

By Senator Haridopolos

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, William Dillon, before his wrongful conviction for the above-mentioned crime, pled guilty to a nonviolent felony

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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.

Section 3. The Chief Financial Officer is directed to draw a warrant in the total sum specified in section 2 for the

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88 purposes provided in this act.

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

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

105 Section 6. The Chief Financial Officer shall purchase the
106 annuity required by this act upon delivery by William Dillon to
107 the Chief Financial Officer, the Department of Financial
108 Services, the President of the Senate, and the Speaker of the
109 House of Representatives of an executed release and waiver on
110 behalf of William Dillon and his heirs, successors, and assigns
111 forever releasing the State of Florida and any agency,
112 instrumentality, officer, employee, or political subdivision
113 thereof or any other entity subject to the provisions of s.
114 768.28, Florida Statutes, from any and all present or future
115 claims or declaratory relief that the claimant or any of his
116 heirs, successors, or assigns may have against such enumerated

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117 entities and arising out of the factual situation in connection
118 with the conviction for which compensation is awarded. However,
119 this act does not prohibit declaratory action to obtain judicial
120 expungement of William Dillon's records within a judicial or
121 executive branch agency as otherwise provided by law.

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

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

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

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