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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 a
4 court after DNA testing; providing an appropriation to
5 compensate Mr. Dillon for his wrongful incarceration;
6 directing the Chief Financial Officer to draw a warrant
7 for the purchase of an annuity; providing for a waiver of
8 certain tuition and fees; providing conditions for
9 payment; providing that the act does not waive certain
10 defenses or increase the state's liability; providing a
11 limitation on the payment of fees and costs; providing
12 that certain benefits are void upon a finding that Mr.
13 Dillon is not innocent of the alleged crime; providing an
14 effective date.

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

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

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

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

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

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

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

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

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

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

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

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

56 WHEREAS, William Dillon, before his wrongful conviction for

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57 | the above-mentioned crime, pleaded guilty to a nonviolent felony
 58 | when he was 19 years old, and

59 | WHEREAS, because of his prior felony conviction, William
 60 | Dillon is ineligible for compensation for each year of wrongful
 61 | incarceration under chapter 961, Florida Statutes, and

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

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

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

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

77 |

78 | Be It Enacted by the Legislature of the State of Florida:

79 |

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

82 | Section 2. The sum of \$810,000 is appropriated from the
 83 | General Revenue Fund to the Department of Financial Services
 84 | under the conditions provided in this act.

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

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

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

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

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113 768.28, Florida Statutes, from any and all present or future
114 claims or declaratory relief that the claimant or any of his
115 heirs, successors, or assigns may have against such enumerated
116 entities and arising out of the factual situation in connection
117 with the conviction for which compensation is awarded. However,
118 this act does not prohibit declaratory action to obtain judicial
119 expungement of William Dillon's records within a judicial or
120 executive branch agency as otherwise provided by law.

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

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

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

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