

By the Committee on Judiciary; and Senators Aronberg, Lawson,
Storms and Joyner

590-06352-08

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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 prison,
17 during which time he diligently maintained his innocence, Alan
18 Jerome Crotzer has been fully exonerated through DNA tests, and

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

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

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

28 WHEREAS, United States v. Hasting, 461 U.S. 499 (1983),
29 reads, in part, "[G]iven the myriad safeguards provided to assure

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30 | a fair trial, and taking into account the reality of the human
31 | fallibility of the participants, there can be no such thing as an
32 | error-free, perfect trial, and . . . the Constitution does not
33 | guarantee such a trial.", and

34 | WHEREAS, the Legislature acknowledges that the state's
35 | system of justice infrequently yields imperfect results which may
36 | have tragic consequences, and

37 | WHEREAS, this act is based on a moral desire to acknowledge
38 | those who are wrongfully convicted of a felony offense,
39 | incarcerated as a result of that conviction, and determined to be
40 | actually innocent and is not a recognition of a constitutional
41 | right or violation, and

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

47 |
48 | Be It Enacted by the Legislature of the State of Florida:

49 |
50 | Section 1. The facts stated in the preamble to this act are
51 | found and declared to be true.

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

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

58 | Section 4. The Department of Financial Services shall pay

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59 the funds appropriated under this act to an insurance company or
60 other financial institution admitted and authorized to issue
61 annuity contracts in this state and selected by Alan Jerome
62 Crotzer for the purchase of an annuity. The Department of
63 Financial Services shall execute all necessary agreements to
64 implement this act.

65 Section 5. Tuition and fees for Alan Jerome Crotzer shall
66 be waived for up to a total of 120 hours of instruction at any
67 career center established pursuant to s. 1001.44, Florida
68 Statutes, at any community college established under part III of
69 chapter 1004, Florida Statutes, or any state university. For any
70 educational benefit made, Alan Jerome Crotzer shall meet and
71 maintain the regular admission requirements of, and be registered
72 at, such career center, community college, or state university
73 and make satisfactory academic progress as defined by the
74 educational institution in which the claimant is enrolled.

75 Section 6. The Chief Financial Officer shall purchase the
76 annuity as required by this act upon delivery by Alan Jerome
77 Crotzer to the Chief Financial Officer, the Department of
78 Financial Services, the President of the Senate, and the Speaker
79 of the House of Representatives of an executed release and waiver
80 on behalf of Alan Jerome Crotzer and his heirs, successors, and
81 assigns forever releasing the State of Florida and any agency,
82 instrumentality, officer, employee, or political subdivision
83 thereof or any other entity subject to the provisions of s.
84 768.28, Florida Statutes, from any and all present or future
85 claims or declaratory relief that the claimant, or his heirs,
86 successors, or assigns, may have against such enumerated entities
87 and arising out of the factual situation in connection with the

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88 conviction for which compensation is awarded. However,
89 declaratory action to obtain judicial expunction of Alan Jerome
90 Crotzer's judicial and executive branch records as otherwise
91 provided by law is not prohibited by this act.

92 Section 7. The Legislature may not be deemed by this act to
93 have waived any defense of sovereign immunity or to have
94 increased the limits of liability on behalf of the state or any
95 person or entity subject to the provisions of s. 768.28, Florida
96 Statutes, or any other law.

97 Section 8. This award is intended to provide the sole
98 compensation for any and all present and future claims arising
99 out of the factual situation in connection with Alan Jerome
100 Crotzer's conviction and imprisonment, and no part of the award
101 shall be paid for attorney's fees, lobbying fees, costs, or other
102 similar expenses.

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