

By Senator Joyner

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1                   A bill to be entitled  
2           An act relating to compensation for wrongful  
3           incarceration; amending s. 961.02, F.S.; defining the  
4           term "actual innocence" for purposes of the Victims of  
5           Wrongful Incarceration Compensation Act; redefining  
6           the term "wrongfully incarcerated person," to conform;  
7           amending s. 961.03, F.S.; requiring that a petition  
8           for compensation describe the existence of clear and  
9           convincing evidence of actual innocence; requiring the  
10          petitioner to submit fingerprints for criminal history  
11          records checks; providing that a failure to submit  
12          fingerprints within the prescribed timeframe does not  
13          warrant denial of compensation under the act;  
14          providing procedures for taking and submitting  
15          fingerprints; requiring that the results of the  
16          criminal history records checks be submitted to the  
17          clerk of the court; providing for use of the results  
18          by the court; specifying who will pay for the criminal  
19          history records checks; amending s. 961.05, F.S.;  
20          eliminating the requirement that a wrongfully  
21          incarcerated person provide certain court records and  
22          documentation from the Department of Corrections along  
23          with an application for compensation; requiring the  
24          Department of Legal Affairs to request certain records  
25          from the clerk of the court and the Department of  
26          Corrections; amending s. 961.06, F.S.; providing for  
27          compensation of reasonable attorney's fees and  
28          expenses, up to \$50,000, incurred for pursuing  
29          compensation for wrongful incarceration; directing the

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30 Chief Financial Officer to remit payment of attorney's  
31 fees directly to the attorney; precluding the attorney  
32 from receipt of additional fees from the wrongfully  
33 incarcerated person; requiring the Chief Financial  
34 Officer to draw a warrant to an insurance company or  
35 other financial institution authorized to issue  
36 annuity contracts to purchase an annuity selected by  
37 the wrongfully incarcerated person; authorizing the  
38 Chief Financial Officer to execute all necessary  
39 agreements to implement compensation and to maximize  
40 the benefit to the wrongfully incarcerated person;  
41 requiring that the wrongfully incarcerated person sign  
42 a waiver before the Department of Legal Affairs  
43 approves the application; precluding submission of an  
44 application for compensation if the wrongfully  
45 incarcerated person has received a prior favorable  
46 judgment from a civil action arising out of the  
47 wrongful incarceration; providing an effective date.  
48

49 Be It Enacted by the Legislature of the State of Florida:  
50

51 Section 1. Section 961.02, Florida Statutes, is amended to  
52 read:

53 961.02 Definitions.—As used in ss. 961.01-961.07, the term:

54 (1) "Act" means the Victims of Wrongful Incarceration  
55 Compensation Act.

56 (2) "Actual innocence" means that a person did not commit  
57 the act or the offense that served as the basis for the  
58 conviction and incarceration for which the person seeks

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59 compensation, and that the person did not aid, abet, or act as  
60 an accomplice to a person who committed the act or offense.

61 (3)-(2) "Department" means the Department of Legal Affairs.

62 (4)-(3) "Division" means the Division of Administrative  
63 Hearings.

64 (5)-(4) "Wrongfully incarcerated person" means a person  
65 whose felony conviction and sentence have been vacated by a  
66 court of competent jurisdiction and, with respect to whom  
67 pursuant to the requirements of s. 961.03, the original  
68 sentencing court has issued its order finding that the person  
69 has proven actual innocence by clear and convincing evidence  
70 ~~neither committed the act nor the offense that served as the~~  
71 ~~basis for the conviction and incarceration and that the person~~  
72 ~~did not aid, abet, or act as an accomplice or accessory to a~~  
73 ~~person who committed the act or offense.~~

74 (6)-(5) "Eligible for compensation" means a person meets the  
75 definition of "wrongfully incarcerated person" and is not  
76 disqualified from seeking compensation under the criteria  
77 prescribed in s. 961.04.

78 (7)-(6) "Entitled to compensation" means a person meets the  
79 definition of "eligible for compensation" and satisfies the  
80 application requirements prescribed in s. 961.05, and may  
81 receive compensation pursuant to s. 961.06.

82 Section 2. Section 961.03, Florida Statutes, is amended to  
83 read:

84 961.03 Determination of status as a wrongfully incarcerated  
85 person; determination of eligibility for compensation.—

86 (1)(a) In order to meet the definition of a "wrongfully  
87 incarcerated person" and "eligible for compensation," upon entry

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88 of an order, based upon exonerating evidence, vacating a  
89 conviction and sentence, a person must set forth the claim of  
90 wrongful incarceration under oath and with particularity by  
91 filing a petition with the original sentencing court, with a  
92 copy of the petition and proper notice to the prosecuting  
93 authority in the underlying felony for which the person was  
94 incarcerated. At a minimum, the petition must:

95 1. State that clear and convincing ~~verifiable and~~  
96 ~~substantial~~ evidence of actual innocence exists and state with  
97 particularity the nature and significance of the ~~verifiable and~~  
98 ~~substantial~~ evidence of actual innocence; and

99 2. State that the person is not disqualified, under ~~the~~  
100 ~~provisions of~~ s. 961.04, from seeking compensation under this  
101 act.

102 (b) The person must file the petition with the court:

103 1. Within 90 days after the order vacating a conviction and  
104 sentence becomes final if the person's conviction and sentence  
105 is vacated on or after July 1, 2008.

106 2. By July 1, 2010, if the person's conviction and sentence  
107 was vacated by an order that became final prior to July 1, 2008.

108 (c)1. Within 30 days after filing the petition, the  
109 petitioner must submit fingerprints for a state and national  
110 criminal history records check. Failure to satisfy this  
111 subparagraph within the prescribed timeframe is not grounds for  
112 denial of compensation under this act.

113 2. The clerk of the court shall inform the petitioner of  
114 the process for having his or her fingerprints taken and  
115 submitted and provide information concerning law enforcement  
116 agencies or service providers that are authorized to submit

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117 fingerprints electronically to the Department of Law  
118 Enforcement.

119 3. The petitioner's fingerprints must be taken in a manner  
120 approved by the Department of Law Enforcement and shall be  
121 submitted electronically to the Department of Law Enforcement  
122 for state processing for a criminal history records check. The  
123 Department of Law Enforcement shall submit the fingerprints to  
124 the Federal Bureau of Investigation for national processing. The  
125 Department of Law Enforcement shall submit the results of the  
126 state and national records check to the clerk of the court. The  
127 court shall consider the results in evaluating whether the  
128 petitioner is eligible for compensation under s. 961.04.

129 4. The petitioner may not be charged for the cost of  
130 conducting the state and national criminal history records  
131 checks required under this paragraph. The cost of state and  
132 national processing shall be borne by the Department of Law  
133 Enforcement.

134 (2) The prosecuting authority must respond to the petition  
135 within 30 days. The prosecuting authority may respond:

136 (a) By certifying to the court that, based upon the  
137 petition and ~~verifiable and substantial~~ evidence of actual  
138 innocence, no further criminal proceedings in the case at bar  
139 can or will be initiated by the prosecuting authority, and that  
140 the prosecuting authority does not contest ~~no questions of fact~~  
141 ~~remain as to the petitioner's claim of actual innocence wrongful~~  
142 ~~incarceration, and that the petitioner is not ineligible from~~  
143 ~~seeking compensation under the provisions of s. 961.04; or~~

144 (b) By certifying to the court that questions of fact  
145 remain as to the petitioner's claim of actual innocence, and

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146 that the prosecuting authority contests ~~contesting~~ the nature,  
147 significance, or effect of the evidence of actual innocence, ~~the~~  
148 ~~facts related to the petitioner's alleged wrongful~~  
149 ~~incarceration, or whether the petitioner is ineligible from~~  
150 ~~seeking compensation under the provisions of s. 961.04.~~

151 (3) If the prosecuting authority certifies to the court  
152 that it does not contest the petitioner's claim of actual  
153 innocence, and the court finds that the petitioner has proven  
154 actual innocence by clear and convincing evidence and is  
155 eligible for compensation under s. 961.04 ~~responds as set forth~~  
156 ~~in paragraph (2) (a), the original sentencing court, based upon~~  
157 ~~the evidence of actual innocence, the prosecuting authority's~~  
158 ~~certification, and upon the court's finding that the petitioner~~  
159 ~~has presented clear and convincing evidence that the petitioner~~  
160 ~~committed neither the act nor the offense that served as the~~  
161 ~~basis for the conviction and incarceration, and that the~~  
162 ~~petitioner did not aid, abet, or act as an accomplice to a~~  
163 ~~person who committed the act or offense, the original sentencing~~  
164 court shall certify to the department that the petitioner is a  
165 wrongfully incarcerated person who is eligible for compensation  
166 as defined by this act. ~~Based upon the prosecuting authority's~~  
167 ~~certification, the court shall also certify to the department~~  
168 ~~that the petitioner is eligible for compensation under the~~  
169 ~~provisions of s. 961.04.~~

170 (4) (a) If the prosecuting authority contests the  
171 petitioner's claim of actual innocence ~~responds as set forth in~~  
172 ~~paragraph (2) (b), the original sentencing court shall make a~~  
173 determination from the pleadings and supporting documentation  
174 whether, ~~by a preponderance of the evidence,~~ the petitioner is

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175 ~~eligible~~ ineligible for compensation under ~~the provisions of~~ s.  
176 961.04, regardless of his or her claim of wrongful  
177 incarceration. If the court finds the petitioner ineligible  
178 under ~~the provisions of~~ s. 961.04, it must ~~shall~~ dismiss the  
179 petition.

180 (b) If the court determines that the petitioner is eligible  
181 under s. 961.04 ~~prosecuting authority responds as set forth in~~  
182 ~~paragraph (2) (b), and the court determines that the petitioner~~  
183 ~~is eligible under the provisions of s. 961.04, but the~~  
184 prosecuting authority contests the nature, significance, or  
185 effect of the evidence of actual innocence, ~~or the facts related~~  
186 ~~to the petitioner's alleged wrongful incarceration, the court~~  
187 shall set forth its findings and transfer the petition to the  
188 division for findings of fact and a recommended determination of  
189 whether the petitioner has proven actual innocence ~~established~~  
190 ~~that he or she is a wrongfully incarcerated person who is~~  
191 ~~eligible for compensation under this act.~~

192 (5) The petitioner must prove actual innocence before the  
193 administrative law judge by clear and convincing evidence. ~~Any~~  
194 ~~questions of fact, the nature, significance or effect of the~~  
195 ~~evidence of actual innocence, and the petitioner's eligibility~~  
196 ~~for compensation under this act must be established by clear and~~  
197 ~~convincing evidence by the petitioner before an administrative~~  
198 ~~law judge.~~

199 (6) (a) Pursuant to division rules and any additional rules  
200 set forth by the administrative law judge, a hearing must ~~shall~~  
201 be conducted no later than 120 days after the transfer of the  
202 petition to the division.

203 (b) The prosecuting authority shall appear for the purpose

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204 of contesting, as necessary, the facts, the nature, and  
205 significance or effect of the evidence of actual innocence as  
206 presented by the petitioner.

207 (c) No later than 45 days after the adjournment of the  
208 hearing, the administrative law judge shall issue an order  
209 setting forth his or her findings and recommendation and shall  
210 file the order with the original sentencing court.

211 (d) The original sentencing court shall review the findings  
212 and recommendation contained in the order of the administrative  
213 law judge and, within 60 days, shall issue its own order  
214 adopting or declining to adopt the findings and recommendation  
215 of the administrative law judge.

216 (7) If the court concludes that the petitioner is a  
217 wrongfully incarcerated person as defined by this act and is  
218 eligible for compensation as defined in this act, the court  
219 shall include in its order a certification to the department  
220 that:

221 (a)1. The order of the administrative law judge finds that  
222 the petitioner has met his or her burden of proving actual  
223 innocence ~~establishing~~ by clear and convincing evidence ~~that the~~  
224 ~~petitioner committed neither the act nor the offense that served~~  
225 ~~as the basis for the conviction and incarceration and that the~~  
226 ~~petitioner did not aid, abet, or act as an accomplice to a~~  
227 ~~person who committed the act or offense;~~

228 2. The findings and recommendation of the administrative  
229 law judge on which its order is based are supported by  
230 competent, substantial evidence; and

231 3. The petitioner is a wrongfully incarcerated person who  
232 is eligible for compensation; or



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233        (b)2. ~~That~~ The court has declined to adopt the findings and  
 234 recommendation ~~recommendations~~ of the administrative law judge  
 235 that the petitioner failed to prove actual innocence by clear  
 236 and convincing evidence and finds that the petitioner has met  
 237 his or her burden of proving actual innocence ~~establishing by~~  
 238 clear and convincing evidence, and that the petitioner is a  
 239 wrongfully incarcerated person who is eligible for compensation.

240 ~~that the petitioner committed neither the act nor the offense~~  
 241 ~~that served as the basis for the conviction and incarceration~~  
 242 ~~and that the petitioner did not aid, abet, or act as an~~  
 243 ~~accomplice to a person who committed the act or offense; and~~

244        ~~(b) The original sentencing court determines the findings~~  
 245 ~~and recommendations on which its order is based are supported by~~  
 246 ~~competent, substantial evidence.~~

247        (8) The establishment of the method by which a person may  
 248 seek the status of a wrongfully incarcerated person and a  
 249 finding as to eligibility for compensation under this act in no  
 250 way creates any rights of due process beyond those set forth in  
 251 this act herein, nor is there created any right to further  
 252 petition or appeal beyond the scope of the method set forth in  
 253 this act herein.

254        Section 3. Section 961.05, Florida Statutes, is amended to  
 255 read:

256        961.05 Application for compensation for wrongful  
 257 incarceration; administrative expunction; determination of  
 258 entitlement to compensation.—

259        (1) A wrongfully incarcerated person who is eligible for  
 260 compensation as defined in this act must initiate his or her  
 261 application for compensation as required in this section no more

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262 than 2 years after the original sentencing court enters its  
263 order finding that the person meets the definition of a  
264 wrongfully incarcerated person and is eligible for compensation  
265 as defined in this act.

266 (2) A wrongfully incarcerated person who is eligible for  
267 compensation under the act must apply to the Department of Legal  
268 Affairs. No estate of, or personal representative for, a  
269 decedent is entitled to apply on behalf of the decedent for  
270 compensation for wrongful incarceration.

271 (3) The Department of Legal Affairs may adopt rules  
272 regarding the forms and procedures related to applications for  
273 compensation under this act ~~the Victims of Wrongful~~  
274 ~~Incarceration Compensation Act.~~

275 (4) The application must include:

276 (a) Identification of the original sentencing court and the  
277 criminal case number of the case or cases for which the person  
278 was wrongfully incarcerated ~~A certified copy of the order~~  
279 ~~vacating the conviction and sentence;~~

280 ~~(b) A certified copy of the original sentencing court's~~  
281 ~~order finding the claimant to be a wrongfully incarcerated~~  
282 ~~person who is eligible for compensation under this act;~~

283 ~~(c) Certified copies of the original judgment and sentence;~~

284 ~~(d) Documentation demonstrating the length of the sentence~~  
285 ~~served, including documentation from the Department of~~  
286 ~~Corrections regarding the person's admission into and release~~  
287 ~~from the custody of the Department of Corrections;~~

288 ~~(b)(e)~~ (b) Positive proof of identification, including ~~two full~~  
289 ~~sets of fingerprints administered by a law enforcement agency~~  
290 ~~and a current form of photo identification, demonstrating that~~

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291 the person seeking compensation is the same individual who was  
292 wrongfully incarcerated;

293 (c) ~~(f)~~ All supporting documentation of any fine, penalty,  
294 or court costs imposed and paid by the wrongfully incarcerated  
295 person as described in s. 961.06(1)(c);

296 (d) ~~(g)~~ All supporting documentation of any reasonable  
297 attorney's fees and expenses as described in s. 961.06(1)(d);  
298 and

299 (e) ~~(h)~~ Any other documentation, evidence, or information  
300 required by rules adopted by the department.

301 (5) Upon receipt of the application, the department shall:  
302 ~~forward one full set of fingerprints of the applicant to the~~  
303 ~~Department of Law Enforcement for statewide criminal records~~  
304 ~~checks. The Department of Law Enforcement shall forward the~~  
305 ~~second set of fingerprints to the Federal Bureau of~~  
306 ~~Investigation for national criminal records checks. The results~~  
307 ~~of the state and national records checks shall be submitted to~~  
308 ~~the department.~~

309 (a) Request that the clerk of the court provide a certified  
310 copy of the order vacating the conviction and sentence and  
311 certified copies of the original judgment and sentence. The  
312 clerk shall provide these records at no charge.

313 (b) Request that the Department of Corrections provide  
314 documentation demonstrating the length of the sentence served,  
315 including the dates of the wrongfully incarcerated person's  
316 admission into and release from the custody of the Department of  
317 Corrections. The Department of Corrections shall provide this  
318 documentation at no charge.

319 (c) ~~(6)~~ ~~Upon receipt of an application, the department shall~~

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320 Examine the application and notify the wrongfully incarcerated  
321 person claimant within 30 calendar days of any errors or  
322 omissions, and request any additional information relevant to  
323 the review of the application. The wrongfully incarcerated  
324 person claimant shall have 15 days after proper notification of  
325 any existing errors or omissions to supplement the application.  
326 The department may not deny an application for failure of the  
327 wrongfully incarcerated person claimant to correct an error or  
328 omission or supply additional information unless the department  
329 timely notified the person claimant of such errors or omissions  
330 or requested the additional information within the 30-day period  
331 specified in this subsection. The department shall process and  
332 review each completed application within 90 calendar days. Once  
333 the department determines whether a claim for compensation meets  
334 the requirements of this act, the department shall notify the  
335 wrongfully incarcerated person claimant within 5 business days  
336 of that determination.

337 ~~(6)(7)~~ If the department determines that a wrongfully  
338 incarcerated person claimant meets the requirements of this act,  
339 the wrongfully incarcerated person ~~who is the subject of the~~  
340 ~~claim~~ becomes entitled to compensation, subject to ~~the~~  
341 ~~provisions in s. 961.06.~~

342 Section 4. Section 961.06, Florida Statutes, is amended to  
343 read:

344 961.06 Compensation for wrongful incarceration.—

345 (1) Except as otherwise provided in this act and subject to  
346 the limitations and procedures prescribed in this section, a  
347 person who is found to be entitled to compensation under ~~the~~  
348 ~~provisions of~~ this act is entitled to:

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349 (a) Monetary compensation for wrongful incarceration, which  
350 shall be calculated at a rate of \$50,000 for each year of  
351 wrongful incarceration, prorated as necessary to account for a  
352 portion of a year. For persons found to be wrongfully  
353 incarcerated after December 31, 2008, the Chief Financial  
354 Officer may adjust the annual rate of compensation for inflation  
355 using the change in the December-to-December "Consumer Price  
356 Index for All Urban Consumers" of the Bureau of Labor Statistics  
357 of the Department of Labor;

358 (b) A waiver of tuition and fees for up to 120 hours of  
359 instruction at any career center established under s. 1001.44,  
360 any community college as defined in s. 1000.21(3), or any state  
361 university as defined in s. 1000.21(6), if the wrongfully  
362 incarcerated person meets and maintains the regular admission  
363 requirements of such career center, community college, or state  
364 university; remains registered at such educational institution;  
365 and makes satisfactory academic progress as defined by the  
366 educational institution in which the wrongfully incarcerated  
367 person ~~claimant~~ is enrolled;

368 (c) The amount of any fine, penalty, or court costs ~~imposed~~  
369 ~~and~~ paid by the wrongfully incarcerated person;

370 (d) The amount of any reasonable attorney's fees and  
371 expenses incurred and paid by the wrongfully incarcerated person  
372 in connection with all criminal proceedings and appeals  
373 regarding the wrongful conviction, to be calculated by the  
374 department based upon the supporting documentation submitted as  
375 specified in s. 961.05; ~~and~~

376 (e) The amount of any reasonable attorney's fees and  
377 expenses incurred by the wrongfully incarcerated person in

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378 connection with obtaining compensation under this act, not to  
379 exceed \$50,000, to be calculated by the department upon the  
380 submission of supporting documentation of those fees and  
381 expenses. The Chief Financial Officer shall pay the attorney's  
382 fees and costs directly to the attorney, and the attorney may  
383 not receive additional fees and costs from the wrongfully  
384 incarcerated person by another arrangement or contract; and

385 (f)-(e) Notwithstanding any provision to the contrary in s.  
386 943.0585, immediate administrative expunction of the wrongfully  
387 incarcerated person's criminal record resulting from his or her  
388 wrongful arrest, wrongful conviction, and wrongful  
389 incarceration. The Department of Legal Affairs and the  
390 Department of Law Enforcement shall, upon a determination that a  
391 person claimant is entitled to compensation, immediately take  
392 all action necessary to administratively expunge the person's  
393 claimant's criminal record arising from his or her wrongful  
394 arrest, wrongful conviction, and wrongful incarceration. All  
395 fees for this process shall be waived.

396  
397 The total compensation awarded under paragraphs (a), (c), ~~and~~  
398 (d), and (e) may not exceed \$2 million. Except as provided in  
399 paragraph (e), no further award for attorney's fees, lobbying  
400 fees, costs, or other similar expenses shall be made by the  
401 state.

402 (2) In calculating monetary compensation under paragraph  
403 (1) (a), a wrongfully incarcerated person who is placed on parole  
404 or community supervision while serving the sentence resulting  
405 from the wrongful conviction and who commits anything less than  
406 a felony law violation that results in revocation of the parole

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407 or community supervision is eligible for compensation for the  
408 total number of years incarcerated. A wrongfully incarcerated  
409 person who commits a felony law violation that results in  
410 revocation of the parole or community supervision is ineligible  
411 for any compensation under subsection (1).

412 (3) Within 15 calendar days after issuing notice to the  
413 wrongfully incarcerated person ~~claimant~~ that his or her claim  
414 satisfies all of the requirements under this act, the department  
415 shall notify the Chief Financial Officer to draw a warrant from  
416 the General Revenue Fund or another source designated by the  
417 Legislature in law for the purchase of an annuity for the  
418 wrongfully incarcerated person ~~claimant~~ based on the total  
419 amount determined by the department under this act.

420 (4) The Chief Financial Officer shall issue payment in the  
421 amount determined by the department to an insurance company or  
422 other financial institution admitted and authorized to issue  
423 purchase an annuity contracts in this state to purchase an  
424 annuity, selected by the wrongfully incarcerated person, on  
425 ~~behalf of the claimant~~ for a term of not less than 10 years. The  
426 Chief Financial Officer shall execute all necessary agreements  
427 to implement this act and maximize the benefit to the wrongfully  
428 incarcerated person. The terms of the annuity shall:

429 (a) Provide that the annuity may not be sold, discounted,  
430 or used as security for a loan or mortgage by the wrongfully  
431 incarcerated person ~~applicant~~.

432 (b) Contain beneficiary provisions for the continued  
433 disbursement of the annuity in the event of the death of the  
434 wrongfully incarcerated person ~~applicant~~.

435 (5) Before the department approves the application under s.

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436 961.05 ~~Chief Financial Officer draws the warrant for the~~  
437 ~~purchase of the annuity, the~~ wrongfully incarcerated person  
438 ~~claimant~~ must sign a release and waiver on behalf of the  
439 wrongfully incarcerated person ~~claimant~~ and his or her heirs,  
440 successors, and assigns, forever releasing the state or any  
441 agency, instrumentality, or any political subdivision thereof,  
442 or any other entity subject to ~~the provisions of~~ s. 768.28, from  
443 all present or future claims that the wrongfully incarcerated  
444 person ~~claimant~~ or his or her heirs, successors, or assigns may  
445 have against such entities arising out of the facts in  
446 connection with the wrongful conviction for which compensation  
447 is being sought under the act. ~~The release and waiver must be~~  
448 ~~provided to the department prior to the issuance of the warrant~~  
449 ~~by the Chief Financial Officer.~~

450 (6) (a) A wrongfully incarcerated person may not submit an  
451 application for compensation under this act if the person has a  
452 civil action lawsuit pending against the state or any agency,  
453 instrumentality, or any political subdivision thereof, or any  
454 other entity subject to ~~the provisions of~~ s. 768.28, in state or  
455 federal court requesting compensation arising out of ~~the facts~~  
456 ~~in connection with~~ the wrongfully incarcerated person's  
457 ~~claimant's~~ conviction and incarceration.

458 (b) A wrongfully incarcerated person may not submit an  
459 application for compensation under this act if the person has  
460 received a prior judgment in his or her favor in a civil action  
461 against the state or any agency, instrumentality, or any  
462 political subdivision thereof, or against any other entity  
463 subject to s. 768.28, in state or federal court arising out of  
464 the wrongfully incarcerated person's conviction and



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465 incarceration.

466 ~~(c)-(b)~~ A wrongfully incarcerated person may not submit an  
467 application for compensation under this act if the person is the  
468 subject of a claim bill pending for claims arising out of ~~the~~  
469 ~~facts in connection with~~ the wrongfully incarcerated person's  
470 ~~claimant's~~ conviction and incarceration.

471 ~~(d)-(e)~~ Once an application is filed under this act, a  
472 wrongfully incarcerated person may not pursue recovery under a  
473 claim bill until the final disposition of the application.

474 ~~(e)-(d)~~ Any amount awarded under this act is intended to  
475 provide the sole compensation for any and all present and future  
476 claims arising out of ~~the facts in connection with~~ the  
477 wrongfully incarcerated person's ~~claimant's~~ conviction and  
478 incarceration. Upon notification by the department that an  
479 application meets the requirements of this act, a wrongfully  
480 incarcerated person may not recover under a claim bill.

481 ~~(f)-(e)~~ Any compensation awarded under a claim bill shall be  
482 the sole redress for claims arising out of ~~the facts in~~  
483 ~~connection with~~ the wrongfully incarcerated person's ~~claimant's~~  
484 conviction and incarceration and, upon any award of compensation  
485 to a wrongfully incarcerated person under a claim bill, the  
486 person may not receive compensation under this act.

487 (7) Any payment made under this act does not constitute a  
488 waiver of any defense of sovereign immunity or an increase in  
489 the limits of liability on behalf of the state or any person  
490 subject to ~~the provisions of~~ s. 768.28 or other law.

491 Section 5. This act shall take effect July 1, 2011.