

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee

3 Representative Kerner offered the following:

4  
 5 **Amendment (with title amendment)**

6 Between lines 107 and 108, insert:

7 Section 3. Subsections (4) and (5) of section 961.06,  
 8 Florida Statutes, are amended to read:

9 961.06 Compensation for wrongful incarceration.—

10 (4) The Chief Financial Officer shall issue payment in the  
 11 amount determined by the department to an insurance company or  
 12 other financial institution admitted and authorized to issue  
 13 purchase an annuity contracts in this state to purchase an  
 14 annuity or annuities, selected by the wrongfully incarcerated  
 15 person, on behalf of the claimant for a term of not less than 10  
 16 years. The Chief Financial Officer is directed to execute all  
 17 necessary agreements to implement this act and to maximize the

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18 benefit to the wrongfully incarcerated person. The terms of the  
19 annuity or annuities shall:

20 (a) Provide that the annuity or annuities may not be sold,  
21 discounted, or used as security for a loan or mortgage by the  
22 wrongfully incarcerated person applicant.

23 (b) Contain beneficiary provisions for the continued  
24 disbursement of the annuity or annuities in the event of the  
25 death of the wrongfully incarcerated person applicant.

26 (5) Before the department approves the application for  
27 compensation ~~Chief Financial Officer draws the warrant for the~~  
28 ~~purchase of the annuity,~~ the wrongfully incarcerated person  
29 ~~claimant~~ must sign a release and waiver on behalf of the  
30 wrongfully incarcerated person claimant and his or her heirs,  
31 successors, and assigns, forever releasing the state or any  
32 agency, instrumentality, or any political subdivision thereof,  
33 or any other entity subject to ~~the provisions of s. 768.28,~~ from  
34 all present or future claims that the wrongfully incarcerated  
35 person claimant or his or her heirs, successors, or assigns may  
36 have against such entities arising out of the facts in  
37 connection with the wrongful conviction for which compensation  
38 is being sought under the act. ~~The release and waiver must be~~  
39 ~~provided to the department prior to the issuance of the warrant~~  
40 ~~by the Chief Financial Officer.~~

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45 **T I T L E A M E N D M E N T**

46 Between lines 16 and 17, insert:  
47 amending s. 961.06, F.S.; requiring the Chief Financial  
48 Officer to issue payment to an insurance company or other  
49 financial institution authorized to issue annuity contracts  
50 to purchase an annuity or annuities selected by the  
51 wrongfully incarcerated person; authorizing the Chief  
52 Financial Officer to execute all necessary agreements to  
53 implement compensation and to maximize the benefit to the  
54 wrongfully incarcerated person; requiring the wrongfully  
55 incarcerated person to sign a waiver before the  
56 department's approval of the application;

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