

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WITHDRAWN	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>	

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1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Koster offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove lines 17-56 and insert:

7 Section 1. Subsection (6) of section 961.02, Florida  
 8 Statutes, is amended to read:

9 961.02 Definitions.—As used in ss. 961.01-961.07, the  
 10 term:

11 ~~(6) "Violent felony" means a felony listed in s.~~  
 12 ~~775.084(1)(c)1. or s. 948.06(8)(c).~~

13 Section 2. Paragraph (b) of subsection (1) of section  
 14 961.03, Florida Statutes, is amended, and paragraph (c) is added  
 15 to that subsection, to read:

16 961.03 Determination of status as a wrongfully

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17 incarcerated person; determination of eligibility for  
18 compensation.—

19 (1)

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

21 1. Within 2 years ~~90 days~~ after the order vacating a  
22 conviction and sentence becomes final and the criminal charges  
23 against the person are dismissed or the person is retried and  
24 acquitted if the person's conviction and sentence is vacated on  
25 or after July 1, 2023 ~~2008~~.

26 2. By July 1, 2025 ~~2010~~, if the person's conviction and  
27 sentence was vacated and the criminal charges against the person  
28 were dismissed or the person was retried and acquitted on or  
29 after January 1, 2006, but before July 1, 2023, and he or she  
30 previously filed a petition under this section that was  
31 dismissed or he or she did not file a petition under this  
32 section because:

33 a. The date on which the criminal charges against the  
34 person were dismissed or the date on which the person was  
35 acquitted upon retrial occurred more than 90 days after the date  
36 of the final order vacating the conviction and sentence; or

37 b. The person was convicted of an unrelated felony before  
38 or during his or her wrongful conviction and incarceration and  
39 was ineligible for compensation under s. 961.04 as it existed  
40 before July 1, 2023.

41 (c) A deceased person's heirs, successors, or assigns do

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42 not have standing to file a petition on the deceased person's  
43 behalf under this section ~~by an order that became final prior to~~  
44 ~~July 1, 2008.~~

45 Section 2. Section 961.04, Florida Statutes, is amended to  
46 read:

47 961.04 Eligibility for compensation for wrongful  
48 incarceration.—A wrongfully incarcerated person is not eligible  
49 for compensation under the act for any period of incarceration  
50 during which the person was concurrently serving a sentence for  
51 a conviction of another felony for which such person was  
52 lawfully

53  
54 -----

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

56 Remove line 3 and insert:  
57 incarcerated persons; amending s. 961.02, F.S.; deleting an  
58 obsolete definition; amending s. 961.03, F.S.;