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26 conviction and sentence becomes final and the criminal charges
27 against the person are dismissed or the person is retried and
28 acquitted if the person's conviction and sentence is vacated on
29 or after July 1, 2023 ~~2008~~.

30 2. By July 1, 2025 ~~2010~~, if the person's conviction and
31 sentence was vacated and the criminal charges against the person
32 were dismissed or the person was retried and acquitted on or
33 after January 1, 2006, but before July 1, 2023, and he or she
34 previously filed a petition under this section that was
35 dismissed or he or she did not file a petition under this
36 section because:

37 a. The date on which the criminal charges against the
38 person were dismissed or the date on which the person was
39 acquitted upon retrial occurred more than 90 days after the date
40 on which the final order vacating the conviction and sentence;
41 or

42 b. The person was convicted of an unrelated felony before
43 or during his or her wrongful conviction and incarceration and
44 was ineligible for compensation under s. 961.04 as it existed
45 before July 1, 2023.

46 (c) A deceased person's heirs, successors, or assigns do
47 not have standing to file a petition on the deceased person's
48 behalf under this section ~~by an order that became final prior to~~
49 ~~July 1, 2008.~~

50 Section 2. Section 961.04, Florida Statutes, is amended to

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51 read:

52 961.04 Eligibility for compensation for wrongful
53 incarceration.—A wrongfully incarcerated person is not eligible
54 for compensation under the act for any period of incarceration
55 during which the person was concurrently serving a sentence for
56 a conviction of another crime for which such person was lawfully
57 incarcerated if:

58 ~~(1) Before the person's wrongful conviction and~~
59 ~~incarceration, the person was convicted of, or pled guilty or~~
60 ~~nolo contendere to, regardless of adjudication, any violent~~
61 ~~felony, or a crime committed in another jurisdiction the~~
62 ~~elements of which would constitute a violent felony in this~~
63 ~~state, or a crime committed against the United States which is~~
64 ~~designated a violent felony, excluding any delinquency~~
65 ~~disposition;~~

66 ~~(2) Before the person's wrongful conviction and~~
67 ~~incarceration, the person was convicted of, or pled guilty or~~
68 ~~nolo contendere to, regardless of adjudication, more than one~~
69 ~~felony that is not a violent felony, or more than one crime~~
70 ~~committed in another jurisdiction, the elements of which would~~
71 ~~constitute a felony in this state, or more than one crime~~
72 ~~committed against the United States which is designated a~~
73 ~~felony, excluding any delinquency disposition;~~

74 ~~(3) During the person's wrongful incarceration, the person~~
75 ~~was convicted of, or pled guilty or nolo contendere to,~~

76 ~~regardless of adjudication, any violent felony;~~

77 ~~(4) During the person's wrongful incarceration, the person~~
 78 ~~was convicted of, or pled guilty or nolo contendere to,~~
 79 ~~regardless of adjudication, more than one felony that is not a~~
 80 ~~violent felony; or~~

81 ~~(5) During the person's wrongful incarceration, the person~~
 82 ~~was also serving a concurrent sentence for another felony for~~
 83 ~~which the person was not wrongfully convicted.~~

84 Section 3. Section 961.06, Florida Statutes, is amended to
 85 read:

86 961.06 Compensation for wrongful incarceration.—

87 (1) Except as otherwise provided in this act and subject
 88 to the limitations and procedures prescribed in this section, a
 89 person who is found to be entitled to compensation under ~~the~~
 90 ~~provisions of~~ this act is entitled to all of the following:

91 (a) Monetary compensation for wrongful incarceration,
 92 which shall be calculated at a rate of \$50,000 for each year of
 93 wrongful incarceration, prorated as necessary to account for a
 94 portion of a year. For persons found to be wrongfully
 95 incarcerated after December 31, 2005 ~~2008~~, the Chief Financial
 96 Officer may adjust the annual rate of compensation for inflation
 97 using the change in the December-to-December "Consumer Price
 98 Index for All Urban Consumers" of the Bureau of Labor Statistics
 99 of the Department of Labor. ~~†~~

100 (b) A waiver of tuition and fees for up to 120 hours of

101 instruction at any career center established under s. 1001.44,
102 any Florida College System institution as defined in s.
103 1000.21(3), or any state university as defined in s. 1000.21(6) ~~τ~~
104 if the wrongfully incarcerated person meets and maintains the
105 regular admission requirements of such career center, Florida
106 College System institution, or state university; remains
107 registered at such educational institution; and makes
108 satisfactory academic progress as defined by the educational
109 institution in which the claimant is enrolled. ~~τ~~

110 (c) The amount of any fine, penalty, or court costs
111 imposed and paid by the wrongfully incarcerated person. ~~τ~~

112 (d) The amount of any reasonable attorney ~~attorney's~~ fees
113 and expenses incurred and paid by the wrongfully incarcerated
114 person in connection with all criminal proceedings and appeals
115 regarding the wrongful conviction, to be calculated by the
116 department based upon the supporting documentation submitted as
117 specified in s. 961.05. ~~τ~~ ~~and~~

118 (e) Notwithstanding any provision to the contrary in s.
119 943.0583 or s. 943.0585, immediate administrative expunction of
120 the person's criminal record resulting from his or her wrongful
121 arrest, wrongful conviction, and wrongful incarceration. The
122 Department of Legal Affairs and the Department of Law
123 Enforcement shall, upon a determination that a claimant is
124 entitled to compensation, immediately take all action necessary
125 to administratively expunge the claimant's criminal record

126 arising from his or her wrongful arrest, wrongful conviction,
127 and wrongful incarceration. All fees for this process shall be
128 waived.

129
130 The total compensation awarded under paragraphs (a), (c), and
131 (d) may not exceed \$2 million. No further award for attorney
132 ~~attorney's~~ fees, lobbying fees, costs, or other similar expenses
133 shall be made by the state.

134 ~~(2) In calculating monetary compensation under paragraph~~
135 ~~(1)(a), a wrongfully incarcerated person who is placed on parole~~
136 ~~or community supervision while serving the sentence resulting~~
137 ~~from the wrongful conviction and who commits no more than one~~
138 ~~felony that is not a violent felony which results in revocation~~
139 ~~of the parole or community supervision is eligible for~~
140 ~~compensation for the total number of years incarcerated. A~~
141 ~~wrongfully incarcerated person who commits one violent felony or~~
142 ~~more than one felony that is not a violent felony that results~~
143 ~~in revocation of the parole or community supervision is~~
144 ~~ineligible for any compensation under subsection (1).~~

145 (2)(3) Except as provided in subsection (9), within 15
146 calendar days after issuing notice to the claimant that his or
147 her claim satisfies all of the requirements under this act, the
148 department shall notify the Chief Financial Officer to draw a
149 warrant from the General Revenue Fund or another source
150 designated by the Legislature in law for the purchase of an

151 annuity for the claimant based on the total amount determined by
152 the department under this act.

153 ~~(3)-(4)~~ The Chief Financial Officer shall issue payment in
154 the amount determined by the department to an insurance company
155 or other financial institution admitted and authorized to issue
156 annuity contracts in this state to purchase an annuity or
157 annuities, selected by the wrongfully incarcerated person, for a
158 term of not less than 10 years. The Chief Financial Officer is
159 directed to execute all necessary agreements to implement this
160 act and to maximize the benefit to the wrongfully incarcerated
161 person. The terms of the annuity or annuities shall:

162 (a) Provide that the annuity or annuities may not be sold,
163 discounted, or used as security for a loan or mortgage by the
164 wrongfully incarcerated person.

165 (b) Contain beneficiary provisions for the continued
166 disbursement of the annuity or annuities in the event of the
167 death of the wrongfully incarcerated person.

168 (4)-(5) If, when monetary compensation is determined under
169 paragraph (1)(a), a court has previously entered a monetary
170 judgment in favor of the claimant in a civil action related to
171 the claimant's wrongful incarceration, or the claimant has
172 entered into a settlement agreement with the state or any
173 political subdivision thereof related to the claimant's wrongful
174 incarceration, the amount of the damages in the civil action or
175 settlement agreement, less any sums paid for attorney fees or

176 costs incurred in litigating the civil action or obtaining the
 177 settlement agreement, shall be deducted from the total monetary
 178 compensation to which the claimant is entitled under this
 179 ~~section Before the department approves the application for~~
 180 ~~compensation, the wrongfully incarcerated person must sign a~~
 181 ~~release and waiver on behalf of the wrongfully incarcerated~~
 182 ~~person and his or her heirs, successors, and assigns, forever~~
 183 ~~releasing the state or any agency, instrumentality, or any~~
 184 ~~political subdivision thereof, or any other entity subject to s.~~
 185 ~~768.28, from all present or future claims that the wrongfully~~
 186 ~~incarcerated person or his or her heirs, successors, or assigns~~
 187 ~~may have against such entities arising out of the facts in~~
 188 ~~connection with the wrongful conviction for which compensation~~
 189 ~~is being sought under the act.~~

190 (5) (a) If subsection (4) does not apply and if, after
 191 monetary compensation is determined under paragraph (1) (a):

192 1. The court enters a monetary judgment in favor of the
 193 claimant in a civil action related to the claimant's wrongful
 194 incarceration; or

195 2. The claimant enters into a settlement agreement with
 196 the state or any political subdivision thereof related to the
 197 claimant's wrongful incarceration,

198
 199 the claimant shall reimburse the state for the monetary
 200 compensation paid under paragraph (1) (a), less any sums paid for

201 attorney fees or costs incurred in litigating the civil action
 202 or obtaining the settlement agreement.

203 (b) A reimbursement required under this subsection may not
 204 exceed the amount of the monetary award the claimant received
 205 for damages in a civil action or settlement agreement.

206 (c) In the order of judgment, the court shall award to the
 207 state any amount required to be deducted under this subsection.

208 (6) (a) The claimant shall notify the department upon
 209 filing a civil action against the state or any political
 210 subdivision thereof in which the claimant is seeking monetary
 211 damages related to the claimant's wrongful incarceration for
 212 which he or she previously received or is applying to receive
 213 compensation under paragraph (1) (a).

214 (b) Upon notice of the claimant's civil action, the
 215 department shall file in the case a notice of payment of
 216 monetary compensation to the claimant under paragraph (1) (a).
 217 The notice shall constitute a lien upon any monetary judgment or
 218 settlement recovered under the civil action which is equal to
 219 the sum of monetary compensation paid to the claimant under
 220 paragraph (1) (a), less any attorney fees and costs incurred in
 221 litigating the civil action or obtaining the settlement
 222 agreement ~~A wrongfully incarcerated person may not submit an~~
 223 ~~application for compensation under this act if the person has a~~
 224 ~~lawsuit pending against the state or any agency,~~
 225 ~~instrumentality, or any political subdivision thereof, or any~~

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226 ~~other entity subject to the provisions of s. 768.28, in state or~~
227 ~~federal court requesting compensation arising out of the facts~~
228 ~~in connection with the claimant's conviction and incarceration.~~

229 (7) (a) ~~(b)~~ A wrongfully incarcerated person may not submit
230 an application for compensation under this act if the person is
231 the subject of a claim bill pending for claims arising out of
232 the facts in connection with the claimant's conviction and
233 incarceration.

234 (b) ~~(e)~~ Once an application is filed under this act, a
235 wrongfully incarcerated person may not pursue recovery under a
236 claim bill until the final disposition of the application.

237 (c) ~~(d)~~ ~~Any amount awarded under this act is intended to~~
238 ~~provide the sole compensation for any and all present and future~~
239 ~~claims arising out of the facts in connection with the~~
240 ~~claimant's conviction and incarceration.~~ Upon notification by
241 the department that an application meets the requirements of
242 this act, a wrongfully incarcerated person may not recover under
243 a claim bill.

244 (d) ~~(e)~~ Any compensation awarded under a claim bill shall
245 be the sole redress for claims arising out of the facts in
246 connection with the claimant's conviction and incarceration and,
247 upon any award of compensation to a wrongfully incarcerated
248 person under a claim bill, the person may not receive
249 compensation under this act.

250 (8) ~~(7)~~ Any payment made under this act does not constitute

251 a waiver of any defense of sovereign immunity or an increase in
 252 the limits of liability on behalf of the state or any person
 253 subject to ~~the provisions of~~ s. 768.28 or any other law.

254 (9) (a) The Chief Financial Officer may not draw a warrant
 255 to purchase an annuity for a claimant who is currently
 256 incarcerated:

257 1. In a county, city, or federal jail or other
 258 correctional facility or an institution operated by the
 259 Department of Corrections for a felony conviction other than a
 260 crime for which the claimant was wrongfully convicted; or

261 2. Due to the revocation of parole or probation for a
 262 felony conviction other than a crime for which the claimant was
 263 wrongfully convicted.

264 (b) After a term of imprisonment described in subparagraph
 265 (a)1. or subparagraph (a)2. has concluded, the Chief Financial
 266 Officer shall commence with the drawing of a warrant as
 267 described in this section.

268 Section 4. Section 961.07, Florida Statutes, is amended to
 269 read:

270 961.07 Continuing appropriation.—

271 (1) Beginning in the 2023-2024 ~~2008-2009~~ fiscal year and
 272 continuing each fiscal year thereafter, a sum sufficient to pay
 273 the approved payments under s. 961.03(1)(b)1. ~~this act~~ is
 274 appropriated from the General Revenue Fund to the Chief
 275 Financial Officer, which sum is further appropriated for

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276 | expenditure pursuant to ~~the provisions of~~ this act.

277 | (2) Payments for petitions filed pursuant to s.

278 | 961.03(1)(b)2. are subject to specific appropriation.

279 | Section 5. This act shall take effect July 1, 2023.