

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
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
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
70 are 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
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 be paid
93 for 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
98 to provide the sole compensation for all present and future
99 claims arising out of the factual situation described in this
100 act.

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

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