

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

JASON BAEZ

Plaintiff,

v.

RICKY DIXON, in his official capacity as
Secretary of the Florida Department of
Corrections,

Defendant.

Case No. 25-CV-00216-MW-MAF

**AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

I. INTRODUCTION

1. After Plaintiff Jason Baez filed and settled a civil rights suit about a brutal beating by prison staff that cost him his right eye, the Florida Department of Corrections (FDC) seized his settlement funds through a cost-of-incarceration lien exceeding a half million dollars.

2. Under Florida law, the state can impose a lien against incarcerated people in the amount of \$50 a day, plus interest, for each day they are sentenced to prison. For Plaintiff Baez, his 30-year sentence resulted in a \$547,850.00 lien.

3. But under 42 U.S.C. § 1983, Congress gave private citizens the right to sue state officials and those acting under color of state law for violations of their civil rights as a tool to compensate them for their injuries and deter future violations. FDC's enforcement of the total amount of the lien strips Plaintiff Baez of any compensation for the severe injuries inflicted by prison staff. And allowing FDC to confiscate the only sanction—money damages—meant to redress unconstitutional misconduct undermines the deterrent effect of civil rights lawsuits.

4. FDC's use of a cost-of-incarceration lien against Plaintiff Baez is preempted by federal law because it frustrates the Congressional purpose of § 1983, violating the Supremacy Clause of the United States Constitution. Plaintiff Baez seeks declaratory and injunctive relief to remedy this violation of federal law.

II. JURISDICTION AND VENUE

5. The claims alleged herein arise under 42 U.S.C. § 1983 and Article VI, Clause 2 ("Supremacy Clause") of the United States Constitution.

6. The jurisdiction of this Court is invoked under 28 U.S.C. §§ 1331, 1343, and 1367. Plaintiffs seek declaratory and injunctive relief under 28 U.S.C. §§ 1343, 2201, and 2202, and 42 U.S.C. § 1983.

7. Venue is proper in the Northern District of Florida under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims brought by Plaintiff have occurred in this District and Defendant is in this District.

8. This action is properly filed in the Tallahassee Division pursuant to Local Rule 3.1(B) because venue would be proper in the Tallahassee Division if it was a stand-alone district.

III. PARTIES

9. Plaintiff Jason Baez is currently incarcerated in Wakulla Correctional Institution Annex and is subject to the policies and practices implemented and enforced by Defendant Dixon. He has exhausted all available administrative remedies regarding the civil restitution lien imposed against him.

10. Defendant Ricky Dixon is the Secretary of Corrections for FDC. In this capacity, Defendant Dixon is responsible for overall management and operation of the entire adult correction system in Florida and for protecting the constitutional and statutory rights of all people in FDC custody.¹ Additionally, Defendant Dixon is responsible for the policies, procedures, and practices regarding management, personnel, and overall operation of FDC, including imposition of civil restitution liens against people sentenced to prisons throughout FDC. Defendant Dixon authorizes or ratifies the policy and practice of seeking civil restitution liens against people who have received damages through civil rights cases against prison staff. Defendant Dixon has directly and proximately caused the constitutional and statutory violations set forth herein. At all relevant times, Defendant Dixon was acting under color of state law and as an official

¹ “The secretary is responsible for planning, coordinating, and managing the corrections system of the state. The secretary shall ensure that the programs and services of the department are administered in accordance with state and federal laws, rules, and regulations, with established program standards, and consistent with legislative intent.” § 20.315(3), Fla. Stat. (2018).

representative of FDC. Defendant Dixon is sued in his official capacity for declaratory and injunctive relief.

IV. FACTUAL ALLEGATIONS

11. The Civil Restitution Act, Fla. Stats. §§ 960.29 *et seq*, permits a state sentencing court, for those convicted of non-capital or non-life felony offenses, to enter a civil restitution lien for “a liquidated damage amount of \$50 per day of the convicted offender’s sentence . . . based upon the length of the sentence imposed by the court at the time of sentencing.” *Id.* at §§ 960.292(2), 960.293(b).

12. Nearly twenty years ago, on May 11, 2006, Plaintiff Baez was sentenced to thirty years in prison for a non-capital, non-life felony offense. Neither Defendant Dixon, nor any representative of the State of Florida, sought a civil restitution lien against Plaintiff Baez at that time.

13. About fifteen years later, while isolated in a psychiatric unit at Santa Rosa Correctional Institution in June 2019, Plaintiff Baez sustained serious injuries when officers used force against him. Plaintiff filed a 42 U.S.C. § 1983 case on December 13, 2019, bringing Eighth Amendment claims against former FDC Secretary Mark Inch, four correctional officers, and three medical professionals acting under color of state law at Santa Rosa Correctional Institution. *See Baez v. Inch, et. al.*, Case No. 20-cv-05591-MCR-ZCB (N.D. Fla.). He alleged that correctional officers repeatedly kicked and punched him and struck his right eye with a walkie-talkie. He also claimed medical staff failed to intervene or provide adequate treatment, resulting in the loss of his right eye.

14. Plaintiff Baez settled his claims against the correctional officers for \$60,000 on September 28, 2021. The Florida Division of Risk Management indemnified and paid the settlement on behalf of the correctional officers.

15. By August 2, 2022, Plaintiff Baez had settled all claims, and the federal district court dismissed and closed his § 1983 case.² His counsel deposited all settlement funds in Plaintiff Baez's inmate trust account by the end of November 2022.

16. Between then and July 2024, Plaintiff Baez used a small portion of his settlement funds to buy food, hygiene, and writing supplies from the prison canteen; pay the co-payments for his prison medical appointments; and help his family with medical and living expenses.

17. But within three months of Plaintiff Baez making two \$10,000 transfers of his settlement funds to his family, on July 11, 2024, Defendant Dixon filed a motion to impose a civil restitution lien in the state criminal court that sentenced Mr. Baez in 2006. Under § 960.293(2)(b), Defendant sought liquidated damages in the amount of \$50 per day for each day of Plaintiff Baez's 30-year sentence, totaling \$547,850.00. The sentencing court imposed the lien, plus interest,³ on the same day Defendant filed his motion, signing an order provided by Defendant Dixon. Defendant failed to notify

² Some of Plaintiff Baez's claims were settled under a confidential settlement agreement. He will separately file a motion to file the relevant terms of this agreement under seal.

³ At the current judgment interest rate of 9.38%, Mr. Baez will owe at least \$1,000,000.00 when he is released from prison in 2034. *See* Fla. Stat. §§ 960.17(4) (outstanding judgment amount shall bear interest) and 55.03 (interest rate is set by the Chief Financial Officer); Current Judgment Interest Rates, Effective January 1, 2025, available at <https://www.myfloridacfo.com/division/aa/audits-reports/judgment-interest-rates>. This calculation assumes simple interest rather than compounded interest.

Plaintiff of this motion, and Mr. Baez did not receive the order until several days after it was entered.

18. Acting pro se, Plaintiff Baez promptly filed an Objection to the order on July 22, 2024, which the sentencing court ignored until his counsel filed a Motion for Rehearing on August 30, 2024. In his Motion for Rehearing, Plaintiff Baez raised Supremacy Clause, Excessive Fines, Equal Protection, and Due Process claims.

19. On January 31, 2025, during a hearing on the motion, the sentencing court denied Plaintiff Baez's motion, refusing to consider any constitutional challenges to the lien, including Plaintiff Baez's Supremacy Clause claim, and ordered Defendant to submit a proposed order.

20. Before submitting a proposed order or receiving any written order from the sentencing court that Mr. Baez could appeal—and without complying with state procedures for executing a civil judgment lien or providing any notice to Plaintiff. Baez—Defendant unilaterally stripped Plaintiff of all remaining settlement funds on February 12, 2025, by zeroing out his account and labeling it a “lien payment.”

21. Two days later, on February 14, 2025, Defendant submitted a proposed order to the sentencing court, which the court signed the same day. Citing *Florida Dept. of Corr. v. O'Neal*, No. 2D2023-2495, 2024 WL 5063445 (Fla. 2d DCA Dec. 11, 2024), the court stated, “Consideration of Defendant's [Baez] constitutional claims are outside the narrow jurisdiction of the Court in this proceeding.” Plaintiff Baez submitted his notice of appeal on February 19, 2025, and his appeal is pending.

22. Since Defendant seized all his remaining settlement funds on February 12, 2025, Plaintiff Baez has no money in his account. But because his remaining settlement funds were insufficient to cover the entire \$547,850 lien, Defendant has retained a lien on Mr. Baez's account until it is paid in full.

23. Thus, due to Defendant's actions, Plaintiff Baez has no access to his money—he can no longer transfer money to help his family, nor can he buy the stamps and writing supplies (or anything else from the prison canteen) that he needs to correspond with them.

24. But in addition to that lack of access, because the lien has practically resulted in a negative account balance, FDC will take any money that Plaintiff Baez or his family deposits in his account and apply it toward paying off the remainder of his lien. In fact, Plaintiff Baez's family wants to deposit money into his trust account to enable him to buy canteen items and stamps, but they have not done so because they know FDC will simply take those funds to satisfy the lien, and Plaintiff will not receive them. So, FDC has effectively cut off Plaintiff from *any* funds, even those deposited by others.

25. Plaintiff Baez is also incurring additional debt to Defendant for medical co-payments and legal postage.

26. To challenge Defendant's failure to comply with state law procedures for executing a civil restitution lien before seizing all the money in his trust account, Plaintiff Baez filed a state civil claim that is pending in the Second Judicial Circuit in and for Leon County (Case No. 2025 CA 000811). In that case, Plaintiff Baez requested

injunctive relief ordering Defendant to restore all unlawfully seized funds and prohibiting Defendant from enforcing a lien against him absent full compliance with state law.

27. In the event this Court declares that Defendant's imposition of such a lien is unconstitutional, Plaintiff Baez intends to use this Court's ruling to support a future state court claim that his settlement funds should be exempt from garnishment under Fla. Stat. § 77.041.

V. CLAIM FOR RELIEF

COUNT I

Preemption Under the Supremacy Clause (42 U.S.C. § 1983)

28. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1 –27 as if fully set forth herein.

29. Defendant Dixon imposed a civil restitution lien in the amount of \$547,850.00 against Plaintiff Baez that effectively denies him any of the settlement funds from his § 1983 case against prison staff and other officials acting under color of state law.

30. Through this lien against Plaintiff Baez, Defendant Dixon has interfered with and obstructed the purpose of § 1983, which is to deter officials acting under color of state law from depriving individuals of their federal constitutional rights and to compensate victims for such violations. The lien against Plaintiff Baez therefore creates an obstacle to the enforcement of federal law, is preempted under the Supremacy Clause (Article VI, Clause 2) of the United States Constitution, and is thus unenforceable.

31. These actions have proximately caused harm to Plaintiff Baez by denying him access to the compensation he received for violations of his federal constitutional rights by settling his § 1983 claims, by blocking both his access to the funds directly and to any funds his family and friends may send him.

32. Therefore, Plaintiff Baez is entitled to declaratory and injunctive relief against Defendant Dixon.

VI. PRAYER FOR RELIEF

33. WHEREFORE, Plaintiff Baez requests that the court:

- a. Assume jurisdiction;
- b. Declare that the imposition of a civil restitution lien in the amount of \$547,850.00 (plus interest) against Plaintiff Baez is preempted by federal law under the Supremacy Clause, Article VI, Clause 2, of the United States Constitution, and is therefore invalid and unenforceable;
- c. Issue permanent injunctive relief ordering Defendant Dixon, his employees, agents, and other successors in office to remove the remaining civil restitution lien against Plaintiff Baez;
- d. Issue permanent injunctive relief enjoining Defendant Dixon, his employees, agents, and successors in office from future enforcement of a civil restitution lien against Plaintiff Baez;
- e. Issue permanent injunctive relief ordering Defendant Dixon, his employees, agents, and other successors in office to grant Plaintiff Baez access to the

settlement funds from his § 1983 case against Defendant's employees and other officials acting under color of state law when he later claims that such funds should be exempt from garnishment;

- f. Award Plaintiff Baez, under 42 U.S.C. §§ 1988, the costs of this suit and reasonable attorneys' fees and expenses; and
- g. Award such other and further relief as the Court deems just and proper.

Dated: June 16, 2025

Respectfully Submitted,

/s/ Kelly Knapp

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