

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Crisafulli offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 Section 2. The sum of \$1,350,000 is appropriated from the  
8 General Revenue Fund to the Department of Financial Services  
9 under the conditions provided in this act.

10 Section 3. The Chief Financial Officer is directed to draw  
11 a warrant in the total sum specified in section 2 for the  
12 purposes provided in this act.

13 Section 4. The Department of Financial Services shall pay  
14 the funds appropriated under this act to an insurance company or  
15 other financial institution admitted and authorized to issue  
16 annuity contracts in this state and selected by William Dillon

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17 to purchase an annuity. The Department of Financial Services  
18 shall execute all necessary agreements to implement this act.

19 Section 5. Tuition and fees for William Dillon shall be  
20 waived for up to a total of 120 hours of instruction at any  
21 career center established pursuant to s. 1001.44, Florida  
22 Statutes, community college established under part III of  
23 chapter 1004, Florida Statutes, or state university. For any  
24 educational benefit made, William Dillon must meet and maintain  
25 the regular admission requirements of, and be registered at,  
26 such career center, community college, or state university and  
27 make satisfactory academic progress as defined by the  
28 educational institution in which he is enrolled.

29 Section 6. The Chief Financial Officer shall purchase the  
30 annuity required by this act upon delivery by William Dillon to  
31 the Chief Financial Officer, the Department of Financial  
32 Services, the President of the Senate, and the Speaker of the  
33 House of Representatives of a release executed by William Dillon  
34 for himself and on behalf of his heirs, successors, and assigns,  
35 fully and forever releasing and discharging the State of  
36 Florida, and its agencies and subdivisions, as defined by s.  
37 768.28(2), Florida Statutes, from any and all present or future  
38 claims or declaratory relief that William Dillon or any of his  
39 heirs, successors, or assigns may have against the State of  
40 Florida, and its agencies and subdivisions, as defined by s.  
41 768.28(2), Florida Statutes, and arising out of the factual  
42 situation in connection with the arrest, conviction, and  
43 incarceration for which compensation is awarded; and, without  
44 limitation of the foregoing, the release shall specifically

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45 release and discharge the Sheriff of Brevard County, Florida, in  
46 his official capacity, and any current or former sheriffs,  
47 deputies, agents, or employees of the Sheriff of Brevard County,  
48 in their individual capacities, from all claims, causes of  
49 action, demands, rights, and claims for attorney fees or costs,  
50 of whatever kind or nature, whether in law or equity, including,  
51 but not limited to, any claims pursuant to 42 U.S.C. s. 1983,  
52 which William Dillon had, has, or might hereinafter have or  
53 claim to have, whether known or not, against the Sheriff of  
54 Brevard County, Florida, and his assigns, successors in  
55 interest, predecessors in interest, heirs, employees, agents,  
56 servants, officers, directors, deputies, insurers, reinsurers,  
57 and excess insurers, in their official and individual  
58 capacities, and that arise out of, are associated with, or are a  
59 cause of, the arrest, conviction, and incarceration for which  
60 compensation is awarded, including any known or unknown loss,  
61 injury, or damage related to or caused by same and which may  
62 arise in the future. However, this act does not prohibit  
63 declaratory action to obtain judicial expungement of William  
64 Dillon's record as related to the arrest and conviction of first  
65 degree felony murder within a judicial or executive branch  
66 agency as otherwise provided by law.

67       Section 7. The Legislature by this act does not waive any  
68 defense of sovereign immunity or increase the limits of  
69 liability on behalf of the state or any person or entity that is  
70 subject to s. 768.28, Florida Statutes, or any other law.

71       Section 8. This award is intended to provide the sole  
72 compensation for any and all present and future claims arising

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73 out of the factual situation in connection with William Dillon's  
74 arrest, conviction, and incarceration. There shall be no further  
75 award to include attorney fees, lobbying fees, costs, or other  
76 similar expenses to William Dillon by the state or any agency,  
77 instrumentality, or political subdivision thereof, or any other  
78 entity, including any county constitutional office, officer, or  
79 employee, in state or federal court.

80 Section 9. If a future factual finding determines that  
81 William Dillon, by DNA evidence or otherwise, participated in  
82 any manner as related to the death or robbery of James Dvorak,  
83 the unused benefits to which William Dillon is entitled under  
84 this act are void.

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

87 -----  
88

89  
90 **T I T L E A M E N D M E N T**

91 Remove lines 1-66 and insert:

92 A bill to be entitled  
93 An act for the relief of William Dillon, who was  
94 wrongfully incarcerated for 27 years; providing an  
95 appropriation to compensate William Dillon for his  
96 wrongful incarceration; directing the Chief Financial  
97 Officer to draw a warrant for the purchase of an  
98 annuity; providing for a waiver of certain tuition and  
99 fees; providing conditions for payment; providing that  
100 the act does not waive certain defenses or increase

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101 the state's liability; providing a limitation on the  
102 payment of fees and costs; providing that certain  
103 benefits are void upon any future finding that William  
104 Dillon is not innocent of the alleged crime; providing  
105 an effective date.

106  
107 WHEREAS, William Dillon was arrested on August 27, 1981,  
108 indicted by a grand jury on September 3, 1981, and convicted of  
109 first degree felony murder on December 4, 1981, and

110 WHEREAS, William Dillon has maintained his innocence, and

111 WHEREAS, on November 14, 2008, the Circuit Court in the  
112 Eighteenth Judicial Circuit granted a motion for postconviction  
113 relief and vacated the judgment and sentence of William Dillon  
114 as entered on March 12, 1982. The court additionally ordered a  
115 new trial, and

116 WHEREAS, William Dillon was released pending a new trial on  
117 November, 18, 2008, and

118 WHEREAS, on December 10, 2008, the state filed a nolle  
119 prosequi as related to the retrial of William Dillon, and

120 WHEREAS, on November 3, 2009, the Sheriff of Brevard County  
121 directed that the 1981 homicide investigation of James Dvorak be  
122 reopened and actively investigated in a comprehensive manner,  
123 and

124 WHEREAS, the reopened but continuing investigation by the  
125 Sheriff of Brevard County has determined with certainty that  
126 William Dillon did not participate in the death of James Dvorak,  
127 and

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128 WHEREAS, the Legislature acknowledges that the state's  
129 system of justice yielded an imperfect result that had tragic  
130 consequences in this case, and

131 WHEREAS, the Legislature acknowledges that, as a result of  
132 his physical confinement, William Dillon suffered significant  
133 damages that are unique to William Dillon and all of those  
134 damages are due to the fact that he was physically restrained  
135 and prevented from exercising the freedom to which all innocent  
136 citizens are entitled, and

137 WHEREAS, before his conviction for the above-mentioned  
138 crime, William Dillon pled guilty to an unrelated felony, and

139 WHEREAS, because of his prior felony conviction, William  
140 Dillon is ineligible for compensation under chapter 961, Florida  
141 Statutes, and

142 WHEREAS, the Legislature is providing compensation to  
143 William Dillon to acknowledge the fact that he suffered  
144 significant damages that are unique to William Dillon, and

145 WHEREAS, the Brevard County Sheriff's Office comprehensive  
146 reinvestigation of the matter has determined verifiable and  
147 substantial evidence of William Dillon's actual innocence of  
148 first degree felony murder, and

149 WHEREAS, the compensation provided by this act is the sole  
150 compensation from the state for any and all present and future  
151 claims arising in connection with William Dillon's arrest,  
152 conviction, and incarceration, and

153 WHEREAS, William Dillon may not seek any future  
154 compensation against the state or any agency, instrumentality,  
155 or political subdivision thereof, or any other entity subject to  
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156 the provisions of s. 768.28, in state or federal court  
157 requesting compensation arising out of the facts in connection  
158 with his arrest, conviction, and incarceration, and  
159 WHEREAS, the Legislature apologizes to William Dillon on  
160 behalf of the state, NOW, THEREFORE,