

By Senators Aronberg, Lawson and Storms

27-00054A-08

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1 A bill to be entitled

2 An act relating to the relief of Alan Jerome Crotzer;
3 providing an appropriation to compensate Alan Jerome
4 Crotzer for wrongful imprisonment and for being a victim
5 of a 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 a limitation on the payment
10 of fees and costs; providing an effective date.

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

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

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

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

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

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

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30 NOW, THEREFORE,

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

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

36 Section 2. There is appropriated from the General Revenue
37 Fund the sum of \$1.25 million to the Department of Financial
38 Services under the conditions provided in this act.

39 Section 3. The Chief Financial Officer is directed to draw
40 a warrant in the sum of \$1.25 million for the purposes provided
41 in this act.

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

49 Section 5. Tuition and fees for Alan Jerome Crotzer shall
50 be waived for up to a total of 120 hours of instruction at any
51 career center established pursuant to s. 1001.44, Florida
52 Statutes, at any community college established under part III of
53 chapter 1004, Florida Statutes, or at any state university. For
54 any educational benefit provided, Alan Jerome Crotzer shall meet
55 and maintain the regular admission requirements of, and be
56 registered at, such career center, community college, or state
57 university and make satisfactory academic progress as defined by
58 the educational institution in which the claimant is enrolled.

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

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

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

80 Section 7. The Legislature may not be deemed by this act to
81 have waived any defense of sovereign immunity or to have
82 increased the limits of liability on behalf of the state or any
83 person or entity subject to the provisions of s. 768.28, Florida
84 Statutes, or any other law.

85 Section 8. This award is intended to provide the sole
86 compensation for all present and future claims arising out of the
87 factual situation in connection with Alan Jerome Crotzer's

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88 conviction and imprisonment. The total amount paid for attorney's
89 fees, lobbying fees, costs, and other similar expenses relating
90 to this claim may not exceed 25 percent of the amount awarded
91 under this act.

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