

House Bill No. 7037

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

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

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

WHEREAS, after serving more than 24 and ½ years in prison, during which time he diligently maintained his innocence, Alan Jerome Crotzer has been fully exonerated through DNA tests, and

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

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

WHEREAS, the Legislature recognizes that no system of justice is imperious to human error, and

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

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

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

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

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

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

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

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

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

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

Section 6. The Chief Financial Officer shall purchase the annuity as required by this act upon delivery by Alan Jerome Crotzer to the Chief Financial Officer, the Department of Financial Services, the President of the Senate, and the Speaker of the House of Representatives of an executed release and waiver on behalf of Alan Jerome Crotzer and his heirs, successors, and assigns forever releasing the State of Florida and any agency, instrumentality, officer, employee, or political subdivision thereof or any other entity subject to the provisions of s. 768.28, Florida Statutes, from any and all present or future claims or declaratory relief that the claimant, or his heirs, successors, or assigns, may have against such enumerated entities and arising out of the factual situation in connection with the conviction for which compensation is awarded. However, declaratory action to obtain judicial expunction of Alan Jerome Crotzer's judicial and executive branch records as otherwise provided by law is not prohibited by this act.

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

Section 8. This award is intended to provide the sole compensation for any and all present and future claims arising out of the factual situation in connection with Alan Jerome Crotzer's conviction and imprisonment, and no

part of the award shall be paid for attorney's fees, lobbying fees, costs, or other similar expenses.

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

Approved by the Governor April 10, 2008.

Filed in Office Secretary of State April 10, 2008.