

1 A bill to be entitled

2 An act relating to compensation of victims of wrongful
3 incarceration; amending s. 961.02, F.S.; deleting the
4 definition of the term "violent felony"; amending s.
5 961.03, F.S.; expanding the period during which a
6 petition for compensation for wrongful incarceration
7 may be filed; providing that certain persons who had
8 petitions dismissed or who had not previously filed
9 such petitions may file such petitions; amending s.
10 961.04, F.S.; providing that a wrongfully incarcerated
11 person is not eligible for compensation for any period
12 of incarceration during which the person was
13 concurrently serving a sentence for a conviction of
14 another felony for which such person was lawfully
15 incarcerated; deleting provisions excluding persons
16 convicted of violent felonies from compensation;
17 deleting other exclusions; amending s. 961.06, F.S.;
18 revising provisions concerning the offset of civil
19 judgments in favor of claimants against awards;
20 providing that the Chief Financial Officer may not
21 draw a warrant to purchase an annuity for a claimant
22 in certain circumstances; amending s. 961.07, F.S.;
23 revising provisions concerning a continuing
24 appropriation for certain payments; providing that
25 certain payments are subject to specific

appropriation; providing an effective date.

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

Section 1. Subsection (6) of section 961.02, Florida Statutes, is amended to read:

961.02 Definitions.—As used in ss. 961.01-961.07, the term:

~~(6) "Violent felony" means a felony listed in s. 775.084(1)(c)1. or s. 948.06(8)(c).~~

Section 2. Paragraph (b) of subsection (1) of section 961.03, Florida Statutes, is amended to read:

961.03 Determination of status as a wrongfully incarcerated person; determination of eligibility for compensation.—

(1)

(b) The person must file the petition with the court:

1. Within 2 years ~~90 days~~ after the order vacating a conviction and sentence becomes final and the criminal charges against the person are dismissed or the person is retried and acquitted if the person's conviction and sentence is vacated on or after July 1, 2025 ~~2008~~.

2. By July 1, 2027 ~~2010~~, if the person's conviction and sentence was vacated and the criminal charges against the person were dismissed or the person was retried and acquitted on or

51 after January 1, 2006, but before July 1, 2025, and he or she
52 previously filed a petition under this section that was
53 dismissed or no petition was filed under this section because:

54 a. The date on which the criminal charges against the
55 person were dismissed or the date on which the person was
56 acquitted upon retrial occurred more than 90 days after the date
57 of the final order vacating the conviction and sentence; or

58 b. The person was convicted of an unrelated felony before
59 or during his or her wrongful conviction and incarceration and
60 was ineligible for compensation under s. 961.04 as it existed
61 before July 1, 2025.

62 c. A deceased person's heirs, successors, or assigns did
63 not have standing to file a petition on the deceased person's
64 behalf under this section ~~by an order that became final prior to~~
65 ~~July 1, 2008.~~

66 **Section 3. Section 961.04, Florida Statutes, is amended to**
67 **read:**

68 961.04 Eligibility for compensation for wrongful
69 incarceration.—A wrongfully incarcerated person is not eligible
70 for compensation under the act for any period of incarceration
71 during which the person was concurrently serving a sentence for
72 a conviction of another felony for which such person was
73 lawfully incarcerated. ~~if:~~

74 ~~(1) Before the person's wrongful conviction and~~
75 ~~incarceration, the person was convicted of, or pled guilty or~~

76 ~~nolo contendere to, regardless of adjudication, any violent~~
77 ~~felony, or a crime committed in another jurisdiction the~~
78 ~~elements of which would constitute a violent felony in this~~
79 ~~state, or a crime committed against the United States which is~~
80 ~~designated a violent felony, excluding any delinquency~~
81 ~~disposition;~~

82 ~~(2) Before the person's wrongful conviction and~~
83 ~~incarceration, the person was convicted of, or pled guilty or~~
84 ~~nolo contendere to, regardless of adjudication, more than one~~
85 ~~felony that is not a violent felony, or more than one crime~~
86 ~~committed in another jurisdiction, the elements of which would~~
87 ~~constitute a felony in this state, or more than one crime~~
88 ~~committed against the United States which is designated a~~
89 ~~felony, excluding any delinquency disposition;~~

90 ~~(3) During the person's wrongful incarceration, the person~~
91 ~~was convicted of, or pled guilty or nolo contendere to,~~
92 ~~regardless of adjudication, any violent felony;~~

93 ~~(4) During the person's wrongful incarceration, the person~~
94 ~~was convicted of, or pled guilty or nolo contendere to,~~
95 ~~regardless of adjudication, more than one felony that is not a~~
96 ~~violent felony; or~~

97 ~~(5) During the person's wrongful incarceration, the person~~
98 ~~was also serving a concurrent sentence for another felony for~~
99 ~~which the person was not wrongfully convicted.~~

100 **Section 4. Section 961.06, Florida Statutes, is amended to**

101 **read:**

102 961.06 Compensation for wrongful incarceration.—

103 (1) Except as otherwise provided in this act and subject
104 to the limitations and procedures prescribed in this section, a
105 person who is found to be entitled to compensation under ~~the~~
106 ~~provisions of~~ this act is entitled to all of the following:

107 (a) Monetary compensation for wrongful incarceration,
108 which shall be calculated at a rate of \$50,000 for each year of
109 wrongful incarceration, prorated as necessary to account for a
110 portion of a year. For persons found to be wrongfully
111 incarcerated after December 31, 2005 ~~2008~~, the Chief Financial
112 Officer may adjust the annual rate of compensation for inflation
113 using the change in the December-to-December "Consumer Price
114 Index for All Urban Consumers" of the Bureau of Labor Statistics
115 of the Department of Labor.†

116 (b) A waiver of tuition and fees for up to 120 hours of
117 instruction at any career center established under s. 1001.44,
118 any Florida College System institution as defined in s.
119 1000.21(5), or any state university as defined in s. 1000.21(9),
120 if the wrongfully incarcerated person meets and maintains the
121 regular admission requirements of such career center, Florida
122 College System institution, or state university; remains
123 registered at such educational institution; and makes
124 satisfactory academic progress as defined by the educational
125 institution in which the claimant is enrolled.†

126 (c) The amount of any fine, penalty, or court costs
127 imposed and paid by the wrongfully incarcerated person.~~†~~

128 (d) The amount of any reasonable attorney ~~attorney's~~ fees
129 and expenses incurred and paid by the wrongfully incarcerated
130 person in connection with all criminal proceedings and appeals
131 regarding the wrongful conviction, to be calculated by the
132 department based upon the supporting documentation submitted as
133 specified in s. 961.05.~~†~~ ~~and~~

134 (e) Notwithstanding any provision to the contrary in s.
135 943.0583 or s. 943.0585, immediate administrative expunction of
136 the person's criminal record resulting from his or her wrongful
137 arrest, wrongful conviction, and wrongful incarceration. The
138 Department of Legal Affairs and the Department of Law
139 Enforcement shall, upon a determination that a claimant is
140 entitled to compensation, immediately take all action necessary
141 to administratively expunge the claimant's criminal record
142 arising from his or her wrongful arrest, wrongful conviction,
143 and wrongful incarceration. All fees for this process shall be
144 waived.

145
146 The total compensation awarded under paragraphs (a), (c), and
147 (d) may not exceed \$2 million. No further award for attorney
148 ~~attorney's~~ fees, lobbying fees, costs, or other similar expenses
149 shall be made by the state.

150 ~~(2) In calculating monetary compensation under paragraph~~

151 ~~(1) (a), a wrongfully incarcerated person who is placed on parole~~
152 ~~or community supervision while serving the sentence resulting~~
153 ~~from the wrongful conviction and who commits no more than one~~
154 ~~felony that is not a violent felony which results in revocation~~
155 ~~of the parole or community supervision is eligible for~~
156 ~~compensation for the total number of years incarcerated. A~~
157 ~~wrongfully incarcerated person who commits one violent felony or~~
158 ~~more than one felony that is not a violent felony that results~~
159 ~~in revocation of the parole or community supervision is~~
160 ~~ineligible for any compensation under subsection (1).~~

161 (2)~~(3)~~ Except as provided in subsection (9), within 15
162 calendar days after issuing notice to the claimant that his or
163 her claim satisfies all of the requirements under this act, the
164 department shall notify the Chief Financial Officer to draw a
165 warrant from the General Revenue Fund or another source
166 designated by the Legislature in law for the purchase of an
167 annuity for the claimant based on the total amount determined by
168 the department under this act.

169 (3)~~(4)~~ The Chief Financial Officer shall issue payment in
170 the amount determined by the department to an insurance company
171 or other financial institution admitted and authorized to issue
172 annuity contracts in this state to purchase an annuity or
173 annuities, selected by the wrongfully incarcerated person, for a
174 term of not less than 10 years. The Chief Financial Officer is
175 directed to execute all necessary agreements to implement this

176 act and to maximize the benefit to the wrongfully incarcerated
177 person. The terms of the annuity or annuities shall:

178 (a) Provide that the annuity or annuities may not be sold,
179 discounted, or used as security for a loan or mortgage by the
180 wrongfully incarcerated person.

181 (b) Contain beneficiary provisions for the continued
182 disbursement of the annuity or annuities in the event of the
183 death of the wrongfully incarcerated person.

184 (4) If, when monetary compensation is determined under
185 paragraph (1)(a), a court has previously entered a monetary
186 judgment in favor of the claimant in a civil action related to
187 the claimant's wrongful incarceration, or the claimant has
188 entered into a settlement agreement with the state or any
189 political subdivision thereof related to the claimant's wrongful
190 incarceration, the amount of the damages in the civil action or
191 settlement agreement, less any sums paid for attorney fees or
192 costs incurred in litigating the civil action or obtaining the
193 settlement agreement, shall be deducted from the total monetary
194 compensation to which the claimant is entitled under this
195 section.

196 (5)(a) If subsection (4) does not apply and if, after
197 monetary compensation is determined under paragraph (1)(a):

198 1. The court enters a monetary judgment in favor of the
199 claimant in a civil action related to the claimant's wrongful
200 incarceration; or

201 2. The claimant enters into a settlement agreement with
202 the state or any political subdivision thereof related to the
203 claimant's wrongful incarceration,

204
205 the claimant shall reimburse the state for the monetary
206 compensation paid under paragraph (1) (a), less any sums paid for
207 attorney fees or costs incurred in litigating the civil action
208 or obtaining the settlement agreement.

209 (b) A reimbursement required under this subsection may not
210 exceed the amount of the monetary award the claimant received
211 for damages in a civil action or settlement agreement.

212 (c) In the order of judgment, the court shall award to the
213 state any amount required to be deducted under this subsection.

214 (6) (a) The claimant shall notify the department upon
215 filing a civil action against the state or any political
216 subdivision thereof in which the claimant is seeking monetary
217 damages related to the claimant's wrongful incarceration for
218 which he or she previously received or is applying to receive
219 compensation under paragraph (1) (a).

220 (b) Upon notice of the claimant's civil action, the
221 department shall file in the case a notice of payment of
222 monetary compensation to the claimant under paragraph (1) (a).
223 The notice shall constitute a lien upon any monetary judgment or
224 settlement recovered under the civil action which is equal to
225 the sum of monetary compensation paid to the claimant under

226 paragraph (1) (a), less any attorney fees and costs incurred in
227 litigating the civil action or obtaining the settlement
228 agreement

229 ~~(5) Before the department approves the application for~~
230 ~~compensation, the wrongfully incarcerated person must sign a~~
231 ~~release and waiver on behalf of the wrongfully incarcerated~~
232 ~~person and his or her heirs, successors, and assigns, forever~~
233 ~~releasing the state or any agency, instrumentality, or any~~
234 ~~political subdivision thereof, or any other entity subject to s.~~
235 ~~768.28, from all present or future claims that the wrongfully~~
236 ~~incarcerated person or his or her heirs, successors, or assigns~~
237 ~~may have against such entities arising out of the facts in~~
238 ~~connection with the wrongful conviction for which compensation~~
239 ~~is being sought under the act.~~

240 ~~(6) (a) A wrongfully incarcerated person may not submit an~~
241 ~~application for compensation under this act if the person has a~~
242 ~~lawsuit pending against the state or any agency,~~
243 ~~instrumentality, or any political subdivision thereof, or any~~
244 ~~other entity subject to the provisions of s. 768.28, in state or~~
245 ~~federal court requesting compensation arising out of the facts~~
246 ~~in connection with the claimant's conviction and incarceration.~~

247 (7) (a) ~~(b)~~ A wrongfully incarcerated person may not submit
248 an application for compensation under this act if the person is
249 the subject of a claim bill pending for claims arising out of
250 the facts in connection with the claimant's conviction and

251 incarceration.

252 (b)~~(e)~~ Once an application is filed under this act, a
253 wrongfully incarcerated person may not pursue recovery under a
254 claim bill until the final disposition of the application.

255 (c)~~(d)~~ ~~Any amount awarded under this act is intended to~~
256 ~~provide the sole compensation for any and all present and future~~
257 ~~claims arising out of the facts in connection with the~~
258 ~~claimant's conviction and incarceration.~~ Upon notification by
259 the department that an application meets the requirements of
260 this act, a wrongfully incarcerated person may not recover under
261 a claim bill.

262 (d)~~(e)~~ Any compensation awarded under a claim bill shall
263 be the sole redress for claims arising out of the facts in
264 connection with the claimant's conviction and incarceration and,
265 upon any award of compensation to a wrongfully incarcerated
266 person under a claim bill, the person may not receive
267 compensation under this act.

268 (8)~~(7)~~ Any payment made under this act does not constitute
269 a waiver of any defense of sovereign immunity or an increase in
270 the limits of liability on behalf of the state or any person
271 subject to ~~the provisions of~~ s. 768.28 or any other law.

272 (9) (a) The Chief Financial Officer may not draw a warrant
273 to purchase an annuity for a claimant who is currently
274 incarcerated:

275 1. In a county, city, or federal jail or other

276 correctional facility or an institution operated by the
 277 Department of Corrections for a felony conviction other than a
 278 crime for which the claimant was wrongfully convicted; or

279 2. Due to the revocation of parole or probation for a
 280 felony conviction other than a crime for which the claimant was
 281 wrongfully convicted.

282 (b) After a term of incarceration described in
 283 subparagraph (a)1. or subparagraph (a)2. has concluded, the
 284 Chief Financial Officer shall commence with the drawing of a
 285 warrant as described in this section.

286 **Section 5. Section 961.07, Florida Statutes, is amended to**
 287 **read:**

288 961.07 Continuing appropriation.—

289 (1) Beginning in the 2025-2026 ~~2008-2009~~ fiscal year and
 290 continuing each fiscal year thereafter, a sum sufficient to pay
 291 the approved payments under s. 961.03(1)(b) ~~this act~~ is
 292 appropriated from the General Revenue Fund to the Chief
 293 Financial Officer, which sum is further appropriated for
 294 expenditure pursuant to ~~the provisions of~~ this act.

295 (2) Payments for petitions filed pursuant to s.
 296 961.03(1)(b)2. are subject to specific appropriation.

297 **Section 6.** This act shall take effect July 1, 2025.