTEIN AND ALEXIS FIELDS

Legal Standard

Statutory interpretation is a question of law of subject to de novo review

Hilton v. State, 961 So. 2d 284, 288 (Fla. 2007)

Legislative Intent

- Legislative intent controls construction of statutes in Florida
- Primarily determined from language of the statute

Schoeff v. R.J. Reynolds Tobacco Co., 232 So. 3d 294, 312 (Fla. 2017) (Pariente, J., concurring)

Plain Meaning Rule

- Where a statute can be construed according to the plain meaning of its terms, it will be
- The plain meaning rule applies where the terms are “clear and unambiguous” and the statute “conveys a clear and definite meaning”

Terranova Corp. v. 1550 Biscayne Assocs., 847 So. 2d 529, 532 (Fla. 3d DCA 2003)

Legislative Intent

To determine the legislative intent of an ambiguous statute, a court may consider “the language, structure, purpose, and legislative history of the enactment.”

Fla. Ins. Guar. Ass'n v. Devon Neighborhood Ass'n, 67 So. 3d 187, 196-97 (Fla. 2011).



Separation of Powers Consideration

Courts are without the power to construe an unambiguous statute in a way which would extend, modify, or limit its express terms or its reasonable and obvious implications

Fla. Research Inst. For Equine Nurturing, Dev. & Safety, Inc. v. Dillon, 247 So. 3d 538, 543 (Fla. 4th DCA 2018)

Counterbalancing

Courts will not give a statute a literal interpretation that would produce an unreasonable or ridiculous conclusion

Maddox v. State, 923 So. 2d 442, 446 (Fla. 2006)



In Pari Materia

Fun with Latin: on a similar matter

Every word, phrase, sentence, and part of a statute must be given significance and effect, where possible

Miami Dolphins v. Metro. Dade County, 394 So. 2d 981, 988 (Fla. 1981)

Legislative History

May be used where the statute's meaning is not sufficiently clear and unambiguous

May also be examined in a manner that does not alter an unambiguous statute's plain and unambiguous meaning

Fla. Convalescent Ctrs. v. Somberg, 840 So. 2d 998, 1002-03 & n. 5 (Fla. 2003)

Types of History

- Standing Committee Reports
- Full Committee Reports
- Staff Analyses
- Fiscal Notes
- Formal Investigative Reports
- Special Committee Reports
- Conference Committee Reports
- Hearings and Debates
- Postenactment Statements

Inferences from Subsequent Legislative History and Legislation

“[W]hen an amendment to a statute is enacted soon after controversies as to the interpretation of the original act arise, a court may consider that amendment as a legislative interpretation of the original law and not as a substantive change thereof”

Metro. Dade Cty. v. Chase Fed. Hous. Corp., 737 So. 2d 494, 503 (Fla. 1999)



Presumption Against Useless Provisions

It is a basic rule of statutory construction that the Florida Legislature does not intend to enact a useless provision

Dickinson v. Davis, 224 So. 2d 262, 264 (Fla. 1969)

Language

- “Shall” v. “May”
- “Or” may be used in the conjunctive
- Definite v. Indefinite Articles
- Singular v. Plural
- General v. Specific

Inclusio Unius Est Exclusio Alterius

Fun with Latin: inclusion of one is the exclusion of another

This maxim supports a determination that where a statute lists items specifically anything not included on the list is presumed excluded.

1000 Friends of Fla., Inc. v. Palm Beach Cty., 69 So. 3d 1123, 1127 (Fla. 4th DCA 2011).

Noscitur a Sociis

Fun with Latin: it is known from its friends

Doctrine which helps decipher an ambiguous term by considering the words with which it is associated in the context

See, e.g., *Kogan v. Israel*, 211 So. 3d 101, 108 (Fla. 4th DCA 2017) (engaging in a comparative analysis of Florida's private vs. public whistle-blower's statutes to determine meaning of a specific term).

Same Phrasing in Same Statute v. Different Phrasing in Same Statute

Whatever construction is given to this language in one part of the statute would necessarily also apply to the same phrase appearing in another section of the same statute

Stephens v. Winn-Dixie Stores, Inc., 201 So. 2d 731, 736 (Fla. 1967) (overruled on other grounds in *Special Disability Trust Fund v. Fleet Transport Co.*, 238 So. 2d 31, 32 (Fla. 1973) and *Jackson v. Nat Harrison Associates*, 283 So. 2d 27, 30 (Fla. 1973))



The Legislature Knows How to Say What it Means

Can be persuasive for common phrases or terms of art

See *Sun Elastic Corp. v. O.B. Indus.*, 603 So. 2d 516, 518 (Fla. 3d DCA 1992) (Pope, J., concurring)

Statutory Silence

Statutory silence may mean a few things:

- (1) Where a statute is silent, courts must turn to the common law to fill statutory gaps
- (2) Where a statute contains an express exemption, but silence as to another potential exemption, there is an implied intent to not exempt the latter
- (3) Where a statute denounces an act as criminal without specifically requiring criminal intent, it is not necessary to prove a criminal intent

Cadle Co. II v. Stamm, 633 So. 2d 45, 46 (Fla. 1st DCA 1994); *Lee County Elec. Coop. v. Jacobs*, 820 So. 2d 297, 305 (Fla. 2002) (Anstead, J., dissenting); *Grinage v. State*, 641 So. 2d 1362 (Fla. 5th DCA 1994)

Departure from Common Law or Established Interpretation

Statutes in derogation of the common law will be strictly construed so as to not depart from the common law any further than is necessary

Carlile v. Game & Fresh Water Fish Com., 354 So. 2d 362, 364 (Fla. 1977)

Retrospective v. Prospective Application

Substantive changes in the law are presumed to only go into effect going forward

Fla. Ins. Guar. Ass'n v. Devon Neighborhood Ass'n, 67 So. 3d 187, 194 (Fla. 2011)

Retrospective v. Prospective Application

Contrarily, once procedural law changes go into effect, the law is applied retrospectively

Smiley v. State, 966 So. 2d 330, 334 (Fla. 2007)

Retrospective v. Prospective Application

“Substantive law prescribes duties and rights and procedural law concerns the means and methods to apply and enforce those duties and rights”

Shaps v. Provident Life & Accident Ins. Co., 826 So. 2d 250, 254 (Fla. 2002)

Chevron Deference

The landmark decision in *Chevron U.S.A. Inc. v. Nat. Res. Def. Council, Inc.*, 461 U.S. 956 (1983), established what is known as the Chevron Deference, where courts will defer to an administrative agency's interpretation of a statute it specifically administers. (This deference only applies where Congress has not directly addressed the issue in question).

Changes to Chevron Deference

Though courts used to afford great deference to agencies when interpreting rulemaking authority, there have been some changes to this standard since the original decision, including the creation of Fla. Const. art. V, § 21:

In interpreting a state statute or rule, a state court or an officer hearing an administrative action pursuant to general law may not defer to an administrative agency's interpretation of such statute or rule, and must instead interpret such statute or rule de novo

See *Whynes v. Am. Sec. Ins. Co.*, 247 So. 3d 867 (Fla. 4th DCA 2018) for a discussion as to why deference may have been deemed unwarranted

Rule of Lenity

Where a statute is subject to competing, reasonable interpretations, the statute shall be construed most favorably to the accused

This rule applies to both civil and criminal liability

North Carillon, LLC v. CRC 603, LLC, 135 So. 3d 274, 279 (Fla. 2014)

Implied Private Right of Action

Implication doctrine:

(1) whether the plaintiff is of the class for whose benefit the statute was enacted;

(2) whether there is indicia of a legislative intent to create or deny such a remedy;

(3) whether judicial implication is consistent with the purposes of the scheme

Fischer v. Metcalf, 543 So. 2d 785, 788 (Fla. 3d DCA 1989)