

Amendment No.

CHAMBER ACTION

Senate

House

---

1 Representative(s) Taylor offered the following:

2  
3 **Substitute Amendment for Amendment (340927) (with title**  
4 **amendment)**

5 On page 1, between lines 14 and 15, insert:

6  
7 Section 1. There is appropriated from the General Revenue  
8 Fund the sum of \$1,250,000 to the Department of Financial  
9 Services under the conditions provided in sections 2-7 of this  
10 act.

11 Section 2. The Chief Financial Officer is directed to draw  
12 a warrant in the sum of \$1,250,000 for the purposes provided in  
13 sections 1, 3, 5, and 7 of this act.

14 Section 3. The Department of Financial Services shall pay  
15 the funds appropriated under sections 1 and 2 of this act to an  
16 insurance company or other financial institution admitted and

415385

5/1/2007 1:00:21 PM

Amendment No.

17 authorized to issue annuity contracts in this state and selected  
18 by Alan Jerome Crotzer for the purchase of an annuity. The  
19 Department of Financial Services shall execute all necessary  
20 agreements to implement sections 1-7 of this act.

21 Section 4. Tuition and fees for Alan Jerome Crotzer shall  
22 be waived for up to a total of 120 hours of instruction at any  
23 career center established pursuant to s. 1001.44, Florida  
24 Statutes, at any community college established under part III of  
25 chapter 1004, Florida Statutes, or any state university. For any  
26 educational benefit made, Alan Jerome Crotzer shall meet and  
27 maintain the regular admission requirements of, and be  
28 registered at, such career center, community college, or state  
29 university and make satisfactory academic progress as defined by  
30 the educational institution in which the claimant is enrolled.

31 Section 5. The Chief Financial Officer shall purchase the  
32 annuity as required by section 3 of this act upon delivery by  
33 Alan Jerome Crotzer to the Chief Financial Officer, the  
34 Department of Financial Services, the President of the Senate,  
35 and the Speaker of the House of Representatives of an executed  
36 release and waiver on behalf of Alan Jerome Crotzer and his  
37 heirs, successors, and assigns forever releasing the State of  
38 Florida and any agency, instrumentality, officer, employee, or  
39 political subdivision thereof or any other entity subject to the  
40 provisions of s. 768.28, Florida Statutes, from any and all  
41 present or future claims or declaratory relief that the  
42 claimant, or his heirs, successors, or assigns, may have against  
43 such enumerated entities and arising out of the factual  
44 situation in connection with the conviction for which

415385

5/1/2007 1:00:21 PM

Amendment No.

45 compensation is awarded. However, declaratory action to obtain  
46 judicial expungement of Alan Jerome Crotzer's judicial and  
47 executive branch records as otherwise provided by law is not  
48 prohibited by sections 1-7 of this act.

49 Section 6. The Legislature may not be deemed by sections  
50 1-7 of this act to have waived any defense of sovereign immunity  
51 or to have increased the limits of liability on behalf of the  
52 state or any person or entity subject to the provisions of s.  
53 768.28, Florida Statutes, or any other law.

54 Section 7. This award is intended to provide the sole  
55 compensation for any and all present and future claims arising  
56 out of the factual situation in connection with Alan Jerome  
57 Crotzer's conviction and imprisonment, and no part of the award  
58 shall be paid for attorney's fees, lobbying fees, costs, or  
59 other similar expenses.

60  
61

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

63 On page 1, lines 2 through 11,  
64 Remove: all of said lines

65  
66 and insert:

67

68 An act relating to claims against the state; providing an  
69 appropriation to compensate Alan Jerome Crotzer for  
70 wrongful imprisonment and for being a victim of a  
71 miscarriage of justice; directing the Chief Financial  
72 Officer to draw a warrant; requiring the purchase of an

415385

5/1/2007 1:00:21 PM

Amendment No.

73 annuity; providing for the waiver of specified tuition and  
74 fees; providing conditions for payment; providing  
75 legislative intent; providing an appropriation to  
76 compensate Gina Jones and Robert Anderson, parents and  
77 natural guardians of Martin Lee Anderson, jointly, for the  
78 wrongful death of Martin Lee Anderson, which was due to  
79 the negligence of the Bay County Sheriff's Office;  
80 providing conditions for payment; providing for attorney's  
81 fees and lobbying fees; providing an effective date.

82  
83 WHEREAS, in 1982, Alan Jerome Crotzer was convicted in  
84 Hillsborough County, Florida, of rape, robbery, and kidnapping,  
85 and was sentenced to 130 years in prison, and

86 WHEREAS, Alan Jerome Crotzer may also be known as Allen  
87 Jerome Crotzer in the criminal pleadings of this case, and

88 WHEREAS, after serving more than 24 and 1/2 years in  
89 prison, during which time he diligently maintained his  
90 innocence, Alan Jerome Crotzer has been fully exonerated through  
91 DNA tests, and

92 WHEREAS, an order of the circuit court, entered on the  
93 motion of the state attorney, has judicially established the  
94 fact that Alan Jerome Crotzer should not have been incarcerated,  
95 as significant doubt exists as to his guilt, and

96 WHEREAS, DNA testing of evidence has excluded Alan Jerome  
97 Crotzer as the person who committed the crimes for which he was  
98 convicted, and

99 WHEREAS, the Legislature recognizes that no system of  
100 justice is impervious to human error, and

415385

5/1/2007 1:00:21 PM

Amendment No.

101       WHEREAS, *United States v. Hasting*, 461 U.S. 499 (1983),  
102 reads, in part, "Given the myriad safeguards provided to assure  
103 a fair trial, and taking into account the reality of the human  
104 fallibility of the participants, there can be no such thing as  
105 an error-free, perfect trial, and . . . the Constitution does  
106 not guarantee such a trial.", and

107       WHEREAS, the Legislature acknowledges that the state's  
108 system of justice infrequently yields imperfect results which  
109 may have tragic consequences, and

110       WHEREAS, sections 1 through 7 of this act are based on a  
111 moral desire to acknowledge those who are wrongfully convicted  
112 of a felony offense, incarcerated as a result of that  
113 conviction, and determined to be actually innocent and is not a  
114 recognition of a constitutional right or violation, and

115       WHEREAS, the Legislature intends that any compensation made  
116 pursuant to sections 1 through 7 of this act be the sole  
117 compensation to be provided by the state for any and all present  
118 and future claims arising out of the factual situation in  
119 connection with Alan Crotzer's conviction and imprisonment, and

120       WHEREAS, this preamble applies to sections 1 through 7 of  
121 this act, NOW, THEREFORE,