

1 A bill to be entitled
2 An act providing an appropriation to compensate
3 Wilton Dedge; providing authority to draw
4 warrant; providing a limitation on the
5 authority to draw the warrant; requiring the
6 purchase of an annuity; providing for waiver of
7 specified tuition and fees; providing
8 conditions for payment; providing legislative
9 intent; providing an effective date.

10

11 WHEREAS, Wilton Dedge was convicted of rape and
12 imprisoned for 22 years, and

13 WHEREAS, the initial conviction was appealed and
14 reversed, and

15 WHEREAS, on retrial Wilton Dedge was again convicted,
16 which conviction was affirmed on appeal, and

17 WHEREAS, the Circuit Court in the Eighteenth Judicial
18 Circuit granted the state's motion to dismiss pending charges
19 and discharge Wilton Dedge from custody based on DNA evidence
20 that excluded Wilton Dedge as the perpetrator of the crime,
21 and

22 WHEREAS, Wilton Dedge was in fact released on August
23 12, 2004, and

24 WHEREAS, Wilton Dedge and his parents filed suit in the
25 Second Judicial Circuit requesting, among other things, a
26 declaratory judgment that Mr. Dedge's liberty was taken by the
27 government without compensation and requesting damages for the
28 taking of Mr. Dedge's liberty, and

29 WHEREAS, the suit was dismissed by order of the Second
30 Judicial Circuit court, which found that claims for damages
31 from the state are banned by the doctrine of sovereign

1 immunity, and that only the Legislature can address the issue
2 of compensation under existing law, and

3 WHEREAS, Wilton Dedge has appealed the order to the
4 First District Court of Appeal, Case No. 1D05-4288, and

5 WHEREAS, the Legislature recognizes that no system of
6 justice is impervious to human error. "Given the myriad
7 safeguards provided to assure a fair trial, and taking into
8 account the reality of the human fallibility of the
9 participants, there can be no such thing as an error-free,
10 perfect trial, and ... the Constitution does not guarantee
11 such a trial." United States v. Hastings, 461 U.S. 499 (1983),
12 and

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

16 WHEREAS, the Legislature acknowledges that Wilton Dedge
17 incurred significant damages unique to Wilton Dedge as a
18 result of his conviction and physical confinement and that all
19 the damages flowed from the fact that he was physically
20 restrained and prevented from exercising the freedom to which
21 all innocent citizens are entitled, and

22 WHEREAS, the Legislature acknowledges that Wilton Dedge
23 performed valuable services for the state while imprisoned,
24 including serving as a licensed wastewater plant operator, and

25 WHEREAS, the Legislature acknowledges that Wilton
26 Dedge's parents incurred significant expenses related to his
27 defense and related to the prolonged efforts to establish his
28 innocence and secure his release from prison, and

29 WHEREAS, the Legislature is providing compensation to
30 Wilton Dedge to acknowledge the fact that he suffered
31

1 significant damages unique to Wilton Dedge which resulted from
2 his physical restraint and the deprivation of freedom, and

3 WHEREAS, the Legislature is providing compensation to
4 Wilton Dedge based on a moral desire to acknowledge his
5 undisputed and actual innocence and not on a recognition of a
6 constitutional right or violation, and

7 WHEREAS, the Legislature intends that compensation made
8 pursuant to this act shall be the sole compensation to be
9 provided by the state for any and all present and future
10 claims arising out of the factual situation in connection with
11 Wilton Dedge's conviction and imprisonment, and

12 WHEREAS, the Legislature apologizes to Wilton Dedge on
13 behalf of the state, NOW, THEREFORE,

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. The facts stated in the preamble to this
18 act are found and declared to be true.

19 Section 2. There is appropriated from the General
20 Revenue Fund the sum of \$2 million to the Department of
21 Financial Services under the conditions provided in this act.

22 Section 3. The Chief Financial Officer is directed to
23 draw a warrant in the sum of \$2 million for the purposes
24 provided in this act. After March 6, 2006, the Chief Financial
25 Officer is no longer authorized to draw a warrant under this
26 section.

27 Section 4. The Department of Financial Services shall
28 pay the funds appropriated under this act to an insurance
29 company or other financial institution admitted and authorized
30 to issue annuity contracts in this state and selected by
31 Wilton Dedge, to purchase an annuity. The Department of

1 Financial Services is directed to execute all necessary
2 agreements to implement this act.

3 Section 5. Tuition and fees shall be waived for up to
4 a total of 120 hours of instruction at any career center
5 established pursuant to s. 1001.44, Florida Statutes, at any
6 community college established under part III of chapter 1004,
7 Florida Statutes, or any state university. For any educational
8 benefit made, Wilton Dedge is required to meet and maintain
9 the regular admission requirements of, and be registered at,
10 such career center, community college, or state university and
11 make satisfactory academic progress as defined by the
12 educational institution in which the claimant is enrolled.

13 Section 6. The Chief Financial Officer shall purchase
14 the annuity as required by this act upon delivery by Wilton
15 Dedge to the Chief Financial Officer, the Department of
16 Financial Services, the President of the Senate, and the
17 Speaker of the House of Representatives of all of the
18 following:

19 (1) An executed release and waiver on behalf of Wilton
20 Dedge and his parents, heirs, successors, and assigns forever
21 releasing the State of Florida and any agency,
22 instrumentality, officer, employee, or political subdivision
23 thereof or any other entity subject to the provisions of s.
24 768.28, Florida Statutes, from any and all present or future
25 claims, or declaratory relief the claimant or any of his
26 parents, heirs, successors, or assigns may have against such
27 enumerated entities and arising out of the factual situation
28 in connection with the conviction for which compensation is
29 awarded. However, declaratory action to obtain judicial
30 expungement of Wilton Dedge's judicial and executive branch
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1 records as otherwise provided by law is not prohibited by this
2 act.

3 (2) An order from the court having jurisdiction of the
4 legal claim filed by Wilton Dedge and his parents dismissing
5 the claim with prejudice.

6 Section 7. The Legislature shall not be deemed by this
7 act to have waived any defense of sovereign immunity or to
8 have increased the limits of liability on behalf of the state
9 or any person or entity subject to the provisions of s.
10 768.28, Florida Statutes, or any other law.

11 Section 8. This award is intended to provide the sole
12 compensation for any and all present and future claims arising
13 out of the factual situation in connection with Wilton Dedge's
14 conviction and imprisonment. No further award for attorney's
15 fees, lobbying fees, costs, or other similar expenses shall be
16 made by the state.

17 Section 9. This act shall take effect upon becoming a
18 law.

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