



934806

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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	.	

The Committee on Criminal Justice (Siplin) 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



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13 fees and costs directly to the attorney, and the attorney may
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.

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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



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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