

# REVIEW OF FLORIDA LEGISLATION

## PREFACE

The Florida State University Law Review created the Review of Florida Legislation in 1985 to offer a comprehensive examination of significant legislation enacted during the preceding session of the Florida Legislature, as well as a review of some of the less-publicized issues that are likely to have significant consequences in the years ahead. As is evident from this year's edition, we are also taking a look at significant legislation that did not become law.

The Review of Florida Legislation's mission is twofold: first, articles examining recent enactments are designed as a resource for judges, administrators, legal practitioners, and anyone else attempting to interpret the legislative intent behind these measures; and second, articles recommending change in laws are aimed at policymakers and lawmakers to provide a tool for helping shape their decisions.

Legislative Editor Michael D. Starks has assembled a slate of articles covering a range of important issues. Following an introduction written by Governor Lawton Chiles, the Review begins with an analysis of the recently adopted Florida Revised Uniform Partnership Act, including its impact upon established partnership law and its differences from the Model Act. Then follow two articles on Florida's controversial new Property Rights Act. The first article provides a section-by-section analysis of the Act, while the second examines and critiques the broad policy implications of the Act.

This issue also includes a discussion of the new law governing the use of leading questions during direct examination in Florida; suggestions regarding the amendment by initiative procedure, specifically that Florida adopt a statutory initiative amendment process and concomitantly make it more difficult to amend the constitution by initiative; a review of Florida's capital sentencing jury override; an analysis of managed care legislation and the quality of care provided by Health Maintenance Organizations; and a constitutional critique of Florida's Crime Victim's Protection Act.

The Law Review generally adheres to the style conventions found in *The Bluebook: A Uniform System of Citation* (15th ed.). Many Florida sources would be difficult to locate if cited according to *The Bluebook*, however, and so they are cited according to the *Florida Style Manual* (1995 ed.). Bound copies of this manual are available from the Law Review office. The Law Review also relies upon *The Gregg Reference Manual* for questions of punctuation and grammar.

For sources identified as on file with the Florida State Archives, contact the Archives at (904) 487-2073.

Many individuals have cooperated to make this year's legislative edition possible. First, we thank the authors who have made this issue possible through their contributions of scholarly work. Second, we thank the authors who submitted articles only to have space limitations prevent their publication. Third, we thank the Florida State University Student Government, whose vision allows us to distribute complimentary copies of the Review of Florida Legislation to law students and state legislators. Fourth, we thank our members for their many hours checking citations and source for their accuracy and veracity. Finally, we thank our Office Manager Lou Wright and our student assistants Virginia Wolf, J.J. Snow, and Nichole Solomon. Without Lou, our organization would surely expire for want of a business manager and a perpetual flame of positive spirit.

The Editors