

By Senator Pizzo

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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 specified 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 robbery committed on June 19, 1988, outside a convenience
27 store in Fort Lauderdale and was convicted on April 26, 1989, of
28 armed robbery 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 that 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, exonerating Mr. Holmes, 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
61 damages that are unique to him, and that the damages are due to
62 the fact that he was physically restrained and prevented from
63 exercising the freedom to which all innocent citizens are
64 entitled, and

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

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

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

73

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

75

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

78 Section 2. The sum of \$1.722 million is appropriated from
79 the General Revenue Fund to the Department of Financial Services
80 for the relief of Sidney Holmes for his wrongful incarceration.
81 The Chief Financial Officer is directed to draw a warrant in
82 favor of Mr. Holmes in the sum of \$1.722 million, payable
83 directly to Sidney Holmes.

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

87 Section 4. Tuition and fees for Mr. Holmes shall be waived

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

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

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

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

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

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

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