

HB 23

2011

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

15  
16 WHEREAS, William Dillon was wrongfully convicted of first-  
17 degree murder and imprisoned for 27 years, and

18 WHEREAS, even though the current State Attorney, an  
19 assistant public defender at the time of Mr. Dillon's  
20 conviction, publicly stated that dog scent evidence should be  
21 banned because it had not "reached the level of reasonable  
22 scientific credibility," the State of Florida allowed a  
23 discredited dog handler to provide false and implausible  
24 testimony improperly connecting William Dillon to the murder,  
25 and

26 WHEREAS, the same dog handler provided false testimony  
27 against Juan Ramos and Wilton Dedge, and

28 WHEREAS, in exchange for dismissal of a charge of sexual

HB 23

2011

29 battery on a child, a jailhouse informant manufactured false  
30 testimony against William Dillon which improperly connected him  
31 to the murder, and

32 WHEREAS, a key witness, after having sexual relations with  
33 the lead investigating detective, was threatened with excessive  
34 incarceration unless she falsely implicated William Dillon in  
35 the murder, and

36 WHEREAS, the Circuit Court in the Eighteenth Judicial  
37 Circuit granted the state's motion to discharge William Dillon  
38 from custody based on DNA evidence that excluded William Dillon  
39 as the perpetrator of the crime, and

40 WHEREAS, William Dillon was released on November 18, 2008,  
41 and

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

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

47 WHEREAS, William Dillon incurred severe and permanent  
48 dental damage as a result of a lack of dental care while  
49 incarcerated, and

50 WHEREAS, the Legislature acknowledges that, as a result of  
51 his conviction and physical confinement, William Dillon suffered  
52 significant damages that are unique to William Dillon and all of  
53 those damages are due to the fact that he was physically  
54 restrained and prevented from exercising the freedom to which  
55 all innocent citizens are entitled, and

56 WHEREAS, William Dillon, before his wrongful conviction for

HB 23

2011

the above-mentioned crime, pleaded guilty to a nonviolent felony when he was 19 years old, and

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

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

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

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

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

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

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

Section 2. The sum of \$810,000 is appropriated from the General Revenue Fund to the Department of Financial Services under the conditions provided in this act.

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

88       Section 4. The Department of Financial Services shall pay  
89 the funds appropriated under this act to an insurance company or  
90 other financial institution admitted and authorized to issue  
91 annuity contracts in this state and selected by William Dillon  
92 to purchase an annuity. The Department of Financial Services  
93 shall execute all necessary agreements to implement this act.

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

104       Section 6. The Chief Financial Officer shall purchase the  
105 annuity required by this act upon delivery by William Dillon to  
106 the Chief Financial Officer, the Department of Financial  
107 Services, the President of the Senate, and the Speaker of the  
108 House of Representatives of an executed release and waiver on  
109 behalf of William Dillon and his heirs, successors, and assigns  
110 forever releasing the State of Florida and any agency,  
111 instrumentality, officer, employee, or political subdivision  
112 thereof or any other entity subject to the provisions of s.

HB 23

2011

113 768.28, Florida Statutes, from any and all present or future  
114 claims or declaratory relief that the claimant or any of his  
115 heirs, successors, or assigns may have against such enumerated  
116 entities and arising out of the factual situation in connection  
117 with the conviction for which compensation is awarded. However,  
118 this act does not prohibit declaratory action to obtain judicial  
119 expungement of William Dillon's records within a judicial or  
120 executive branch agency as otherwise provided by law.

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

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

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

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