

By the Committee on Judiciary; and Senator Pizzo

590-02592-25

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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; providing for the waiver of  
7 certain tuition and fees for Mr. Holmes; declaring  
8 that the Legislature does not waive certain defenses  
9 or increase the state's limits of liability with  
10 respect to the act; prohibiting funds awarded under  
11 the act to Mr. Holmes from being used or paid for  
12 attorney or lobbying fees; prohibiting Mr. Holmes from  
13 submitting a compensation application under certain  
14 provisions upon his receipt of payment under the act;  
15 providing that certain benefits are void upon  
16 specified findings; providing an effective date.

17  
18 WHEREAS, Sidney Holmes was arrested on October 6, 1988, for  
19 a robbery committed on June 19, 1988, outside a convenience  
20 store in Fort Lauderdale and was convicted on April 26, 1989, of  
21 armed robbery with a firearm, and

22 WHEREAS, since the time of his arrest, Mr. Holmes has been  
23 unwavering in maintaining his innocence in connection with the  
24 crime, and

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

28 WHEREAS, on February 23, 2023, the Conviction Review Unit  
29 for the State Attorney's Office for the 17th Judicial Circuit

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30 issued a 25-page "Conviction Review Unit Final Memorandum,"  
31 reaching the conclusion that Mr. Holmes' judgment and sentence  
32 should be vacated and that the State Attorney's Office should  
33 enter a nolle prosequi, and

34 WHEREAS, the final memorandum was issued based on the  
35 findings of the Independent Review Panel that the case against  
36 Mr. Holmes gave rise to reasonable doubt as to his culpability  
37 and noted that it was highly likely that Mr. Holmes is factually  
38 innocent of the armed robbery and that the Broward County State  
39 Attorney's Office would not charge Mr. Holmes if the case were  
40 presented today, and

41 WHEREAS, on March 13, 2023, the Circuit Court for the 17th  
42 Judicial Circuit issued, with the concurrence of the state, an  
43 "Agreed Order Vacating Judgment and Sentence" on the basis that  
44 there is reasonable doubt as to Mr. Holmes' guilt in the case  
45 and that it is highly likely that he was misidentified and is  
46 factually innocent of the armed robbery, and

47 WHEREAS, that same day, the state filed a Notice of Nolle  
48 Prosequi, exonerating Mr. Holmes, and

49 WHEREAS, the Legislature acknowledges that the state's  
50 system of justice yielded an imperfect result that had tragic  
51 consequences in this case, and

52 WHEREAS, the Legislature acknowledges that as a result of  
53 his physical confinement, Mr. Holmes suffered significant  
54 damages that are unique to him, and that the damages are due to  
55 the fact that he was physically restrained and prevented from  
56 exercising the freedom to which all innocent citizens are  
57 entitled, and

58 WHEREAS, before his conviction for the aforementioned

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59 crime, Mr. Holmes had prior convictions for unrelated felonies,  
60 and

61 WHEREAS, because of those prior felony convictions, Mr.  
62 Holmes is ineligible for compensation under chapter 961, Florida  
63 Statutes, and

64 WHEREAS, the Legislature apologizes to Mr. Holmes on behalf  
65 of the state, NOW, THEREFORE,

66  
67 Be It Enacted by the Legislature of the State of Florida:

68  
69 Section 1. The facts stated in the preamble to this act are  
70 found and declared to be true.

71 Section 2. The sum of \$1.722 million is appropriated from  
72 the General Revenue Fund to the Department of Financial Services  
73 for the relief of Sidney Holmes for his wrongful incarceration.  
74 The Chief Financial Officer is directed to draw a warrant in  
75 favor of Mr. Holmes in the sum of \$1.722 million, payable  
76 directly to Sidney Holmes.

77 Section 3. Tuition and fees for Mr. Holmes shall be waived  
78 for up to a total of 120 hours of instruction at any career  
79 center established under s. 1001.44, Florida Statutes, any  
80 Florida College System institution established under part III of  
81 chapter 1004, Florida Statutes, or any state university. For any  
82 educational benefit made, Mr. Holmes must meet and maintain the  
83 regular admission and registration requirements of such career  
84 center, institution, or state university and make satisfactory  
85 academic progress as defined by the educational institution in  
86 which he is enrolled.

87 Section 4. With respect to the relief for Mr. Holmes as

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88 described in this act, the Legislature does not waive any  
89 defense of sovereign immunity or increase the limits of  
90 liability on behalf of the state or any person or entity that is  
91 subject to s. 768.28, Florida Statutes, or any other law. Funds  
92 awarded under this act to Mr. Holmes may not be used or paid for  
93 attorney fees or lobbying fees related to this claim.

94 Section 5. Upon his receipt of payment under this act, Mr.  
95 Holmes may not submit an application for compensation under  
96 chapter 961, Florida Statutes.

97 Section 6. The amount awarded under this act is intended to  
98 provide the sole compensation for all present and future claims  
99 arising out of the factual situation described in this act.

100 Section 7. If any future judicial determination concludes  
101 that Mr. Holmes, by DNA evidence or otherwise, participated in  
102 any manner in the armed robbery for which he was incarcerated,  
103 the unused benefits to which he is entitled under this act are  
104 void.

105 Section 8. This act shall take effect upon becoming a law.