

By Senator Jones

34-00070-24

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1 A bill to be entitled
2 An act for the relief of Sidney Holmes; providing an
3 appropriation to compensate Mr. Holmes for being
4 wrongfully incarcerated for 34 years; directing the
5 Chief Financial Officer to draw a warrant payable
6 directly to Mr. Holmes; requiring the Chief Financial
7 Officer to pay the directed funds without requiring
8 Mr. Holmes to sign a liability release; providing for
9 the waiver of certain tuition and fees for Mr. Holmes;
10 declaring that the Legislature does not waive certain
11 defenses or increase the state's limits of liability
12 with respect to the act; prohibiting funds awarded
13 under the act to Mr. Holmes from being used or paid
14 for attorney or lobbying fees; prohibiting Mr. Holmes
15 from submitting a compensation application under
16 certain provisions upon his receipt of payment under
17 the act; requiring Mr. Holmes to reimburse the state
18 under certain circumstances; requiring Mr. Holmes to
19 notify the Department of Legal Affairs upon filing
20 certain civil actions; requiring the department to
21 file a specified notice under certain circumstances;
22 providing that certain benefits are void upon
23 specified findings; providing an effective date.

24
25 WHEREAS, Sidney Holmes was arrested on October 6, 1988, for
26 a June 19, 1988, robbery outside of a convenience store in Fort
27 Lauderdale and was convicted on April 26, 1989, of armed robbery
28 with a firearm, and

29 WHEREAS, since the time of his arrest, Mr. Holmes has been

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30 unwavering in maintaining his innocence in connection with the
31 crime, and

32 WHEREAS, Mr. Holmes, who had previous felony convictions,
33 was sentenced to 400 years in prison and served 34 years of that
34 sentence, and

35 WHEREAS, on February 23, 2023, the Conviction Review Unit
36 for the State Attorney's Office for the 17th Judicial Circuit
37 issued a 25-page "Conviction Review Unit Final Memorandum,"
38 reaching the conclusion that Mr. Holmes' judgment and sentence
39 should be vacated and that the State Attorney's Office should
40 enter a nolle prosequi, and

41 WHEREAS, the final memorandum was issued based on the
42 findings of the Independent Review Panel that the case against
43 Mr. Holmes gave rise to reasonable doubt as to his culpability
44 and noted that it was highly likely that Mr. Holmes is factually
45 innocent of the armed robbery and the Broward County State
46 Attorney's Office would not charge Mr. Holmes if the case were
47 presented today, and

48 WHEREAS, on March 13, 2023, the Circuit Court for the 17th
49 Judicial Circuit issued, with the concurrence of the state, an
50 Agreed Order Vacating Judgment and Sentence on the basis that
51 there is reasonable doubt as to Mr. Holmes' guilt in the case
52 and that it is highly likely that he was misidentified and is
53 factually innocent of the armed robbery, and

54 WHEREAS, that same day, the state filed a Notice of Nolle
55 Prosequi, and Mr. Holmes was exonerated, and

56 WHEREAS, the Legislature acknowledges that the state's
57 system of justice yielded an imperfect result that had tragic
58 consequences in this case, and

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59 WHEREAS, the Legislature acknowledges that as a result of
60 his physical confinement Mr. Holmes suffered significant damages
61 that are unique to him, and that the damages are due to the fact
62 that he was physically restrained and prevented from exercising
63 the freedom to which all innocent citizens are entitled, and

64 WHEREAS, before his conviction for the aforementioned
65 crimes, Mr. Holmes had prior convictions for unrelated felonies,
66 and

67 WHEREAS, because of his prior felony convictions, Mr.
68 Holmes is ineligible for compensation under chapter 961, Florida
69 Statutes, and

70 WHEREAS, the Legislature apologizes to Mr. Holmes on behalf
71 of the state, NOW, THEREFORE,

72

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

74

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

77 Section 2. The sum of \$1.722 million is appropriated from
78 the General Revenue Fund to the Department of Financial Services
79 for the relief of Sidney Holmes for his wrongful incarceration.

80 The Chief Financial Officer is directed to draw a warrant in
81 favor of Mr. Holmes in the sum of \$1.722 million, payable
82 directly to Sidney Holmes.

83 Section 3. The Chief Financial Officer shall pay the funds
84 directed by this act without requiring that Mr. Holmes sign a
85 liability release.

86 Section 4. Tuition and fees for Mr. Holmes shall be waived
87 for up to a total of 120 hours of instruction at any career

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88 center established under s. 1001.44, Florida Statutes, any
89 Florida College System institution established under part III of
90 chapter 1004, Florida Statutes, or any state university. For any
91 educational benefit made, Mr. Holmes must meet and maintain the
92 regular admission and registration requirements of such career
93 center, institution, or state university and make satisfactory
94 academic progress as defined by the educational institution in
95 which he is enrolled.

96 Section 5. With respect to the relief for Mr. Holmes as
97 described in this act, the Legislature does not waive any
98 defense of sovereign immunity or increase the limits of
99 liability on behalf of the state or any person or entity that is
100 subject to s. 768.28, Florida Statutes, or any other law. Funds
101 awarded under this act to Mr. Holmes may not be used or be paid
102 for attorney fees or lobbying fees related to this claim.

103 Section 6. Upon his receipt of payment under this act, Mr.
104 Holmes may not submit an application for compensation under
105 chapter 961, Florida Statutes.

106 Section 7. If, after monetary compensation is paid under
107 this act, a court enters a monetary judgment in favor of Mr.
108 Holmes in a civil action related to his wrongful incarceration,
109 or Mr. Holmes enters into a settlement agreement with the state
110 or any political subdivision thereof related to his wrongful
111 incarceration, Mr. Holmes must reimburse the state for the
112 monetary compensation awarded under this act. Such reimbursement
113 may not exceed the amount of monetary award Mr. Holmes receives
114 for damages in such civil action or settlement agreement, less
115 any sums paid for attorney fees or costs incurred in litigating
116 the civil action or obtaining the settlement agreement. The

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117 court must include in the order of judgment an award to the
118 state of any amount required to be deducted pursuant to this
119 act. Claimant Sidney Holmes shall notify the Department of Legal
120 Affairs immediately upon filing any such civil action, after
121 receipt of which the Department of Legal Affairs shall file a
122 notice of payment of monetary compensation in the civil action.
123 Such notice constitutes a lien upon any judgment or settlement
124 recovered under the civil action in an amount equal to the sum
125 of monetary compensation paid to the claimant under this act,
126 less the specified attorney fees and costs.

127 Section 8. If any future judicial determination concludes
128 that Mr. Holmes, by DNA evidence or otherwise, participated in
129 any manner in the armed robbery for which he was incarcerated,
130 the unused benefits to which he is entitled under this act are
131 void.

132 Section 9. This act shall take effect upon becoming a law.