



541382

CHAMBER ACTION

Senate

House

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Floor: 3/AD/2R
4/17/2008 12:25 PM

Senators Joyner and Webster moved the following amendment:

Senate Amendment (with title amendment)

Delete line(s) 352-441,
and insert:

Officer to draw a warrant from the General Revenue Fund or
another source designated by the Legislature in law for the
purchase of an annuity for the claimant based on the total amount
determined by the department under this act.

(4) The Chief Financial Officer shall purchase an annuity
on behalf of the claimant for a term of not less than 10 years.

The terms of the annuity shall:

(a) Provide that the annuity may not be sold, discounted,
or used as security for a loan or mortgage by the applicant.

(b) Contain beneficiary provisions for the continued
disbursement of the annuity in the event of the death of the
applicant.



541382

18       (5) Before the Chief Financial Officer draws the warrant  
19 for the purchase of the annuity, the claimant must sign a release  
20 and waiver on behalf of the claimant and his or her heirs,  
21 successors, and assigns, forever releasing the state or any  
22 agency, instrumentality, or any political subdivision thereof, or  
23 any other entity subject to the provisions of s. 768.28, Florida  
24 Statutes, from all present or future claims that the claimant or  
25 his or her heirs, successors, or assigns may have against such  
26 entities arising out of the facts in connection with the wrongful  
27 conviction for which compensation is being sought under the act.  
28 The release and waiver must be provided to the department prior  
29 to the issuance of the warrant by the Chief Financial Officer.

30       (6) (a) A wrongfully incarcerated person may not submit an  
31 application for compensation under this act if the person has a  
32 lawsuit pending against the state or any agency, instrumentality,  
33 or any political subdivision thereof, or any other entity subject  
34 to the provisions of s. 768.28, Florida Statutes, in state or  
35 federal court requesting compensation arising out of the facts in  
36 connection with the claimant's conviction and incarceration.

37       (b) A wrongfully incarcerated person may not submit an  
38 application for compensation under this act if the person is the  
39 subject of a claim bill pending for claims arising out of the  
40 facts in connection with the claimant's conviction and  
41 incarceration.

42       (c) Once an application is filed under this act, a  
43 wrongfully incarcerated person may not pursue recovery under a  
44 claim bill until the final disposition of the application.

45       (d) Any amount awarded under this act is intended to  
46 provide the sole compensation for any and all present and future  
47 claims arising out of the facts in connection with the claimant's



541382

48 conviction and incarceration. Upon notification by the department  
 49 that an application meets the requirements of this act, a  
 50 wrongfully incarcerated person may not recover under a claim  
 51 bill.

52 (e) Any compensation awarded under a claim bill shall be  
 53 the sole redress for claims arising out of the facts in  
 54 connection with the claimant's conviction and incarceration and,  
 55 upon any award of compensation to a wrongfully incarcerated  
 56 person under a claim bill, the person may not receive  
 57 compensation under this act.

58 (7) Any payment made under this act does not constitute a  
 59 waiver of any defense of sovereign immunity or an increase in the  
 60 limits of liability on behalf of the state or any person subject  
 61 to the provisions of s. 768.28, Florida Statutes, or other law.

62  
 63  
 64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete line(s) 42-47,

67 and insert:

68 period; directing the Chief Financial Officer to purchase  
 69 an annuity on behalf of the claimant; prescribing the  
 70 terms of the annuity; prescribing