

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative DuBose offered the following:

Amendment (with title amendment)

5 Remove lines 27-44 and insert:

6 Section 1. Paragraph (b) of subsection (1) of section
 7 961.03, Florida Statutes, is amended and paragraph (c) is added
 8 to that subsection to read:

9 961.03 Determination of status as a wrongfully
 10 incarcerated person; determination of eligibility for
 11 compensation.—

12 (1)

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

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

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17 ~~2. By July 1, 2010, if the person's conviction and~~
18 ~~sentence was vacated by an order that became final prior to July~~
19 ~~1, 2008.~~

20 1. Within 2 years after the order vacating a conviction
21 and sentence becomes final and the criminal charges against the
22 person are dismissed or the person is retried and found not
23 guilty, if the person's conviction and sentence is vacated on or
24 after July 1, 2020.

25 2. By July 1, 2022, if the person's conviction and sentence
26 was vacated and the criminal charges against the person were
27 dismissed or the person was retried and found not guilty after
28 July 1, 2008, but before July 1, 2020, and he or she previously
29 filed a claim under this section that was dismissed or did not
30 file a claim under this section because the:

31 a. Date when the criminal charges against the person were
32 dismissed or the date the person was acquitted upon retrial
33 occurred more than 90 days after the date of the final order
34 vacating the conviction and sentence; or

35 b. Person was convicted of an unrelated felony before his
36 or her wrongful conviction and incarceration and was previously
37 barred under s. 961.04.

38 (c) A deceased person's heirs, successors, or assigns do
39 not have standing to file a claim on the deceased person's
40 behalf under this section.
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T I T L E A M E N D M E N T

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Remove line 5 and insert:

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incarceration; providing limited retroactivity for filing a

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petition claiming wrongful incarceration; amending s. 961.04,

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F.S.; deleting