

By the Committee on Rules; and Senator Haridopolos

595-03369-11

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A bill to be entitled

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

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

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

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

WHEREAS, the prosecutors presented witness testimony

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30 against William Dillon which the prosecutors knew or should have
31 known was unreliable, and

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

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

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

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

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

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

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

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

58 WHEREAS, the Legislature is providing compensation to

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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 purposes provided in this act.

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

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

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

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

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

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

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

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