

By Senator Jones

35-00232-22

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1 A bill to be entitled
2 An act for the relief of Barney Brown; providing an
3 appropriation to compensate Mr. Brown for being
4 wrongfully incarcerated for 38 years; directing the
5 Chief Financial Officer to draw a warrant payable
6 directly to Mr. Brown; declaring that the Legislature
7 does not waive certain defenses or increase the
8 state's limits of liability with respect to this act;
9 providing that the appropriation satisfies all present
10 and future claims related to the arrest, conviction,
11 and incarceration of Mr. Brown; prohibiting the award
12 of any additional amounts for specified purposes;
13 providing an effective date.

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15 WHEREAS, in 1970, Barney Brown was convicted in Miami-Dade
16 County, then known as Dade County, of rape and robbery and was
17 sentenced to life in prison despite an earlier acquittal of the
18 same charges in juvenile court, and

19 WHEREAS, Mr. Brown served 38 years in prison, during which
20 time he steadfastly maintained his innocence, and

21 WHEREAS, in September 2008, the Circuit Court in the 11th
22 Judicial Circuit in and for Miami-Dade County vacated the
23 judgment and sentence of Mr. Brown as entered on September 11,
24 1970, because significant doubt existed as to his guilt, and

25 WHEREAS, the Legislature acknowledges that the state's
26 system of justice yielded an imperfect result that had tragic
27 consequences in this case, and

28 WHEREAS, this act is based on a moral desire to acknowledge
29 those who are wrongfully convicted of a felony offense,

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30 incarcerated as a result of that conviction, and subsequently
31 determined to be innocent, and is not a recognition of a
32 constitutional right or violation, and

33 WHEREAS, the Legislature is providing compensation to Mr.
34 Brown to acknowledge the fact that he suffered significant
35 damages that are unique to him, and

36 WHEREAS, the Legislature intends that any compensation made
37 pursuant to this act be the sole compensation provided by the
38 state for any and all present and future claims arising out of
39 the factual situation described in this preamble, including the
40 wrongful incarceration of Mr. Brown for 38 years, NOW,

41 THEREFORE,

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

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

47 Section 2. The sum of \$1.9 million is appropriated from the
48 General Revenue Fund to the Department of Financial Services for
49 the relief of Barney Brown for the injuries and damages he
50 sustained.

51 Section 3. The Chief Financial Officer is directed to draw
52 a warrant in favor of Barney Brown in the sum of \$1.9 million
53 upon funds of the Department of Financial Services in the State
54 Treasury, and the Chief Financial Officer is directed to pay the
55 same out of such funds in the State Treasury.

56 Section 4. The Legislature, by this act, does not waive any
57 defense of sovereign immunity or increase the limits of
58 liability on behalf of the state or any person or entity that is

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59 subject to s. 768.28, Florida Statutes, or any other law.

60 Section 5. This award is intended to provide the sole
61 compensation for any and all present and future claims arising
62 out of the factual situation in connection with Barney Brown's
63 arrest, conviction, and incarceration. No additional award may
64 be made for attorney fees, lobbying fees, costs, or other
65 similar expenses to Barney Brown by the state or any agency,
66 instrumentality, or political subdivision thereof, or by any
67 other entity, including any county constitutional office,
68 officer, or employee, in state or federal court.

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