

HB 1

2008

1                   A bill to be entitled  
2           An act for the relief of Alan Jerome Crotzer; providing an  
3           appropriation to compensate Alan Jerome Crotzer for  
4           wrongful imprisonment and for being a victim of a  
5           miscarriage of justice; directing the Chief Financial  
6           Officer to draw a warrant; requiring the purchase of an  
7           annuity; providing for the waiver of specified tuition and  
8           fees; providing conditions for payment; providing  
9           legislative intent; providing an effective date.

10  
11           WHEREAS, in 1982, Alan Jerome Crotzer was convicted in  
12           Hillsborough County, Florida, of rape, robbery, and kidnapping  
13           and was sentenced to 130 years in prison, and

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

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

20           WHEREAS, an order of the circuit court, entered on the  
21           motion of the state attorney, has judicially established the  
22           fact that Alan Jerome Crotzer should not have been incarcerated  
23           since he was innocent of the crimes for which he was prosecuted,  
24           and

25           WHEREAS, DNA testing of evidence has irrefutably excluded  
26           Alan Jerome Crotzer as the person who committed the crimes for  
27           which he was convicted, and

HB1

2008

28 WHEREAS, considering the totality of the circumstances,  
29 equity and justice require that this miscarriage of justice  
30 should be addressed by the Legislature of the State of Florida,  
31 NOW, THEREFORE,

32  
33 Be It Enacted by the Legislature of the State of Florida:

34  
35 Section 1. The facts stated in the preamble to this act  
36 are found and declared to be true.

37 Section 2. There is appropriated from the General Revenue  
38 Fund the sum of \$1,250,000 to the Department of Financial  
39 Services under the conditions provided in this act.

40 Section 3. The Chief Financial Officer is directed to draw  
41 a warrant in the sum of \$1,250,000 million for the purposes  
42 provided in this act.

43 Section 4. The Department of Financial Services shall pay  
44 the funds appropriated under this act to an insurance company or  
45 other financial institution admitted and authorized to issue  
46 annuity contracts in this state and selected by Alan Jerome  
47 Crotzer for the purchase of an annuity. The Department of  
48 Financial Services shall execute all necessary agreements to  
49 implement this act.

50 Section 5. Tuition and fees for Alan Jerome Crotzer shall  
51 be waived for up to a total of 120 hours of instruction at any  
52 career center established pursuant to s. 1001.44, Florida  
53 Statutes, at any community college established under part III of  
54 chapter 1004, Florida Statutes, or any state university. For any  
55 educational benefit made, Alan Jerome Crotzer shall meet and

HB 1

2008

56 maintain the regular admission requirements of, and be  
57 registered at, such career center, community college, or state  
58 university and make satisfactory academic progress as defined by  
59 the educational institution in which the claimant is enrolled.

60 Section 6. The Chief Financial Officer shall purchase the  
61 annuity as required by this act upon delivery by Alan Jerome  
62 Crotzer to the Chief Financial Officer, the Department of  
63 Financial Services, the President of the Senate, and the Speaker  
64 of the House of Representatives of all of the following:

65 (1) An executed release and waiver on behalf of Alan  
66 Jerome Crotzer and his heirs, successors, and assigns forever  
67 releasing the State of Florida and any agency, instrumentality,  
68 officer, employee, or political subdivision thereof or any other  
69 entity subject to the provisions of s. 768.28, Florida Statutes,  
70 from any and all present or future claims or declaratory relief  
71 that the claimant, or his heirs, successors, or assigns, may  
72 have against such enumerated entities and arising out of the  
73 factual situation in connection with the conviction for which  
74 compensation is awarded. However, declaratory action to obtain  
75 judicial expungement of Alan Jerome Crotzer's judicial and  
76 executive branch records as otherwise provided by law is not  
77 prohibited by this act.

78 (2) An order from the court having jurisdiction over the  
79 legal claim filed by Alan Jerome Crotzer and his parents which  
80 dismisses the claim with prejudice.

81 Section 7. The Legislature may not be deemed by this act  
82 to have waived any defense of sovereign immunity or to have  
83 increased the limits of liability on behalf of the state or any

HB 1

2008

84 person or entity subject to the provisions of s. 768.28, Florida  
85 Statutes, or any other law.

86 Section 8. This award is intended to provide the sole  
87 compensation for any and all present and future claims arising  
88 out of the factual situation in connection with Alan Jerome  
89 Crotzer's conviction and imprisonment, and the state may not  
90 make any further award for attorney's fees, lobbying fees,  
91 costs, or other similar expenses.

92 Section 9. This act shall take effect upon becoming a law.