

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Gregory offered the following:

Amendment (with directory and title amendments)

Between lines 52 and 53, insert:

(2) The prosecuting authority must respond to the petition within 30 days. If the prosecuting authority moved to vacate the person's conviction and sentence in the original sentencing court, or otherwise did not object to the original sentencing court vacating the person's conviction and sentence, the prosecuting authority must petition the Governor within 15 days after the filing of a petition under subsection (1) to appoint a prosecuting authority from another judicial circuit to be substituted as the prosecuting authority for the purposes of

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14 complying with the requirements of this section. Within 10 days
 15 after the filing of a petition under this subsection, the
 16 Governor must appoint a substitute prosecuting authority who is
 17 responsible for complying with the requirements of this section.
 18 If a petition is filed under this subsection, the time period in
 19 which the prosecuting authority must respond to a petition filed
 20 under subsection (1) is tolled until the date the Governor
 21 appoints a substitute prosecuting authority. The prosecuting
 22 authority may respond:

23 (a) By certifying to the court that, based upon the
 24 petition and verifiable and substantial evidence of actual
 25 innocence, no further criminal proceedings in the case at bar
 26 can or will be initiated by the prosecuting authority, that no
 27 questions of fact remain as to the petitioner's wrongful
 28 incarceration, and that the petitioner is not ineligible from
 29 seeking compensation under ~~the provisions of~~ s. 961.04; or

30 (b) By contesting the nature, significance, or effect of
 31 the evidence of actual innocence, the facts related to the
 32 petitioner's alleged wrongful incarceration, or whether the
 33 petitioner is ineligible from seeking compensation under ~~the~~
 34 ~~provisions of~~ s. 961.04.

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36 **D I R E C T O R Y A M E N D M E N T**

37 Remove lines 22-24 and insert:
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39 Section 2. Paragraph (b) of subsection (1) and subsection
40 (2) of section 961.03, Florida Statutes, are amended, and
41 paragraph (c) is added to subsection (1) of that section, to
42 read:

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

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Remove line 8 and insert:

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have standing to file such a petition; requiring the

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prosecuting authority to petition the Governor to appoint a

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substitute prosecuting authority under certain

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circumstances; amending s.

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