

## CHAPTER 2019-63

### Committee Substitute for Senate Bill No. 1656

An act relating to criminal statutes; creating s. 775.022, F.S.; providing legislative intent; defining the term “criminal statute”; specifying that the reenactment or amendment of a criminal statute operates prospectively and does not affect or abate specified circumstances; providing exceptions; providing that a reference to any other chapter, part, section, or subdivision of the Florida Statutes in a criminal statute or a reference within a criminal statute constitutes a general reference under the doctrine of incorporation by reference; providing an effective date.

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

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

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

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

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

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

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

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

(4) If a penalty, forfeiture, or punishment for a violation of a criminal statute is reduced by a reenactment or an amendment of a criminal statute,

the penalty, forfeiture, or punishment, if not already imposed, must be imposed according to the statute as amended.

(5) This section may not be construed to limit the retroactive effect of any defense to a criminal statute enacted or amended by the Legislature in a criminal case that has not yet resulted in the imposition of a judgment or sentence by the trial court or an appellate decision affirming a judgment or sentence of the trial court.

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

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

Approved by the Governor June 7, 2019.

Filed in Office Secretary of State June 7, 2019.