



901440

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2019	.	
	.	
	.	
	.	

The Committee on Criminal Justice (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 775.022, Florida Statutes, is created to
read:

775.022 Effect of reenactment or amendment of criminal
statutes; references in criminal statutes.-

(1) It is the intent of the Legislature that:

(a) This section preclude the application of the common law



901440

11 doctrine of abatement to a reenactment or an amendment of a
12 criminal statute; and

13 (b) An act of the Legislature reenacting or amending a
14 criminal statute not be considered a repeal or an implied repeal
15 of such statute for purposes of s. 9, Art. X of the State
16 Constitution.

17 (2) As used in this section, the term "criminal statute"
18 means a statute, whether substantive or procedural, dealing in
19 any way with a crime or its punishment, defining a crime or a
20 defense to a crime, or providing for the punishment of a crime.

21 (3) Except as expressly provided in an act of the
22 Legislature or as provided in subsection (4), the reenactment or
23 amendment of a criminal statute operates prospectively and does
24 not affect or abate any of the following:

25 (a) The prior operation of the statute or a prosecution or
26 enforcement thereunder.

27 (b) A violation of the statute based on any act or omission
28 occurring before the effective date of the act.

29 (c) A prior penalty, prior forfeiture, or prior punishment
30 incurred or imposed under the statute.

31 (4) If a penalty, forfeiture, or punishment for a violation
32 of a criminal statute is reduced by a reenactment or an
33 amendment of a criminal statute, the penalty, forfeiture, or
34 punishment, if not already imposed, must be imposed according to
35 the statute as amended.

36 (5) A reference to any other chapter, part, section, or
37 subdivision of the Florida Statutes in a criminal statute or a
38 reference within a criminal statute constitutes a general
39 reference under the doctrine of incorporation by reference.



901440

40 Section 2. This act shall take effect upon becoming a law.

41

42 ===== T I T L E A M E N D M E N T =====

43 And the title is amended as follows:

44 Delete everything before the enacting clause
45 and insert:

46 A bill to be entitled
47 An act relating to criminal statutes; creating s.
48 775.022, F.S.; providing legislative intent; defining
49 the term "criminal statute"; specifying that the
50 reenactment or amendment of a criminal statute
51 operates prospectively and does not affect or abate
52 specified circumstances; providing exceptions;
53 providing that a reference to any other chapter, part,
54 section, or subdivision of the Florida Statutes in a
55 criminal statute or a reference within a criminal
56 statute constitutes a general reference under the
57 doctrine of incorporation by reference; providing an
58 effective date.