

By the Committee on Rules; and Senator Haridopolos

595-00975-12

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1 A bill to be entitled

2 An act for the relief of William Dillon, who was  
3 wrongfully incarcerated for 27 years and exonerated by  
4 a court after DNA testing; providing an appropriation  
5 to compensate Mr. Dillon for his wrongful  
6 incarceration; directing the Chief Financial Officer  
7 to draw a warrant for the purchase of an annuity;  
8 providing for a waiver of certain tuition and fees;  
9 providing conditions for payment; providing that the  
10 act does not waive certain defenses or increase the  
11 state's liability; providing a limitation on the  
12 payment of fees and costs; providing that certain  
13 benefits are void upon a finding that Mr. Dillon is  
14 not innocent of the alleged crime; providing an  
15 effective date.

16  
17 WHEREAS, William Dillon was wrongfully convicted of first-  
18 degree murder and imprisoned for 27 years, and

19 WHEREAS, the Circuit Court in the Eighteenth Judicial  
20 Circuit granted the state's motion to discharge William Dillon  
21 from custody based on DNA evidence that excluded William Dillon  
22 as the perpetrator of the crime, and

23 WHEREAS, William Dillon was released on November 18, 2008,  
24 and

25 WHEREAS, the Legislature acknowledges that the state's  
26 system of justice yielded an imperfect result that had tragic  
27 consequences in this case, and

28 WHEREAS, William Dillon was subjected to severe physical  
29 and sexual abuse during his wrongful incarceration, and

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30 WHEREAS, William Dillon incurred severe and permanent  
31 dental damage as a result of a lack of dental care while  
32 incarcerated, and

33 WHEREAS, the Legislature acknowledges that, as a result of  
34 his conviction and physical confinement, William Dillon suffered  
35 significant damages that are unique to William Dillon and all of  
36 those damages are due to the fact that he was physically  
37 restrained and prevented from exercising the freedom to which  
38 all innocent citizens are entitled, and

39 WHEREAS, William Dillon, before his wrongful conviction for  
40 the above-mentioned crime, pled guilty to a nonviolent felony  
41 when he was 19 years old, and

42 WHEREAS, because of his prior felony conviction, William  
43 Dillon is ineligible for compensation for each year of wrongful  
44 incarceration under chapter 961, Florida Statutes, and

45 WHEREAS, the Legislature is providing compensation to  
46 William Dillon to acknowledge the fact that he suffered  
47 significant damages that are unique to William Dillon and are  
48 the result of his physical restraint and deprivation of freedom,  
49 and

50 WHEREAS, the Legislature is providing compensation to  
51 William Dillon based on a moral desire to acknowledge his  
52 undisputed and actual innocence, not in recognition of a  
53 constitutional right or violation, and

54 WHEREAS, the compensation provided by this act is the sole  
55 compensation from the state for any and all present and future  
56 claims arising out of the factual situation in connection with  
57 William Dillon's wrongful conviction and incarceration, and

58 WHEREAS, the Legislature apologizes to William Dillon on

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59 behalf of the state, NOW, THEREFORE,

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. The facts stated in the preamble to this act are  
64 found and declared to be true.

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

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

71 Section 4. The Department of Financial Services shall pay  
72 the funds appropriated under this act to an insurance company or  
73 other financial institution admitted and authorized to issue  
74 annuity contracts in this state and selected by William Dillon  
75 to purchase an annuity. The Department of Financial Services  
76 shall execute all necessary agreements to implement this act.

77 Section 5. Tuition and fees for William Dillon shall be  
78 waived for up to a total of 120 hours of instruction at any  
79 career center established pursuant to s. 1001.44, Florida  
80 Statutes, community college established under part III of  
81 chapter 1004, Florida Statutes, or state university. For any  
82 educational benefit made, William Dillon must meet and maintain  
83 the regular admission requirements of, and be registered at,  
84 such career center, community college, or state university and  
85 make satisfactory academic progress as defined by the  
86 educational institution in which he is enrolled.

87 Section 6. The Chief Financial Officer shall purchase the

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88 annuity required by this act upon delivery by William Dillon to  
89 the Chief Financial Officer, the Department of Financial  
90 Services, the President of the Senate, and the Speaker of the  
91 House of Representatives of an executed release and waiver on  
92 behalf of William Dillon and his heirs, successors, and assigns  
93 forever releasing the State of Florida and any agency,  
94 instrumentality, officer, employee, or political subdivision  
95 thereof or any other entity subject to the provisions of s.  
96 768.28, Florida Statutes, from any and all present or future  
97 claims or declaratory relief that the claimant or any of his  
98 heirs, successors, or assigns may have against such enumerated  
99 entities and arising out of the factual situation in connection  
100 with the conviction for which compensation is awarded. However,  
101 this act does not prohibit declaratory action to obtain judicial  
102 expungement of William Dillon's records within a judicial or  
103 executive branch agency as otherwise provided by law.

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

108 Section 8. This award is intended to provide the sole  
109 compensation for any and all present and future claims arising  
110 out of the factual situation in connection with William Dillon's  
111 conviction and imprisonment. A further award for attorney's  
112 fees, lobbying fees, costs, or other similar expenses may not be  
113 made by the state.

114 Section 9. If a court of law finds that William Dillon, by  
115 DNA evidence or otherwise, is not innocent of the crime he is  
116 alleged to have committed, the unused benefits to which he is

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117 entitled under this act are void.

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