

## CHAPTER 2023-319

### Senate Bill No. 8

An act for the relief of Leonard Cure; providing an appropriation to compensate Mr. Cure for being wrongfully incarcerated for 16 years; directing the Chief Financial Officer to draw a warrant payable directly to Mr. Cure; requiring the Chief Financial Officer to pay the directed funds without requiring that Mr. Cure sign a liability release; providing for the waiver of certain tuition and fees for Mr. Cure; declaring that the Legislature does not waive certain defenses or increase the state's limits of liability with respect to this act; prohibiting funds awarded under this act to Mr. Cure from being used or paid for attorney or lobbying fees; prohibiting Mr. Cure from submitting a compensation application under certain provisions upon his receipt of payment under this act; requiring specific reimbursement to the state should a civil award be issued subsequent to Mr. Cure's receipt of payment under this act; requiring Mr. Cure to notify the Department of Legal Affairs upon filing certain civil actions; requiring the department to file a specified notice under certain circumstances; providing that certain benefits are vacated upon specified findings; providing an effective date.

WHEREAS, Leonard Cure was arrested on November 20, 2003, for the November 10, 2003, robbery of a Dania Beach Walgreens drug store and was convicted on November 3, 2004, of armed robbery with a firearm and aggravated assault with a firearm, and

WHEREAS, Mr. Cure was sentenced to life imprisonment and spent 16 years incarcerated, and

WHEREAS, Mr. Cure has maintained his innocence since his arrest and for the entirety of his incarceration, and

WHEREAS, on April 2, 2020, the Conviction Review Unit for the State Attorney's Office for the 17th Judicial Circuit issued a 14-page "Conviction Review Unit Memorandum" recommending the modification of Mr. Cure's sentence to allow for his immediate release while the Conviction Review Unit investigated Mr. Cure's case, and

WHEREAS, on April 14, 2020, the Circuit Court for the 17th Judicial Circuit modified Mr. Cure's sentence to time served, and Mr. Cure was released, and

WHEREAS, on October 16, 2020, the Conviction Review Unit for the State Attorney's Office for the 17th Judicial Circuit issued a "Conviction Review Unit Addendum Memorandum with Independent Review Panel's Findings" reaching the conclusion that the court should "vacate the defendant's judgment and sentence and enter a nolle prosequi as to both counts" due to the finding by the Independent Review Panel that "the case against Mr.

Cure is so weak that it gives rise to a reasonable doubt as to his culpability, and that he is most likely innocent,” and

WHEREAS, on December 11, 2020, the Circuit Court for the 17th Judicial Circuit issued, with the concurrence of the state, an “Agreed Order Vacating Judgment and Sentence” on the basis that Mr. Cure “is most likely innocent,” and

WHEREAS, on December 14, 2020, as the result of the Conviction Review Unit report, the state filed a notice of nolle prosequi, and Mr. Cure was exonerated, and

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

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

WHEREAS, before his conviction for the aforementioned crimes, Mr. Cure had prior convictions for unrelated felonies, and

WHEREAS, due to his prior felony convictions, Mr. Cure is ineligible for compensation under chapter 961, Florida Statutes, and

WHEREAS, the Legislature apologizes to Mr. Cure on behalf of the state, NOW, THEREFORE,

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

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

Section 2. The sum of \$817,000 is appropriated from the General Revenue Fund to the Department of Financial Services for the relief of Leonard Cure for his wrongful incarceration. The Chief Financial Officer is directed to draw a warrant in favor of Mr. Cure in the sum of \$817,000 payable directly to Leonard Cure.

Section 3. The Chief Financial Officer shall pay the funds directed by this act without requiring that the wrongfully incarcerated person, Mr. Cure, sign a liability release.

Section 4. Tuition and fees for Mr. Cure shall be waived for up to a total of 120 hours of instruction at any career center established pursuant to s. 1001.44, Florida Statutes, any Florida College System institution established under part III of chapter 1004, Florida Statutes, or any state university. For any educational benefit made, Mr. Cure must meet and

maintain the regular admission and registration requirements of the career center, institution, or state university and make satisfactory academic progress as defined by the educational institution in which he is enrolled.

Section 5. With respect to the relief for Mr. Cure as described in this act, the Legislature does not waive any defense of sovereign immunity or increase the limits of liability on behalf of the state or any person or entity that is subject to s. 768.28, Florida Statutes, or any other law. Funds awarded under this act to Mr. Cure may not be used or be paid for attorney fees or lobbying fees related to this claim.

Section 6. Upon his receipt of payment under this act, Mr. Cure may not submit an application for compensation under chapter 961, Florida Statutes.

Section 7. If, after the time that monetary compensation is paid under this act, a court enters a monetary judgment in favor of Mr. Cure in a civil action related to his wrongful incarceration, or Mr. Cure enters into a settlement agreement with the state or any political subdivision thereof related to his wrongful incarceration, Mr. Cure must reimburse the state for the monetary compensation awarded under this act, less any sums paid for attorney fees or costs incurred in litigating the civil action or obtaining the settlement agreement. The reimbursement required under this section may not exceed the amount of monetary award Mr. Cure receives for damages in the civil action or settlement agreement. The court must include in the order of judgment an award to the state of any amount required to be deducted under this section. Claimant Leonard Cure must notify the Department of Legal Affairs upon filing any such civil action.

Section 8. The department must then file a notice of payment of monetary compensation in the civil action, and the notice shall constitute a lien upon any judgment or settlement recovered under the civil action which is equal to the sum of monetary compensation paid to the claimant under this act, less any attorney fees and litigation costs.

Section 9. If any future judicial determination concludes that Mr. Cure, by DNA evidence or otherwise, participated in any manner in the armed robbery and aggravated assault for which he was incarcerated, the unused benefits to which he is entitled under this act are vacated.

Section 10. This act shall take effect upon becoming a law.

Approved by the Governor June 9, 2023.

Filed in Office Secretary of State June 9, 2023.