



260126

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/26/2010	.	
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The Committee on Judiciary (Joyner) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 360 - 376

and insert:

specified in s. 961.05; ~~and~~

(e) The amount of any reasonable attorney's fees and expenses incurred by the wrongfully incarcerated person in connection with obtaining compensation under this act, not to exceed \$50,000, to be calculated by the department upon the submission of supporting documentation of those fees and expenses. The Chief Financial Officer shall pay the attorney's fees and costs directly to the attorney, and the attorney may



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14 not receive additional fees and costs from the wrongfully  
15 incarcerated person by another arrangement or contract.

16 (f) ~~(e)~~ Notwithstanding any provision to the contrary in s.  
17 943.0585, immediate administrative expunction of the wrongfully  
18 incarcerated person's criminal record resulting from his or her  
19 wrongful arrest, wrongful conviction, and wrongful  
20 incarceration. The Department of Legal Affairs and the  
21 Department of Law Enforcement shall, upon a determination that a  
22 person claimant is entitled to compensation, immediately take  
23 all action necessary to administratively expunge the person's  
24 ~~claimant's~~ criminal record arising from his or her wrongful  
25 arrest, wrongful conviction, and wrongful incarceration. All  
26 fees for this process shall be waived.

27  
28 The total compensation awarded under paragraphs (a), (c), and  
29 (d) may not exceed \$2 million. Except as provided in paragraph  
30 (e), no further award for attorney's fees, lobbying fees, costs,  
31 or other similar expenses shall be made by the state.

32  
33  
34  
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete line 26

38 and insert:

39 Corrections; amending s. 961.06, F.S.; providing for  
40 compensation of reasonable attorney's fees and  
41 expenses, up to \$50,000, incurred for pursuing  
42 compensation for wrongful incarceration; directing the



43 Chief Financial Officer to remit payment of attorney's  
44 fees directly to the attorney; precluding the attorney  
45 from receipt of additional fees from the wrongfully  
46 incarcerated person; precluding