



478198

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAVSM	.	
3/25/2008	.	
	.	
	.	

1 The Special Master on Claim Bills recommended the following
 2 **amendment:**

Senate Amendment (with title amendment)

5 Delete everything after the enacting clause
6 and insert:

7 Section 1. The facts stated in the preamble to this act are
8 found and declared to be true.

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

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

15 Section 4. The Department of Financial Services shall pay
16 the funds appropriated under this act to an insurance company or
17 other financial institution admitted and authorized to issue

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

22 Section 5. Tuition and fees for Alan Jerome Crotzer shall
23 be waived for up to a total of 120 hours of instruction at any
24 career center established pursuant to s. 1001.44, Florida
25 Statutes, at any community college established under part III of
26 chapter 1004, Florida Statutes, or any state university. For any
27 educational benefit made, Alan Jerome Crotzer shall meet and
28 maintain the regular admission requirements of, and be registered
29 at, such career center, community college, or state university
30 and make satisfactory academic progress as defined by the
31 educational institution in which the claimant is enrolled.

32 Section 6. The Chief Financial Officer shall purchase the
33 annuity as required by this act upon delivery by Alan Jerome
34 Crotzer to the Chief Financial Officer, the Department of
35 Financial Services, the President of the Senate, and the Speaker
36 of the House of Representatives of an executed release and waiver
37 on behalf of Alan Jerome Crotzer and his heirs, successors, and
38 assigns forever releasing the State of Florida and any agency,
39 instrumentality, officer, employee, or political subdivision
40 thereof or any other entity subject to the provisions of s.
41 768.28, Florida Statutes, from any and all present or future
42 claims or declaratory relief that the claimant, or his heirs,
43 successors, or assigns, may have against such enumerated entities
44 and arising out of the factual situation in connection with the
45 conviction for which compensation is awarded. However,
46 declaratory action to obtain judicial expunction of Alan Jerome



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47 Crotzer's judicial and executive branch records as otherwise
48 provided by law is not prohibited by this act.

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

54 Section 8. 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 other
59 similar expenses.

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

61

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

63 And the title is amended as follows:

64 Delete everything before the enacting clause
65 and insert:

66 A bill to be entitled

67 An act for the relief of Alan Jerome Crotzer; providing an
68 appropriation to compensate Alan Jerome Crotzer for
69 wrongful imprisonment and for being a victim of a
70 miscarriage of justice; directing the Chief Financial
71 Officer to draw a warrant; requiring the purchase of an
72 annuity; providing for the waiver of specified tuition and
73 fees; providing conditions for payment; providing
74 legislative intent; providing an effective date.

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76 WHEREAS, in 1982, Alan Jerome Crotzer was convicted in
77 Hillsborough County, Florida, of rape, robbery, and kidnapping,
78 and was sentenced to 130 years in prison, and

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

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

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

88 WHEREAS, DNA testing of evidence has excluded Alan Jerome
89 Crotzer as the person who committed the crimes for which he was
90 convicted, and

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

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

99 WHEREAS, the Legislature acknowledges that the state's
100 system of justice infrequently yields imperfect results which may
101 have tragic consequences, and

102 WHEREAS, this act is based on a moral desire to acknowledge
103 those who are wrongfully convicted of a felony offense,
104 incarcerated as a result of that conviction, and determined to be



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105 | actually innocent and is not a recognition of a constitutional
106 | right or violation, and

107 | WHEREAS, the Legislature intends that any compensation made
108 | pursuant to this act be the sole compensation to be provided by
109 | the state for any and all present and future claims arising out
110 | of the factual situation in connection with the claimant's
111 | conviction and imprisonment, NOW, THEREFORE,