

Amendment No. ____ (for drafter's use only)

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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| 5 | | | ORIGINAL STAMP BELOW |
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| 11 | Representative(s) Kosmas offered the following: | | |
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| 13 | Amendment | | |
| 14 | On page 18, line 29 through page 19, line 11, | | |
| 15 | remove from the bill: all of said lines | | |
| 16 | | | |
| 17 | and insert in lieu thereof: <u>were discovered, or would have</u> | | |
| 18 | <u>become known with the exercise of diligence. Such claim shall</u> | | |
| 19 | <u>be barred pursuant to subsection (3) or s. 924.057 unless the</u> | | |
| 20 | <u>facts underlying the claim, if proven and viewed in light of</u> | | |
| 21 | <u>the evidence as a whole, would be sufficient to establish by</u> | | |
| 22 | <u>clear and convincing evidence that, but for the error alleged,</u> | | |
| 23 | <u>a fact finder would have had a reasonable doubt about the</u> | | |
| 24 | <u>defendant's guilt of the underlying offense. Additionally,</u> | | |
| 25 | <u>the facts underlying this claim must have been unknown to the</u> | | |
| 26 | <u>defendant or his or her attorney and must be such that they</u> | | |
| 27 | <u>could not have been ascertained by the exercise of due</u> | | |
| 28 | <u>diligence prior to filing the earlier postconviction motion.</u> | | |
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| 31 | | | |