

By the Committee on Criminal Justice; and Senators Lee and Rouson

591-03685-19

20191656c1

1 A bill to be entitled  
2 An act relating to criminal statutes; creating s.  
3 775.022, F.S.; providing legislative intent; defining  
4 the term "criminal statute"; specifying that the  
5 reenactment or amendment of a criminal statute  
6 operates prospectively and does not affect or abate  
7 specified circumstances; providing exceptions;  
8 providing that a reference to any other chapter, part,  
9 section, or subdivision of the Florida Statutes in a  
10 criminal statute or a reference within a criminal  
11 statute constitutes a general reference under the  
12 doctrine of incorporation by reference; providing an  
13 effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Section 775.022, Florida Statutes, is created to  
18 read:

19 775.022 Effect of reenactment or amendment of criminal  
20 statutes; references in criminal statutes.-

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

22 (a) This section preclude the application of the common law  
23 doctrine of abatement to a reenactment or an amendment of a  
24 criminal statute; and

25 (b) An act of the Legislature reenacting or amending a  
26 criminal statute not be considered a repeal or an implied repeal  
27 of such statute for purposes of s. 9, Art. X of the State  
28 Constitution.

29 (2) As used in this section, the term "criminal statute"

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30 means a statute, whether substantive or procedural, dealing in  
31 any way with a crime or its punishment, defining a crime or a  
32 defense to a crime, or providing for the punishment of a crime.

33 (3) Except as expressly provided in an act of the  
34 Legislature or as provided in subsections (4) and (5) the  
35 reenactment or amendment of a criminal statute operates  
36 prospectively and does not affect or abate any of the following:

37 (a) The prior operation of the statute or a prosecution or  
38 enforcement thereunder.

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

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

43 (4) If a penalty, forfeiture, or punishment for a violation  
44 of a criminal statute is reduced by a reenactment or an  
45 amendment of a criminal statute, the penalty, forfeiture, or  
46 punishment, if not already imposed, must be imposed according to  
47 the statute as amended.

48 (5) This section shall not apply to limit the retroactive  
49 effect of any defense to a criminal statute enacted or amended  
50 by the Legislature to any criminal case that has not yet reached  
51 final judgment.

52 (6) A reference to any other chapter, part, section, or  
53 subdivision of the Florida Statutes in a criminal statute or a  
54 reference within a criminal statute constitutes a general  
55 reference under the doctrine of incorporation by reference.

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