

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Fernandez-Barquin offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 775.022 Effect of reenactment or amendment of criminal
8 statutes; references in criminal statutes.-

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

10 (a) This section preclude the application of the common
11 law doctrine of abatement to a reenactment or an amendment of a
12 criminal statute; and

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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 subsections (4) and (5) the
23 reenactment or amendment of a criminal statute operates
24 prospectively and does 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
28 omission 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
32 violation of a criminal statute is reduced by a reenactment or
33 an 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) This section shall not apply to limit the retroactive
37 effect of any defense to a criminal statute enacted or amended

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38 | by the Legislature to any criminal case that has not yet reached
39 | final judgment.

40 | (6) A reference to any other chapter, part, section, or
41 | subdivision of the Florida Statutes in a criminal statute or a
42 | reference within a criminal statute constitutes a general
43 | reference under the doctrine of incorporation by reference.

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

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47 | **T I T L E A M E N D M E N T**

48 | Remove everything before the enacting clause and insert:

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

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