

ENROLLED
HB 7037

2008 Legislature

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.

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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 as significant doubt exists as to his guilt, and

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

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

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

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

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

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

48

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

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

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

56 Section 3. The Chief Financial Officer is directed to draw

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57 a warrant in the sum of \$1,250,000 for the purposes provided in
58 this act.

59 Section 4. The Department of Financial Services shall pay
60 the funds appropriated under this act to an insurance company or
61 other financial institution admitted and authorized to issue
62 annuity contracts in this state and selected by Alan Jerome
63 Crotzer for the purchase of an annuity. The Department of
64 Financial Services shall execute all necessary agreements to
65 implement this act.

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

76 Section 6. The Chief Financial Officer shall purchase the
77 annuity as required by this act upon delivery by Alan Jerome
78 Crotzer to the Chief Financial Officer, the Department of
79 Financial Services, the President of the Senate, and the Speaker
80 of the House of Representatives of an executed release and
81 waiver on behalf of Alan Jerome Crotzer and his heirs,
82 successors, and assigns forever releasing the State of Florida
83 and any agency, instrumentality, officer, employee, or political
84 subdivision thereof or any other entity subject to the

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85 provisions of s. 768.28, Florida Statutes, from any and all
86 present or future claims or declaratory relief that the
87 claimant, or his heirs, successors, or assigns, may have against
88 such enumerated entities and arising out of the factual
89 situation in connection with the conviction for which
90 compensation is awarded. However, declaratory action to obtain
91 judicial expunction of Alan Jerome Crotzer's judicial and
92 executive branch records as otherwise provided by law is not
93 prohibited by this act.

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

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

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