



Criminal Justice Subcommittee

Tuesday, April 8, 2014

4:00 PM

404 HOB

Will Weatherford
Speaker

Matt Gaetz
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Criminal Justice Subcommittee

Start Date and Time: Tuesday, April 08, 2014 04:00 pm

End Date and Time: Tuesday, April 08, 2014 05:00 pm

Location: Sumner Hall (404 HOB)

Duration: 1.00 hrs


Consideration of the following bill(s):

HB 227 Victims of Wrongful Incarceration by Kerner

NOTICE FINALIZED on 04/04/2014 16:20 by Bowen.Erika

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 227 Victims of Wrongful Incarceration
SPONSOR(S): Kerner and others
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 326

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee		Aziz PA	Cunningham 
2) Appropriations Committee			
3) Judiciary Committee			

SUMMARY ANALYSIS

In 2008, the Legislature passed the "Victims of Wrongful Incarceration Compensation Act" (Act) to compensate persons determined to be actually innocent of a felony offense they were accused of committing and for which they were wrongfully convicted and imprisoned. The Act provides a process by which persons whose conviction and sentence has been vacated based upon exonerating evidence may petition the court to seek and obtain compensation.

Since 2008, three people have received compensation under the Act while others have struggled to show actual innocence because of the peculiar facts of their case. For example, James Richardson spent 21.5 years incarcerated for the murder of his daughter before he was released pending issuance of a final investigative report. Subsequently, a special prosecutor appointed by the Governor issued a nolle prosequi (whereby the prosecutor will not further prosecute the case) and the court vacated the judgment, conviction and sentence. When Richardson applied for compensation under the Act, he was denied because he was unable to prove his actual innocence even though an administrative law judge found there was a lack of evidence to prove him guilty beyond a reasonable doubt.

The bill exempts certain petitioners from proving their actual innocence, and complying with various other eligibility and procedural requirements, when applying for compensation under the Act. The petitioners exempted are those who were convicted or sentenced prior to December 31, 1979, who had the Governor issue an executive order appointing a special prosecutor, and whereby the special prosecutor issued a nolle prosequi. This exemption is repealed in 2018.

The bill allows James Richardson to receive approximately \$1,050,000, plus reasonable attorney fees, as compensation as a victim of wrongful incarceration. It is unlikely any other person will qualify under the newly created exemption.

The bill is effective July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Victims of Wrongful Incarceration Compensation Act

In Florida, thirteen people have been exonerated or released from incarceration since 2000 as a result of post-conviction DNA testing.¹ During the regular session of 2008, the Legislature passed the "Victims of Wrongful Incarceration Compensation Act" (Act) to compensate persons determined to be actually innocent of a felony offense they were accused of committing and for which they were wrongfully convicted and imprisoned.²

The Act provides a process by which persons whose conviction and sentence has been vacated based upon exonerating evidence may petition the court to seek and obtain compensation as a "wrongfully incarcerated person"³ who is "eligible for compensation."⁴

The Act has a definitions section found at s. 961.02, F.S., and four other primary components:

- The Petition Process: section 961.03, F.S., provides the process for determining whether a petitioner is a "wrongfully incarcerated person" and is "eligible for compensation."
- Eligibility: section 961.04, F.S., specifies criteria that render a petitioner ineligible for compensation.
- Application: section 961.05, F.S., provides the process by which an eligible person may apply for compensation.
- Compensation: section 961.06, F.S., provides for the entitlement to compensation and other benefits for an eligible person and directs the Chief Financial Officer to purchase an annuity on behalf of the eligible person.

The Petition Process

In order to receive compensation under the Act, a person must return to the court where the judgment and sentence were vacated and file a petition seeking status as a "wrongfully incarcerated person." Section 961.03(1)(a), F.S., requires that a petition must:

- State that verifiable and substantial evidence of actual innocence exists and state with particularity the nature and significance of the verifiable and substantial evidence of actual innocence; and
- State that the person is not disqualified, under the provisions of s. 961.04, F.S., from seeking compensation under the Act.

A copy of the petition must be provided to the prosecuting authority of the felony for which the petitioner was incarcerated. In response to the petition, the prosecuting authority may either:

¹ Frank Lee Smith, Jerry Townsend, Wilton Dedge, Luis Diaz, Alan Crotzer, Orlando Boquete, Larry Bostic, Chad Heins, Cody Davis, William Dillon, James Bain, Anthony Caravella, and Derrick Williams are the thirteen people released from prison or exonerated in this state based on DNA testing. Florida Innocence Project, http://floridainnocence.org/content/?page_id=34. (last visited on April 4, 2014).

² Chapter 2008-39, L.O.F.

³ Section 961.02(4), F.S., defines a "wrongfully incarcerated person" as a "person whose felony conviction and sentence have been vacated by a court of competent jurisdiction and, with respect to whom pursuant to the requirements of s. 961.03, F.S., the original sentencing court has issued its order finding that the person neither committed the act nor the offense that served as the basis for the conviction and incarceration and that the person did not aid, abet, or act as an accomplice or accessory to a person who committed the act or offense."

⁴ Section 961.02(5), F.S., defines "eligible for compensation" to mean "a person who meets the definition of 'wrongfully incarcerated person' and is not disqualified from seeking compensation under the criteria prescribed in s. 961.04." The Act does not currently provide a definition of "actual innocence"; instead some provisions of the Act repeat a lengthy description of a concept of actual innocence. See ss. 961.02(4), 961.03(3), and (7), F.S.

- Stipulate to the petitioner's innocence and eligibility for compensation;
- Contest the evidence of actual innocence; or
- Contest the eligibility of the petitioner to compensation.⁵

Without a stipulation from the prosecuting authority of the petitioner's innocence and eligibility, the original sentencing court, based on the pleadings and the supporting documents, must determine whether the petitioner's eligibility for compensation has been established by a preponderance of the evidence. If the court finds the petitioner is not eligible for compensation it must dismiss the petition.⁶

If the court finds the petitioner is eligible for compensation and the prosecuting authority contests the actual innocence of the petitioner, the court must set forth its findings and transfer the petition to the Division of Administrative Hearings (DOAH) for a hearing before an administrative law judge. The administrative law judge must make factual findings regarding the petitioner's actual innocence and draft a recommended order on the determination of whether the petitioner has established by clear and convincing evidence that he or she is a wrongfully incarcerated person.⁷ The administrative law judge must file its findings and recommended order within 45 days of the hearing's adjournment.⁸ The original sentencing court must review the findings and recommendation of the administrative law judge and issue its own order declining or adopting the recommended order within 60 days.⁹

If, after review of the administrative law judge's findings and recommendations, the court determines that the person is a wrongfully incarcerated person eligible for compensation, the court must include in its order a certification stating:

- That:
 - The administrative law judge found that the petitioner met his or her burden required under the act by clear and convincing evidence; or
 - The court declines to adopt the findings and recommendation of the administrative law judge that the petitioner did not meet his or her burden and that the court makes its own findings that the petitioner has met his or her burden as required under the act; and
- That the findings and recommendations on which its order is based is supported by competent, substantial evidence.¹⁰

Eligibility

To be eligible for compensation, a wrongfully incarcerated person must not have a disqualifying felony, which is:

- The person had a prior conviction or pled guilty or nolo contendere to a felony offense in this state, a federal offense that is a felony, or to an offense in another state that would be a felony in this state;
- The person was convicted of, or pled guilty or nolo contendere to, a felony offense while wrongfully incarcerated; or
- While wrongfully incarcerated, the person was serving a concurrent sentence for another felony for which the person was not wrongfully convicted.¹¹

The Application Process

A petitioner who is found to be a "wrongfully incarcerated person" under the Act has two years to initiate an application for compensation with the Department of Legal Affairs after the original

⁵ Section 961.03(2)(a) and (b), F.S.

⁶ Section 961.03(4)(a), F.S.

⁷ Section 961.03(4)(b), F.S.

⁸ Section 961.03 (5)(c), F.S.

⁹ Section 961.03(5)(d), F.S.

¹⁰ Section 961.03(7), F.S.

¹¹ Section 961.04, F.S.

sentencing court enters its order.¹² Only the petitioner, not his or her estate or personal representative of the estate, may apply for compensation.¹³ Section 961.05(4), F.S., lists the content requirements of an application for compensation. In part, it requires that the application include:

- A certified copy of the order vacating the conviction and sentence;
- A certified copy of the original sentencing court's order finding the claimant to be a wrongfully incarcerated person who is eligible for compensation under the Act;
- Certified copies of the original judgment and sentence; and
- Documentation demonstrating the length of the sentence served, including documentation from the Department of Corrections regarding the person's admission into and release from the custody of the Department of Corrections.¹⁴

Compensation

Under s. 961.06, F.S., a "wrongfully incarcerated person" is entitled to:

- Monetary compensation, at the rate of \$50,000 for each year of wrongful incarceration;
- A waiver of tuition and fees for up to 120 hours of instruction at a public career center, community college, or state university;
- A refund of fines, penalties, and court costs imposed and paid;
- Reasonable attorney's fees and expenses incurred and paid; and
- Immediate expunction, including administrative expunction, of the person's criminal record of the wrongful arrest, conviction, and incarceration.¹⁵

Total compensation awarded may not exceed \$2 million.¹⁶

Claims Made Under Chapter 961, F.S.

Since 2008, three petitioners have been compensated under the Act.¹⁷ Several petitioners have been denied compensation due to the peculiarity of their case and the requirements of the Act. For example, James J. Richardson filed a petition for compensation under the Act on August 25, 2008. The state attorney's office filed a response contesting the petition. The facts of Mr. Richardson's case are detailed below.

On October 25-26, 1967, the seven children of James Joseph Richardson died in Arcadia, Florida, after eating food laced with the pesticide parathion.¹⁸ Mr. Richardson was convicted of first-degree murder in May 1968 and sentenced to death. In 1972, the sentence was commuted to life in prison. Thereafter, in August 1988, the Sarasota Herald Tribune revealed that the children's former babysitter, Betsy Reese, admitted to killing all seven of Mr. Richardson's children.¹⁹

In October 1988, evidence was provided to Governor Bob Martinez which indicated that exculpatory evidence was not provided to Mr. Richardson's counsel prior to trial. Pursuant to the Governor's executive order, State Attorney Janet Reno of the Eleventh Judicial Circuit was assigned to conduct an investigation into the murder. State Attorney Reno concluded that "[i]t is apparent, after a review of all evidence obtained in the original investigation and ensuing investigations, that not only couldn't the State prove James Richardson was guilty beyond a reasonable doubt, but James Richardson was probably wrongfully accused."²⁰

¹² Section 961.05(1) and (2), F.S.

¹³ Section 961.05(2), F.S.

¹⁴ Section 961.05(4), F.S.

¹⁵ Section 961.06(1), F.S.

¹⁶ *Id.*

¹⁷ <http://floridainnocence.org/content/?p=8971> (last visited on April 4, 2014).

¹⁸ *State v. James Joseph Richardson*, Sworn Petition Seeking Status as a Wrongfully Incarcerated Person Who Is Eligible for Compensation, Case No. 3302-D (Fla. 12th Cir. Tr. Ct. 2008).

¹⁹ *Id.*

²⁰ *Id.* at 4-5.

In April 1989, Mr. Richardson was released from incarceration pending the final investigative report of State Attorney Reno. Subsequent to the conclusion of the investigation, all charges against Mr. Richardson arising out of the death of his children were nolle prossed²¹ by the State Attorney, and Mr. Richardson's judgment, conviction, and sentence were vacated by the court in 1989. Altogether, Mr. Richardson served 21.5 years of incarceration.

Because the state attorney's office contested the petition, the petition was referred to the Division of Administrative Hearings (DOAH) for an evidentiary hearing. The hearing, by way of video teleconference with sites in Miami and Tallahassee, was conducted on July 17, 2009.²² The administrative law judge determined that there was a clear "absence of evidence proving the Petitioner guilty beyond a reasonable doubt."²³ However, the administrative law judge concluded that the Petitioner failed to meet his burden of proving actual innocence by clear and convincing evidence and denied the petition for compensation.²⁴

Effect of the Bill

The bill exempts certain petitioners from proving their actual innocence, and complying with various other eligibility and procedural requirements, when applying for compensation under the Act.²⁵ The exceptions apply only to petitioners who:

- Were convicted and sentenced to death prior to December 31, 1979;
- Had the Governor issue an executive order appointing a special prosecutor to review the petitioner's conviction; and
- The special prosecutor entered a nolle prosequi for the charges for which the petitioner was convicted.

Under the bill, just as for other claims for compensation under ch. 961, F.S., only the wrongfully incarcerated person may pursue a claim. An estate or a personal representative of an estate is prohibited from filing a claim on behalf of a wrongfully incarcerated person. The bill also exempts eligible petitioners from s. 961.04, F.S., which denies compensation for any petitioner who has a disqualifying felony.²⁶

The bill creates an alternate application process for those petitioners eligible for the exemption. The application process set forth in the bill requires that only the wrongfully incarcerated petitioner can apply for compensation and has to do so by July 1, 2016. The application process in the bill mirrors the existing application process in s. 961.05, F.S., except that instead of submitting "a certified copy of the order vacating the conviction and sentence,"²⁷ the petitioner must submit a certified copy of the nolle prosequi or nolle prosequi memorandum. The petitioner has to adhere to similar existing application requirements, such as providing fingerprints and being subject to a criminal records check.

The bill allows James Richardson to receive compensation as a victim of wrongful incarceration. It is unlikely any other person will qualify under the newly created exemption.

Both the exemption and alternate application created in the bill are repealed on July 1, 2018.

²¹ A nolle prosequi means "to abandon a suit or prosecution." BLACK'S LAW DICTIONARY (9th ed. 2009). A nolle prosequi, unlike a judgment of acquittal, has no probative value as to a defendant's guilt or innocence. *Holland v. State*, 432 So.2d 60 (Fla. 1st DCA 1983).

²² *James Joseph Richardson v. State*, Case No. 09-2718VWI (Fla. DOAH 2009).

²³ *Id.* at 21.

²⁴ *Id.*

²⁵ Sections 961.03, 961.04, 961.05, F.S.

²⁶ It appears that Richardson would pass this "clean hands" provision even without the exemption. See *James Joseph Richardson v. State*, Case No. 09-2718VWI (Fla. DOAH 2009).

²⁷ Section 961.05(4)(a), F.S.

B. SECTION DIRECTORY:

Section 1. Creates section 961.055, F.S., relating to application for compensation for a wrongfully incarcerated person; exemption from application by nolle prosequi.

Section 2. Creates section 961.056, F.S., relating to alternative application for compensation for a wrongfully incarcerated person.

Section 3. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

It is unknown how many petitioners would receive compensation under the bill or which budget year state funds would be paid, however, it is likely to apply only to James Richardson. Mr. Richardson will be eligible under the process in the bill to receive \$1.05 million (\$50,000 multiplied by the 21.5 years he spent in prison).²⁸

The Office of the State Courts Administrator does not expect a fiscal impact on the courts.²⁹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

²⁸ See s. 961.06, F.S. He would also be entitled to a refund of fines, penalties, and court costs imposed and paid as well as reasonable attorney's fees and expenses incurred and paid in connection with all criminal proceedings and appeals regarding the wrongful conviction. *Id.*

²⁹ Office of the State Courts Administrator, *2014 Judicial Impact Statement HB 227* (January 9, 2014)(on file with House Criminal Justice Staff).

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill exempts eligible petitioners from s. 961.04, F.S., which denies compensation for any petitioner who was convicted of a felony prior or during their wrongful incarceration. Thus, an eligible petitioner under the bill would be able to receive compensation even if they had a felony prior to their wrongful incarceration whereas a petitioner with a disqualifying felony not fitting the exception created by the bill would be barred because of the "clean hands" provision.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to victims of wrongful incarceration;
 3 creating s. 961.055, F.S.; providing that a wrongfully
 4 incarcerated person who was convicted and sentenced to
 5 death on or before December 31, 1979, is exempt from
 6 certain application procedures for compensation if a
 7 special prosecutor issues a nolle prosequi after
 8 reviewing the defendant's conviction; creating s.
 9 961.056, F.S.; providing alternative procedures for
 10 applying for compensation; requiring the claimant to
 11 file an application with the Department of Legal
 12 Affairs within a specified time; requiring the
 13 application to include certain information and
 14 documents; providing that the claimant is entitled to
 15 compensation if all requirements are met; providing
 16 that the section is repealed on a specified date;
 17 providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 961.055, Florida Statutes, is created
 22 to read:

23 961.055 Application for compensation for a wrongfully
 24 incarcerated person; exemption from application by nolle
 25 prosequi.—

26 (1) A person alleged to be a wrongfully incarcerated

27 person who was convicted and sentenced to death on or before
 28 December 31, 1979, is exempt from the application provisions of
 29 ss. 961.03, 961.04, and 961.05 in the determination of wrongful
 30 incarceration and eligibility to receive compensation pursuant
 31 to s. 961.06 if:

32 (a) The Governor issues an executive order appointing a
 33 special prosecutor to review the defendant's conviction; and

34 (b) The special prosecutor thereafter enters a nolle
 35 prosequi for the charges for which the defendant was convicted
 36 and sentenced to death.

37 (2) The nolle prosequi constitutes conclusive proof that
 38 the defendant is innocent of the offenses charged and is
 39 eligible to receive compensation under this chapter.

40 (3) This section is repealed July 1, 2018.

41 Section 2. Section 961.056, Florida Statutes, is created
 42 to read:

43 961.056 Alternative application for compensation for a
 44 wrongfully incarcerated person.-

45 (1) A person who has been determined to be a wrongfully
 46 incarcerated person pursuant to s. 961.055 is eligible to apply
 47 to the department to receive compensation for such wrongful
 48 incarceration.

49 (a) Only the wrongfully incarcerated person may apply for
 50 compensation. The estate of, or personal representative for, a
 51 decedent may not apply on behalf of the decedent for
 52 compensation for wrongful incarceration.

53 (b) In order to receive compensation, the wrongfully
 54 incarcerated person shall, by July 1, 2016, submit to the
 55 Department of Legal Affairs an application for compensation
 56 irrespective of whether the person has previously sought
 57 compensation under this chapter. The application must include:
 58 1. A certified copy of the nolle prosequi or nolle
 59 prosequi memorandum;
 60 2. Certified copies of the original judgment and sentence;
 61 3. Documentation demonstrating the length of the sentence
 62 served, including documentation from the Department of
 63 Corrections regarding the person's admission into and release
 64 from the custody of the Department of Corrections;
 65 4. Positive proof of identification, as evidenced by two
 66 full sets of fingerprints prepared by a law enforcement agency
 67 of this state and a current form of photo identification;
 68 5. Supporting documentation of any fine, penalty, or court
 69 costs imposed on and paid by the wrongfully incarcerated person
 70 as described in s. 961.06(1);
 71 6. Supporting documentation of any reasonable attorney
 72 fees and expenses as described in s. 961.06(1); and
 73 7. Any other documentation, evidence, or information
 74 required by rules adopted by the department.
 75 (2) The law enforcement agency that prepared the
 76 applicant's set of fingerprints shall forward both full sets to
 77 the Department of Law Enforcement. The Department of Law
 78 Enforcement shall retain one set for statewide criminal records

79 checks and forward the second set of fingerprints to the Federal
 80 Bureau of Investigation for national criminal records checks.
 81 The results of the state and national records checks shall be
 82 submitted to the department.

83 (3) Upon receipt of an application, the department shall
 84 examine the application and, within 30 days after receipt of the
 85 application, shall notify the claimant of any error or omission
 86 and request any additional information relevant to the review of
 87 the application.

88 (a) The claimant has 15 days after proper notification by
 89 the department to correct any identified error or omission in
 90 the application and to supply any additional information
 91 relevant to the application.

92 (b) The department may not deny an application for failure
 93 of the claimant to correct an error or omission or to supply
 94 additional information unless the department has notified the
 95 claimant of such error or omission and requested the additional
 96 information within the 30-day period specified in this
 97 subsection.

98 (c) The department shall process and review each complete
 99 application within 90 calendar days.

100 (d) Once the department determines whether a claim for
 101 compensation meets the requirements of this chapter, the
 102 department shall notify the claimant within 5 business days
 103 after that determination.

104 (5) If the department determines that a claimant meets the

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105 | requirements of this chapter, the wrongfully incarcerated person
106 | is entitled to compensation under s. 961.06.

107 | (6) This section is repealed July 1, 2018.

108 | Section 3. This act shall take effect July 1, 2014.



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	_____	

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.~~

41
42
43



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 |