

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

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

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

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.