

By Senator Haridopolos

26-00107-10

201022

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 an effective
13 date.

14
15 WHEREAS, William Dillon was wrongfully convicted of first-
16 degree murder and imprisoned for 27 years, and

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

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

27 WHEREAS, in exchange for dismissal of a charge of sexual
28 battery on a child, a jailhouse informant manufactured false
29 testimony against William Dillon which improperly connected him

26-00107-10

201022__

30 to the murder, and

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

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

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

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

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

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

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

55 WHEREAS, William Dillon, before his wrongful conviction for
56 the above-mentioned crime, pleaded guilty to a nonviolent felony
57 when he was 19 years old, and

58 WHEREAS, because of his prior felony conviction, William

26-00107-10

201022

59 Dillon is ineligible for compensation for each year of wrongful
60 incarceration under chapter 961, Florida Statutes, and

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

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

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

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

76

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

78

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

81 Section 2. The sum of \$1.35 million is appropriated from
82 the General Revenue Fund to the Department of Financial Services
83 under the conditions provided in this act, to be calculated at
84 \$50,000 per year for each year in prison, plus back interest,
85 compounded annually at the prevailing rate from the beginning of
86 William Dillon's wrongful incarceration, and any additional
87 damages for physical harm incurred during the wrongful

26-00107-10

201022__

88 incarceration as determined by the Special Master.

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

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

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

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

26-00107-10

201022__

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

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

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

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