

20191656e1

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.

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

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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 may not be construed to limit the
49 retroactive effect of any defense to a criminal statute enacted
50 or amended by the Legislature in a criminal case that has not
51 yet resulted in the imposition of a judgment or sentence by the
52 trial court or an appellate decision affirming a judgment or
53 sentence of the trial court.

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

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