

By Senator Bullard

39-00199-16

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1 A bill to be entitled
2 An act for the relief of Barney Brown, who was
3 wrongfully incarcerated for 38 years; providing an
4 appropriation to compensate him for his wrongful
5 incarceration; providing that the act does not waive
6 certain defenses or increase the state's liability;
7 providing that the appropriation satisfies all present
8 and future claims related to the wrongful
9 incarceration; providing a limitation on the payment
10 of compensation, fees, and costs; providing an
11 effective date.

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13 WHEREAS, in 1970, Barney Brown was convicted in Miami-Dade
14 County, then known as Dade County, of rape and was sentenced to
15 life in prison despite an earlier acquittal of the same charges
16 in juvenile court, and

17 WHEREAS, Mr. Brown served 38 years in prison, during which
18 time he maintained his innocence, and

19 WHEREAS, in September 2008, the Circuit Court in the 11th
20 Judicial Circuit in and for Miami-Dade County vacated the
21 judgment and sentence of Mr. Brown as entered on September 11,
22 1970, because significant doubt existed as to his guilt, and

23 WHEREAS, the Legislature acknowledges that the state's
24 system of justice yielded an imperfect result that had tragic
25 consequences in this case, and

26 WHEREAS, this act is based on a moral desire to acknowledge
27 those who are wrongfully convicted of a felony offense,
28 incarcerated as a result of that conviction, and subsequently
29 determined to be actually innocent, and is not a recognition of

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30 a constitutional right or violation, and

31 WHEREAS, the Legislature is providing compensation to Mr.
32 Brown to acknowledge the fact that he suffered significant
33 damages that are unique to him, and

34 WHEREAS, the Legislature intends that any compensation made
35 pursuant to this act be the sole compensation provided by the
36 state for any and all present and future claims arising out of
37 the factual situation described in the preamble of this act,
38 including the wrongful incarceration of Mr. Brown for 38 years,
39 NOW, THEREFORE,

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41 Be It Enacted by the Legislature of the State of Florida:

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43 Section 1. The facts stated in the preamble to this act are
44 found and declared to be true.

45 Section 2. The sum of \$1.9 million is appropriated from the
46 General Revenue Fund to the Department of Financial Services for
47 the relief of Barney Brown for the injuries and damages he
48 sustained.

49 Section 3. The Chief Financial Officer is directed to draw
50 a warrant in favor of Barney Brown in the sum of \$1.9 million
51 upon funds of the Department of Financial Services in the State
52 Treasury, and the Chief Financial Officer is directed to pay the
53 same out of such funds in the State Treasury.

54 Section 4. The Legislature by this act does not waive any
55 defense of sovereign immunity or increase the limits of
56 liability on behalf of the state or any person or entity that is
57 subject to s. 768.28, Florida Statutes, or any other law.

58 Section 5. This award is intended to provide the sole

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59 compensation for any and all present and future claims arising
60 out of the factual situation in connection with Barney Brown's
61 arrest, conviction, and incarceration. There shall be no further
62 award for attorney fees, lobbying fees, costs, or other similar
63 expenses to Barney Brown by the state or any agency,
64 instrumentality, or political subdivision thereof, or any other
65 entity, including any county constitutional office, officer, or
66 employee, in state or federal court.

67 Section 6. This act shall take effect upon becoming a law.