

THE FLORIDA SENATE
2025 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

SB 130 — Compensation of Victims of Wrongful Incarceration

by Senator Bradley

The bill amends s. 961.03, F.S., to:

- Prospectively extend the filing deadline for a petition under the Victims of Wrongful Incarceration Compensation Act (Act) from 90 days to within two years after an order vacating a conviction and sentence becomes final and the criminal charges against a person are dismissed or the person is retried and acquitted, if the person’s conviction and sentence is vacated on or after July 1, 2025.
- Retroactively authorize a person to file a petition for determination of status as a wrongfully incarcerated person and determination of eligibility for compensation by July 1, 2027, under specified circumstances.
- Provide that a deceased person’s heirs, successors, or assigns do not have standing to file a petition on the deceased person’s behalf.

Section 961.04, F.S., is amended to remove the bar to compensation for a petitioner who has been convicted of a violent felony or multiple nonviolent felonies before or during his or her wrongful conviction and incarceration. A person continues to be ineligible for compensation for any period of wrongful incarceration during which the person was serving a concurrent sentence for which he or she was not wrongfully incarcerated.

Section 961.06, F.S., is amended to prohibit the Chief Financial Officer from drawing a warrant to purchase an annuity to pay a claimant for his or her wrongful incarceration if the claimant is currently incarcerated under specified circumstances. The bill also provides for reimbursement arrangements for the state under circumstances relating to the claimant and any successful civil litigation in which he or she may prevail.

Section 961.07, F.S., is amended to provide that claims filed under the new lookback period created by the bill are subject to specific appropriation. The bill amends the Act by amending s. 961.02, F.S., to remove the definition of “violent felony” since every use of the term is deleted by the bill.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2025.

Vote: Senate 38-0; House 116-0