

By Senator Jones

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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 Mr. Cure for being  
4           wrongfully incarcerated for 16 years; directing the  
5           Chief Financial Officer to draw a warrant payable  
6           directly to Mr. Cure; requiring the Chief Financial  
7           Officer to pay the directed funds without requiring  
8           that Mr. Cure sign a liability release; providing for  
9           the waiver of certain tuition and fees for Mr. Cure;  
10          declaring that the Legislature does not waive certain  
11          defenses or increase the state's limits of liability  
12          with respect to this act; prohibiting funds awarded  
13          under this act to Mr. Cure from being used or paid for  
14          attorney or lobbying fees; prohibiting Mr. Cure from  
15          submitting a compensation application under certain  
16          provisions upon his receipt of payment under this act;  
17          requiring specific reimbursement to the state should a  
18          civil award be issued subsequent to Mr. Cure's receipt  
19          of payment under this act; requiring Mr. Cure to  
20          notify the Department of Legal Affairs upon filing  
21          certain civil actions; requiring the department to  
22          file a 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  
57 that 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. The  
120 reimbursement required under this section may not exceed the  
121 amount of monetary award Mr. Cure receives 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.