



Criminal Justice Subcommittee

April 8, 2014

4:00 PM

404 HOB

Action Packet

Will Weatherford
Speaker

Matt Gaetz
Chair

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

4/8/2014 4:00:00PM

Location: Sumner Hall (404 HOB)

Summary:

Criminal Justice Subcommittee

Tuesday April 08, 2014 04:00 pm

HB 227 Favorable With Committee Substitute

Yeas: 11 Nays: 0

Amendment 469899 Adopted Without Objection

Amendment 864037 Adopted Without Objection

Committee meeting was reported out: Tuesday, April 08, 2014 4:35:14PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

4/8/2014 4:00:00PM

Location: Sumner Hall (404 HOB)

Attendance:

| | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|--------------------|----------------|---------------|----------------|
| Matt Gaetz (Chair) | X | | |
| Randolph Bracy | X | | |
| Michael Clelland | X | | |
| Dane Eagle | X | | |
| James Grant | | | X |
| Gayle Harrell | X | | |
| Charles Hood, Jr. | X | | |
| Travis Hutson | X | | |
| Dave Kerner | X | | |
| Kionne McGhee | X | | |
| Ray Pilon | X | | |
| Irving Slosberg | X | | |
| Charles Van Zant | X | | |
| Totals: | 12 | 0 | 1 |

Committee meeting was reported out: Tuesday, April 08, 2014 4:35:14PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

4/8/2014 4:00:00PM

Location: Sumner Hall (404 HOB)

HB 227 : Victims of Wrongful Incarceration

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|-----------------------|-----|----------------------|---------|-----------------|-----------------|
| Randolph Bracy | X | | | | |
| Michael Clelland | X | | | | |
| Dane Eagle | X | | | | |
| James Grant | | | X | | |
| Gayle Harrell | X | | | | |
| Charles Hood, Jr. | X | | | | |
| Travis Hutson | X | | | | |
| Dave Kerner | X | | | | |
| Kionne McGhee | | | X | | |
| Ray Pilon | X | | | | |
| Irving Slosberg | X | | | | |
| Charles Van Zant | X | | | | |
| Matt Gaetz (Chair) | X | | | | |
| Total Yeas: 11 | | Total Nays: 0 | | | |

HB 227 Amendments

Amendment 469899

Adopted Without Objection

Amendment 864037

Adopted Without Objection

Appearances:

HB 227

Pitts, Brian - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: 727-897-9291

HB 227

McCleave, Paula (General Public) - Waive In Support

PBC Teacher

9125 Demery Dr.

Palm Beach Gardens FL 33410

Phone: 561-718-0633

HB 227

Horton, Carol (General Public) - Waive In Support

5954 Triphammer Rd.

Lake Worth FL 33463

Phone: 561-762-7635

Committee meeting was reported out: Tuesday, April 08, 2014 4:35:14PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|---|-------|
| ADOPTED | — | (Y/N) |
| ADOPTED AS AMENDED | — | (Y/N) |
| ADOPTED W/O OBJECTION | — | (Y/N) |
| FAILED TO ADOPT | — | (Y/N) |
| WITHDRAWN | — | (Y/N) |
| OTHER | — | |

*Adopted without Objection
4/8/14*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Kerner offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 107 and 108, insert:

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

9 961.06 Compensation for wrongful incarceration.—

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



Amendment No. 1

18 benefit to the wrongfully incarcerated person. The terms of the
19 annuity or annuities shall:

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

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

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

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Amendment No. 1

44 -----

45 **T I T L E A M E N D M E N T**

46 Between lines 16 and 17, insert:
47 amending s. 961.06, F.S.; requiring the Chief Financial
48 Officer to issue payment to an insurance company or other
49 financial institution authorized to issue annuity contracts
50 to purchase an annuity or annuities selected by the
51 wrongfully incarcerated person; authorizing the Chief
52 Financial Officer to execute all necessary agreements to
53 implement compensation and to maximize the benefit to the
54 wrongfully incarcerated person; requiring the wrongfully
55 incarcerated person to sign a waiver before the
56 department's approval of the application;

57



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | — | (Y/N) |
| ADOPTED AS AMENDED | — | (Y/N) |
| ADOPTED W/O OBJECTION | — | (Y/N) |
| FAILED TO ADOPT | — | (Y/N) |
| WITHDRAWN | — | (Y/N) |
| OTHER | _____ | |

*Adopted without objection
4/8/14*

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Kerner offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 104-106 and insert:

7 (4) If the department determines that a claimant making
8 application under this section meets the requirements of this
9 chapter, the wrongfully incarcerated person is entitled to
10 compensation under s. 961.06.

11 (5) (a) No portion of the compensation paid to a claimant
12 making application under this section may be used for attorney's
13 fees, lobbyist fees, or costs relating to assisting the claimant
14 in receiving such compensation.

15 (b) A person who accepts any portion of the compensation
16 paid to a claimant making application under this section as
17 payment for attorney's fees, lobbyist fees, or costs relating to



Amendment No. 2

18 | assisting the claimant in receiving such compensation commits a
19 | first degree misdemeanor, punishable as provided in ss. 775.08
20 | and 775.081.
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25 | -----
26 | **T I T L E A M E N D M E N T**

27 | Remove line 15 and insert:

28 | compensation if all requirements are met; prohibiting
29 | compensation from being used for specified attorney's fees,
30 | lobbyist fees and costs; providing a criminal penalty; providing
31 | that the section is repealed on a specified date; providing
32 |