

By Senator Gibson

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1                   A bill to be entitled  
2       An act for the relief of Clifford Williams; providing  
3       an appropriation to compensate him for being  
4       wrongfully incarcerated for 43 years; directing the  
5       Chief Financial Officer to draw a warrant for the  
6       purchase of an annuity; requiring the Department of  
7       Financial Services to pay specified funds; providing  
8       for the waiver of certain tuition and fees for Mr.  
9       Williams; specifying conditions for payment; providing  
10      that the act does not waive certain defenses or  
11      increase the state's limits of liability; prohibiting  
12      any further award to include certain fees and costs;  
13      providing that certain benefits are vacated upon  
14      specified findings; providing an effective date.

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16       WHEREAS, Clifford Williams was arrested on May 2, 1976, and  
17      convicted of first-degree murder and first-degree attempted  
18      murder on September 2, 1976, and

19       WHEREAS, Clifford Williams spent 4 years on death row  
20      before the Florida Supreme Court reversed his death sentence in  
21      1980, and

22       WHEREAS, Clifford Williams has maintained his innocence,  
23      and

24       WHEREAS, on February 25, 2019, the Conviction Integrity  
25      Review Division (CIR) for the Office of the State Attorney for  
26      the Fourth Judicial Circuit issued a report and recommendation,  
27      based on a comprehensive investigation spanning nearly a year,  
28      in Clifford Williams' case, and

29       WHEREAS, on March 28, 2019, the Circuit Court for the

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30 Fourth Judicial Circuit granted, with the concurrence of the  
31 state, a motion for postconviction relief, vacated the judgment  
32 and sentence of Clifford Williams, and ordered a new trial, and

33 WHEREAS, on March 28, 2019, the state orally pronounced a  
34 nolle prosequi with regard to the retrial of Clifford Williams,  
35 and

36 WHEREAS, the report found that there was no credible  
37 evidence of Clifford Williams' guilt, and likewise, that there  
38 was substantial credible evidence of Clifford Williams'  
39 innocence, and

40 WHEREAS, the Legislature acknowledges that the state's  
41 system of justice yielded an imperfect result that had tragic  
42 consequences in this case, and

43 WHEREAS, the Legislature acknowledges that, as a result of  
44 his physical confinement, Clifford Williams suffered significant  
45 damages that are unique to Clifford Williams, and such damages  
46 are due to the fact that he was physically restrained and  
47 prevented from exercising the freedom to which all innocent  
48 citizens are entitled, and

49 WHEREAS, before his conviction for the above-mentioned  
50 crimes, Clifford Williams had two prior convictions for  
51 unrelated felonies, and

52 WHEREAS, because of his prior violent felony convictions,  
53 Clifford Williams is ineligible for compensation under chapter  
54 961, Florida Statutes, and

55 WHEREAS, the Legislature is providing compensation to  
56 Clifford Williams to acknowledge the fact that he suffered  
57 significant damages that are unique to Clifford Williams for  
58 being wrongfully incarcerated, and

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59 WHEREAS, the CIR's comprehensive investigation of the  
60 matter found verifiable and substantial evidence of Clifford  
61 Williams' actual innocence of first-degree murder and first-  
62 degree attempted murder, and

63 WHEREAS, the Legislature apologizes to Clifford Williams on  
64 behalf of the state, NOW, THEREFORE,

65

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

67

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

70 Section 2. The sum of \$2,150,000 is appropriated from the  
71 General Revenue Fund to the Department of Financial Services  
72 under the conditions provided in this act.

73 Section 3. The Chief Financial Officer is directed to draw  
74 a warrant in the sum specified in section 2 for the purposes  
75 provided in this act.

76 Section 4. The Department of Financial Services shall pay  
77 the funds appropriated under this act to an insurance company or  
78 other financial institution admitted and authorized to issue  
79 annuity contracts in this state and selected by Clifford  
80 Williams to purchase an annuity. The Chief Financial Officer  
81 shall execute all necessary agreements to implement this act and  
82 to maximize the benefit to Clifford Williams.

83 Section 5. Tuition and fees for Clifford Williams shall be  
84 waived for up to a total of 120 hours of instruction at any  
85 career center established pursuant to s. 1001.44, Florida  
86 Statutes, Florida College System institution established under  
87 part III of chapter 1004, Florida Statutes, or state university.

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88 For any educational benefit made, Clifford Williams must meet  
89 and maintain the regular admission and registration requirements  
90 of such career center, institution, or state university and make  
91 satisfactory academic progress as defined by the educational  
92 institution in which he is enrolled.

93 Section 6. The Chief Financial Officer shall purchase the  
94 annuity as required by this act upon delivery by Clifford  
95 Williams to the Chief Financial Officer, the Department of  
96 Financial Services, the President of the Senate, and the Speaker  
97 of the House of Representatives of a release executed by  
98 Clifford Williams for himself and on behalf of his heirs,  
99 successors, and assigns which fully and forever releases and  
100 discharges the state and its agencies and subdivisions, as  
101 defined by s. 768.28(2), Florida Statutes, from any and all  
102 present or future claims or declaratory relief that Clifford  
103 Williams or any of his heirs, successors, or assigns may have  
104 against the state and its agencies and subdivisions, as defined  
105 by s. 768.28(2), Florida Statutes, arising out of the factual  
106 situation in connection with the arrest, conviction, and  
107 incarceration for which compensation is awarded. Without  
108 limitation on the foregoing, the release must specifically  
109 release and discharge Sheriff Mike Williams of the Jacksonville  
110 Sheriff's Office in his official capacity, and any current or  
111 former sheriffs, deputies, agents, or employees of the  
112 Jacksonville Sheriff's Office in their individual capacities,  
113 from all claims, causes of action, demands, rights, and claims  
114 for attorney fees or costs, of whatever kind or nature, whether  
115 in law or equity, including, but not limited to, any claims  
116 pursuant to 42 U.S.C. s. 1983, that Clifford Williams had, has,

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117 or might hereinafter have or claim to have, whether known or  
118 not, against the Jacksonville Sheriff's Office, and Sheriff Mike  
119 Williams' assigns, successors in interest, predecessors in  
120 interest, heirs, employees, agents, servants, officers,  
121 directors, deputies, insurers, reinsurers, and excess insurers,  
122 in their official and individual capacities, and that arise out  
123 of, are associated with, or are a cause of the arrest,  
124 conviction, and incarceration for which compensation is awarded,  
125 including any known or unknown loss, injury, or damage related  
126 to or caused by the same and which may arise in the future.  
127 However, this act does not prohibit declaratory action by a  
128 judicial or executive branch agency, as otherwise provided by  
129 law, for Clifford Williams to obtain judicial expungement of his  
130 criminal history record as related to the arrest and convictions  
131 for first-degree murder and first-degree attempted murder.

132 Section 7. The Legislature does not waive any defense of  
133 sovereign immunity or increase the limits of liability on behalf  
134 of the state or any person or entity that is subject to s.  
135 768.28, Florida Statutes, or any other law.

136 Section 8. This award is intended to provide the sole  
137 compensation for any and all present and future claims arising  
138 out of the factual situation described in this act which  
139 resulted in Clifford Williams' arrest, conviction, and  
140 incarceration. There may not be any further award to include  
141 attorney fees, lobbying fees, costs, or other similar expenses  
142 to Clifford Williams by the state or any agency,  
143 instrumentality, or political subdivision thereof, or any other  
144 entity, including any county constitutional officer, officer, or  
145 employee, in state or federal court.

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146           Section 9. If any future factual finding determines that  
147 Clifford Williams, by DNA evidence or otherwise, participated in  
148 any manner related to the death of Jeanette Williams or the  
149 attempted murder of Nina Marshall, the unused benefits to which  
150 Clifford Williams is entitled under this act are vacated.

151           Section 10. This act shall take effect upon becoming a law.