



840478

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2014	.	
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The Committee on Judiciary (Joyner) recommended the following:

Senate Amendment (with title amendment)

Between lines 107 and 108

insert:

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

961.06 Compensation for wrongful incarceration.—

(4) The Chief Financial Officer shall issue payment in the amount determined by the department to an insurance company or



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

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

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

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



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

And the title is amended as follows:

Between lines 16 and 17

insert:

amending s. 961.06, F.S.; requiring the Chief
Financial Officer to issue payment to an insurance
company or other financial institution authorized to
issue annuity contracts to purchase an annuity or
annuities selected by the wrongfully incarcerated
person; authorizing the Chief Financial Officer to
execute all necessary agreements to implement
compensation and to maximize the benefit to the
wrongfully incarcerated person; requiring the
wrongfully incarcerated person to sign a waiver before
the department's approval of the application;