

By Senator Jones

35-00188-22

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1 A bill to be entitled
2 An act for the relief of Leonard Cure; providing an
3 appropriation to compensate him for being wrongfully
4 incarcerated for 16 years; directing the Chief
5 Financial Officer to draw a warrant payable directly
6 to Mr. Cure; requiring the Chief Financial Officer to
7 pay the directed funds without requiring that Mr. Cure
8 sign a liability release; providing for the waiver of
9 certain tuition and fees for Mr. Cure; declaring that
10 the Legislature does not waive certain defenses or
11 increase the state's limits of liability with respect
12 to this act; prohibiting funds awarded under this act
13 to Mr. Cure from being used or paid for attorney or
14 lobbying fees; prohibiting Mr. Cure from submitting a
15 compensation application under certain provisions upon
16 his receipt of payment under this act; requiring
17 specific reimbursement to the state should a civil
18 award be issued subsequent to Mr. Cure's receipt of
19 payment under this act; requiring Mr. Cure to notify
20 the Department of Legal Affairs upon filing certain
21 civil actions; requiring the department to file a
22 specified notice under certain circumstances;
23 providing that certain benefits are vacated upon
24 specified findings; providing an effective date.

25
26 WHEREAS, Leonard Cure was arrested on November 20, 2003,
27 for the November 10, 2003, robbery of a Dania Beach Walgreens
28 drug store and was convicted on November 3, 2004, of armed
29 robbery with a firearm and aggravated assault with a firearm,

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30 and

31 WHEREAS, Mr. Cure was sentenced to life imprisonment and
32 spent 16 years incarcerated, and

33 WHEREAS, Mr. Cure has maintained his innocence since his
34 arrest and for the entirety of his incarceration, and

35 WHEREAS, on April 2, 2020, the Conviction Review Unit for
36 the State Attorney's Office for the 17th Judicial Circuit issued
37 a 14-page "Conviction Review Unit Memorandum" recommending the
38 modification of Mr. Cure's sentence to allow for his immediate
39 release while the Conviction Review Unit investigated Mr. Cure's
40 case, and

41 WHEREAS, on April 14, 2020, the Circuit Court for the 17th
42 Judicial Circuit modified Mr. Cure's sentence to time served,
43 and Mr. Cure was released, and

44 WHEREAS, on October 16, 2020, the Conviction Review Unit
45 for the State Attorney's Office for the 17th Judicial Circuit
46 issued a "Conviction Review Unit Addendum Memorandum with
47 Independent Review Panel's Findings" reaching the conclusion
48 that the court should "vacate the defendant's judgment and
49 sentence and enter a nolle prosequi as to both counts" due to
50 the finding by the Independent Review Panel that "the case
51 against Mr. Cure is so weak that it gives rise to a reasonable
52 doubt as to his culpability, and that he is most likely
53 innocent," and

54 WHEREAS, on December 11, 2020, the Circuit Court for the
55 17th Judicial Circuit issued, with the concurrence of the state,
56 an Agreed Order Vacating Judgment and Sentence on the basis that
57 Mr. Cure "is most likely innocent," and

58 WHEREAS, on December 14, 2020, as the result of the

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59 Conviction Review Unit report, the state filed a Notice of Nolle
60 Prosequi, and Mr. Cure was exonerated, and

61 WHEREAS, the Legislature acknowledges that the state's
62 system of justice yielded an imperfect result that had tragic
63 consequences in this case, and

64 WHEREAS, the Legislature acknowledges that, as a result of
65 his physical confinement, Mr. Cure suffered significant damages
66 that are unique to him, and that the damages are due to the fact
67 that he was physically restrained and prevented from exercising
68 the freedom to which all innocent citizens are entitled, and

69 WHEREAS, before his conviction for the aforementioned
70 crimes, Mr. Cure had prior convictions for unrelated felonies,
71 and

72 WHEREAS, due to his prior felony convictions, Mr. Cure is
73 ineligible for compensation under chapter 961, Florida Statutes,
74 and

75 WHEREAS, the Legislature apologizes to Mr. Cure on behalf
76 of the state, NOW, THEREFORE,

77

78 Be It Enacted by the Legislature of the State of Florida:

79

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

82 Section 2. The sum of \$817,000 is appropriated from the
83 General Revenue Fund to the Department of Financial Services for
84 the relief of Leonard Cure for his wrongful incarceration. The
85 Chief Financial Officer is directed to draw a warrant in favor
86 of Mr. Cure in the sum of \$817,000 payable directly to Leonard
87 Cure.

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88 Section 3. The Chief Financial Officer shall pay the funds
89 directed by this act without requiring that the wrongfully
90 incarcerated person, Mr. Cure, sign a liability release.

91 Section 4. Tuition and fees for Mr. Cure shall be waived
92 for up to a total of 120 hours of instruction at any career
93 center established pursuant to s. 1001.44, Florida Statutes, any
94 Florida College System institution established under part III of
95 chapter 1004, Florida Statutes, or any state university. For any
96 educational benefit made, Mr. Cure must meet and maintain the
97 regular admission and registration requirements of the career
98 center, institution, or state university and make satisfactory
99 academic progress as defined by the educational institution in
100 which he is enrolled.

101 Section 5. With respect to the relief for Mr. Cure as
102 described in this act, the Legislature does not waive any
103 defense of sovereign immunity or increase the limits of
104 liability on behalf of the state or any person or entity that is
105 subject to s. 768.28, Florida Statutes, or any other law. Funds
106 awarded under this act to Mr. Cure may not be used or be paid
107 for attorney fees or lobbying fees related to this claim.

108 Section 6. Upon his receipt of payment under this act, Mr.
109 Cure may not submit an application for compensation under
110 chapter 961, Florida Statutes.

111 Section 7. If, after the time that monetary compensation is
112 paid under this act, a court enters a monetary judgment in favor
113 of Mr. Cure in a civil action related to his wrongful
114 incarceration, or Mr. Cure enters into a settlement agreement
115 with the state or any political subdivision thereof related to
116 his wrongful incarceration, Mr. Cure must reimburse the state

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117 for the monetary compensation awarded under this act, less any
118 sums paid for attorney fees or costs incurred in litigating the
119 civil action or obtaining the settlement agreement. A
120 reimbursement required under this section may not exceed the
121 amount of monetary award Mr. Cure received for damages in the
122 civil action or settlement agreement. The court must include in
123 the order of judgment an award to the state of any amount
124 required to be deducted under this section. Claimant Leonard
125 Cure must notify the Department of Legal Affairs upon filing any
126 such civil action.

127 Section 8. The department must then file a notice of
128 payment of monetary compensation in the civil action, and the
129 notice shall constitute a lien upon any judgment or settlement
130 recovered under the civil action which is equal to the sum of
131 monetary compensation paid to the claimant under this act, less
132 any attorney fees and litigation costs.

133 Section 9. If any future judicial determination concludes
134 that Mr. Cure, by DNA evidence or otherwise, participated in any
135 manner in the armed robbery and aggravated assault for which he
136 was incarcerated, the unused benefits to which he is entitled
137 under this act are vacated.

138 Section 10. This act shall take effect upon becoming a law.