

1 A bill to be entitled
 2 An act providing an appropriation to compensate Wilton
 3 Dedge; providing authority to draw warrant; providing a
 4 limitation on the authority to draw the warrant; requiring
 5 a specified distribution of funds; providing a condition
 6 for payment; providing legislative intent; providing an
 7 effective date.

8
 9 WHEREAS, Wilton Dedge was convicted of rape and imprisoned
 10 for 22 years, and

11 WHEREAS, the initial conviction was appealed and reversed,
 12 and

13 WHEREAS, on retrial Wilton Dedge was again convicted, which
 14 conviction was affirmed on appeal, and

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

19 WHEREAS, Wilton Dedge was in fact released on August 12,
 20 2004, and

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

26 WHEREAS, the suit was dismissed by order of the Second
 27 Judicial Circuit court, which found that Mr. Dedge's parents
 28 have no standing to recover damages suffered by an adult child,

29 | that claims for damages from the state are banned by the
30 | doctrine of sovereign immunity, and that only the Legislature
31 | can address the issue of compensation under existing law, and

32 | WHEREAS, Wilton Dedge has appealed the order to the First
33 | District Court of Appeal, Case No. 1D05-4288, which appeal is
34 | pending, and

35 | WHEREAS, the Legislature recognizes that no system of
36 | justice is impervious to human error. "Given the myriad
37 | safeguards provided to assure a fair trial, and taking into
38 | account the reality of the human fallibility of the
39 | participants, there can be no such thing as an error-free,
40 | perfect trial, and ... the Constitution does not guarantee such
41 | a trial." United States v. Hasting, 461 U.S. 499(1983), and

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

45 | WHEREAS, the Legislature acknowledges that Wilton Dedge
46 | incurred significant losses unique to Wilton Dedge as a result
47 | of his conviction and physical confinement and that all the
48 | losses flowed from the fact that he was physically restrained
49 | and prevented from exercising the freedom to which all innocent
50 | citizens are entitled, and

51 | WHEREAS, the Legislature acknowledges that Wilton Dedge
52 | performed valuable services for the state while imprisoned,
53 | including serving as a licensed waste-water plant operator, and

54 | WHEREAS, the Legislature acknowledges that Wilton Dedge's
55 | parents incurred significant expenses related to his defense and

56 related to the prolonged efforts to establish his innocence and
 57 secure his release from prison, and

58 WHEREAS, the Legislature is providing compensation to
 59 Wilton Dedge to acknowledge the fact that he suffered
 60 significant damages unique to Wilton Dedge which resulted from
 61 his physical restraint and the deprivation of freedom, and

62 WHEREAS, the Legislature is providing compensation to
 63 Wilton Dedge based on a moral desire to acknowledge his
 64 undisputed and actual innocence and not on a recognition of a
 65 constitutional right or violation, and

66 WHEREAS, the Legislature intends that compensation made
 67 pursuant to this act shall be the sole compensation to be
 68 provided by the state for any and all present and future claims
 69 arising out of the factual situation in connection with Wilton
 70 Dedge's conviction and imprisonment, and

71 WHEREAS, the Legislature apologizes to Wilton Dedge on
 72 behalf of the state, NOW, THEREFORE,

73

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

75

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

78 Section 2. There is appropriated from the General Revenue
 79 Fund the sum of \$2,000,000 to be paid to Wilton Dedge under the
 80 conditions provided in this act.

81 Section 3. The Chief Financial Officer is directed to draw
 82 a warrant to the State Board of Administration in the sum of
 83 \$2,000,000 for the purposes provided in this act, the funds to

84 be distributed in accordance with the letter of agreement
85 between Wilton Dedge, Mr. and Mrs. Walter Gary Dedge, Sr., and
86 the State Board of Administration. The State Board of
87 Administration, the State Division of Retirement, and the State
88 Department of Management Services are required to provide such
89 support and assistance as directed by the terms of the letter of
90 agreement and are authorized and directed to provide for health
91 care insurance, including mental health and dental coverage for
92 Wilton Dedge, the expense of which shall be borne by Wilton
93 Dedge. Access to state education programs shall be provided on a
94 scholarship basis without tuition or fees, provided that Wilton
95 Dedge shall be required to meet and maintain the regular
96 admission requirements of, and be registered at, such state
97 educational program. After March 6, 2005, the Chief Financial
98 Officer is no longer authorized to draw a warrant under this
99 section.

100 Section 4. The State Board of Administration shall
101 disburse funds under the letter of agreement upon delivery by
102 Wilton Dedge to the Chief Financial Officer, the State Board of
103 Administration, the President of the Senate, and the Speaker of
104 the House of Representatives of all of the following:

105 (1) An executed release and waiver on behalf of Wilton
106 Dedge and his parents, heirs, successors, and assigns forever
107 releasing the State of Florida and any agency, instrumentality,
108 officer, employee, or political subdivision thereof or any other
109 entity subject to the provisions of s. 768.28, Florida Statutes,
110 from any and all present or future claims the claimant or any of
111 his parents, heirs, successors, or assigns may have against such

112 enumerated entities and arising out of the factual situation in
113 connection with the conviction for which compensation is
114 awarded.

115 (2) An order from the court having jurisdiction of the
116 legal claim filed by Wilton Dedge and his parents dismissing the
117 claim with prejudice, provided that it is the intent of this
118 legislation to allow Wilton Dedge to obtain full expungement of
119 the judicial and executive branch records of his conviction as
120 otherwise provided by law.

121 Section 5. The Legislature shall not be deemed by this act
122 to have waived any defense of sovereign immunity or to have
123 increased the limits of liability on behalf of the state or any
124 person or entity subject to the provisions of s. 768.28, Florida
125 Statutes, or any other law.

126 Section 6. This award is intended to provide sole
127 compensation for any and all present and future claims arising
128 out of the factual situation in connection with Wilton Dedge's
129 conviction and imprisonment. No further award for attorney's
130 fees, lobbying fees, costs, or other similar expenses will be
131 made by the state.

132 Section 7. This act shall take effect upon becoming a law.