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Reviser's B.11

Staff Analysis of HB 2367 (RB91-8) Habitual Misdemeanants

Section 775.084, F.S., which formerly related to sentencing of habitual felony offenders and habitual misdemeanants, was amended by s. 6, ch. 88-131, Laws of Florida, to remove all provisions in that section which pertained to habitual misdemeanants. This reviser's bill deletes references to s. 775.084, F.S., throughout the Florida Statutes wherever they appear in penalty provisions applicable to misdemeanors.

COMMENT: Identical to SB 2326.

Section 17, p. 12: Section 210.15 was expressly repealed by s. 2, ch. 81-318, effective October 1, 1990, and thus the section should not be amended. In fact, repeal of the section is proposed in another reviser's bill. An amendment deleting section 17 from this bill has been prepared.

Section 169, p. 101: This section includes an uncoded change on line 9, where a reference to "this paragraph" has been substituted for a reference to "this subsection" to improve clarity. Because the substitution is appropriate and the same substitution is expressly proposed in another reviser's bill, it is recommended that the section not be deleted from this bill for inadequate coding.

Section 184, p. 108: The abbreviation "s." appears to have been inadvertently deleted before the reference to "775.082" on line 14; but, inasmuch as the reviser can reinsert the necessary "s." editorially, the section should not be deleted from the bill.

Section 218, p. 128: This section includes an uncoded change on line 5, where a reference to "subsection (2)" has been substituted for a reference to "section 67 of this act" to correct an error carried forward during the amendatory process in enacting ch. 88-381. Because the substitution is appropriate and the same substitution is expressly proposed in another reviser's bill, it is recommended that this section not be deleted from the bill for inadequate coding.

Section 251, p. 155: Subsection (5) of s. 403.413 will be renumbered as subsection (6) pursuant to s. 1, ch. 90-76, effective October 1, 1993. Because this reviser's bill would be a later law, it would supersede ch. 90-76 and undo the renumbering by that law. Since the amendment to s. 403.413 by ch. 90-76 does not carry forward the obsolete reference to misdemeanors, the reference will disappear when that act becomes operative, so the need for this revision is not imperative. To avoid potential confusion as a result of the difference in numbering, an amendment deleting section 251 from the bill has been prepared.

House of Representatives

COMMITTEE INFORMATION RECORD

Committee on HOUSE RULES & CALENDAR

Date of Meeting March 13, 1991

Time 12:15 PM

Place 413-C

Bill No.: RB91-8--s. 775.084: Correcting References for Misdemeanors

FINAL ACTION:

X Favorable

_____ Favorable with _____ Amendments

_____ Favorable with Substitute

_____ Unfavorable

VOTE:

YEA	MEMBER	NAY
	Clark	
X	Crady	
X	Davis	
	DeGrandy	
	Deutsch	
	Diaz-Balart	
	Flagg	
X	Friedman	
X	Grindle	
	Hanson	
	Healey	
X	Holzendorf	
	Jamerson	
X	Jones, C.F.	
	Jones, Dennis	
X	Lippman	
X	Logan	
	Lombard	
X	Long	
X	Mackenzie	
X	Mackey	
X	Mitchell	
	Morse	
	Peeples	
X	Rush	
X	Silver	
X	Sindler	
X	Smith, K.	
	Thomas	
X	Tobin	
X	Wallace	
X	Webster	
X	Johnson, Chr.	

Total Yeas 20

Total Nays 0

IF PRESENT, MEMBER WOULD HAVE VOTED:

Chairman

Bolley L. Johnson

APPEARANCE RECORD

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

Name	Representing	Address

Note: Please indicate by an "X" any State employee appearing at the request of the Chairman.

(FILE WITH THE CLERK AND ATTACH SUBCOMMITTEE REPORT IF APPLICABLE)

H-22(1989)