

Amendment No.

CHAMBER ACTION

Senate

House

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Representative DuBose offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsections (2) and (3) of section 20.316, Florida Statutes, are amended to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(2) DEPARTMENT PROGRAMS.—The following programs are established within the Department of Juvenile Justice:

(a) Accountability and Program Support.

(d) ~~(a)~~ Prevention and Victim Services.

(c) ~~(b)~~ Intake and Detention.

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14        (f)~~(e)~~ Residential and Correctional Facilities.

15        (e)~~(d)~~ Probation and Community Corrections.

16        (b)~~(e)~~ Administration.

17  
18        The secretary may establish assistant secretary positions and a  
19        chief of staff position as necessary to administer the  
20        requirements of this section.

21        (3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department  
22        shall plan and administer its programs through a substate  
23        structure that conforms to the boundaries of the judicial  
24        circuits prescribed in s. 26.021. A county may seek placement in  
25        a juvenile justice operating circuit other than as prescribed in  
26        s. 26.021 for participation in the Prevention ~~and Victim~~  
27        ~~Services~~ Program and the Probation and Community Corrections  
28        Program by making a request of the chief circuit judge in each  
29        judicial circuit affected by such request. Upon a showing that  
30        geographic proximity, community identity, or other legitimate  
31        concern for efficiency of operations merits alternative  
32        placement, each affected chief circuit judge may authorize the  
33        execution of an interagency agreement specifying the alternative  
34        juvenile justice operating circuit in which the county is to be  
35        placed and the basis for the alternative placement. Upon the  
36        execution of said interagency agreement by each affected chief  
37        circuit judge, the secretary may administratively place a county

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38 in an alternative juvenile justice operating circuit pursuant to  
39 the agreement.

40 Section 2. Section 925.11, Florida Statutes, is amended to  
41 read:

42 925.11 Postsentencing forensic analysis ~~DNA testing~~.—

43 (1) DEFINITIONS.—As used in this section, the term:

44 (a) "CODIS" has the same meaning as provided in s.  
45 943.325.

46 (b) "Department" means the Department of Law Enforcement.

47 (c) "Forensic analysis" means the process by which a  
48 forensic or scientific technique is applied to physical evidence  
49 or biological material to identify the perpetrator of, or  
50 accomplice to, a crime. The term includes, but is not limited  
51 to, deoxyribonucleic acid (DNA) testing.

52 (d) "Petitioner" means a defendant who has been convicted  
53 of and sentenced for a felony.

54 (2) ~~(1)~~ PETITION FOR EXAMINATION.—

55 (a) ~~1.~~ A person who has been tried and found guilty of  
56 committing a felony and has been sentenced by a court  
57 established by the laws of the ~~this~~ state may petition that  
58 court to order the forensic analysis ~~examination~~ of physical  
59 evidence collected at the time of the investigation of the crime  
60 for which he or she has been sentenced that may result in  
61 evidence material to the identity of the perpetrator of, or  
62 accomplice to, the crime that resulted in the person's

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63 ~~conviction may contain DNA (deoxyribonucleic acid) and that~~  
64 ~~would exonerate that person or mitigate the sentence that person~~  
65 ~~received.~~

66 ~~2. A person who has entered a plea of guilty or nolo~~  
67 ~~contendere to a felony prior to July 1, 2006, and has been~~  
68 ~~sentenced by a court established by the laws of this state may~~  
69 ~~petition that court to order the examination of physical~~  
70 ~~evidence collected at the time of the investigation of the crime~~  
71 ~~for which he or she has been sentenced that may contain DNA~~  
72 ~~(deoxyribonucleic acid) and that would exonerate that person.~~

73 (b) A petition for postsentencing forensic analysis ~~DNA~~  
74 ~~testing~~ under paragraph (a) may be filed or considered at any  
75 time following the date that the judgment and sentence in the  
76 case becomes final.

77 (3)(2) METHOD FOR SEEKING POSTSENTENCING FORENSIC ANALYSIS  
78 ~~DNA TESTING.~~

79 (a) A ~~The~~ petition for postsentencing forensic analysis  
80 ~~DNA testing~~ must be made under oath by the sentenced defendant  
81 ~~and~~ must include the following:

82 1. A statement of the facts relied on in support of the  
83 petition, including a description of the physical evidence  
84 ~~containing DNA~~ to be tested and, if known, the present location  
85 or the last known location of the evidence and how it was  
86 originally obtained. ;

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87 2. A statement that the evidence was not previously  
88 subjected to forensic analysis ~~tested for DNA~~ or a statement  
89 that the results of any previous forensic analysis ~~DNA testing~~  
90 were inconclusive and that subsequent scientific developments in  
91 forensic analysis ~~DNA testing techniques~~ would likely produce  
92 evidence material to a definitive result establishing that the  
93 identity of the perpetrator of, or accomplice to, ~~petitioner is~~  
94 ~~not the person who committed the crime.~~

95 3. A statement that the petitioner ~~sentenced defendant~~ is  
96 innocent and how the forensic analysis ~~DNA testing~~ requested by  
97 the petitioner may result in evidence that is material to  
98 petition will exonerate the identity of the perpetrator of, or  
99 accomplice to, the defendant of the crime for which the  
100 ~~defendant was sentenced or will mitigate the sentence received~~  
101 ~~by the defendant for that crime.~~

102 4. A statement that identification of the defendant is a  
103 genuinely disputed issue in the case, and why it is an issue.

104 5. A statement that the petitioner will comply with any  
105 court order to provide a biological sample for the purpose of  
106 conducting requested forensic analysis and acknowledging that  
107 such analysis could produce exculpatory evidence or evidence  
108 confirming the petitioner's identity as the perpetrator of, or  
109 accomplice to, the crime or a separate crime.

110 ~~6.5.~~ Any other facts relevant to the petition.

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111 ~~7.6.~~ A certificate that a copy of the petition has been  
112 served on the prosecuting authority.

113 8. The petitioner's sworn statement attesting to the  
114 contents of the petition.

115 (b) Upon receiving the petition, the clerk of the court  
116 shall file it and deliver the court file to the assigned judge.

117 (c) The court shall review the petition and deny it if it  
118 is insufficient. If the petition is sufficient, the prosecuting  
119 authority shall be ordered to respond to the petition within 30  
120 days.

121 (d) Upon receiving the response of the prosecuting  
122 authority, the court shall review the response and enter an  
123 order on the merits of the petition or set the petition for  
124 hearing.

125 (e) Counsel may be appointed to assist the petitioner  
126 ~~sentenced defendant~~ if the petition proceeds to a hearing and if  
127 the court determines that the assistance of counsel is necessary  
128 and makes the requisite finding of indigency.

129 (f) The court shall make the following findings when  
130 ruling on the petition:

131 1. Whether the petitioner ~~sentenced defendant~~ has shown  
132 that ~~the~~ physical evidence that may be subjected to forensic  
133 analysis ~~contain DNA~~ still exists.†

134 2. Whether the results of forensic analysis ~~DNA testing~~ of  
135 that physical evidence would be admissible at trial and whether

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136 there exists reliable proof to establish that the evidence has  
137 not been materially altered and would be admissible at a future  
138 hearing.~~;~~ and

139 3. Whether there is a reasonable probability that the  
140 forensic analysis may result in evidence that is material to the  
141 identity of the perpetrator of, or accomplice to, the crime  
142 ~~there is a reasonable probability that the sentenced defendant~~  
143 ~~would have been acquitted or would have received a lesser~~  
144 ~~sentence if the DNA evidence had been admitted at trial.~~

145 (g) If the court orders forensic analysis ~~DNA testing~~ of  
146 the physical evidence, the cost of such analysis ~~testing~~ may be  
147 assessed against the petitioner ~~sentenced defendant~~ unless he or  
148 she is indigent. If the petitioner ~~sentenced defendant~~ is  
149 indigent, the state shall bear the cost of the forensic analysis  
150 ~~DNA testing~~ ordered by the court, unless otherwise specified in  
151 paragraph (i).

152 (h) Except as provided in paragraph (i), any forensic  
153 analysis ~~DNA testing~~ ordered by the court shall be performed  
154 ~~carried out~~ by the department of Law Enforcement or its  
155 designee, as provided in s. 943.3251.

156 (i) The court may order forensic analysis to be performed  
157 by a private laboratory when the petitioner is able to pay for  
158 the cost of such analysis.

159 (j) Before the court may order a private laboratory to  
160 perform forensic analysis in the form of DNA testing, the

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161 petitioner must obtain and submit certification to the court of  
162 the following:

163 1. Proof of the private laboratory's accreditation by an  
164 accreditation body that is a signatory to the International  
165 Laboratory Accreditation Cooperation Mutual Recognition  
166 Arrangement.

167 2. Proof that the private laboratory is designated by the  
168 Federal Bureau of Investigation as possessing an accreditation  
169 that includes DNA testing and the laboratory is compliant with  
170 Federal Bureau of Investigation quality assurance standards  
171 adopted in accordance with 34 U.S.C. s. 12591.

172 3. Verification by the department that the private  
173 laboratory's operating procedures, testing kits, and  
174 instrumentation meet CODIS requirements and submission standards  
175 for inclusion in the statewide DNA database. The department must  
176 comply with a court order to verify private laboratory  
177 eligibility under this section.

178 (k) If the court orders forensic analysis in the form of  
179 DNA testing and the resulting DNA sample meets statewide DNA  
180 database submission standards established by the department, the  
181 department must perform a DNA database search. A private  
182 laboratory ordered to perform forensic analysis under paragraph  
183 (i) must cooperate with the prosecuting authority and the  
184 department for the purpose of carrying out this requirement.

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185 1. The department shall compare any DNA profile obtained  
186 from the testing to DNA profiles of known offenders and DNA  
187 profiles from unsolved crimes maintained in the statewide DNA  
188 database under s. 943.325.

189 2. If the testing complies with the Federal Bureau of  
190 Investigation requirements and the data meets national DNA index  
191 system criteria, the department shall request the national DNA  
192 index system to search its database of DNA profiles using any  
193 profile obtained from the testing.

194 (1)(i) The results of the forensic analysis and the  
195 results of any search of CODIS and the statewide DNA databases  
196 DNA testing ordered by the court shall be provided to the court,  
197 the petitioner sentenced defendant, and the prosecuting  
198 authority. The petitioner or the state may use the information  
199 for any lawful purpose.

200 (4)(3) RIGHT TO APPEAL; REHEARING.—

201 (a) An appeal from the court's order on the petition for  
202 postsentencing forensic analysis ~~DNA testing~~ may be taken by any  
203 adversely affected party.

204 (b) An order denying relief shall include a statement that  
205 the petitioner sentenced defendant has the right to appeal  
206 within 30 days after the order denying relief is entered.

207 (c) The petitioner sentenced defendant may file a motion  
208 for rehearing of any order denying relief within 15 days after  
209 service of the order denying relief. The time for filing an

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210 appeal shall be tolled until an order on the motion for  
211 rehearing has been entered.

212 (d) The clerk of the court shall serve on all parties a  
213 copy of any order rendered with a certificate of service,  
214 including the date of service.

215 (5) ~~(4)~~ PRESERVATION OF EVIDENCE.—

216 (a) Governmental entities that may be in possession of any  
217 physical evidence in the case, including, but not limited to,  
218 any investigating law enforcement agency, the clerk of the  
219 court, the prosecuting authority, or the department ~~of Law~~  
220 ~~Enforcement~~ shall maintain any physical evidence collected at  
221 the time of the crime for which a postsentencing testing of DNA  
222 may be requested.

223 (b) In a case in which the death penalty is imposed, the  
224 evidence shall be maintained for 60 days after execution of the  
225 sentence. In all other cases, a governmental entity may dispose  
226 of the physical evidence if the term of the sentence imposed in  
227 the case has expired and no other provision of law or rule  
228 requires that the physical evidence be preserved or retained.

229 (c) In a case in which physical evidence requested for  
230 forensic analysis, last known to be in possession of a  
231 governmental entity, is reported to be missing or destroyed in  
232 violation of this section, the court may order the evidence  
233 custodian to conduct a physical search for the evidence. If a

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234 search is ordered, the governmental entity must produce a report  
235 containing the following information:

236 1. The nature of the search conducted.

237 2. The date the search was conducted.

238 3. The results of the search.

239 4. Any records showing the physical evidence was lost or  
240 destroyed.

241 5. The signature of the person who supervised the search,  
242 attesting to the accuracy of the contents of the report.

243  
244 The report must be provided to the court, the petitioner, and  
245 the prosecuting authority.

246 Section 3. Section 925.12, Florida Statutes, is amended to  
247 read:

248 925.12 Forensic analysis ~~DNA testing~~; defendants entering  
249 pleas.—

250 (1) As used in this section, the terms "forensic analysis"  
251 and "petitioner" have the same meanings as provided in s.

252 925.11.

253 (2) A person ~~For defendants~~ who has ~~have~~ entered a plea  
254 of guilty or nolo contendere to a felony and has been sentenced  
255 by a court established by the laws of the state ~~on or after July~~  
256 ~~1, 2006, a defendant~~ may petition the court for postsentencing  
257 forensic analysis ~~DNA testing~~ under s. 925.11 under the  
258 following circumstances:

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259       (a) If the person entered a plea before July 1, 2006, the  
260 person may petition for forensic analysis under s. 925.11.

261       (b) If the person entered a plea on or after July 1, 2006,  
262 but before July 1, 2020, the person may petition for:

263           1. Forensic analysis, other than DNA testing, under s.  
264 925.11.

265           2. DNA testing, when either of the following applies:

266           a. The facts on which the petition is predicated were  
267 unknown to the petitioner or the petitioner's attorney at the  
268 time the plea was entered and could not have been ascertained by  
269 the exercise of due diligence; or

270           b. ~~(b)~~ The physical evidence for which DNA testing is  
271 sought was not disclosed to the defense by the state before  
272 ~~prior to~~ the entry of the plea by the petitioner.

273       (c) If the person entered a plea on or after July 1, 2020,  
274 the person may petition for forensic analysis when either of the  
275 following applies:

276           1. The facts on which the petition is predicated were  
277 unknown to the petitioner or the petitioner's attorney at the  
278 time the plea was entered and could not have been ascertained by  
279 the exercise of due diligence; or

280           2. The physical evidence for which forensic analysis is  
281 sought was not disclosed to the defense by the state before the  
282 entry of the plea by the petitioner.

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283        ~~(3)-(2)~~ For defendants seeking to enter a plea of guilty or  
284 nolo contendere to a felony on or after July 1, 2020 ~~July 1,~~  
285 ~~2006~~, the court shall inquire of the defendant and of counsel  
286 for the defendant and the state as to physical evidence  
287 ~~containing DNA~~ known to exist that, if subjected to forensic  
288 analysis, could produce evidence that is material to the  
289 identification of the perpetrator of, or accomplice to, the  
290 crime before ~~could exonerate the defendant prior to~~ accepting a  
291 plea of guilty or nolo contendere. If no such physical evidence  
292 ~~containing DNA that could exonerate the defendant~~ is known to  
293 exist, the court may proceed with consideration of accepting the  
294 plea. If such physical evidence ~~containing DNA that could~~  
295 ~~exonerate the defendant~~ is known to exist, the court may  
296 postpone the proceeding on the defendant's behalf and order  
297 forensic analysis ~~DNA testing~~ upon motion of counsel specifying  
298 the physical evidence to be tested.

299        ~~(4)-(3)~~ It is the intent of the Legislature that the  
300 Supreme Court adopt rules of procedure consistent with this  
301 section for a court, before ~~prior to~~ the acceptance of a plea,  
302 to make an inquiry into the following matters:

303        (a) Whether counsel for the defense has reviewed the  
304 discovery disclosed by the state and whether such discovery  
305 included a listing or description of physical items of evidence.

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306 (b) Whether the nature of the evidence against the  
307 defendant disclosed through discovery has been reviewed with the  
308 defendant.

309 (c) Whether the defendant or counsel for the defendant is  
310 aware of any physical evidence disclosed by the state for which  
311 forensic analysis could produce a result material to the  
312 identification of the perpetrator of, or accomplice to, the  
313 crime ~~DNA testing may exonerate the defendant.~~

314 (d) Whether the state is aware of any physical evidence  
315 for which forensic analysis could produce a result material to  
316 the identification of the perpetrator of, or accomplice to, the  
317 crime ~~DNA testing may exonerate the defendant.~~

318 (5)~~(4)~~ It is the intent of the Legislature that the  
319 postponement of the proceedings by the court on the defendant's  
320 behalf under subsection (3) ~~(2)~~ constitute an extension  
321 attributable to the defendant for purposes of the defendant's  
322 right to a speedy trial.

323 Section 4. Subsection (1) and paragraph (b) of subsection  
324 (3) of section 943.0582, Florida Statutes, are amended to read:

325 943.0582 Diversion program expunction.—

326 (1) Notwithstanding any law dealing generally with the  
327 preservation and destruction of public records, the department  
328 shall adopt rules to provide for the expunction of a nonjudicial  
329 record of the arrest of a minor who has successfully completed a  
330 diversion program ~~for a misdemeanor offense.~~

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331 (3) The department shall expunge the nonjudicial arrest  
332 record of a minor who has successfully completed a diversion  
333 program if that minor:

334 (b) Submits to the department, with the application, an  
335 official written statement from the state attorney for the  
336 county in which the arrest occurred certifying that he or she  
337 has successfully completed that county's diversion program, ~~that~~  
338 ~~his or her participation in the program was based on an arrest~~  
339 ~~for a misdemeanor~~, and that he or she has not otherwise been  
340 charged by the state attorney with, or found to have committed,  
341 any criminal offense or comparable ordinance violation.

342 Section 5. Subsection (1) of section 943.0585, Florida  
343 Statutes, is amended, and paragraph (a) of subsection (2) and  
344 subsection (3) of that section are reenacted, to read:

345 943.0585 Court-ordered expunction of criminal history  
346 records.—

347 (1) ELIGIBILITY.—A person is eligible to petition a court  
348 to expunge a criminal history record if:

349 (a) An indictment, information, or other charging document  
350 was not filed or issued in the case giving rise to the criminal  
351 history record.

352 (b) An indictment, information, or other charging document  
353 was filed or issued in the case giving rise to the criminal  
354 history record, was dismissed or nolle prosequi by the state  
355 attorney or statewide prosecutor, or was dismissed by a court of

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356 competent jurisdiction or a judgment of acquittal was rendered  
357 by a judge, or a verdict of not guilty was rendered by a judge  
358 or jury.

359 (c) The person is not seeking to expunge a criminal  
360 history record that is ineligible for court-ordered expunction  
361 under s. 943.0584.

362 (d) The person has never, as of the date the application  
363 for a certificate of expunction is filed, been adjudicated  
364 guilty in this state of a criminal offense or been adjudicated  
365 delinquent in this state for committing any felony or any of the  
366 following misdemeanors, unless the record of such adjudication  
367 of delinquency has been expunged pursuant to s. 943.0515:

- 368 1. Assault, as defined in s. 784.011;
- 369 2. Battery, as defined in s. 784.03;
- 370 3. Assault on a law enforcement officer, a firefighter, or  
371 other specified officers, as defined in s. 784.07(2)(a);
- 372 4. Carrying a concealed weapon, as defined in s.  
373 790.01(1);
- 374 5. Open carrying of a weapon, as defined in s. 790.053;
- 375 6. Unlawful possession or discharge of a weapon or firearm  
376 at a school-sponsored event or on school property, as defined in  
377 s. 790.115;
- 378 7. Unlawful use of destructive devices or bombs, as  
379 defined in s. 790.1615(1);

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380 8. Unlawful possession of a firearm, as defined in s.  
381 790.22(5);

382 9. Exposure of sexual organs, as defined in s. 800.03;

383 10. Arson, as defined in s. 806.031(1);

384 11. Petit theft, as defined in s. 812.014(3);

385 12. Neglect of a child, as defined in s. 827.03(1)(e); or

386 13. Cruelty to animals, as defined in s. 828.12(1).

387 (e) The person has not been adjudicated guilty of, or  
388 adjudicated delinquent for committing, any of the acts stemming  
389 from the arrest or alleged criminal activity to which the  
390 petition pertains.

391 (f) The person is no longer under court supervision  
392 applicable to the disposition of arrest or alleged criminal  
393 activity to which the petition to expunge pertains.

394 (g) The person has never secured a prior sealing or  
395 expunction of a criminal history record under this section, s.  
396 943.059, former s. 893.14, former s. 901.33, or former s.  
397 943.058, unless:

398 1. Expunction is sought of a criminal history record  
399 previously sealed for 10 years pursuant to paragraph (h) and the  
400 record is otherwise eligible for expunction; or

401 2. The prior expunction of a criminal history record was  
402 granted for an offense that was committed when he or she was a  
403 minor and the record is otherwise eligible for expunction. This

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404 subparagraph does not apply when the prior expunction was for an  
405 offense in which the minor was charged as an adult.

406 (h) The person has previously obtained a court-ordered  
407 sealing of a ~~the~~ criminal history record under s. 943.059,  
408 former s. 893.14, former s. 901.33, or former s. 943.058 for a  
409 minimum of 10 years because adjudication was withheld or because  
410 all charges related to the arrest or alleged criminal activity  
411 to which the petition to expunge pertains were not dismissed  
412 before trial, without regard to whether the outcome of the trial  
413 was other than an adjudication of guilt. The requirement for the  
414 record to have previously been sealed for a minimum of 10 years  
415 does not apply if a plea was not entered or all charges related  
416 to the arrest or alleged criminal activity to which the petition  
417 to expunge pertains were dismissed before trial or a judgment of  
418 acquittal was rendered by a judge or a verdict of not guilty was  
419 rendered by a judge or jury.

420 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court  
421 to expunge a criminal history record, a person seeking to  
422 expunge a criminal history record must apply to the department  
423 for a certificate of eligibility for expunction. The department  
424 shall adopt rules to establish procedures for applying for and  
425 issuing a certificate of eligibility for expunction.

426 (a) The department shall issue a certificate of  
427 eligibility for expunction to a person who is the subject of a  
428 criminal history record if that person:

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- 429           1. Satisfies the eligibility criteria in paragraphs  
430 (1)(a)-(h) and is not ineligible under s. 943.0584.
- 431           2. Has submitted to the department a written certified  
432 statement from the appropriate state attorney or statewide  
433 prosecutor which confirms the criminal history record complies  
434 with the criteria in paragraph (1)(a) or paragraphs (1)(b) and  
435 (c).
- 436           3. Has submitted to the department a certified copy of the  
437 disposition of the charge to which the petition to expunge  
438 pertains.
- 439           4. Remits a \$75 processing fee to the department for  
440 placement in the Department of Law Enforcement Operating Trust  
441 Fund, unless the executive director waives such fee.
- 442           (3) PETITION.—Each petition to expunge a criminal history  
443 record must be accompanied by:
- 444           (a) A valid certificate of eligibility issued by the  
445 department.
- 446           (b) The petitioner's sworn statement that he or she:
- 447           1. Satisfies the eligibility requirements for expunction  
448 in subsection (1).
- 449           2. Is eligible for expunction to the best of his or her  
450 knowledge and does not have any other petition to seal or  
451 expunge a criminal history record pending before any court.
- 452
- 453 A person who knowingly provides false information on such sworn

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454 statement commits a felony of the third degree, punishable as  
455 provided in s. 775.082, s. 775.083, or s. 775.084.

456 Section 6. Subsections (6) and (14) of section 943.325,  
457 Florida Statutes, are amended to read:

458 943.325 DNA database.—

459 (6) SAMPLES.—The statewide DNA database may contain DNA  
460 data obtained from the following types of biological samples:

461 (a) Crime scene samples.

462 (b) Samples obtained from qualifying offenders required by  
463 this section to provide a biological sample for DNA analysis and  
464 inclusion in the statewide DNA database.

465 (c) Samples lawfully obtained during the course of a  
466 criminal investigation.

467 (d) Samples from deceased victims or suspects that were  
468 lawfully obtained during the course of a criminal investigation.

469 (e) Samples from unidentified human remains.

470 (f) Samples from persons reported missing.

471 (g) Samples voluntarily contributed by relatives of  
472 missing persons.

473 (h) Samples obtained from DNA testing ordered under s.  
474 925.11.

475 (i) ~~(h)~~ Other samples approved by the department.

476 (14) RESULTS.—The results of a DNA analysis and the  
477 comparison of analytic results shall be released only to  
478 criminal justice agencies as defined in s. 943.045 at the

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479 request of the agency or as required by s. 925.11. Otherwise,  
480 such information is confidential and exempt from s. 119.07(1)  
481 and s. 24(a), Art. I of the State Constitution.

482 Section 7. Section 943.3251, Florida Statutes, is amended  
483 to read:

484 943.3251 Postsentencing forensic analysis and DNA database  
485 searches ~~DNA testing~~.-

486 (1) When a court orders postsentencing forensic analysis  
487 ~~DNA testing~~ of physical evidence, pursuant to s. 925.11, the  
488 ~~Florida~~ Department of Law Enforcement, ~~or~~ its designee, or a  
489 private laboratory shall carry out the analysis. If the forensic  
490 analysis produces a DNA sample meeting statewide DNA database  
491 submission standards, the department shall conduct a DNA  
492 database search ~~testing~~.

493 (2) The cost of forensic analysis and any database search  
494 ~~such testing~~ may be assessed against the petitioner sentenced  
495 ~~defendant~~, pursuant to s. 925.11, unless he or she is indigent.

496 (3) The results of postsentencing forensic analysis and  
497 any database search ~~DNA testing~~ shall be provided to the court,  
498 the petitioner sentenced ~~defendant~~, and the prosecuting  
499 authority.

500 Section 8. Paragraph (b) of subsection (1) of section  
501 961.03, Florida Statutes, is amended, and paragraph (c) is added  
502 to that subsection, to read:

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503           961.03 Determination of status as a wrongfully  
504 incarcerated person; determination of eligibility for  
505 compensation.—

506           (1)

507           (b) The person must file the petition with the court:

508           1. Within 2 years after the order vacating a conviction  
509 and sentence becomes final and the criminal charges against the  
510 person are dismissed or the person is retried and acquitted, if  
511 the person's conviction and sentence is vacated on or after July  
512 1, 2020.

513           2. By July 1, 2022, if the person's conviction and  
514 sentence was vacated and the criminal charges against the person  
515 were dismissed or the person was retried and acquitted on or  
516 after July 1, 2006, but before July 1, 2020, and he or she  
517 previously filed a petition under this section that was  
518 dismissed or did not file a petition under this section because  
519 the:

520           a. Date when the criminal charges against the person were  
521 dismissed or the date the person was acquitted upon retrial  
522 occurred more than 90 days after the date of the final order  
523 vacating the conviction and sentence; or

524           b. Person was convicted of an unrelated felony before or  
525 during his or her wrongful conviction and incarceration and was  
526 ineligible for compensation under former s. 961.04.

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527 ~~1. Within 90 days after the order vacating a conviction~~  
528 ~~and sentence becomes final if the person's conviction and~~  
529 ~~sentence is vacated on or after July 1, 2008.~~

530 ~~2. By July 1, 2010, if the person's conviction and~~  
531 ~~sentence was vacated by an order that became final prior to July~~  
532 ~~1, 2008.~~

533 (c) A deceased person's heirs, successors, or assigns do  
534 not have standing to file a petition on the deceased person's  
535 behalf under this section.

536 Section 9. Section 961.04, Florida Statutes, is amended,  
537 to read:

538 961.04 Eligibility for compensation for wrongful  
539 incarceration.—

540 (1) A wrongfully incarcerated person is not eligible for  
541 compensation under the act ~~if:~~ for any period of incarceration  
542 during which the person was concurrently serving a sentence for  
543 a conviction of another crime for which such person was lawfully  
544 incarcerated.

545 ~~(1) Before the person's wrongful conviction and~~  
546 ~~incarceration, the person was convicted of, or pled guilty or~~  
547 ~~nolo contendere to, regardless of adjudication, any violent~~  
548 ~~felony, or a crime committed in another jurisdiction the~~  
549 ~~elements of which would constitute a violent felony in this~~  
550 ~~state, or a crime committed against the United States which is~~

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551 ~~designated a violent felony, excluding any delinquency~~  
552 ~~disposition;~~

553 ~~(2) Before the person's wrongful conviction and~~  
554 ~~incarceration, the person was convicted of, or pled guilty or~~  
555 ~~nolo contendere to, regardless of adjudication, more than one~~  
556 ~~felony that is not a violent felony, or more than one crime~~  
557 ~~committed in another jurisdiction, the elements of which would~~  
558 ~~constitute a felony in this state, or more than one crime~~  
559 ~~committed against the United States which is designated a~~  
560 ~~felony, excluding any delinquency disposition;~~

561 ~~(3) During the person's wrongful incarceration, the person~~  
562 ~~was convicted of, or pled guilty or nolo contendere to,~~  
563 ~~regardless of adjudication, any violent felony;~~

564 ~~(4) During the person's wrongful incarceration, the person~~  
565 ~~was convicted of, or pled guilty or nolo contendere to,~~  
566 ~~regardless of adjudication, more than one felony that is not a~~  
567 ~~violent felony; or~~

568 ~~(5) During the person's wrongful incarceration, the person~~  
569 ~~was also serving a concurrent sentence for another felony for~~  
570 ~~which the person was not wrongfully convicted.~~

571 Section 10. Section 961.06, Florida Statutes, is amended,  
572 to read:

573 961.06 Compensation for wrongful incarceration.—

574 (1) Except as otherwise provided in this act and subject  
575 to the limitations and procedures prescribed in this section, a

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576 person who is found to be entitled to compensation under the  
577 provisions of this act is entitled to:

578 (a) Monetary compensation for wrongful incarceration,  
579 which shall be calculated at a rate of \$50,000 for each year of  
580 wrongful incarceration, prorated as necessary to account for a  
581 portion of a year. For persons found to be wrongfully  
582 incarcerated after December 31, 2006 ~~2008~~, the Chief Financial  
583 Officer may adjust the annual rate of compensation for inflation  
584 using the change in the December-to-December "Consumer Price  
585 Index for All Urban Consumers" of the Bureau of Labor Statistics  
586 of the Department of Labor;

587 (b) A waiver of tuition and fees for up to 120 hours of  
588 instruction at any career center established under s. 1001.44,  
589 any Florida College System institution as defined in s.  
590 1000.21(3), or any state university as defined in s. 1000.21(6),  
591 if the wrongfully incarcerated person meets and maintains the  
592 regular admission requirements of such career center, Florida  
593 College System institution, or state university; remains  
594 registered at such educational institution; and makes  
595 satisfactory academic progress as defined by the educational  
596 institution in which the claimant is enrolled;

597 (c) The amount of any fine, penalty, or court costs  
598 imposed and paid by the wrongfully incarcerated person;

599 (d) The amount of any reasonable attorney ~~attorney's~~ fees  
600 and expenses incurred and paid by the wrongfully incarcerated

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601 person in connection with all criminal proceedings and appeals  
602 regarding the wrongful conviction, to be calculated by the  
603 department based upon the supporting documentation submitted as  
604 specified in s. 961.05; and

605 (e) Notwithstanding any provision to the contrary in s.  
606 943.0583 or s. 943.0585, immediate administrative expunction of  
607 the person's criminal record resulting from his or her wrongful  
608 arrest, wrongful conviction, and wrongful incarceration. The  
609 Department of Legal Affairs and the Department of Law  
610 Enforcement shall, upon a determination that a claimant is  
611 entitled to compensation, immediately take all action necessary  
612 to administratively expunge the claimant's criminal record  
613 arising from his or her wrongful arrest, wrongful conviction,  
614 and wrongful incarceration. All fees for this process shall be  
615 waived.

616  
617 The total compensation awarded under paragraphs (a), (c), and  
618 (d) may not exceed \$2 million. No further award for attorney  
619 ~~attorney's~~ fees, lobbying fees, costs, or other similar expenses  
620 shall be made by the state.

621 ~~(2) In calculating monetary compensation under paragraph~~  
622 ~~(1)(a), a wrongfully incarcerated person who is placed on parole~~  
623 ~~or community supervision while serving the sentence resulting~~  
624 ~~from the wrongful conviction and who commits no more than one~~  
625 ~~felony that is not a violent felony which results in revocation~~

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626 ~~of the parole or community supervision is eligible for~~  
627 ~~compensation for the total number of years incarcerated. A~~  
628 ~~wrongfully incarcerated person who commits one violent felony or~~  
629 ~~more than one felony that is not a violent felony that results~~  
630 ~~in revocation of the parole or community supervision is~~  
631 ~~ineligible for any compensation under subsection (1).~~

632 (2)~~(3)~~ Within 15 calendar days after issuing notice to the  
633 claimant that his or her claim satisfies all of the requirements  
634 under this act, the department shall notify the Chief Financial  
635 Officer to draw a warrant from the General Revenue Fund or  
636 another source designated by the Legislature in law for the  
637 purchase of an annuity for the claimant based on the total  
638 amount determined by the department under this act.

639 (3)~~(4)~~ The Chief Financial Officer shall issue payment in  
640 the amount determined by the department to an insurance company  
641 or other financial institution admitted and authorized to issue  
642 annuity contracts in this state to purchase an annuity or  
643 annuities, selected by the wrongfully incarcerated person, for a  
644 term of not less than 10 years. The Chief Financial Officer is  
645 directed to execute all necessary agreements to implement this  
646 act and to maximize the benefit to the wrongfully incarcerated  
647 person. The terms of the annuity or annuities shall:

648 (a) Provide that the annuity or annuities may not be sold,  
649 discounted, or used as security for a loan or mortgage by the  
650 wrongfully incarcerated person.

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651 (b) Contain beneficiary provisions for the continued  
652 disbursement of the annuity or annuities in the event of the  
653 death of the wrongfully incarcerated person.

654 ~~(4)-(5) If, at the time monetary compensation is determined~~  
655 ~~under paragraph (1)(a), a court has previously entered a~~  
656 ~~monetary judgment in favor of the claimant in a civil action~~  
657 ~~related to the claimant's wrongful incarceration, or the~~  
658 ~~claimant has entered into a settlement agreement with the state~~  
659 ~~or any political subdivision thereof related to the claimant's~~  
660 ~~wrongful incarceration, the amount of the damages in the civil~~  
661 ~~action or settlement agreement, less any sums paid for attorney~~  
662 ~~fees or for costs incurred in litigating the civil action or~~  
663 ~~obtaining the settlement agreement, shall be deducted from the~~  
664 ~~total monetary compensation to which the claimant is entitled~~  
665 ~~under this section Before the department approves the~~  
666 ~~application for compensation, the wrongfully incarcerated person~~  
667 ~~must sign a release and waiver on behalf of the wrongfully~~  
668 ~~incarcerated person and his or her heirs, successors, and~~  
669 ~~assigns, forever releasing the state or any agency,~~  
670 ~~instrumentality, or any political subdivision thereof, or any~~  
671 ~~other entity subject to s. 768.28, from all present or future~~  
672 ~~claims that the wrongfully incarcerated person or his or her~~  
673 ~~heirs, successors, or assigns may have against such entities~~  
674 ~~arising out of the facts in connection with the wrongful~~  
675 ~~conviction for which compensation is being sought under the act.~~

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676 (5) If subsection (4) does not apply, and if after the  
677 time monetary compensation is determined under paragraph (1)(a)  
678 the court enters a monetary judgment in favor of the claimant in  
679 a civil action related to the claimant's wrongful incarceration,  
680 or the claimant enters into a settlement agreement with the  
681 state or any political subdivision thereof related to the  
682 claimant's wrongful incarceration, the claimant shall reimburse  
683 the state for the monetary compensation in paragraph (1)(a),  
684 less any sums paid for attorney fees or for costs incurred in  
685 litigating the civil action or obtaining the settlement  
686 agreement. A reimbursement required under this subsection shall  
687 not exceed the amount of the monetary award the claimant  
688 received for damages in a civil action or settlement agreement.  
689 In the order of judgment, the court shall award to the state any  
690 amount required to be deducted under this subsection.

691 ~~(6)(a) A wrongfully incarcerated person may not submit an~~  
692 ~~application for compensation under this act if the person has a~~  
693 ~~lawsuit pending against the state or any agency,~~  
694 ~~instrumentality, or any political subdivision thereof, or any~~  
695 ~~other entity subject to the provisions of s. 768.28, in state or~~  
696 ~~federal court requesting compensation arising out of the facts~~  
697 ~~in connection with the claimant's conviction and incarceration.~~

698 (6)(a) The claimant shall notify the department upon  
699 filing a civil action against the state or any political  
700 subdivision thereof in which the claimant is seeking monetary

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701 damages related to the claimant's wrongful incarceration for  
702 which he or she previously received or is applying to receive  
703 compensation under paragraph (1) (a).

704 (b) Upon notice of the claimant's civil action, the  
705 department shall file in the case a notice of payment of  
706 monetary compensation to the claimant under paragraph (1) (a).  
707 The notice shall constitute a lien upon any monetary judgment or  
708 settlement recovered under the civil action that is equal to the  
709 sum of monetary compensation paid to the claimant under  
710 paragraph (1) (a), less any attorney fees and costs incurred in  
711 litigating the civil action or obtaining the settlement  
712 agreement.

713 (7) (a) ~~(b)~~ A wrongfully incarcerated person may not submit  
714 an application for compensation under this act if the person is  
715 the subject of a claim bill pending for claims arising out of  
716 the facts in connection with the claimant's conviction and  
717 incarceration.

718 (b) ~~(e)~~ Once an application is filed under this act, a  
719 wrongfully incarcerated person may not pursue recovery under a  
720 claim bill until the final disposition of the application.

721 (c) ~~(d)~~ ~~Any amount awarded under this act is intended to~~  
722 ~~provide the sole compensation for any and all present and future~~  
723 ~~claims arising out of the facts in connection with the~~  
724 ~~claimant's conviction and incarceration.~~ Upon notification by  
725 the department that an application meets the requirements of

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726 this act, a wrongfully incarcerated person may not recover under  
727 a claim bill.

728 ~~(d)-(e)~~ Any compensation awarded under a claim bill shall  
729 be the sole redress for claims arising out of the facts in  
730 connection with the claimant's conviction and incarceration and,  
731 upon any award of compensation to a wrongfully incarcerated  
732 person under a claim bill, the person may not receive  
733 compensation under this act.

734 ~~(8)-(7)~~ Any payment made under this act does not constitute  
735 a waiver of any defense of sovereign immunity or an increase in  
736 the limits of liability on behalf of the state or any person  
737 subject to the provisions of s. 768.28 or other law.

738 Section 11. Section 961.07, Florida Statutes, is amended  
739 to read:

740 961.07 Continuing appropriation.— Beginning in the 2020-  
741 2021 ~~2008-2009~~ fiscal year and continuing each fiscal year  
742 thereafter, a sum sufficient to pay the approved payments under  
743 s. 961.03(1)(b)1. ~~this act~~ is appropriated from the General  
744 Revenue Fund to the Chief Financial Officer, which sum is  
745 further appropriated for expenditure pursuant to the provisions  
746 of this act.

747 Section 12. For the 2020-2021 fiscal year, the sum of \$9.9  
748 million in non-recurring funds is appropriated from the General  
749 Revenue Fund to the Chief Financial Officer to pay the approved  
750 payments under s. 961.03(1)(b)2., Florida Statutes, as amended

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751 by this act. Any funds remaining unexpended from this  
752 appropriation on June 30, 2021, shall revert and are  
753 appropriated for same purpose for the 2021-2022 fiscal year.

754 Section 13. Subsection (5) of section 985.126, Florida  
755 Statutes, is amended to read:

756 985.126 Diversion programs; data collection; denial of  
757 participation or expunged record.—

758 (5) A minor who successfully completes a diversion program  
759 ~~for a first-time misdemeanor offense~~ may lawfully deny or fail  
760 to acknowledge his or her participation in the program and an  
761 expunction of a nonjudicial arrest record under s. 943.0582,  
762 unless the inquiry is made by a criminal justice agency, as  
763 defined in s. 943.045, for a purpose described in s.  
764 943.0582(2)(b)1.

765 Section 14. Section 985.686, Florida Statutes, is  
766 repealed.

767 Section 15. Subsections (1) through (4) and (6) of section  
768 985.6865, Florida Statutes, are amended to read:

769 985.6865 Juvenile detention.—

770 ~~(1) The Legislature finds that various counties and the~~  
771 ~~Department of Juvenile Justice have engaged in a multitude of~~  
772 ~~legal proceedings regarding detention cost sharing for~~  
773 ~~juveniles. Such litigation has largely focused on how the~~  
774 ~~Department of Juvenile Justice calculates the detention costs~~  
775 ~~that the counties are responsible for paying, leading to the~~

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776 ~~overbilling of counties for a period of years. Additionally,~~  
777 ~~litigation pending in 2016 is a financial burden on the~~  
778 ~~taxpayers of this state.~~

779 ~~(2) It is the intent of the Legislature that all counties~~  
780 ~~that are not fiscally constrained counties and that have pending~~  
781 ~~administrative or judicial claims or challenges file a notice of~~  
782 ~~voluntary dismissal with prejudice to dismiss all actions~~  
783 ~~pending on or before February 1, 2016, against the state or any~~  
784 ~~state agency related to juvenile detention cost sharing.~~  
785 ~~Furthermore, all counties that are not fiscally constrained~~  
786 ~~shall execute a release and waiver of any existing or future~~  
787 ~~claims and actions arising from detention cost share prior to~~  
788 ~~the 2016-2017 fiscal year. The department may not seek~~  
789 ~~reimbursement from counties complying with this subsection for~~  
790 ~~any underpayment for any cost sharing requirements before the~~  
791 ~~2016-2017 fiscal year.~~

792 ~~(1)(3)~~ As used in this section, the term:

793 (a) "Detention care" means secure detention and respite  
794 beds for juveniles charged with a domestic violence crime.

795 (b) "Fiscally constrained county" means a county within a  
796 rural area of opportunity as designated by the Governor pursuant  
797 to s. 288.0656 or each county for which the value of a mill will  
798 raise no more than \$5 million in revenue, based on the certified  
799 school taxable value certified pursuant to s. 1011.62(4)(a)1.a.,  
800 from the previous July 1.

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801 (c) "Total shared detention costs" means the amount of  
802 funds expended by the department for the costs of detention care  
803 for the prior fiscal year. This amount includes the most recent  
804 actual certify forward amounts minus any funds it expends on  
805 detention care for juveniles residing in fiscally constrained  
806 counties or out of state.

807 ~~(2)(4) Notwithstanding s. 985.686, for the 2017-2018~~  
808 ~~fiscal year, and each fiscal year thereafter, each county that~~  
809 ~~is not a fiscally constrained county and that has taken the~~  
810 ~~action fulfilling the intent of this section as described in~~  
811 ~~subsection (2) shall pay its annual percentage share of 50~~  
812 ~~percent of the total shared detention costs. Annually by July~~  
813 ~~15, 2017, and each year thereafter, the department shall~~  
814 calculate and provide to each county that is not a fiscally  
815 constrained county and that does not provide its own detention  
816 care for juveniles its annual percentage share by dividing the  
817 total number of detention days for juveniles residing in the  
818 county for the most recently completed 12-month period by the  
819 total number of detention days for juveniles in all counties  
820 that are not fiscally constrained counties during the same  
821 period. The annual percentage share of each county that is not a  
822 fiscally constrained county and that does not provide its own  
823 detention care for juveniles must be multiplied by 50 percent of  
824 the total shared detention costs to determine that county's  
825 share of detention costs. Beginning August 1, each such county

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826 shall pay to the department its share of detention costs, which  
827 shall be paid in 12 equal payments due on the first day of each  
828 month. The state shall pay the remaining actual costs of  
829 detention care.

830 ~~(4)(6)~~ Each county that is not a fiscally constrained  
831 county and that does not provide its own detention care for  
832 juveniles ~~has taken the action fulfilling the intent of this~~  
833 ~~section as described in subsection (2)~~ shall incorporate into  
834 its annual county budget sufficient funds to pay its annual  
835 percentage share of the total shared detention costs required by  
836 subsection (2) ~~(4)~~.

837 Section 16. For the purpose of incorporating the amendment  
838 made by this act to section 961.04, Florida Statutes, in a  
839 reference thereto, subsection (4) of section 961.02, Florida  
840 Statutes, is reenacted to read:

841 961.02 Definitions.—As used in ss. 961.01–961.07, the  
842 term:

843 (4) "Eligible for compensation" means that a person meets  
844 the definition of the term "wrongfully incarcerated person" and  
845 is not disqualified from seeking compensation under the criteria  
846 prescribed in s. 961.04.

847 Section 17. For the purpose of incorporating the  
848 amendments made by this act to section 961.04, Florida Statutes,  
849 in references thereto, paragraph (a) of subsection (1) and

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850 subsections (2), (3), and (4) of section 961.03, Florida  
851 Statutes, are reenacted to read:

852 961.03 Determination of status as a wrongfully  
853 incarcerated person; determination of eligibility for  
854 compensation.—

855 (1) (a) In order to meet the definition of a "wrongfully  
856 incarcerated person" and "eligible for compensation," upon entry  
857 of an order, based upon exonerating evidence, vacating a  
858 conviction and sentence, a person must set forth the claim of  
859 wrongful incarceration under oath and with particularity by  
860 filing a petition with the original sentencing court, with a  
861 copy of the petition and proper notice to the prosecuting  
862 authority in the underlying felony for which the person was  
863 incarcerated. At a minimum, the petition must:

864 1. State that verifiable and substantial evidence of  
865 actual innocence exists and state with particularity the nature  
866 and significance of the verifiable and substantial evidence of  
867 actual innocence; and

868 2. State that the person is not disqualified, under the  
869 provisions of s. 961.04, from seeking compensation under this  
870 act.

871 (2) The prosecuting authority must respond to the petition  
872 within 30 days. The prosecuting authority may respond:

873 (a) By certifying to the court that, based upon the  
874 petition and verifiable and substantial evidence of actual

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875 innocence, no further criminal proceedings in the case at bar  
876 can or will be initiated by the prosecuting authority, that no  
877 questions of fact remain as to the petitioner's wrongful  
878 incarceration, and that the petitioner is not ineligible from  
879 seeking compensation under the provisions of s. 961.04; or

880 (b) By contesting the nature, significance, or effect of  
881 the evidence of actual innocence, the facts related to the  
882 petitioner's alleged wrongful incarceration, or whether the  
883 petitioner is ineligible from seeking compensation under the  
884 provisions of s. 961.04.

885 (3) If the prosecuting authority responds as set forth in  
886 paragraph (2) (a), the original sentencing court, based upon the  
887 evidence of actual innocence, the prosecuting authority's  
888 certification, and upon the court's finding that the petitioner  
889 has presented clear and convincing evidence that the petitioner  
890 committed neither the act nor the offense that served as the  
891 basis for the conviction and incarceration, and that the  
892 petitioner did not aid, abet, or act as an accomplice to a  
893 person who committed the act or offense, shall certify to the  
894 department that the petitioner is a wrongfully incarcerated  
895 person as defined by this act. Based upon the prosecuting  
896 authority's certification, the court shall also certify to the  
897 department that the petitioner is eligible for compensation  
898 under the provisions of s. 961.04.

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899 (4) (a) If the prosecuting authority responds as set forth  
900 in paragraph (2) (b), the original sentencing court shall make a  
901 determination from the pleadings and supporting documentation  
902 whether, by a preponderance of the evidence, the petitioner is  
903 ineligible for compensation under the provisions of s. 961.04,  
904 regardless of his or her claim of wrongful incarceration. If the  
905 court finds the petitioner ineligible under the provisions of s.  
906 961.04, it shall dismiss the petition.

907 (b) If the prosecuting authority responds as set forth in  
908 paragraph (2) (b), and the court determines that the petitioner  
909 is eligible under the provisions of s. 961.04, but the  
910 prosecuting authority contests the nature, significance or  
911 effect of the evidence of actual innocence, or the facts related  
912 to the petitioner's alleged wrongful incarceration, the court  
913 shall set forth its findings and transfer the petition by  
914 electronic means through the division's website to the division  
915 for findings of fact and a recommended determination of whether  
916 the petitioner has established that he or she is a wrongfully  
917 incarcerated person who is eligible for compensation under this  
918 act.

919 Section 18. This act shall take effect July 1, 2020.  
920

921 -----  
922 **T I T L E A M E N D M E N T**

923 Remove everything before the enacting clause and insert:

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924 A bill to be entitled  
925 An act relating to criminal justice; amending s.  
926 20.316, F.S.; revising the name of a program and  
927 creating an additional program within the Department  
928 of Juvenile Justice; conforming a provision to changes  
929 made by the act; amending s. 925.11, F.S.; providing  
930 definitions; authorizing specified persons to petition  
931 a court for postsentencing forensic analysis that may  
932 result in evidence of the identity of a perpetrator or  
933 accomplice to a crime; providing requirements for such  
934 a petition; requiring a court to make specified  
935 findings before entering an order for forensic  
936 analysis; requiring the forensic analysis to be  
937 performed by the Department of Law Enforcement;  
938 providing an exception; requiring the department to  
939 submit a DNA profile meeting submission standards to  
940 certain DNA databases; requiring the results of the  
941 DNA database search to be provided to specified  
942 parties; authorizing a court to order specified  
943 persons to conduct a search for physical evidence  
944 reported to be missing or destroyed in violation of  
945 law; requiring a report of the results of such a  
946 search; amending s. 925.12, F.S.; authorizing  
947 specified persons to petition for forensic analysis  
948 after entering a plea of guilty or nolo contendere;

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949 requiring a court to inquire of a defendant about  
950 specified information relating to physical evidence  
951 before accepting a plea; amending s. 943.0582, F.S.;  
952 deleting a requirement that limits diversion program  
953 expunction to programs for misdemeanor offenses;  
954 reenacting and amending s. 943.0585, F.S.; expanding  
955 an exception to an eligibility requirement for  
956 expunction of a criminal history record to allow a  
957 prior expunction of a criminal history record granted  
958 for an offense committed when the person was a minor;  
959 providing an exception; amending s. 943.325, F.S.;  
960 authorizing certain samples obtained from  
961 postsentencing forensic analysis to be entered into  
962 the statewide DNA database; authorizing DNA analysis  
963 and results to be released to specified entities;  
964 amending s. 943.3251, F.S.; requiring the department  
965 to perform forensic analysis and searches of the  
966 statewide DNA database; providing an exception;  
967 requiring the results of forensic analysis and a DNA  
968 database search to be provided to specified entities;  
969 amending s. 961.03, F.S.; extending the filing  
970 deadline for a petition claiming wrongful  
971 incarceration; providing limited retroactivity for  
972 filing a petition claiming wrongful incarceration;  
973 amending s. 961.04, F.S.; disqualifying a person

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974 serving a concurrent sentence for a lawful conviction  
975 during any period of wrongful incarceration from  
976 eligibility for compensation for such period; deleting  
977 eligibility requirements relating to a person's  
978 conduct before the person's wrongful conviction or  
979 incarceration; amending s. 961.06, F.S.; revising  
980 eligibility requirements for compensation for wrongful  
981 incarceration; authorizing the state to deduct the  
982 amount of a civil award from the state compensation  
983 amount owed if the claimant first receives a civil  
984 award; deleting a requirement that a wrongfully  
985 incarcerated person sign a liability release before  
986 receiving compensation; requiring a claimant to  
987 reimburse the state for any difference between state  
988 compensation and a civil award if the claimant  
989 receives statutory compensation prior to a civil  
990 award; deleting provisions prohibiting an application  
991 for compensation if the applicant has a pending civil  
992 suit requesting compensation; requiring a claimant to  
993 notify the Department of Legal Affairs upon filing a  
994 civil action; requiring the department to file a  
995 notice of payment of monetary compensation in the  
996 civil action; amending s. 961.07, F.S.; providing a  
997 continuing appropriation for specified claims;  
998 providing a specific appropriation for specified

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999 | claims; amending s. 985.126, F.S.; conforming a  
1000 | provision to changes made by the act; repealing s.  
1001 | 985.686, F.S., relating to shared county and state  
1002 | responsibility for juvenile detention; amending s.  
1003 | 985.6865, F.S.; deleting provisions relating to  
1004 | legislative findings and legislative intent; deleting  
1005 | a provision requiring each county that is not a  
1006 | fiscally constrained county to pay its annual  
1007 | percentage share of the total shared detention costs;  
1008 | requiring the Department of Juvenile Justice to  
1009 | calculate and provide to each county that is not a  
1010 | fiscally constrained county and that does not provide  
1011 | its own detention care for juveniles its annual  
1012 | percentage share; requiring each county that is not a  
1013 | fiscally constrained county and that does not provide  
1014 | its own detention care for juveniles to incorporate  
1015 | into its annual budget sufficient funds to pay its  
1016 | annual percentage share; conforming a provision to  
1017 | changes made by the act; conforming a cross-reference;  
1018 | reenacting ss. 961.02(4) and 961.03(1)(a), (2), (3),  
1019 | and (4), F.S., all relating to eligibility for  
1020 | compensation for wrongfully incarcerated persons;  
1021 | conforming a provision to changes made by the act;  
1022 | providing an effective date.

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