

1 A bill to be entitled
2 An act for the relief of Robert Earl DuBoise;
3 providing an appropriation to compensate Robert Earl
4 DuBoise for being wrongfully incarcerated for 37
5 years; directing the Chief Financial Officer to
6 execute necessary agreements; providing for the waiver
7 of certain tuition and fees for Mr. DuBoise, subject
8 to specified requirements; providing that the act does
9 not waive certain defenses or increase the state's
10 limits of liability; providing a limitation on the
11 payment of compensation; prohibiting any further award
12 from including certain fees and costs; providing that
13 certain benefits are vacated upon specified findings;
14 providing an effective date.

15
16 WHEREAS, Robert Earl DuBoise was arrested on October 22,
17 1983 for the August 18, 1983, rape and murder of a Tampa Bay
18 woman and was convicted of capital murder and attempted sexual
19 battery on March 7, 1985, and

20 WHEREAS, Robert Earl DuBoise spent 3 years on death row,
21 and

22 WHEREAS, on March 10, 1988, the Florida Supreme Court
23 issued a mandate vacating Robert Earl DuBoise's death sentence,
24 and on April 4, 1988, he was resentenced to a life sentence for

25 | murder and a consecutive 15-year sentence for attempted sexual
26 | battery, and

27 | WHEREAS, Robert Earl DuBoise has maintained his innocence
28 | since his arrest and for the entirety of his incarceration for
29 | the past 37 years, and

30 | WHEREAS, on September 11, 2020, the Conviction Review Unit
31 | (CRU) for the State Attorney's Office for the Thirteenth
32 | Judicial Circuit issued a 49-page "CRU Summary Fact-Finding
33 | Report" based on a comprehensive investigation spanning nearly
34 | one year, culminating in the conclusion that "Robert DuBoise's
35 | conviction should be vacated and Robert DuBoise be exonerated of
36 | the charges against him," and

37 | WHEREAS, on September 14, 2020, the Circuit Court for the
38 | Thirteenth Judicial Circuit, granted, with the concurrence of
39 | the state, a motion for post-conviction relief, vacated the
40 | judgment and sentence of Robert Earl DuBoise, and ordered a new
41 | trial, and

42 | WHEREAS, the CRU report found that there was no credible
43 | evidence of Robert Earl DuBoise's guilt, and likewise, that
44 | there was clear and convincing evidence of Mr. DuBoise's
45 | innocence, and

46 | WHEREAS on September 14, 2020, as a result of the CRU
47 | report, the state orally pronounced a nolle prosequi with regard
48 | to the retrial of Robert Earl DuBoise, and

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49 WHEREAS, the Legislature acknowledges that the state's
50 system of justice yielded an imperfect result that had tragic
51 consequences in this case, and

52 WHEREAS, the Legislature acknowledges that, as a result of
53 his physical confinement, Robert Earl DuBoise suffered
54 significant damages that are unique to Mr. DuBoise, and such
55 damages are due to the fact that he was physically restrained
56 and prevented from exercising the freedom to which all innocent
57 citizens are entitled, and

58 WHEREAS, before his conviction for the above-mentioned
59 crimes, Robert Earl DuBoise had prior convictions for unrelated
60 felonies, and

61 WHEREAS, the Legislature is providing compensation to
62 Robert Earl DuBoise to acknowledge the fact that he suffered
63 significant damages that are unique to Robert Earl DuBoise for
64 being wrongfully incarcerated, and

65 WHEREAS, the comprehensive investigation by the Conviction
66 Review Unit found verifiable and substantial evidence of Robert
67 Earl DuBoise's actual innocence of capital murder and attempted
68 sexual battery, and

69 WHEREAS, the Legislature apologizes to Robert Earl DuBoise
70 on behalf of the state, NOW, THEREFORE,

71
72 Be It Enacted by the Legislature of the State of Florida:
73

74 Section 1. The facts stated in the preamble to this act
75 are found and declared to be true.

76 Section 2. The sum of \$1,850,000.00 is appropriated from
77 the General Revenue Fund to the Department of Financial Services
78 for the relief of Robert Earl DuBoise for his wrongful
79 incarceration.

80 Section 3. The Chief Financial Officer is directed to draw
81 a warrant in the sum of \$1,850,000.00 payable directly to Robert
82 Earl DuBoise.

83 Section 4. Tuition and fees for Robert Earl DuBoise shall
84 be waived for up to a total of 120 hours of instruction at any
85 career center established pursuant to s. 1001.44, Florida
86 Statutes, Florida College System institution established under
87 part III of chapter 1004, Florida Statutes, or state university.
88 For any educational benefit made, Mr. DuBoise must meet and
89 maintain the regular admission and registration requirements of
90 such career center, institution, or state university and make
91 satisfactory academic progress as defined by the educational
92 institution in which he is enrolled.

93 Section 5. The Legislature does not waive any defense of
94 sovereign immunity or increase the limits of liability on behalf
95 of the state or any person or entity that is subject to s.
96 768.28, Florida Statutes, or any other law.

97 Section 6. This award is intended to provide the sole
98 compensation for all present and future claims arising out of

99 | the factual situation described in this act which resulted in
100 | Robert Earl DuBoise's arrest, conviction, and incarceration.
101 | There may not be any further award to include attorney fees,
102 | lobbying fees, costs, or other similar expenses to Mr. DuBoise
103 | by the state or any agency, instrumentality, or political
104 | subdivision thereof, or any other entity, including any county
105 | constitutional officer, officer, or employee, in state or
106 | federal court.

107 | Section 7. If, after the time that monetary compensation
108 | is paid under this act, a court enters a monetary judgment in
109 | favor of Robert Earl DuBoise in a civil action related to his
110 | wrongful incarceration, or Mr. DuBoise enters into a settlement
111 | agreement with the state or any political subdivision thereof
112 | related to his wrongful incarceration, Mr. DuBoise shall
113 | reimburse the state for the monetary compensation awarded under
114 | this act, less any sums paid for attorney fees or costs incurred
115 | in litigating the civil action or obtaining the settlement
116 | agreement. A reimbursement required under this section may not
117 | exceed the amount of monetary award Mr. DuBoise received for
118 | damages in the civil action or settlement agreement. The court
119 | shall include in the order of judgment an award to the state of
120 | any amount required to be deducted under this section.

121 | Section 8. Claimant Robert Earl DuBoise must notify the
122 | Department of Legal Affairs upon filing any civil action under
123 | section 7 of this act.

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124 Section 9. The department shall file a notice of payment
125 of monetary compensation in any civil action under section 7 of
126 this act. The notice shall constitute a lien upon any judgment
127 or settlement recovered under the civil action that is equal to
128 the sum of monetary compensation paid to the claimant under this
129 act, less any attorney fees and litigation costs.

130 Section 10. If any future factual finding determines that
131 Robert Earl DuBoise, by DNA evidence or otherwise, participated
132 in any manner related to the death or sexual battery of the
133 victim, the unused benefits to which Robert Earl DuBoise is
134 entitled under this act are vacated.

135 Section 11. This act shall take effect upon becoming a
136 law.