



901440

LEGISLATIVE ACTION

Senate

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House

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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



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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.



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

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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.