

By Senator Bullard

39-00073-15

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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 Mr. Brown for his wrongful
5 incarceration; directing the Chief Financial Officer
6 to draw a warrant; providing that the act does not
7 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 Miami-Dade
12 County, then known as Dade County, of rape and was sentenced to
13 life in prison despite an earlier acquittal of the same charges
14 in juvenile court, and

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

17 WHEREAS, in September 2008, the Circuit Court in the 11th
18 Judicial Circuit in and for Miami-Dade County vacated the
19 judgment and sentence of Mr. Brown as entered on September 11,
20 1970, as significant doubt 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 Mr.

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30 Brown to acknowledge the fact that he suffered significant
31 damages that are unique to him, 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 the injuries and damages he
45 sustained.

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

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

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

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59 award to include attorney fees, lobbying fees, costs, or other
60 similar expenses to Mr. Brown by the state or any agency,
61 instrumentality, or political subdivision thereof, or any other
62 entity, including any county constitutional office, officer, or
63 employee, in state or federal court.

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