



THE FLORIDA STATE UNIVERSITY

Florida Legal Research

Guide Information

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Introduction

Beginning an internship, a job, or a pro bono assignment.

Before you begin researching, assess what tools you have. In law school, you have access to both WestLaw and Lexis-Nexis, have easy access to a variety of legal treatises by using the online catalog, and have access to a wide variety of general purpose databases through FSU.

If you intern or *gasp* graduate and begin working for a private firm, then you are likely to have only Lexis-Nexis or Westlaw and to have a limited selection of print materials. When you begin at a new job or internship, ask what resources are available and ask whether any resources are available but will incur an extra charge for the employer.

If you know that you will frequently be working with one area of law in particular, find out more about that area of law. Find out what the relevant treatises are for that field. Find out what jurisdictions apply to that field, and where to research case law specific to that field.

Once you know the lay of the land, and what resources are available, plan your strategy accordingly.

Best Practices during the research Process

Make a plan for how to research. As you answer the questions above, these will help you plan how to find the answer. The plan can be simple, or complex. Have timeframes in mind for each phase of research, and prioritize what resources will be checked.

Keep notes as you research. If you have an intricate problem, you will end up checking so many sources that they begin to look the same. Often, it is difficult to remember exactly where and how a resource was found if you later decide that resource is useful and want to go back to it. Make sure you keep notes which include what resources you have checked. If you come empty handed can show someone else what your procedure was, in order to confirm that there really is no law on the issue.

Proof read before you submit work. Getting into law school and high LSAT scores imply one thing only... I can read! Proof reading is a skill you have already. Make sure you proof read all assignments before submitting, always spell a co-worker or client's name correctly, and keep your emails grammatically correct. Remember, Florida Rules of Appellate Procedure, Rule 9.800 tells you how to format legal citations in Florida. This rule specifies formats for Florida resources and refers you to the Harvard Bluebook for non-Florida resources. As you proof read, check your cites to both.

Steps in legal research

Steps in legal research:

1. Understand the client's question.
2. Use secondary authority to get an overview of the area of law.
3. Use primary authority to build an argument.
4. Verify that your primary authority is good law.

1) Understand the question

Understand the Client's Question:

What are the **client's ultimate goals**? This is a background question which will guide the focus of your work.

As a corollary, determine how much time is appropriate to spend on the research? With an assignment from a supervisor, ask the supervisor what the timeframe is and remind the supervisor of any simultaneous projects.

For assignments from supervisors, determine what the required work-product is? You may simply be retrieving a resource, or making sure a statute hasn't been amended recently. If a formal memo is needed, make sure you hand one in. If not, make your results legible with a cover-sheet but don't spend extra time on over analyzing.

What are the **exact legal issues**? A client will not know, but if you get the assignment from a supervisor, the supervisor is likely to tell you. Write it down immediately, and ask for clarification if you are unsure.

What are the **relevant facts**? Ask for follow up, if your legal research indicates that a certain factual scenario is vital. If you need to know facts which you cannot reliably get from the client, try using the [Factual Research](#) guide for assistance. If applicable, [check the docket](#).

What **jurisdiction** applies? (i.e. Is this a federal or a florida question? Will cases interpreting this area of law be appealed through a specific court system and where can one access those law and opinions published?)

2) Secondary Sources

Secondary sources include legal treatises, law review articles, and legal encyclopedias. Secondary sources are heavily edited, are written by someone who has spent a great deal of time researching that specific area of law, and contain good overview material.

Legal treatises - A legal treatise is a book that focuses on a specific area of law. You can spot these by their copious footnotes or citations which are formatted according to Harvard Bluebook. Usually a new edition is released annually or on a regular basis. Each edition should be up-to-date and cover new developments through near to when it was published.

Legal encyclopedias - The legal encyclopedia for Florida is Florida Jurisprudence. It has numerous short entries on specific areas of law, each with copious footnotes to primary authority. It is extremely likely that there will be a relevant entry for your topic.

CLE (Continuing Legal Education) materials - Members of the Florida Bar are required to periodically take CLE courses to update skills and training. A CLE course goes into detail on an area of law and often focuses on more recent developments.

Law review articles - The focus is on new or emerging areas of law (each article will have a thesis - so the thrust is at something that isn't already established law). Many articles have extensive footnotes to primary authority, and give an overview. Don't spend too much time looking for these, because an article on your topic may or may not exist, but do check if there is a recent law review article analyzing your area of law because if you find one, then you get long detailed analysis - much longer than in a treatise or legal encyclopedia entry.

Make a conscious effort to start with secondary sources for overview, for your benefit and to save your time. Secondary sources accurately summarize the law by explaining or interpreting primary authority. They are not the law and are not binding. Do not cite directly to a secondary source.

3) Primary authority

Primary authority includes statutes, constitutions, court cases, and administrative rules. Primary authority is the law.

Each primary authority is a tree in a forest. Make sure you see the forest before you rely on one. (If you started with a secondary source, then you should already have a start.) When you cite these, understand the context of each, and that each is still good law.

Your goal is to cite to primary authority and to understand and demonstrate the context of that authority and why it applies.

4) Verify that Primary Authority is good law

If you rely on a case, statute, administrative rule, or constitutional provision, do a bit of extra research for any recent developments. ...just in case.

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Secondary Sources (Treatises)

Legal Encyclopedias

Legal encyclopedias contain short, broad articles, each supported by many footnotes.

Florida Jurisprudence is the legal encyclopedia for Florida. The entire set of books in Florida Jurisprudence is huuuge. So, there will be an entry on almost any topic.

There are two legal encyclopedias for U.S. law generally: **American Jurisprudence** and **Corpus Juris Secundum**. If Florida Jurisprudence indicates that a legal issue has not yet come up in Florida, then check the two U.S. wide encyclopedias.

Florida's legal encyclopedia: Florida Jurisprudence

How to use Florida Jurisprudence:

Use the index to find the topic and section you are looking for.

Go to that section and skim two parts at the very beginning of a topic (Before section 1 of the topic begins): "Scope of Topic" and "Treated Elsewhere". Did those tell you anywhere else to look instead?

Go to the topic and section and read the entry to get an overview and to get footnotes which cite to primary authority.

DO NOT use Florida Jurisprudence to check for recent changes in the law.

**How to find Florida Jurisprudence in print:**

At the FSU College of Law Research Center (aka FSU Law Library), these are located at call number KFF65 .F55 on the second floor.

Law offices often have a set of Florida Jurisprudence in print. This resource costs extra in Lexis-Nexis and WestLaw, and does not change frequently, so it may be cheaper to get in print.

How to find Florida Jurisprudence in WestLaw:

Click to the "Florida" tab.

Click to browse "Florida Jurisprudence" under the section called "Florida Treatises and Practice Materials"

How to find Florida Jurisprudence in Lexis-Nexis:

Click to the "Florida" tab.

Click "view more" next to Search Analysis & CLE Materials.

Click "Jurisprudences, Restatements, and Principles of the Law"

Click to browse "Florida Jurisprudence"

Journals and Law Reviews**How to access Law Reviews in WestLaw:**

Florida Journals, Law Reviews & News [Show](#)

- ☒ Florida Bar Journal
- ☐ Florida Journals & Law Reviews
- ☐ Florida News
- ☐ Florida Bar News, The
- ☐ Miami Daily Business Review
- ☐ Florida Papers
- ☐ Florida Law Review

National Treatises, Journals & Law Reviews [Show](#)

- ☐ American Jurisprudence 2d | [Table of Contents](#)
- ☐ Corpus Juris Secundum | [Table of Contents](#)
- ☐ American Law Reports
- ☐ Texts & Periodicals - All Law Reviews
- ☒ Restatements of the Law | [Table of Contents](#)
- ☒ Journals & Law Reviews
- ☐ Journals and Law Reviews PRO


How to access Law Reviews in Lexis-Nexis:

Electronic Discovery & Evidence

Health Care Reform Resources View more**Search Law Reviews & Journals** View more

- ☐ Florida Law Reviews, Combined 
- ☐ The Florida Bar Journal 
- ☐ US & Canadian Law Reviews, Combined 

Search News View more

- ☐ Florida: Mealey's Litigation News 

Florida Treatises By Subject

In the wilds, out of Tallahassee... Search worldcat.org to locate treatises near you.

- Administrative Law
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151451>
- Civil Procedure
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151452>
- Corporations
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151454>
- Criminal Law and Procedure
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151455>
- Debtor's Rights
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151456>
- Environmental / Land Use
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151457>
- Evidence
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151458>
- Family Law
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151459>
- Labor and Employment
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151460>
- Landlord Tenant
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151461>
- Legal Ethics
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151462>
- Real Property
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151464>
- Torts
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151466>
- Trusts and Estates
<http://guides.law.fsu.edu/content.php?pid=189292&sid=1588555#5151467>

Administrative Law

- Florida Administrative Practice by The Florida Bar (KFF440 .F55 2009)
ISBN: 9781422441152
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS002619626>

Civil Procedure

- Trawick's Florida Practice & Procedure by Henry Trawick (KFF530 .T7)
ISBN: 0314919392
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS000578697>
- Florida civil procedure by Juan Ramirez (KFF530 .H36 2002)
ISBN: 032716235X
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS001970863&ix=nu&I=0&V=D>
- Florida Civil Procedure by Bruce Berman (KFF530.F56)
ISBN: 031491949X
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS001679602>

Corporations

- Not For Profit Corporations In Florida by The Florida Bar (KFF211.N68 2007)
ISBN: 1422433234
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS002435473&ix=nu&I=0&V=D>
- Florida Corporations Manual by Gordon (KFF210.A6 G67)
ISBN: 0409260983

<http://fsu.catalog.fcla.edu/permalink.jsp?23FS000569901>

Criminal Law and Procedure

- Florida Criminal Defense Trial Manual by Barnard (KFF575.A7 B3)
ISBN: 032703906X
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS000583665&ix=nu&l=0&V=D>
- Florida Criminal Practice and Procedure by Crawford (KFF575 .C73 1999)
ISBN: 0327014172
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS001740455>
- Florida Traffic and D.U.I. Practice Manual by Richard A. Schwartz (KFF297.8.S38)
ISBN: 0409261319
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS000580491&ix=nu&l=0&V=D>

Debtor's Rights

- Florida Creditors' Rights Manual by Stephen Rakusin (KFF220.A6 R3)
ISBN: 0409260932
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS000579471>

Environmental

- Treatise on Environmental and Land Use Law by The Environmental and Land use Section of the Florida Bar (online resource (an older print version is at KFF354 .T74))
<http://www.eluls.org/treatise.html>
- Florida Land Use Law by Juergensmeyer (KFF458 .J788)
ISBN: 0327008814
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS001709884>

Evidence

- Florida Evidence by Charles Ehrhardt (KFF540.E528)
ISBN: 0314915796
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS000594795&ix=nu&l=0&V=D>
- Handbook of Florida Evidence by Graham and Glazier (KFF540 .G72 1996)
ISBN: 1558343148
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS001533881>

Family Law

- Florida Family Law by Abrams (KFF94.A92 1986)
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS000773916>
- Florida Family Law Practice Manual by Schackow (KFF94.A6 S27)
ISBN: 0409260479
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS000573512>

Labor and Employment

- Employment in Florida by Michael F. Marino, and J. David Richeson (KFF331 .M37 2000)
ISBN: 0327106948
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS001788485&ix=nu&l=0&V=D>
- The ... Florida employment law manual by Florida Chamber of Commerce (KFF331.Z9F56)
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS001717354&ix=nu&l=0&V=D>

Landlord Tenant

- Florida residential landlord-tenant manual by James C. Hauser (KFF117.H38)
ISBN: 0409261726
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS000592931&ix=nu&l=0&V=D>
- Friedman on Leases by Milton R. Friedman (KF590 .F75 1997)
ISBN: 0872241009
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS001619873&ix=nu&l=0&V=D>

Legal Ethics

- Florida legal ethics by The Florida Bar (CLE) (KFF76.5.A2F658 1992)
ISBN: 0945979223

<http://fsu.catalog.fcla.edu/permalink.jsp?23FS001282760>

- Florida ethics guide for paralegals and attorneys who utilize paralegals by Timothy P. Chinaris (KFF76.5.A2T7 2006)
ISBN: 0820583901
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS002352049>

Real Property

- Florida Real Estate Transactions by Ralph E. Boyer (KFF112.A6 B6)
ISBN: 0820511501
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS000570674&ix=nu&l=0&V=D>
- Foreclosures in Florida by Kendall Coffey (KFF130.5.F6 C64 2008)
ISBN: 1422453294
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS002918756>
- Florida Condominium Law and Practice by The Florida Bar (KFF114.C6 F67 2003)
ISBN: 0327155914
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS002033171&ix=nu&l=0&V=D>
- Powell on Real Property by Richard R. Powell and Patrick J. Rohan (KF570 .P6p)
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS000564920&ix=nu&l=0&V=D>

Torts

- Florida Torts (KFF195 .F582)
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS000965310&ix=nu&l=0&V=D>

Trusts and Estates

- Florida Law of Trusts by Grimsley (KFF137.L6)
ISBN: 0314975640
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS002501421&ix=nu&l=0&V=D>
- Florida Probate Code Manual by David Smith (KFF144.A6 S56)
<http://fsu.catalog.fcla.edu/fs.jsp?st=FS000579426&ix=nu&l=0&V=D>
- Florida Elder Law by Solkoff (KFF91.A3 S66)
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS002525344>
- Redearn Wills and Administration in Florida by Trawick (KFF144.R4)
<http://fsu.catalog.fcla.edu/permalink.jsp?23FS002040487>

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Statutes and Constitution

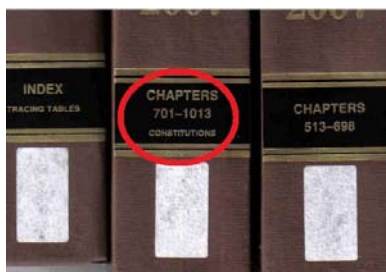
The Florida Constitution

Always check the Florida Constitution... just in case.

Florida's Constitution contains lots of random stuff - you never know until you look! It can and historically has been frequently amended by popular vote. For example, Article X, section 21 of the Florida Constitution makes it illegal to pen a pregnant sow, and Article X, section 20 provides for smoke free workplaces.

How to get to the Florida Constitution in print:

The Florida Constitution is in the very back of the Florida Statutes



How to get to the Florida Constitution on the public internet:

[Online Sunshine](#)

How to get to the Florida Constitution in Lexis Nexis:

Log in to Lexis-Nexis.

Click to the "Florida" tab.

Click "FL - Florida Statutes, Constitution, Court Rules & ALS, Combined" under the Find Statutes, Regulations, Administrative Materials & Court Rules tab.

How to get to the Florida Constitution in WestLaw:

Log in to WestLaw.

Click to the "Florida" tab.

Using Florida Statutes**Timing is key:**

Always look up what the statute is now, today, in case it was recently amended.

What statute was in effect at that time? The version of the statute in effect on that date is what matters. The new edition of Florida Statutes are released on Oct. 1 each year (but the effective date on a bill may be different).

History Note:

The history note is a short italicized line at the end of each statute which tells when that statute has been amended. If there is a recent amendment, make sure your case law and other materials are still valid in light of that amendment.

Always check the definitions:

Most chapters of Florida Statutes will have a definitions section near the beginning of the chapter. Skim this and look at what words are defined. Don't assume a word means something, even if it is a really normal word.

Where to find Florida Statutes

Online Sunshine:

Overview:

A website maintained by the Florida Legislature. This is completely open to anyone with an internet connection.

Has the full text of the Florida Statutes from 1997 to present.

How to get to full text statutes from the Florida Legislature: Online Sunshine

Search "Online Sunshine" in a search engine. (Or click this link to [Online Sunshine](#).)

WestLaw:

Overview:

Requires a paid plan.

Statutes include annotations: the most significant case citing a statute are listed, secondary sources citing a statute may be included, as well as links to other relevant resources inside of WestLaw.

Has the full text of statutes (and annotations) from 1987 to present.

How to get to WestLaw's Florida Statutes Annotated:

Log in to WestLaw.

Click to the "Florida" tab.

Click to "Florida Statutes Annotated" under the Statutes & Legislative Materials heading.

Lexis-Nexis:

How to get to Lexis's Florida Annotated Statutes:

Log in to Lexis-Nexis.

Click to the "Florida" tab.

Click "FL - Florida Statutes, Constitution, Court Rules & ALS, Combined" under the Find Statutes, Regulations, Administrative Materials & Court Rules tab.

How to get to Fastcase's Florida Statutes:

Log in to The Florida Bar's website (Member Login in the top right corner).

Click "Member Benefits" in the top right corner.

Scroll down to "Fast Case" and click on it.

Click "Search Statutes" under the menu for "Start a New Search."

Click Florida.

note Fast Case is a legal research database provided free-of-charge to members of the Florida Bar. Once you are sworn in, it is beneficial to play with some of the search tools. Fast Case has some ways to present search results visually, which allow quick assessment of the value of an individual result and show connections between results. (Students can't do this, in case you did not know... If you would like to demo, then contact Wilhelmina Randtke at 850-345-6123 and you can try this out when I'm in the library.)

The History note

810.06 Possession of burglary tools.—Whoever has in his or her possession any tool, machine, or implement with intent to use the same, or allow the same to be used, to commit any burglary or trespass shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 30, sub-ch. 4, ch. 1637, 1868; RS 2439; GS 3286; RGS 5120; CGL 7221; s. 804, ch. 71-136; s. 32, ch. 74-383; s. 22, ch. 75-298; s. 1232, ch. 97-102.

History note indicates the most recent revision was in 1997.

810.061 Impairing or impeding telephone or power to a dwelling; facilitating or furthering a burglary; penalty.—

(1) As used in this section, the term "burglary" has the meaning ascribed in s. 810.02(1)(b).

“(2) A person who, for the purpose of facilitating or furthering the commission or attempted commission of a burglary of a dwelling by any person, damages a wire or line that transmits or conveys telephone or power to that dwelling, impairs any other equipment necessary for telephone or power transmission or conveyance, or otherwise impairs or impedes such telephone or power transmission or conveyance commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 2003-84.

History notes indicate that s. 810.060, Fla. Stat. was last revised in 1997, by section 1232 of Laws of Florida chapter 97-102. Meanwhile, s. 810.061, Fla. Stat. was last revised in 1984 by section 1 of Laws of Florida chapter 2003-1984.

Laws of Florida and Bills

Laws of Florida online: (coverage is from 1997 to the present):

Go to the State Archives website at <http://laws.flrules.org/>

Use the drop-down menu to select the year.

Browse to the pdf.

Locating Bill analyses online: (coverage is from 2003 to the present):

Go to the Florida Senate's historic website <http://archive.flsenate.gov/>. *note* Until recently, this material was available on the [Senate's website](#), and may soon be migrated over.

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Case law

Best Practices when researching case law

Make sure you are searching the correct database. For example, the U.S. Supreme Court in the initial opinion for *Kennedy v. Louisiana* (Docket No. 07-343) stated an absence of federal law allowing the death penalty for rape. Bloggers with military law experience quickly noted that military code (a federal law) allowed death penalty for child rape. The relevant military code cannot be discovered by searches in the "All federal" database on the Lexis-Nexis and WestLaw home screens, and so the perception of the case was that no one bothered to look in the correct database to discover this law. The Supreme Court rewrote the opinion before it was published in the reporter. For more information see: [blog post on original decision](#), this [New York Times article](#), and the [Wikipedia entry](#).

Determine the context of each case you rely on. If a case supports your point, but is 30 years old and has only been cited once since, then that's not quite as good as if it has been cited 34 times. In this case, it is likely the case was overruled by statute and this is why it has never been cited.

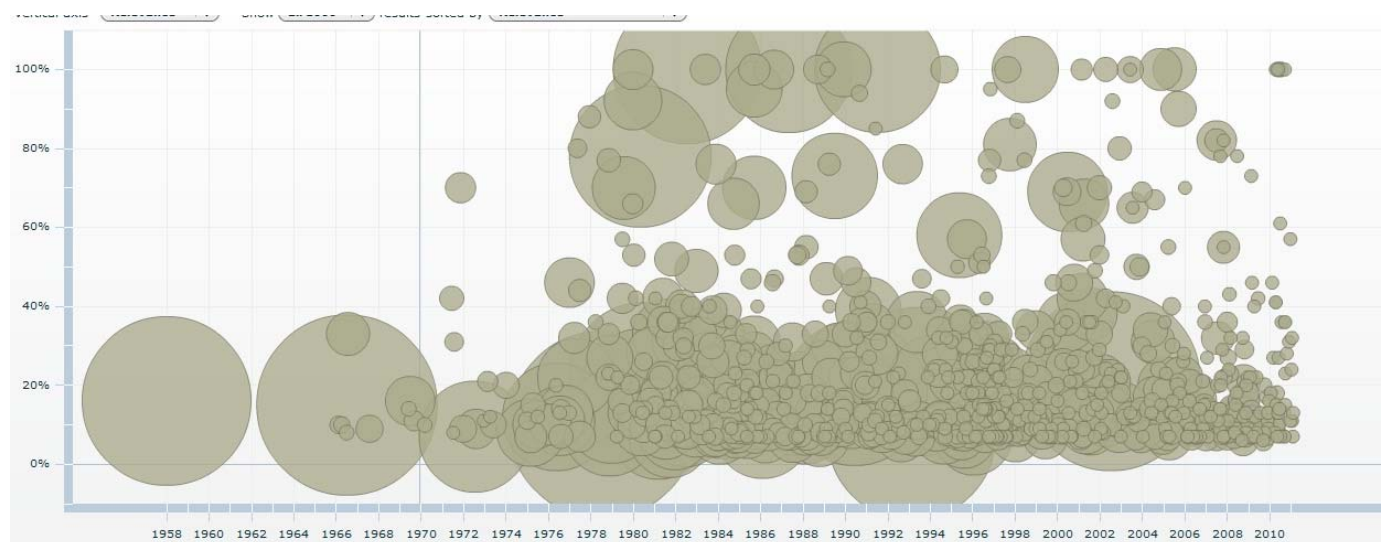
Check that the case is still good law. Always Shepardize or Key Cite.

Fast Case

Fast Case is a legal research database provided free-of-charge to members of the Florida Bar. (Students can't do this, in case you did not know... If you would like to demo, then contact Wilhelmina Randtke at 850-345-6123 and you can try this out when I'm in the library.)

Once you are sworn in, it is beneficial to play with some of the search tools. Fast Case has some ways to present search results visually, which allow quick assessment of the value of an individual result and show connections between results.

For example, here is a representation of all Florida cases containing the term "felony murder":



Make sure you are searching the correct database

To avoid later embarrassment, make sure you are searching the correct database. This can be broken into the following steps:

- 1) Determine the jurisdiction for your research.
- 2) Check that the resource you want is included in the database you are searching.
- 3) If not, then select the appropriate database.
- 4) Check for ways to narrow searches to a specific jurisdiction within a bigger database.

Warning: Consider the possibility that the set of records for your court is not indexed in Lexis-Nexis, WestLaw, or any internet search engine.

1) Determine the jurisdiction for your research.

Which courts will interpret or handle the type of law you are looking for?

Often the underlying law and the jurisdictional statements for courts will tell you. The main distinctions are: Florida versus federal court, and administrative versus judicial courts.

2) Check that the resource you want is included in the database you are searching.

How to check database coverage in WestLaw:

Recent Searches & Locates

Show Advanced Options

Cases

☐ Florida State Cases
 ☐ Florida State & Federal Cases
 ☐ Florida State Trial Court Orders
 ☐ All State & Federal Cases
 ☐ 11th Circuit Federal & State Cases

Statutes & Legislative Materials

☐ Florida Statutes Annotated | [Statutes Index](#) | [Table of Contents](#)
☐ Florida Legislative Service | [Table of Contents](#)
☐ Florida Legislative History
 ☐ Florida Bill Tracking - Summaries & Full Text Combined
 ☐ United States Code Annotated | [Statutes Index](#) | [Table of Contents](#)

Trial Court Documents

☐ Florida Trial Court Fil
 ☐ Florida State and Fe
 ☐ Florida Criminal Trial
 ☐ Florida State and Fe
 ☐ All State and Federa

Briefs

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 ☐ Florida Supreme Cou
 ☐ All State and Federa
 ☐ Florida Criminal Brief
 ☐ 11th Circuit Court of

Recent Searches & Locates

Show Advanced Options ▾

Cases Show all | Edit

- ☐ Florida State Cases
- ☐ Florida State & Federal Cases
- ☐ Florida State Trial Court Orders
- ☐ All State & Federal Cases
- ☐ 11th Circuit Federal & State Cases

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[Remove from List](#)

Statutes & Legislative Materials Show all | Edit

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- ☐ Florida Legislative Service | [Table of Contents](#)
- ☐ Florida Legislative History
- ☐ Florida Bill Tracking - Summaries & Full Text Combined
- ☐ United States Code Annotated | [Statutes Index](#) | [Table of Contents](#)

Trial Court Documents

- ☐ Florida Trial Court Documents
- ☐ Florida State Trial Court Documents
- ☐ Florida Criminal Trial Court Documents
- ☐ Florida State Criminal Trial Court Documents
- ☐ All State and Federal Trial Court Documents

Briefs

- ☐ Florida Briefs
- ☐ Florida Supreme Court Briefs
- ☐ All State and Federal Briefs
- ☐ Florida Criminal Briefs
- ☐ 11th Circuit Briefs

How to check database coverage in Lexis-Nexis:

Search ▾ Get a Document ▾ Shepard's® ▾ More ▾

All Florida [+ Add/Edit Subtabs](#)

Sources

Cases - U.S.

Legal > Cases - U.S.

- ☐ Federal & State Cases, Combined [i](#)
- ☐ Federal Court Cases, Combined [i](#)
- ☐ State Court Cases, Combined [i](#)
- ☐ Federal Court Cases Within 2 Years, Combined [i](#)
- ☐ US Courts of Appeals Cases, Combined [i](#)
- ☐ US District Court Cases, Combined [i](#)
- ☐ Federal & State Court Cases - After 1944, Combined [i](#)
- ☐ Federal Courts Cases Before 1945, Combined [i](#)
- ☐ Most Recent Year Federal & State Court Cases, Combined [i](#)

Be aware of coverage on an internet search engine:

Any given internet search engine indexes only a portion of the internet. For example, for any given website, a search engine may have indexed all the content, 95% of the content, 15% of the content, no content at all, or anywhere in between. Be very wary of using an internet search engine to locate a specific resource available on a government (or any) website. Use browse or search functions on the website you want and compare the results to those from the general purpose search engine to try to get a feel for how much you are missing.

Remember, if it isn't in Google search results, it may still be available on the internet.

3) Select the appropriate database.

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Clicking "Find a Source" will bring you to a table listing of different databases. Browse to the database you want.

For materials not indexed in WestLaw, or Lexis-Nexis:

Some materials may not be indexed in WestLaw or Lexis-Nexis. This is most likely to happen with lower level courts and administrative court.

If this is the case, try internet search engine searches to find the webpage of the court you want to search records from. Try to retrieve some cases and learn how the court organizes it's records. Once you understand how the records are organized, you can use the native search and also check whether the material has been indexed in a search engine.

note Materials may not be indexed in a search engine. For example, the Department of Labor's Office of Administrative Law Judges opinions here: <http://www.oalj.dol.gov/> are not indexed in Google.

Once you go below the District Court of Appeal level in Florida law, you will have to check the docket at individual courts to get information about cases. Each circuit will have different information available for public search. For example, criminal records are searchable in Broward County, but not in Leon County.

4) Check for ways to narrow searches to a specific jurisdiction within a bigger database.

Use advanced search to narrow to a specific court or level of court. Or, pick a more specific database.

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Administrative Law

Agency as Legislature: Rules

Government has three branches: judicial, legislative, and executive. Administrative law deals with agencies. Agencies are within the executive branch but have governance aspects similar to judicial and legislative bodies.

"Rule" is defined in section 120.52(16), [Florida Statutes](#):

"Rule" means each **agency statement of general applicability** that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule. [. . .]"

Legislatures are elected and accountable to the public during reelection. Agencies are not directly accountable to the public. Because of this, an agency must go through a formal process to interpret or elaborate on a law.

Chapter 120, [Florida Statutes](#) describes the rulemaking process. This process involves publishing proposed rules, and accepting and responding to public comment on those rules. If an agency takes action which is not supported by a formal rule or by law, then that agency has acted outside of the authority delegated to it by the legislature, and its action may be challenged on that grounds.

Looking at a Florida Administrative Code Rule

Background on the rulemaking process is necessary in order to know what resources are available and how to use those resources. This section gives a brief overview of the rule making process.

The following published rule will be used as an example. This is FSU's Academic Honor Policy, Florida Administrative Code Rule 6C2-3.005, as it appears in its final published version in the Florida Administrative Code:

6C2-3.005 Academic Honor Policy.

The University Academic Honor Policy shall be that as stated in the Florida State University Academic Honor Policy approved March 28, 2005, which is hereby adopted by reference.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), 1002.22 FS. History—New 9-30-75, Formerly 6C2-3.05, Amended 1-26-87, 11-25-87, 8-3-05.

Statutory authority.

In order for an agency to make a rule, the agency must be authorized by law to take the action specified in the rule and to engage in rulemaking.

The Florida Statutes, going back to 1997, can be viewed on "Online Sunshine", the official website of the Florida Legislature: <http://www.leg.state.fl.us>

How to go from a rule to a statute:

6C2-3.005 Academic Honor Policy.

The University Academic Honor Policy shall be that as stated in the Florida State University Academic Honor Policy approved March 28, 2005, which is hereby adopted by reference.

Specific Authority 1001.74(4) FS. Law Implemented 1001.74(10), 1002.22 FS. History—New 9-30-75, Formerly 6C2-3.05, Amended 1-26-87, 11-25-87, 8-3-05.

Two types of statutory authority allow the Florida Department of Education to have this rule in place.

Specific authority is the law which states that the agency can make a rule. In 2005, when the rule became final, s. 1001.74(4), Florida Statutes read, "Each board of trustees may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. Such rules must be consistent with rules of the State Board of Education."

Law implemented is the substantive law which the rule will expand on or clarify. In 2005, when the rule became final, s. 1001.74(10), Florida Statutes read:

"Each board of trustees has responsibility for policies related to students, enrollment of students, student activities and organizations, financial assistance, and other student services.

(a) Each board of trustees shall govern admission of students pursuant to s. 1007.261 and rules of the State Board of Education. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the university.

(b) Each board of trustees shall establish student performance standards for the award of degrees and certificates.

(c) Each board of trustees must identify its core curricula and work with school districts to ensure that its curricula coordinate with the core curricula and prepare students for college-level work.

(d) Each board of trustees must adopt a written antihazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.

(e) Each board of trustees may establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(f) Each board of trustees shall establish a committee, at least one-half of the members of which shall be students appointed by the student body president, to periodically review and evaluate the student judicial system.

(g) Each board of trustees must adopt a policy pursuant to s. 1006.53 that reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments.

(h) A board of trustees may establish intrainstitutional and interinstitutional programs to maximize articulation pursuant to s. 1007.22.

(i) Each board of trustees shall approve the internal procedures of student government organizations."

[For more detailed information on the rulemaking process...](#)

The Florida Department of State's manual on rulemaking: Florida Department of State, State Library and Archives of Florida, [Rulemaking Under Chapter 120, Florida Statutes](#) (Rev. Feb. 2005), accessed on Aug. 30, 2010 at <http://www.flrules.org/rmhb.pdf> .

This is the most definitive guide to the rulemaking process. It is slightly out-of-date.

Agency as Judiciary: Administrative Law Judges

Florida has a unified system for handling administrative cases. This system is described in Chapter 120, Florida Statutes.

In short, a person affected by an agency's decision can appeal the decision to the Division of Administrative Hearings (DOAH). DOAH issues a Recommended Order to the agency. The agency then issues a Final Order. The Final Order is binding, can be appealed to a court in the judicial branch, and can be

Where to find: DOAH Final Orders

On the Division of Administrative Hearings (DOAH)'s website:

Go to DOAH's website: <http://www.doah.state.fl.us/internet/>

Click "Case Search" in the left side of the screen.

The advantage to using DOAH is that you will be able to view almost all filings in the case, not just the Recommended Orders which are available in Lexis-Nexis or WestLaw.

On Lexis-Nexis:

On WestLaw:

Agency Final Orders

On the Agency's website:

Agencies are required to make publicly available all agency Final Orders. This is not always done. An agency may have been dissolved since the order you want to find was released, and the successor agency may no longer have final orders that you need. An agency may not be in compliance with this requirement.

If you do find a dump of final orders on the agency's website, your best tools are the agency's native search and a site specific search using an internet search engine. Browse the agency's website and attempt to find a search tool and documentation telling you what the scope of final orders published to the website is.

Do not take it for granted that material on a website has been spidered into Google, but do keep the following tool in mind. It is possible to search within a specific URL using a search engine, by going to the search engine's Advanced Search or by adding site:<http://urllofagency.com> to your search.

Below is an example of a site specific search for retrieving Florida Commission on Human Relations cases which cite the ADA:



site:http://fchr.state.fl.us/fchr/complaints__1/final_orders/ ada

[Advanced search](#)
[Language tools](#)

Google Search

I'm Feeling Lucky

In Lexis-Nexis:

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