

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

15  
 16           WHEREAS, William Dillon was arrested on August 27, 1981,  
 17          indicted by a Grand Jury on September 3, 1981, and convicted of  
 18          First Degree Felony Murder on December 4, 1981, and

19           WHEREAS, William Dillon has maintained his innocence, and  
 20           WHEREAS, on November 14, 2008, the Circuit Court in the  
 21          Eighteenth Judicial Circuit granted a motion for post conviction  
 22          relief and vacated the Judgment and Sentence of William Dillon  
 23          as entered on March 12, 1982. The Court additionally ordered a  
 24          new trial, and

25           WHEREAS, William Dillon was released pending a new trial on  
 26          November, 18, 2008, and

27           WHEREAS, on December 10, 2008, the State filed a Nolle  
 28          Prosequi as related to the retrial of William Dillon, and

29 WHEREAS, on November 3, 2009, the Sheriff of Brevard County  
 30 directed the 1981 homicide investigation of James Dvorak be re-  
 31 opened and actively investigated in a comprehensive manner, and

32 WHEREAS, the Sheriff of Brevard County has formally  
 33 announced that the re-opened investigation has determined with  
 34 certainty that William Dillon did not participate in the  
 35 aggravated battery that most likely led to the death of James  
 36 Dvorak, and

37 WHEREAS, the Legislature acknowledges that the state's  
 38 system of justice yielded an imperfect result that had tragic  
 39 consequences in this case, and

40 WHEREAS, the Legislature acknowledges that, as a result of  
 41 his physical confinement, William Dillon suffered significant  
 42 damages that are unique to William Dillon and all of those  
 43 damages are due to the fact that he was physically restrained  
 44 and prevented from exercising the freedom to which all innocent  
 45 citizens are entitled, and

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

48 WHEREAS, because of his prior felony conviction, William  
 49 Dillon is ineligible for compensation under chapter 961, Florida  
 50 Statutes, and

51 WHEREAS, the Legislature is providing compensation to  
 52 William Dillon to acknowledge the fact that he suffered  
 53 significant damages that are unique to William Dillon, and

54 WHEREAS, the Brevard County Sheriff's Office comprehensive  
 55 re-investigation of the matter has determined verifiable and  
 56 substantial evidence of William Dillon's actual innocence of

57 First Degree Felony Murder, and

58 WHEREAS, the compensation provided by this act is the sole  
 59 compensation from the state for any and all present and future  
 60 claims arising in connection with William Dillon's arrest,  
 61 conviction and incarceration, and

62 WHEREAS, William Dillon may not seek any future  
 63 compensation against the state or any agency, instrumentality,  
 64 or political subdivision thereof, or any other entity subject to  
 65 the provisions of s. 768.28, in state or federal court  
 66 requesting compensation arising out of the facts in connection  
 67 with his arrest, conviction and incarceration, and

68 WHEREAS, the Legislature apologizes to William Dillon on  
 69 behalf of the state, NOW, THEREFORE,

70

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

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

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

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

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

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

87 Section 5. Tuition and fees for William Dillon shall be  
88 waived for up to a total of 120 hours of instruction at any  
89 career center established pursuant to s. 1001.44, Florida  
90 Statutes, community college established under part III of  
91 chapter 1004, Florida Statutes, or state university. For any  
92 educational benefit made, William Dillon must meet and maintain  
93 the regular admission requirements of, and be registered at,  
94 such career center, community college, or state university and  
95 make satisfactory academic progress as defined by the  
96 educational institution in which he is enrolled.

97 Section 6. The Chief Financial Officer shall purchase the  
98 annuity required by this act upon delivery by William Dillon to  
99 the Chief Financial Officer, the Department of Financial  
100 Services, the President of the Senate, and the Speaker of the  
101 House of Representatives of a release executed by William Dillon  
102 for himself and on behalf of his heirs, successors, and assigns,  
103 fully and forever releasing and discharging the State of  
104 Florida, and its agencies and subdivisions as defined by Section  
105 768.28(2), Florida Statutes, from any and all present or future  
106 claims or declaratory relief that William Dillon or any of his  
107 heirs, successors, or assigns may have against the State of  
108 Florida and its agencies and subdivisions as defined herein, and  
109 arising out of the factual situation in connection with the  
110 arrest and conviction and incarceration for which compensation  
111 is awarded; and without limitation of the foregoing, the release  
112 shall specifically release and discharge the Sheriff of Brevard

113 County, Florida, in his official capacity, and any current or  
 114 former Sheriffs, deputies, agents or employees of the Sheriff of  
 115 Brevard County in their individual capacities, from all claims,  
 116 causes of action, demands, rights, and claims for attorneys'  
 117 fees or costs, of whatsoever kind or nature, whether in law or  
 118 equity, including but not limited to any claims pursuant to 42  
 119 U.S.C. § 1983, which William Dillon had, has, or might  
 120 hereinafter have or claim to have, whether known or not, against  
 121 the Sheriff of Brevard County, Florida, and his assigns,  
 122 successors in interest, predecessors in interest, heirs,  
 123 employees, agents, servants, officers, directors, deputies,  
 124 insurers, reinsurers and excess insurers, in their official and  
 125 individual capacities, and that arise out of, are associated  
 126 with, or are a cause of, the arrest and conviction and  
 127 incarceration for which compensation is awarded, including any  
 128 known or unknown loss, injury, or damage related to or caused by  
 129 same and which may arise in the future. However, this act does  
 130 not prohibit declaratory action to obtain judicial expungement  
 131 of William Dillon's record as related to the arrest and  
 132 conviction of First Degree Felony Murder within a judicial or  
 133 executive branch agency as otherwise provided by law.

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

138 Section 8. This award is intended to provide the sole  
 139 compensation for any and all present and future claims arising  
 140 out of the factual situation in connection with William Dillon's

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141 arrest, conviction and incarceration. There shall be no further  
142 award to include attorney's fees, lobbying fees, costs, or other  
143 similar expenses to William Dillon by the state or any agency,  
144 instrumentality, or any political subdivision thereof, or any  
145 other entity, including any county constitutional office,  
146 officer or employee, in state or federal court.

147 Section 9. If a future factual finding determines that  
148 William Dillon, by DNA evidence or otherwise, participated in  
149 any manner as related to the death or robbery of James Dvorak,  
150 the unused benefits to which he is entitled under this act are  
151 void.

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