

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

<b>BILL #:</b> <a href="#">CS/HB 59</a> <b>TITLE:</b> Compensation of Victims of Wrongful Incarceration <b>SPONSOR(S):</b> Koster	<b>COMPANION BILL:</b> <a href="#">SB 130</a> (Bradley) <b>LINKED BILLS:</b> None <b>RELATED BILLS:</b> None
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## Committee References



## SUMMARY

### **Effect of the Bill:**

CS/HB 59 removes the “clean hands” provision of the Victims of Wrongful Incarceration Compensation Act (Act) to allow a person with any prior criminal conviction who is otherwise eligible to receive compensation under the Act. The bill retains the bar to compensation for any period of incarceration during which a person was also concurrently serving a sentence for another felony conviction for which he or she was lawfully incarcerated.

The bill prospectively extends the deadline to file a petition for status as a “wrongfully incarcerated person” from 90 days to within two years after an order vacating a conviction and sentence becomes final and the criminal charges against a person are dismissed or the person is retried and acquitted. The bill authorizes a person to file a petition by July 1, 2027, if he or she was previously precluded from filing because his or her case wasn’t dismissed or otherwise resolved prior to the 90-day filing deadline or he or she was previously ineligible because of the “clean hands” requirement.

The bill also removes provisions prohibiting a wrongfully incarcerated person from bringing both a civil lawsuit and filing for compensation under the Act and replaces these provisions with an offset provision whereby the person must repay the state if he or she receives a monetary award both under the Act and through a civil lawsuit.

### **Fiscal or Economic Impact:**

The bill may have an indeterminate fiscal impact on state government due to an increased number of eligible applicants under the expanded criteria. The bill specifies that payments for certain claims filed under the bill are subject to specific appropriation.

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## ANALYSIS

### **EFFECT OF THE BILL:**

CS/HB 59 removes the "[clean hands](#)" provision of the [Victims of Wrongful Incarceration Compensation Act](#) (Act) to allow a person with any prior criminal conviction who is otherwise eligible to receive [compensation](#) under the Act. The bill retains the bar to compensation for any period of incarceration during which a person was also concurrently serving a sentence for another felony conviction for which he or she was lawfully incarcerated. (Sections [3](#) and [4](#)).

The bill prospectively extends the deadline to file a [petition](#) for status as a "[wrongfully incarcerated person](#)" from 90 days to within two years after an order vacating a conviction and sentence becomes final and the criminal charges against a person are dismissed or the person is retried and acquitted. Additionally, the bill authorizes a person to file a petition by July 1, 2027, if the person’s conviction and sentence was vacated and the criminal charges were dismissed or the person was retried and acquitted on or after January 1, 2006, but before July 1, 2025, and the person previously filed a petition that was dismissed or did not file a claim under ch. 961, F.S., because the:

**STORAGE NAME:** h0059a.CRM

**DATE:** 2/20/2025

- Date the person’s criminal charges were dismissed or the date the person was acquitted upon retrial occurred more than 90 days after the date of the final order vacating the conviction and sentence; or
- Person was convicted of an unrelated felony before or during his or her wrongful conviction and incarceration and was ineligible under the “clean hands” provision. (Section [2](#)).

The bill removes provisions from the Act:

- Requiring a claimant to sign a release and waiver releasing the state or any agency, instrumentality, or any political subdivision thereof, from all present and future claims arising from the facts related to the claimant’s wrongful conviction and incarceration before the Department of Legal Affairs (DLA) may approve his or her [application for compensation](#).
- Prohibiting a wrongfully incarcerated person from applying for compensation under the Act if he or she has a civil lawsuit pending against the state or any agency, instrumentality, or political subdivision thereof, in state or federal court requesting compensation based on facts related to the person’s conviction and incarceration.
- Providing that any amount awarded under the Act is intended to provide the sole compensation for any and all present and future claims arising out of the facts in connection with the person’s conviction and incarceration. (Section [4](#)).

By removing the above described provisions from the Act, the bill prospectively allows a wrongfully incarcerated person to:

- Bring a civil lawsuit if he or she received compensation under the Act;
- File for compensation under the Act if he or she previously received a money judgment from a civil lawsuit based on the facts related to his or her wrongful incarceration;
- File for compensation under the Act if he or she previously entered into a settlement agreement with the state or any political subdivision thereof related to his or her wrongful incarceration; or
- File for compensation under the Act if he or she has a civil lawsuit pending based on the facts related to his or her wrongful incarceration. (Section [4](#)).

However, the bill requires that the wrongfully incarcerated person repay the state if he or she receives monetary compensation both under the Act and through a civil lawsuit or settlement agreement. More specifically, if the person has previously received a court-ordered money judgment or entered into a settlement agreement and is later awarded compensation under the Act, the total monetary compensation the person may receive under the Act will be reduced by the amount of the monetary award in the civil action or settlement agreement, with the exception of costs for attorney fees or other costs incurred during litigation or negotiations. (Section [4](#)).

Furthermore, if the wrongfully incarcerated person files a civil lawsuit after receiving compensation under the Act:

- The person must notify the state or its political subdivision that the person is seeking monetary damages related to his or her wrongful incarceration for which he or she previously received compensation for under the Act.
- Upon receipt of such required notice, the DLA must file a notice in the case indicating that monetary compensation was previously awarded to the person under the Act. Such notice will act as a lien upon any monetary judgment or settlement recovered by the person.
- The court entering judgment must in its final order of judgment award back to the state a sum equal to the total monetary compensation the wrongfully incarcerated person received under the Act, excluding attorney costs or other costs associated with the litigation or negotiations. However, such reimbursement to the state may not exceed the total amount of the monetary award the person received for damages in the civil action or through the settlement agreement. (Section [4](#)).

The bill also:

- Deletes the definition of “violent felony” as every use of the term is deleted by the bill. (Section [1](#)).
- Clarifies that heirs, successors, and assigns do not have standing to file a petition to determine eligibility for compensation on behalf of a deceased person who was wrongfully incarcerated. (Section [2](#)).
- Authorizes the Chief Financial Officer (CFO) of the state to adjust the annual rate of compensation for inflation for persons found to be wrongfully convicted after December 31, 2005 (instead of December 31, 2008). (Section [4](#)).

- Prohibits the CFO from drawing a warrant to purchase an annuity to pay a claimant who is currently incarcerated for an unrelated felony or due to the revocation of parole or probation for an unrelated felony and authorizes a warrant to be drawn when such period of incarceration ends. (Section [4](#)).
- Specifies that payments for claims filed under the lookback period created by the bill (for claims which were barred under current law, but would be eligible under the bill until July 1, 2027) are subject to specific appropriation. (Section [5](#)).

The bill provides an effective date of July 1, 2025. (Section [6](#)).

## FISCAL OR ECONOMIC IMPACT:

### STATE GOVERNMENT:

The bill may have an indeterminate fiscal impact on state government. The bill may expand the number of persons eligible for wrongful incarceration compensation, which could require an increase in state expenditures to provide such compensation. A person who is entitled to compensation may be compensated at the rate of \$50,000 per year of wrongful incarceration, including any fine, penalty, imposed court costs, reasonable attorney fees and expenses incurred and paid by the wrongfully incarcerated person, up to a limit of \$2 million. The bill funds all eligible petitions under the Act through a continuing appropriation from the General Revenue Fund to the CFO.<sup>1</sup> Additionally, the bill specifies that payments for claims filed under the lookback period created by the bill (for claims which were barred under current law, but would be eligible under the bill until July 1, 2027) are subject to specific appropriation.

Although statutory limits on compensation under the Act are clear, the fiscal impact of the bill is unquantifiable. The possibility that a person may be compensated for wrongful incarceration is based upon unknown variables, such as the number of wrongful incarcerations that currently exist or might exist in the future.

### PRIVATE SECTOR:

The bill may have a positive fiscal impact on persons who will be eligible for compensation under the bill's expanded eligibility criteria by allowing them to receive statutory compensation rather than pursuing a claim bill or civil lawsuit.

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Victims of Wrongful Incarceration Compensation Act](#)

In 2008 the Legislature created The Victims of Wrongful Incarceration Compensation Act (Act).<sup>2</sup> The Act provides a process by which a person whose conviction and sentence is vacated based upon exonerating evidence may petition the court to seek and obtain compensation as a “wrongfully incarcerated person.”<sup>3,4</sup>

A “[wrongfully incarcerated person](#)” is a person whose felony conviction and sentence has been vacated by a court and for whom the original sentencing court has issued an order finding that the person neither committed the act nor the offense that served as the basis for the conviction and incarceration and that the person did not aid, abet, or act as an accomplice or accessory to a person who committed the act or offense.<sup>5</sup>

<sup>1</sup> S. [961.07, F.S.](#)

<sup>2</sup> Ch. 2008-39, Laws of Fla.

<sup>3</sup> To be eligible for compensation, a person must meet the definition of a “wrongfully incarcerated person” and not be otherwise disqualified from seeking compensation under the Act because of disqualifying criminal history. S. [961.02\(4\), F.S.](#)

<sup>4</sup> Since 1989, 90 people in Florida have been exonerated or released from incarceration as a result of post-conviction DNA testing, false or misleading forensic evidence, false confession, mistaken witness identification, official misconduct, perjury or false accusations, or inadequate legal defense. More narrowly, since 1997, 23 people in Florida have been exonerated based, at least in part, specifically on post-conviction DNA testing. The National Registry of Exonerations, <https://www.law.umich.edu/special/exoneration/Pages/detailist.aspx?SortField=Title&View=%7bfaf6eddb-5a68-4f8f-8a52-2c61f5bf9ea7%7d&FilterField1=ST&FilterValue1=FL&SortDir=Asc> (last visited on Feb. 19, 2025).

<sup>5</sup> S. [961.02\(7\), F.S.](#)

## [Petition Process](#)

To receive compensation under the Act, an exonerated person must file a petition with the original sentencing court seeking status as a “wrongfully incarcerated person.” Section [961.03\(1\)\(a\), F.S.](#), requires a petitioner to state:

- That verifiable and substantial evidence of actual innocence exists;
- With particularity, the nature and significance of the evidence of actual innocence; and
- That the person is not disqualified under [s. 961.04, F.S.](#), from seeking compensation because he or she has specified criminal history.

A person seeking compensation under the Act must file a petition with the court within 90 days after the order vacating a conviction and sentence becomes final, if the person’s conviction and sentence is vacated on or after July 1, 2008.<sup>6</sup>

Although a petitioner must submit proof of actual innocence in his or her petition, in some cases, after a conviction is overturned, the state may choose to retry the person. In these cases, the 90-day filing deadline may require a petitioner to file a petition with proof of actual innocence while he or she is still in custody or facing retrial.<sup>7</sup>

Once the petition is filed, the prosecuting authority must respond to the petition within 30 days by:

- Certifying to the court that, based upon the petition and verifiable and substantial evidence of the petitioner’s actual innocence, no further criminal proceedings can or will be initiated against the petitioner, that no questions of fact remain as to the petitioner’s wrongful incarceration, and that the petitioner is not ineligible from seeking compensation under [s. 961.04, F.S.](#); or
- Contesting the evidence of actual innocence, the facts related to the petitioner’s alleged wrongful incarceration, or whether the petitioner is ineligible from seeking compensation under [s. 961.04, F.S.](#)<sup>8</sup>

If the prosecuting authority certifies the petitioner’s innocence and that no further charges can or will be filed and that he or she is otherwise eligible for compensation, the original sentencing court<sup>9</sup> must certify to the Department of Legal Affairs (DLA) that the petitioner qualifies as a wrongfully incarcerated person and is eligible for compensation under [s. 961.04, F.S.](#)<sup>10</sup>

If the prosecuting authority contests the petitioner’s actual innocence or eligibility for compensation based on his or her prior criminal history:

- The original sentencing court must use the pleadings and supporting documents to determine whether, by a preponderance of the evidence, the petitioner is ineligible for compensation under [s. 961.04, F.S.](#), regardless of his or her claim of wrongful incarceration.
  - If the court finds that the petitioner is ineligible under [s. 961.04, F.S.](#), it must dismiss the petition.<sup>11</sup>
- And the court determines that the petitioner is eligible under [s. 961.04, F.S.](#), but the prosecuting authority also contests the nature, significance or effect of the evidence of the petitioner’s actual innocence, or the facts related to the petitioner’s alleged wrongful incarceration, the court is required to set forth its findings on eligibility and transfer the petition to the Division of Administrative Hearings (DOAH).<sup>12</sup>

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<sup>6</sup> Or by July 1, 2010, if the person’s conviction and sentence was vacated by an order that became final prior to July 1, 2008. [S. 961.03\(1\)\(b\), F.S.](#)

<sup>7</sup> According to the Innocence Project, as of 2022, six exonerees in Florida are barred from receiving compensation as a result of missing the 90-day filing deadline. Jeffrey Gutman, *Compensation Under the Microscope*, George Washington University Law School (2022) <https://www.law.umich.edu/special/exoneration/Documents/UTM%20Florida.pdf> (last visited Feb. 19, 2025).

<sup>8</sup> [S. 961.03\(2\), F.S.](#)

<sup>9</sup> Based upon the evidence of actual innocence, the prosecuting authority’s certification, and upon the court’s finding that the petitioner has presented clear and convincing evidence that the petitioner committed neither the act nor the offense that served as the basis for the conviction and incarceration, and that the petitioner did not aid, abet, or act as an accomplice to a person who committed the act or offense. [S. 961.03\(3\), F.S.](#)

<sup>10</sup> [S. 961.03\(3\), F.S.](#)

<sup>11</sup> [S. 961.03\(4\)\(a\), F.S.](#)

<sup>12</sup> [S. 961.03\(4\)\(b\), F.S.](#)

When a petition is transferred to DOAH, a hearing before an administrative law judge (ALJ) must take place within 120 days after the transfer.<sup>13</sup> At the hearing, the petitioner must establish, by clear and convincing evidence, any questions of fact, the nature, significance or effect of the evidence of actual innocence, and his or her eligibility for compensation under the Act.<sup>14</sup> The prosecuting authority must appear at the hearing to contest any evidence of actual innocence presented by the petitioner.<sup>15</sup> When the hearing concludes, the ALJ is required to file an order with the original sentencing court within 45 days setting forth his or her findings and recommendation as to whether the petitioner established by clear and convincing evidence that he or she qualifies as a wrongfully incarcerated person.<sup>16</sup>

Once the ALJ issues his or her findings and recommendation, the original sentencing court must, within 60 days, issue its own order adopting or declining to adopt the ALJ's findings and recommendation.<sup>17</sup> If the original sentencing court concludes that the petitioner qualifies as a wrongfully incarcerated person who is eligible for compensation under the Act, the court must issue an order certifying its findings to DLA.<sup>18</sup>

### [“Clean Hands” Requirement](#)

When the Act was passed in 2008,<sup>19</sup> a person was ineligible to receive compensation under [s. 961.04, F.S.](#), if he or she was previously convicted of any other felony. As such, [s. 961.04, F.S.](#), became commonly known as the “clean hands” requirement. The Act was amended in 2017,<sup>20</sup> to expand eligibility under the “clean hands” requirement, making a petitioner ineligible to receive compensation if he or she was:

- Convicted of any violent felony, or any crime committed in another jurisdiction the elements of which would constitute a violent felony in Florida, or a federal crime designated a violent felony, excluding any delinquency disposition, before or during his or her wrongful conviction and incarceration;
- Convicted of more than one nonviolent felony, or more than one crime committed in another jurisdiction the elements of which would constitute a felony in Florida, or more than one federal crime designated a felony, excluding any delinquency disposition, before or during his or her wrongful conviction and incarceration; or
- Serving a concurrent sentence for another felony for which he or she was not wrongfully convicted during the period of wrongful incarceration.<sup>21</sup>

Additionally, under [s. 961.06\(2\), F.S.](#), a wrongfully incarcerated person who is placed on parole or community supervision as a part of the sentence he or she is serving for his or her wrongful conviction and who commits:

- One violent felony or more than one nonviolent felony that results in revocation of the parole or community supervision is not eligible for any compensation under the Act.
- No more than one nonviolent felony which results in revocation of the parole or community supervision is eligible for compensation for the total number of years he or she was incarcerated.<sup>22</sup>

For the purpose of determining a person's eligibility, [s. 961.02\(6\), F.S.](#), defines a violent felony as any felony listed in:

- Section [775.084\(1\)\(c\)1, F.S.](#), which includes: arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled adult; aggravated assault with a deadly weapon; murder; manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; unlawful throwing, placing, or discharging of a destructive device or bomb; armed

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<sup>13</sup> S. [961.03\(6\)\(a\), F.S.](#)

<sup>14</sup> S. [961.03\(5\), F.S.](#)

<sup>15</sup> S. [961.03\(6\)\(b\), F.S.](#)

<sup>16</sup> S. [961.03\(6\)\(c\), F.S.](#)

<sup>17</sup> S. [961.03\(6\)\(d\), F.S.](#)

<sup>18</sup> The order must indicate that the ALJ's findings are correct and the petitioner has met his or her burden of proof to establish status as a wrongfully convicted person or if the ALJ findings indicate that the petitioner has not met his or her burden of proof, that the court is declining to adopt the findings of the ALJ. S. [961.03\(7\), F.S.](#)

<sup>19</sup> Ch. 2008-39, Laws of Fla.

<sup>20</sup> Ch. 2017-120, Laws of Fla.

<sup>21</sup> S. [961.04, F.S.](#)

<sup>22</sup> S. [961.06\(2\), F.S.](#)

- burglary; aggravated battery; aggravated stalking; home invasion/robbery; carjacking; or an offense committed in another jurisdiction which has substantially similar elements to a listed crime; or
- Section [948.06\(8\)\(c\), F.S.](#), which includes: kidnapping or attempted kidnapping, false imprisonment of a child under 13, or luring or enticing a child; murder or attempted murder, attempted felony murder, or manslaughter; aggravated battery or attempted aggravated battery; sexual battery or attempted sexual battery; lewd or lascivious battery or attempted lewd or lascivious battery; lewd or lascivious molestation, lewd or lascivious conduct, lewd or lascivious exhibition, or lewd or lascivious exhibition on a computer; robbery or attempted robbery, carjacking or attempted carjacking, or home invasion robbery or attempted home invasion robbery; lewd or lascivious offense upon or in the presence of an elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person; sexual performance by a child or attempted sexual performance by a child; computer pornography, transmission of child pornography, or selling or buying of minors; poisoning food or water; abuse of a dead human body; any burglary offense or attempted burglary offense that is a first or second degree felony; arson or attempted arson; aggravated assault; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; treason under [s. 876.32, F.S.](#); or any offense committed in another jurisdiction which would be a listed offense if it were committed in Florida.<sup>23</sup>

Currently, the Federal Government, the District of Columbia, and 38 states have a process to compensate wrongfully incarcerated individuals.<sup>24</sup> Florida's wrongful incarceration compensation law is the only one in the country that makes a person ineligible for compensation if he or she was previously convicted of certain unrelated crimes.<sup>25,26</sup>

### [Application Process](#)

After the original sentencing court enters an order finding that the claimant meets the definition of a wrongfully incarcerated person who is eligible for compensation, the claimant must submit an application to DLA for compensation within two years.<sup>27</sup> Section [961.06, F.S.](#), prohibits a wrongfully incarcerated person from applying for compensation if he or she is the subject of a pending claim bill<sup>28</sup> which is based on his or her wrongful conviction and incarceration. Similarly, once a claimant files an application for compensation, he or she may not pursue recovery under a claim bill until the final disposition of his or her application,<sup>29</sup> and once DLA notifies a claimant that his or her application meets the requirements of the Act, he or she is prohibited from recovering compensation under a claim bill.<sup>30,31</sup>

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<sup>23</sup> S. [961.02\(6\), F.S.](#)

<sup>24</sup> Alaska, Arizona, Arkansas, Delaware, Georgia, Kentucky, New Mexico, North Dakota, Pennsylvania, South Carolina, South Dakota, and Wyoming do not have compensation laws. The National Registry of Exonerations, *Compensation Statutes: A National Overview*, <https://www.law.umich.edu/special/exoneration/Documents/Compensation%20Chart%20Version%202024Dec%20%281%29.pdf> (last visited Feb. 19, 2025).

<sup>25</sup> *Id.*

<sup>26</sup> According to the Innocence Project and independent research conducted at George Washington University Law School, at least 17 exonerees in Florida are currently ineligible to receive compensation under the Act because of the "clean hands" requirement. Jeffrey Gutman, *supra* note 7.

<sup>27</sup> S. [961.05\(1\) and \(2\), F.S.](#)

<sup>28</sup> S. [961.06\(6\)\(b\), F.S.](#); A claim bill is not an action at law, but rather is a legislative measure that directs the CFO, or if appropriate, a unit of local government, to pay a specific sum of money to a claimant to satisfy an equitable or moral obligation. The amount awarded under a claim bill is based on the Legislature's concept of fair treatment of a person who has been injured or damaged but who is without a complete judicial remedy or who is not otherwise compensable. *Wagner v. Orange Cty.*, 960 So. 2d 785, 788 (Fla. 5th DCA 2007).

<sup>29</sup> S. [961.06\(6\)\(c\), F.S.](#)

<sup>30</sup> Any amount awarded under the Act is intended to provide the sole compensation for any and all present and future claims arising out of the facts in connection with the claimant's wrongful conviction and incarceration. S. [961.06\(6\)\(d\), F.S.](#)

<sup>31</sup> Since 2008, numerous claim bills have been filed on behalf of wrongfully incarcerated persons who were ineligible for compensation under the Act because of the "clean hands" requirement. At least three such persons have received compensation for wrongful incarceration through the claim bill process – Alan Crotzer (2008), William Dillon (2017), and Clifford Williams (2020).

Only the claimant, not the claimant's estate or its personal representative, may apply for compensation.<sup>32</sup> Section [961.05\(3\), F.S.](#), requires, in part, that a claimant's application include:

- A certified copy of the order vacating the conviction and sentence;
- A certified copy of the original sentencing court's order finding the claimant to be a wrongfully incarcerated person who is eligible for compensation under the Act;
- Certified copies of the original judgment and sentence;
- Documentation demonstrating the length of the sentence served, including documentation from the Department of Corrections (DOC) regarding the person's admission into and release from the custody of DOC;
- Proof of identification demonstrating that the person seeking compensation is the same individual who was wrongfully incarcerated;
- All supporting documentation of any fine, penalty, or court costs imposed and paid by the wrongfully incarcerated person; and
- All supporting documentation of any reasonable attorney fees and expenses.

DLA is required to review the application, and within 30 days, notify the claimant of any errors or omissions and request any additional information relevant to the review of the application. The claimant has 15 days after notification of existing errors or omissions to supplement the application. DLA must process and review each completed application within 90 days.<sup>33</sup>

Before DLA approves an application, the wrongfully incarcerated person must sign a release and waiver on behalf of himself or herself and his or her heirs, successors, and assigns, forever releasing the state or any agency, or any political subdivision thereof, from all present or future claims that may arise out of the facts in connection with the wrongful conviction for which compensation is being sought.<sup>34</sup> Once DLA determines whether a claim meets the Act's requirements, it must notify the claimant within five business days of its determination.<sup>35</sup> If DLA determines that a claimant meets the Act's requirements, the wrongfully incarcerated person becomes entitled to compensation.<sup>36</sup>

### Compensation

Under [s. 961.06, F.S.](#), a wrongfully incarcerated person is entitled to:

- Monetary compensation, at a rate of \$50,000 for each year of wrongful incarceration;
- A waiver of tuition and fees for up to 120 hours of instruction at a public career center, community college, or state university;
- A refund of fines, penalties, and court costs imposed and paid;
- Reasonable attorney fees and expenses incurred and paid in connection with all criminal proceedings and appeals regarding the wrongful conviction; and
- Immediate administrative expunction of the person's criminal record resulting from the wrongful arrest, conviction, and incarceration.<sup>37</sup>

Within 15 calendar days after DLA issues notice to the claimant that his or her claim satisfies all of the requirements under the Act, DLA must notify the CFO to draw a warrant from the General Revenue Fund or another source designated by the Legislature in law for the purchase of an annuity for the claimant based on the total amount determined by DLA.<sup>38</sup> Section [961.07, F.S.](#), currently provides for a continuing appropriation from the General Revenue Fund to the CFO for payments under the Act.

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<sup>32</sup> S. [961.05\(2\), F.S.](#)

<sup>33</sup> S. [961.05\(5\), F.S.](#)

<sup>34</sup> S. [961.06\(5\), F.S.](#)

<sup>35</sup> S. [961.05\(5\), F.S.](#)

<sup>36</sup> S. [961.05\(6\), F.S.](#)

<sup>37</sup> S. [961.06\(1\), F.S.](#); For persons found to be wrongfully incarcerated after December 31, 2008, the CFO may adjust the annual rate of compensation.

<sup>38</sup> S. [961.06\(3\), F.S.](#)

The total compensation awarded to a claimant may not exceed \$2 million.<sup>39</sup> The CFO is required to issue payment in the amount determined by DLA to an insurance company or other financial institution admitted and authorized to issue annuity contracts to purchase an annuity or annuities, selected by the claimant, for a term not less than 10 years to distribute such compensation.<sup>40</sup>

**RECENT LEGISLATION:**

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2023	<a href="#">CS/SB 382</a>	Koster and Driskell	Bradley	The bill passed the Senate, but died in the House.

**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Criminal Justice Subcommittee</a>	17 Y, 0 N, As CS	2/19/2025	Hall	Leshko

THE CHANGES ADOPTED BY THE COMMITTEE:

- Removed a conflict with existing statutory provisions and clarified that heirs, successors, and assigns do not have standing to file a petition to determine eligibility for compensation or to bring a claim for compensation on behalf of a deceased person who was wrongfully incarcerated.

<a href="#">Budget Committee</a>
<a href="#">Judiciary Committee</a>

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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<sup>39</sup> S. [961.06\(1\), F.S.](#)

<sup>40</sup> S. [961.06\(4\), F.S.](#)