

Amendment No.

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WITHDRAWN	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 Koster offered the following:

4

5 **Amendment**

6 Remove lines 145-267 and insert:

7 (2)~~(3)~~ Except as provided in subsection (4), within 15
 8 calendar days after issuing notice to the claimant that his or
 9 her claim satisfies all of the requirements under this act, the
 10 department shall notify the Chief Financial Officer to draw a
 11 warrant from the General Revenue Fund or another source
 12 designated by the Legislature in law for the purchase of an
 13 annuity for the claimant based on the total amount determined by
 14 the department under this act.

15 (3)~~(4)~~ The Chief Financial Officer shall issue payment in
 16 the amount determined by the department to an insurance company

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17 or other financial institution admitted and authorized to issue
18 annuity contracts in this state to purchase an annuity or
19 annuities, selected by the wrongfully incarcerated person, for a
20 term of not less than 10 years. The Chief Financial Officer is
21 directed to execute all necessary agreements to implement this
22 act and to maximize the benefit to the wrongfully incarcerated
23 person. The terms of the annuity or annuities shall:

24 (a) Provide that the annuity or annuities may not be sold,
25 discounted, or used as security for a loan or mortgage by the
26 wrongfully incarcerated person.

27 (b) Contain beneficiary provisions for the continued
28 disbursement of the annuity or annuities in the event of the
29 death of the wrongfully incarcerated person.

30 (4) (a) The Chief Financial Officer may not draw a warrant
31 to purchase an annuity for a claimant who is currently
32 incarcerated:

33 1. In a county, city, or federal jail or other
34 correctional facility or an institution operated by the
35 Department of Corrections for a felony conviction other than a
36 crime for which the claimant was wrongfully convicted; or

37 2. Due to the revocation of parole or probation for a
38 felony conviction other than a crime for which the claimant was
39 wrongfully convicted.

40 (b) After a term of incarceration described in
41 subparagraph (a)1. or subparagraph (a)2. has concluded, the

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42 Chief Financial Officer shall commence with the drawing of a
43 warrant as described in this section.

44 (5) Before the department approves the application for
45 compensation, the wrongfully incarcerated person must sign a
46 release and waiver on behalf of the wrongfully incarcerated
47 person and his or her heirs, successors, and assigns, forever
48 releasing the state or any agency, instrumentality, or any
49 political subdivision thereof, or any other entity subject to s.
50 768.28, from all present or future claims that the wrongfully
51 incarcerated person or his or her heirs, successors, or assigns
52 may have against such entities arising out of the facts in
53 connection with the wrongful conviction for which compensation
54 is being sought under the act.

55 (6) (a) A wrongfully incarcerated person may not submit an
56 application for compensation under this act if the person has a
57 lawsuit pending against the state or any agency,
58 instrumentality, or any political subdivision thereof, or any
59 other entity subject to the provisions of s. 768.28, in state or
60 federal court requesting compensation arising out of the facts
61 in connection with the claimant's conviction and incarceration.

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

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

70 (d) Any amount awarded under this act is intended to
71 provide the sole compensation for any and all present and future
72 claims arising out of the facts in connection with the
73 claimant's conviction and incarceration. Upon notification by
74 the department that an application meets the requirements of
75 this act, a wrongfully incarcerated person may not recover under
76 a claim bill.

77 (e) Any compensation awarded under a claim bill shall be
78 the sole redress for claims arising out of the facts in
79 connection with the claimant's conviction and incarceration and,
80 upon any award of compensation to a wrongfully incarcerated
81 person under a claim bill, the person may not receive
82 compensation under this act.

83 (7) Any payment made under this act does not constitute a
84 waiver of any defense of sovereign immunity or an increase in
85 the limits of liability on behalf of the state or any person
86 subject to ~~the provisions of~~ s. 768.28 or any other law.