

26 | 961.03, Florida Statutes, is amended, and paragraph (c) is added
 27 | to that subsection, to read:

28 | 961.03 Determination of status as a wrongfully
 29 | incarcerated person; determination of eligibility for
 30 | compensation.—

31 | (1)

32 | (b) The person must file the petition with the court:

33 | 1. Within 2 years ~~90 days~~ after the order vacating a
 34 | conviction and sentence becomes final and the criminal charges
 35 | against the person are dismissed or the person is retried and
 36 | acquitted if the person's conviction and sentence is vacated on
 37 | or after July 1, 2023 ~~2008~~.

38 | 2. By July 1, 2025 ~~2010~~, if the person's conviction and
 39 | sentence was vacated and the criminal charges against the person
 40 | were dismissed or the person was retried and acquitted on or
 41 | after January 1, 2006, but before July 1, 2023, and he or she
 42 | previously filed a petition under this section that was
 43 | dismissed or he or she did not file a petition under this
 44 | section because:

45 | a. The date on which the criminal charges against the
 46 | person were dismissed or the date on which the person was
 47 | acquitted upon retrial occurred more than 90 days after the date
 48 | of the final order vacating the conviction and sentence; or

49 | b. The person was convicted of an unrelated felony before
 50 | or during his or her wrongful conviction and incarceration and

51 was ineligible for compensation under s. 961.04 as it existed
 52 before July 1, 2023.

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

57 Section 3. Section 961.04, Florida Statutes, is amended to
 58 read:

59 961.04 Eligibility for compensation for wrongful
 60 incarceration.—A wrongfully incarcerated person is not eligible
 61 for compensation under the act for any period of incarceration
 62 during which the person was concurrently serving a sentence for
 63 a conviction of another felony for which such person was
 64 lawfully incarcerated ~~if:~~

65 ~~(1) Before the person's wrongful conviction and~~
 66 ~~incarceration, the person was convicted of, or pled guilty or~~
 67 ~~nolo contendere to, regardless of adjudication, any violent~~
 68 ~~felony, or a crime committed in another jurisdiction the~~
 69 ~~elements of which would constitute a violent felony in this~~
 70 ~~state, or a crime committed against the United States which is~~
 71 ~~designated a violent felony, excluding any delinquency~~
 72 ~~disposition;~~

73 ~~(2) Before the person's wrongful conviction and~~
 74 ~~incarceration, the person was convicted of, or pled guilty or~~
 75 ~~nolo contendere to, regardless of adjudication, more than one~~

76 ~~felony that is not a violent felony, or more than one crime~~
77 ~~committed in another jurisdiction, the elements of which would~~
78 ~~constitute a felony in this state, or more than one crime~~
79 ~~committed against the United States which is designated a~~
80 ~~felony, excluding any delinquency disposition;~~

81 ~~(3) During the person's wrongful incarceration, the person~~
82 ~~was convicted of, or pled guilty or nolo contendere to,~~
83 ~~regardless of adjudication, any violent felony;~~

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

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

91 Section 4. Section 961.06, Florida Statutes, is amended to
92 read:

93 961.06 Compensation for wrongful incarceration.—

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

98 (a) Monetary compensation for wrongful incarceration,
99 which shall be calculated at a rate of \$50,000 for each year of
100 wrongful incarceration, prorated as necessary to account for a

101 portion of a year. For persons found to be wrongfully
102 incarcerated after December 31, 2005 ~~2008~~, the Chief Financial
103 Officer may adjust the annual rate of compensation for inflation
104 using the change in the December-to-December "Consumer Price
105 Index for All Urban Consumers" of the Bureau of Labor Statistics
106 of the Department of Labor.~~†~~

107 (b) A waiver of tuition and fees for up to 120 hours of
108 instruction at any career center established under s. 1001.44,
109 any Florida College System institution as defined in s.
110 1000.21(3), or any state university as defined in s. 1000.21(6) ~~†~~
111 if the wrongfully incarcerated person meets and maintains the
112 regular admission requirements of such career center, Florida
113 College System institution, or state university; remains
114 registered at such educational institution; and makes
115 satisfactory academic progress as defined by the educational
116 institution in which the claimant is enrolled.~~†~~

117 (c) The amount of any fine, penalty, or court costs
118 imposed and paid by the wrongfully incarcerated person.~~†~~

119 (d) The amount of any reasonable attorney ~~attorney's~~ fees
120 and expenses incurred and paid by the wrongfully incarcerated
121 person in connection with all criminal proceedings and appeals
122 regarding the wrongful conviction, to be calculated by the
123 department based upon the supporting documentation submitted as
124 specified in s. 961.05.~~†~~and

125 (e) Notwithstanding any provision to the contrary in s.

126 943.0583 or s. 943.0585, immediate administrative expunction of
 127 the person's criminal record resulting from his or her wrongful
 128 arrest, wrongful conviction, and wrongful incarceration. The
 129 Department of Legal Affairs and the Department of Law
 130 Enforcement shall, upon a determination that a claimant is
 131 entitled to compensation, immediately take all action necessary
 132 to administratively expunge the claimant's criminal record
 133 arising from his or her wrongful arrest, wrongful conviction,
 134 and wrongful incarceration. All fees for this process shall be
 135 waived.

136
 137 The total compensation awarded under paragraphs (a), (c), and
 138 (d) may not exceed \$2 million. No further award for attorney
 139 ~~attorney's~~ fees, lobbying fees, costs, or other similar expenses
 140 shall be made by the state.

141 ~~(2) In calculating monetary compensation under paragraph~~
 142 ~~(1)(a), a wrongfully incarcerated person who is placed on parole~~
 143 ~~or community supervision while serving the sentence resulting~~
 144 ~~from the wrongful conviction and who commits no more than one~~
 145 ~~felony that is not a violent felony which results in revocation~~
 146 ~~of the parole or community supervision is eligible for~~
 147 ~~compensation for the total number of years incarcerated. A~~
 148 ~~wrongfully incarcerated person who commits one violent felony or~~
 149 ~~more than one felony that is not a violent felony that results~~
 150 ~~in revocation of the parole or community supervision is~~

151 ~~ineligible for any compensation under subsection (1).~~

152 (2)(3) Except as provided in subsection (4), within 15
153 calendar days after issuing notice to the claimant that his or
154 her claim satisfies all of the requirements under this act, the
155 department shall notify the Chief Financial Officer to draw a
156 warrant from the General Revenue Fund or another source
157 designated by the Legislature in law for the purchase of an
158 annuity for the claimant based on the total amount determined by
159 the department under this act.

160 (3)(4) The Chief Financial Officer shall issue payment in
161 the amount determined by the department to an insurance company
162 or other financial institution admitted and authorized to issue
163 annuity contracts in this state to purchase an annuity or
164 annuities, selected by the wrongfully incarcerated person, for a
165 term of not less than 10 years. The Chief Financial Officer is
166 directed to execute all necessary agreements to implement this
167 act and to maximize the benefit to the wrongfully incarcerated
168 person. The terms of the annuity or annuities shall:

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

172 (b) Contain beneficiary provisions for the continued
173 disbursement of the annuity or annuities in the event of the
174 death of the wrongfully incarcerated person.

175 (4) (a) The Chief Financial Officer may not draw a warrant

176 to purchase an annuity for a claimant who is currently
 177 incarcerated:

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

182 2. Due to the revocation of parole or probation for a
 183 felony conviction other than a crime for which the claimant was
 184 wrongfully convicted.

185 (b) After a term of incarceration described in
 186 subparagraph (a)1. or subparagraph (a)2. has concluded, the
 187 Chief Financial Officer shall commence with the drawing of a
 188 warrant as described in this section.

189 (5) Before the department approves the application for
 190 compensation, the wrongfully incarcerated person must sign a
 191 release and waiver on behalf of the wrongfully incarcerated
 192 person and his or her heirs, successors, and assigns, forever
 193 releasing the state or any agency, instrumentality, or any
 194 political subdivision thereof, or any other entity subject to s.
 195 768.28, from all present or future claims that the wrongfully
 196 incarcerated person or his or her heirs, successors, or assigns
 197 may have against such entities arising out of the facts in
 198 connection with the wrongful conviction for which compensation
 199 is being sought under the act.

200 (6) (a) A wrongfully incarcerated person may not submit an

201 application for compensation under this act if the person has a
202 lawsuit pending against the state or any agency,
203 instrumentality, or any political subdivision thereof, or any
204 other entity subject to the provisions of s. 768.28, in state or
205 federal court requesting compensation arising out of the facts
206 in connection with the claimant's conviction and incarceration.

207 (b) A wrongfully incarcerated person may not submit an
208 application for compensation under this act if the person is the
209 subject of a claim bill pending for claims arising out of the
210 facts in connection with the claimant's conviction and
211 incarceration.

212 (c) Once an application is filed under this act, a
213 wrongfully incarcerated person may not pursue recovery under a
214 claim bill until the final disposition of the application.

215 (d) Any amount awarded under this act is intended to
216 provide the sole compensation for any and all present and future
217 claims arising out of the facts in connection with the
218 claimant's conviction and incarceration. Upon notification by
219 the department that an application meets the requirements of
220 this act, a wrongfully incarcerated person may not recover under
221 a claim bill.

222 (e) Any compensation awarded under a claim bill shall be
223 the sole redress for claims arising out of the facts in
224 connection with the claimant's conviction and incarceration and,
225 upon any award of compensation to a wrongfully incarcerated

226 | person under a claim bill, the person may not receive
 227 | compensation under this act.

228 | (7) Any payment made under this act does not constitute a
 229 | waiver of any defense of sovereign immunity or an increase in
 230 | the limits of liability on behalf of the state or any person
 231 | subject to ~~the provisions of~~ s. 768.28 or any other law.

232 | Section 5. Section 961.07, Florida Statutes, is amended to
 233 | read:

234 | 961.07 Continuing appropriation.—

235 | (1) Beginning in the 2023-2024 ~~2008-2009~~ fiscal year and
 236 | continuing each fiscal year thereafter, a sum sufficient to pay
 237 | the approved payments under s. 961.03(1)(b)1. ~~this act~~ is
 238 | appropriated from the General Revenue Fund to the Chief
 239 | Financial Officer, which sum is further appropriated for
 240 | expenditure pursuant to ~~the provisions of~~ this act.

241 | (2) Payments for petitions filed pursuant to s.
 242 | 961.03(1)(b)2. are subject to specific appropriation.

243 | Section 6. This act shall take effect July 1, 2023.