

By Senator Haridopolos

26-289A-06

1 A bill to be entitled
2 An act relating to compensation for wrongful
3 conviction and incarceration; providing that a
4 person who has been wrongfully convicted of a
5 crime and incarcerated within the Department of
6 Corrections may be financially compensated
7 under certain circumstances; requiring that the
8 claimant submit certain documents as proof of
9 the wrongful conviction and incarceration;
10 directing the Department of Legal Affairs to
11 review and process the documents; providing
12 certain criteria for the Chief Financial
13 Officer to follow when paying a claim;
14 providing an effective date.

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

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18 Section 1. Claim for compensation for wrongful
19 incarceration.--

20 (1) A person who has been wrongfully convicted of a
21 felony offense and incarcerated within the Department of
22 Corrections as a result of that conviction may be financially
23 compensated if it is shown that the claimant:

24 (a) Was not convicted of a crime before the conviction
25 that resulted in the period of incarceration for which the
26 person is seeking compensation, including any crime for which
27 adjudication of guilt was withheld by the court;

28 (b) Was not convicted of a crime while incarcerated;

29 (c) Was not convicted of a crime after the term of
30 incarceration and before the claim for wrongful incarceration
31 is submitted; and

1 (d) Was convicted at trial, sentenced to a period of
2 incarceration, and actually incarcerated after the judgment of
3 conviction.

4 (2) The claimant must submit to the Department of
5 Legal Affairs for review and processing the following
6 documents, in one complete package, as proof of the person's
7 eligibility for compensation:

8 (a) A certified copy of the judgment and sentence in
9 the case, including fingerprints;

10 (b) A set of the claimant's fingerprints, prepared by
11 the sheriff of the county in which the person resides and
12 taken within the 6 months before the date the claim is filed;

13 (c) A recent photograph of the claimant in a format no
14 larger than 2 inches by 3 inches;

15 (d) A certified copy of the order vacating the
16 conviction;

17 (e) A record from the Department of Corrections
18 showing the actual dates of the claimant's incarceration and a
19 photograph of the person taken by the department; and

20 (f) A brief, sworn statement reciting the facts upon
21 which the claim for compensation is based.

22 (3) The Department of Legal Affairs shall process and
23 review the claim within a reasonable time after receiving the
24 documents, which may not exceed 90 days.

25 (4) If the Department of Legal Affairs determines that
26 the claim for compensation is supported by sufficient proof
27 and recommends payment of the claim for a period of time for
28 which the compensation is payable, the department must forward
29 the recommendation to the Chief Financial Officer who shall
30 pay the claim according to the recommendation. Payment shall
31 be as follows:

1 (a) At the rate of \$50,000 for each year of wrongful
2 incarceration, prorated as necessary to compensate for
3 portions of complete years.

4 (b) For sums exceeding \$500,000, payments may be made
5 in equal annual installments prorated over 5 years.

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7 The claimant must present positive proof of identity before
8 payment is tendered.

9 (5)(a) The Chief Financial Officer shall process and
10 pay the claim according to the recommendation of the
11 Department of Legal Affairs within a reasonable time after
12 receiving the recommendation, which may not exceed 90 days.

13 (b) Payment shall be made if sufficient funds are
14 available in the General Revenue Fund to compensate the
15 claimant.

16 Section 2. This act shall take effect October 1, 2006.

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19 SENATE SUMMARY

20 Provides that a person who has been wrongfully convicted
21 of a crime and incarcerated within the Department of
22 Corrections may be financially compensated under certain
23 circumstances. Requires that the claimant submit certain
24 documents as proof of the wrongful conviction and
25 incarceration. Directs the Department of Legal Affairs to
26 review and process the documents. Provides certain
27 criteria for the Chief Financial Officer to follow when
28 paying a claim.
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