

26 | effective date.

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28 | WHEREAS, Robert Earl DuBoise was arrested on October 22,
29 | 1983, for the August 18, 1983, rape and murder of a Tampa Bay
30 | woman and was convicted of capital murder and attempted sexual
31 | battery on March 7, 1985, and

32 | WHEREAS, Mr. DuBoise spent 3 years on death row, and

33 | WHEREAS, on March 10, 1988, the Florida Supreme Court
34 | issued a mandate vacating Mr. DuBoise's death sentence, and on
35 | April 4, 1988, he was resentenced to life imprisonment for
36 | murder and a consecutive 15-year sentence for attempted sexual
37 | battery, and

38 | WHEREAS, Mr. DuBoise has maintained his innocence since his
39 | arrest and for the entirety of his incarceration for the past 37
40 | years, and

41 | WHEREAS, on September 11, 2020, the Conviction Review Unit
42 | (CRU) for the State Attorney's Office for the 13th Judicial
43 | Circuit issued a 49-page "CRU Summary Fact-Finding Report" based
44 | on a comprehensive investigation spanning nearly 1 year,
45 | culminating in the conclusion that "Robert DuBoise's conviction
46 | should be vacated and Robert DuBoise be exonerated of the
47 | charges against him," and

48 | WHEREAS, on September 14, 2020, the Circuit Court for the
49 | 13th Judicial Circuit granted, with the concurrence of the
50 | state, a motion for postconviction relief, vacated the judgment

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51 and sentence of Mr. DuBoise, and ordered a new trial, and
52 WHEREAS, the CRU report found that there was no credible
53 evidence of Mr. DuBoise's guilt and, likewise, that there was
54 clear and convincing evidence of his innocence, and
55 WHEREAS, on September 14, 2020, as the result of the CRU
56 report, the state orally pronounced a nolle prosequi with regard
57 to the retrial of Mr. DuBoise, and
58 WHEREAS, the Legislature acknowledges that the state's
59 system of justice yielded an imperfect result that had tragic
60 consequences in this case, and
61 WHEREAS, the Legislature acknowledges that, as a result of
62 his physical confinement, Mr. DuBoise suffered significant
63 damages that are unique to him, and that the damages are due to
64 the fact that he was physically restrained and prevented from
65 exercising the freedom to which all innocent citizens are
66 entitled, and
67 WHEREAS, before his conviction for the aforementioned
68 crimes, Mr. DuBoise had prior convictions for unrelated
69 nonviolent felonies, and
70 WHEREAS, because of his prior nonviolent felony
71 convictions, Mr. DuBoise is ineligible for compensation under
72 chapter 961, Florida Statutes, and
73 WHEREAS, the Legislature apologizes to Mr. DuBoise on
74 behalf of the state, NOW, THEREFORE,
75

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

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

80 Section 2. The sum of \$1.85 million is appropriated from
 81 the General Revenue Fund to the Department of Financial Services
 82 for the relief of Robert Earl DuBoise for his wrongful
 83 incarceration. The Chief Financial Officer is directed to draw a
 84 warrant in the sum of \$1.85 million payable directly to Robert
 85 Earl DuBoise.

86 Section 3. Tuition and fees for Mr. DuBoise shall be
 87 waived for up to a total of 120 hours of instruction at any
 88 career center established pursuant to s. 1001.44, Florida
 89 Statutes, Florida College System institution established under
 90 part III of chapter 1004, Florida Statutes, or state university.
 91 For any educational benefit he receives, Mr. DuBoise must meet
 92 and maintain the regular admission and registration requirements
 93 of the career center, institution, or state university and make
 94 satisfactory academic progress as defined by the educational
 95 institution in which he is enrolled.

96 Section 4. The Chief Financial Officer shall pay the funds
 97 directed by this act without requiring that the wrongfully
 98 incarcerated person, Mr. DuBoise, sign a liability release.

99 Section 5. With respect to the relief for Mr. DuBoise as
 100 described in this act, the Legislature does not waive any

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101 defense of sovereign immunity or increase the limits of
102 liability on behalf of the state or any person or entity that is
103 subject to s. 768.28, Florida Statutes, or any other law. Funds
104 awarded under this act to Mr. DuBoise may not be used or be paid
105 for attorney fees or lobbying fees related to this claim.

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

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

125 Section 8. The department must file a notice of payment of

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126 monetary compensation in the civil action, and the notice shall
127 constitute a lien upon any judgment or settlement recovered
128 under the civil action which is equal to the sum of monetary
129 compensation paid to the claimant under this act, less any
130 attorney fees and litigation costs.

131 Section 9. If any future judicial determination finds that
132 Mr. DuBoise, by DNA evidence or otherwise, participated in any
133 manner in the death or sexual battery for which he was
134 incarcerated, the unused benefits to which he is entitled under
135 this act are vacated.

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