



928062

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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The Committee on Criminal Justice (Siplin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 395 - 417
and insert:

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



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13 the wrongfully incarcerated person. The terms of the annuity
14 shall:

15 (a) Provide that the annuity may not be sold, discounted,
16 or used as security for a loan or mortgage by the wrongfully
17 incarcerated person applicant.

18 (b) Contain beneficiary provisions for the continued
19 disbursement of the annuity in the event of the death of the
20 wrongfully incarcerated person applicant.

21 (5) Before the department approves the application under s.
22 961.05 Chief Financial Officer draws the warrant for the
23 purchase of the annuity, the wrongfully incarcerated person
24 claimant must sign a release and waiver on behalf of the
25 wrongfully incarcerated person claimant and his or her heirs,
26 successors, and assigns, forever releasing the state or any
27 agency, instrumentality, or any political subdivision thereof,
28 or any other entity subject to ~~the provisions of s. 768.28, from~~
29 all present or future claims that the wrongfully incarcerated
30 person claimant or his or her heirs, successors, or assigns may
31 have against such entities arising out of the facts in
32 connection with the wrongful conviction for which compensation
33 is being sought under the act. ~~The release and waiver must be~~
34 ~~provided to the department prior to the issuance of the warrant~~
35 ~~by the Chief Financial Officer.~~

36
37
38 ===== T I T L E A M E N D M E N T =====

39 And the title is amended as follows:

40 Delete line 26

41 and insert:



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42 Corrections; requiring the Chief Financial Officer to
43 draw a warrant to an insurance company or other
44 financial institution authorized to issue annuity
45 contracts to purchase an annuity selected by the
46 wrongfully incarcerated person; authorizing the Chief
47 Financial Officer to execute all necessary agreements
48 to implement compensation and to maximize the benefit
49 to the wrongfully incarcerated person; requiring the
50 wrongfully incarcerated person to sign a waiver prior
51 to the department's approval of the application;
52 amending s. 961.06, F.S.; precluding