

By Senator Bullard

39-00082-14

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1 A bill to be entitled
2 An act for the relief of Barney Brown, who was
3 wrongfully incarcerated for 38 years; providing an
4 appropriation to compensate Barney Brown for his
5 wrongful incarceration; directing the Chief Financial
6 Officer to draw a warrant; providing that the act does
7 not waive certain defenses or increase the state's
8 liability; providing a limitation on the payment of
9 fees and costs; providing an effective date.

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11 WHEREAS, in 1970, Barney Brown was convicted in Dade
12 County, Florida, of rape and was sentenced to life in prison
13 despite an earlier acquittal of the same charges in juvenile
14 court, and

15 WHEREAS, Barney Brown served 38 years in prison, during
16 which time he maintained his innocence, and

17 WHEREAS, in September 2008, the Circuit Court in the
18 Eleventh Circuit vacated the judgment and sentence of Barney
19 Brown as entered on September 11, 1970, as significant doubt
20 existed as to his guilt, and

21 WHEREAS, the Legislature acknowledges that the state's
22 system of justice yielded an imperfect result that had tragic
23 consequences in this case, and

24 WHEREAS, this act is based on a moral desire to acknowledge
25 those who are wrongfully convicted of a felony offense,
26 incarcerated as a result of that conviction, and determined to
27 be actually innocent and is not a recognition of a
28 constitutional right or violation, and

29 WHEREAS, the Legislature is providing compensation to

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30 Barney Brown to acknowledge the fact that he suffered
31 significant damages that are unique to Barney Brown, and

32 WHEREAS, the Legislature intends that any compensation made
33 pursuant to this act be the sole compensation to be provided by
34 the state for any and all present and future claims arising out
35 of the factual situation in connection with the claimant's
36 conviction and imprisonment, NOW, THEREFORE,

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38 Be It Enacted by the Legislature of the State of Florida:
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40 Section 1. The facts stated in the preamble to this act are
41 found and declared to be true.

42 Section 2. The sum of \$1.9 million is appropriated from the
43 General Revenue Fund to the Department of Financial Services for
44 the relief of Barney Brown for injuries and damages sustained.

45 Section 3. The Chief Financial Officer is directed to draw
46 a warrant in favor of Barney Brown in the sum of \$1.9 million
47 upon funds of the Department of Financial Services in the State
48 Treasury, and the Chief Financial Officer is directed to pay the
49 same out of such funds in the State Treasury.

50 Section 4. The Legislature by this act does not waive any
51 defense of sovereign immunity or increase the limits of
52 liability on behalf of the state or any person or entity that is
53 subject to s. 768.28, Florida Statutes, or any other law.

54 Section 5. This award is intended to provide the sole
55 compensation for any and all present and future claims arising
56 out of the factual situation in connection with Barney Brown's
57 arrest, conviction, and incarceration. There shall be no further
58 award to include attorney fees, lobbying fees, costs, or other

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59 similar expenses to Barney Brown by the state or any agency,
60 instrumentality, or political subdivision thereof, or any other
61 entity, including any county constitutional office, officer, or
62 employee, in state or federal court.

63 Section 6. This act shall take effect upon becoming a law.