

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; prohibiting a
10 deceased person's heirs, successors, or assigns from
11 filing a petition; amending s. 961.04, F.S.; providing
12 that a wrongfully incarcerated person is not eligible
13 for compensation for any period of incarceration
14 during which the person was concurrently serving a
15 sentence for a conviction of another felony for which
16 such person was lawfully incarcerated; deleting
17 provisions excluding persons convicted of violent
18 felonies from compensation; deleting other exclusions;
19 amending s. 961.06, F.S.; revising provisions
20 concerning the offset of civil judgments in favor of
21 claimants against awards; providing that the Chief
22 Financial Officer may not draw a warrant to purchase
23 an annuity for a claimant in certain circumstances;
24 amending s. 961.07, F.S.; revising provisions
25 concerning a continuing appropriation for certain

26 | payments; providing that certain payments are subject
 27 | to specific appropriation; providing an effective
 28 | date.

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

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

34 | 961.02 Definitions.—As used in ss. 961.01-961.07, the
 35 | term:

36 | ~~(6) "Violent felony" means a felony listed in s.~~
 37 | ~~775.084(1)(c)1. or s. 948.06(8)(c).~~

38 | **Section 2. Paragraph (b) of subsection (1) of section**
 39 | **961.03, Florida Statutes, is amended, and paragraph (c) is added**
 40 | **to that subsection, to read:**

41 | 961.03 Determination of status as a wrongfully
 42 | incarcerated person; determination of eligibility for
 43 | compensation.—

44 | (1)

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

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

51 2. By July 1, 2027 ~~2010~~, if the person's conviction and
52 sentence was vacated and the criminal charges against the person
53 were dismissed or the person was retried and acquitted on or
54 after January 1, 2006, but before July 1, 2025, and he or she
55 previously filed a petition under this section that was
56 dismissed or no petition was filed under this section because:

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

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

65 (c) A deceased person's heirs, successors, or assigns do
66 not have standing to file a petition on the deceased person's
67 behalf under this section ~~by an order that became final prior to~~
68 ~~July 1, 2008.~~

69 **Section 3. Section 961.04, Florida Statutes, is amended to**
70 **read:**

71 961.04 Eligibility for compensation for wrongful
72 incarceration.—A wrongfully incarcerated person is not eligible
73 for compensation under the act for any period of incarceration
74 during which the person was concurrently serving a sentence for
75 a conviction of another felony for which such person was

76 lawfully incarcerated. if:

77 ~~(1) Before the person's wrongful conviction and~~
78 ~~incarceration, the person was convicted of, or pled guilty or~~
79 ~~nolo contendere to, regardless of adjudication, any violent~~
80 ~~felony, or a crime committed in another jurisdiction the~~
81 ~~elements of which would constitute a violent felony in this~~
82 ~~state, or a crime committed against the United States which is~~
83 ~~designated a violent felony, excluding any delinquency~~
84 ~~disposition;~~

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

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

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

100 ~~(5) During the person's wrongful incarceration, the person~~

101 ~~was also serving a concurrent sentence for another felony for~~
102 ~~which the person was not wrongfully convicted.~~

103 **Section 4. Section 961.06, Florida Statutes, is amended to**
104 **read:**

105 961.06 Compensation for wrongful incarceration.—

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

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

119 (b) A waiver of tuition and fees for up to 120 hours of
120 instruction at any career center established under s. 1001.44,
121 any Florida College System institution as defined in s.
122 1000.21(5), or any state university as defined in s. 1000.21(9),
123 if the wrongfully incarcerated person meets and maintains the
124 regular admission requirements of such career center, Florida
125 College System institution, or state university; remains

126 registered at such educational institution; and makes
127 satisfactory academic progress as defined by the educational
128 institution in which the claimant is enrolled.~~†~~

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

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

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

148
149 The total compensation awarded under paragraphs (a), (c), and
150 (d) may not exceed \$2 million. No further award for attorney

151 attorney's fees, lobbying fees, costs, or other similar expenses
152 shall be made by the state.

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

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

172 (3)(4) The Chief Financial Officer shall issue payment in
173 the amount determined by the department to an insurance company
174 or other financial institution admitted and authorized to issue
175 annuity contracts in this state to purchase an annuity or

176 annuities, selected by the wrongfully incarcerated person, for a
177 term of not less than 10 years. The Chief Financial Officer is
178 directed to execute all necessary agreements to implement this
179 act and to maximize the benefit to the wrongfully incarcerated
180 person. The terms of the annuity or annuities shall:

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

184 (b) Contain beneficiary provisions for the continued
185 disbursement of the annuity or annuities in the event of the
186 death of the wrongfully incarcerated person.

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

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

201 1. The court enters a monetary judgment in favor of the
202 claimant in a civil action related to the claimant's wrongful
203 incarceration; or

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

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

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

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

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

223 (b) Upon notice of the claimant's civil action, the
224 department shall file in the case a notice of payment of
225 monetary compensation to the claimant under paragraph (1) (a).

226 The notice shall constitute a lien upon any monetary judgment or
227 settlement recovered under the civil action which is equal to
228 the sum of monetary compensation paid to the claimant under
229 paragraph (1) (a), less any attorney fees and costs incurred in
230 litigating the civil action or obtaining the settlement
231 agreement

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

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

250 (7) (a) ~~(b)~~ A wrongfully incarcerated person may not submit

251 an application for compensation under this act if the person is
252 the subject of a claim bill pending for claims arising out of
253 the facts in connection with the claimant's conviction and
254 incarceration.

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

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

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

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

275 (9) (a) The Chief Financial Officer may not draw a warrant

276 to purchase an annuity for a claimant who is currently
277 incarcerated:

278 1. In a county, city, or federal jail or other
279 correctional facility or an institution operated by the
280 Department of Corrections for a felony conviction other than a
281 crime for which the claimant was wrongfully convicted; or

282 2. Due to the revocation of parole or probation for a
283 felony conviction other than a crime for which the claimant was
284 wrongfully convicted.

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

289 **Section 5. Section 961.07, Florida Statutes, is amended to**
290 **read:**

291 961.07 Continuing appropriation.—

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

298 (2) Payments for petitions filed pursuant to s.
299 961.03(1)(b)2. are subject to specific appropriation.

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