

Bill No. SB 2464

Barcode 375464

CHAMBER ACTION

Senate

House

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Comm: RCS
04/23/2007 06:12 PM

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The Committee on Criminal Justice (Aronberg) recommended the following amendment:

Senate Amendment (with title amendment)

On page 5, line 6, through
page 6, line 26, delete those lines

and insert:

(6) If the Department of Legal Affairs determines that the claim for compensation is supported by sufficient proof, the department must forward a request for payment to the Chief Financial Officer who shall pay the claim according to the recommendation, subject to a specific appropriation made by the Legislature pursuant to subsection (8).

(a) The department shall recommend compensation at the rate of \$50,000 for each year of wrongful incarceration, prorated as necessary to compensate for portions of years.

(b) The department shall request sufficient funding in its Legislative Budget Request pursuant to chapter 216 Florida Statutes, to make payments that it recommends pursuant to the provisions of this act.

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1 (c) If the claimant has not executed the release and
 2 waiver pursuant to paragraph (7)(a), the claimant is not
 3 precluded from filing a claim bill in accordance with the
 4 current Rules of the House of Representatives and the Rules of
 5 the Senate, which shall be the sole redress of any dispute
 6 regarding any part of this act.

7 (7)(a) Before payment is tendered pursuant to this
 8 act, the claimant must present to the Chief Financial Officer
 9 an executed release and waiver on behalf of the claimant or
 10 his or her heirs, successors, and assigns, forever releasing
 11 the state or any agency, instrumentality, officer, or
 12 employee, or any political subdivision thereof, or any other
 13 entity subject to the provisions of s. 768.28, Florida
 14 Statutes, from any and all present or future claims that the
 15 claimant or his or her heirs, successors, or assigns may have
 16 against such entities and arising out of the factual situation
 17 in connection with the conviction for which compensation is
 18 being sought under this act.

19 (b) Declaratory action to obtain judicial expungement
 20 of the claimant's judicial and executive branch records as
 21 otherwise provided by law is not prohibited by this act.

22 (8) Payment shall be made to a claimant pursuant to
 23 specific appropriation to the Department of Legal Affairs made
 24 by the Legislature for the benefit of the claimant. Payment
 25 shall be made within 90 days after the effective date of the
 26 appropriation.

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29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 On page 1, lines 18-20, delete those lines

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1 and insert:

2 the Chief Financial Officer; requiring the
3 department to make a legislative budget
4 request; providing for legislative redress of
5 disputes; requiring an executed release and
6 waiver as a condition precedent to tender of
7 payment; providing requirements with respect to
8 the processing and payment of a claim;
9 requiring that payment be made pursuant to
10 specific appropriation to the Department of
11 Legal Affairs; providing for waiver of

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