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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, William Dillon may not seek any future

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59 compensation against the state or any agency, instrumentality,
60 or political subdivision thereof, or any other entity subject to
61 the provisions of s. 768.28, Florida Statutes, in state or
62 federal court requesting compensation arising out of the facts
63 in connection with his arrest, conviction, and incarceration,
64 and

65 WHEREAS, the Legislature apologizes to William Dillon on
66 behalf of the state, NOW, THEREFORE,

67

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

69

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

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

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

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

84 Section 5. Tuition and fees for William Dillon shall be
85 waived for up to a total of 120 hours of instruction at any
86 career center established pursuant to s. 1001.44, Florida
87 Statutes, community college established under part III of

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88 chapter 1004, Florida Statutes, or state university. For any
89 educational benefit made, William Dillon must meet and maintain
90 the regular admission requirements of, and be registered at,
91 such career center, community college, or state university and
92 make satisfactory academic progress as defined by the
93 educational institution in which he is enrolled.

94 Section 6. The Chief Financial Officer shall purchase the
95 annuity required by this act upon delivery by William Dillon to
96 the Chief Financial Officer, the Department of Financial
97 Services, the President of the Senate, and the Speaker of the
98 House of Representatives of an executed release and waiver on
99 behalf of William Dillon and his heirs, successors, and assigns
100 forever releasing the State of Florida and any agency,
101 instrumentality, officer, employee, or political subdivision
102 thereof or any other entity subject to the provisions of s.
103 768.28, Florida Statutes, from any and all present or future
104 claims or declaratory relief that the claimant or any of his
105 heirs, successors, or assigns may have against such enumerated
106 entities and arising out of the factual situation in connection
107 with the conviction for which compensation is awarded. However,
108 this act does not prohibit declaratory action to obtain judicial
109 expungement of William Dillon's records within a judicial or
110 executive branch agency as otherwise provided by law.

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

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

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117 out of the factual situation in connection with William Dillon's
118 conviction and imprisonment. A further award for attorney's
119 fees, lobbying fees, costs, or other similar expenses may not be
120 made by the state.

121 Section 9. If a court of law finds that William Dillon, by
122 DNA evidence or otherwise, is not innocent of the crime he is
123 alleged to have committed, the unused benefits to which he is
124 entitled under this act are void.

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