

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Joyner offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 37-39 and insert:

5 Section 2. Effective July 1, 2005, section 914.145,

6 Florida Statutes, is created to read:

7 914.145 Wrongful convictions; civil damages.--

8 (1) Any person convicted of a crime whose conviction was
9 based upon evidence fabricated or deceptively manipulated by any
10 law enforcement agency or state attorney shall have a civil
11 cause of action against the law enforcement agency or state
12 attorney that fabricated or deceptively manipulated the
13 evidence.

14 (2) Liability under subsection (1) shall be joint and
15 several.

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16 (3) The statute of limitations applicable to a cause of
17 action created by this section shall:

18 (a) Run from the time a person convicted as described in
19 subsection (1) is exonerated in a court of law.

20 (b) Be as provided under s. 95.11(3)(o).

21 Section 3. Except as otherwise provided herein, this act
22 shall take effect upon becoming a law. The repeal of Rule 3.203,
23 Florida Rules of Criminal Procedure, in this act shall take
24 effect only if this act is enacted by a two-thirds vote of the
25 membership of each house of the Legislature.

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27 ===== T I T L E A M E N D M E N T =====

28 Remove lines 2-5 and insert:

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30 An act relating to criminal law; repealing Rule 3.203,
31 Florida Rules of Criminal Procedure, relating to
32 imposition of the death penalty; creating s. 914.145,
33 F.S.; providing for civil damages for certain wrongful
34 criminal convictions; providing for joint and several
35 liability; providing an effective dates.