

By Senator Haridopolos

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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  
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 that certain  
13          benefits are void upon a finding that Mr. Dillon is  
14          not innocent of the alleged crime; providing an  
15          effective date.

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

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

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

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

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

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

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

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

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

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

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

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

57 WHEREAS, William Dillon, before his wrongful conviction for  
58 the above-mentioned crime, pled guilty to a nonviolent felony

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59 when he was 19 years old, and

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

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

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

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

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

78

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

80

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

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

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

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88 purposes provided in this act.

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

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

105 Section 6. The Chief Financial Officer shall purchase the  
106 annuity required by this act upon delivery by William Dillon to  
107 the Chief Financial Officer, the Department of Financial  
108 Services, the President of the Senate, and the Speaker of the  
109 House of Representatives of an executed release and waiver on  
110 behalf of William Dillon and his heirs, successors, and assigns  
111 forever releasing the State of Florida and any agency,  
112 instrumentality, officer, employee, or political subdivision  
113 thereof or any other entity subject to the provisions of s.  
114 768.28, Florida Statutes, from any and all present or future  
115 claims or declaratory relief that the claimant or any of his  
116 heirs, successors, or assigns may have against such enumerated

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117 entities and arising out of the factual situation in connection  
118 with the conviction for which compensation is awarded. However,  
119 this act does not prohibit declaratory action to obtain judicial  
120 expungement of William Dillon's records within a judicial or  
121 executive branch agency as otherwise provided by law.

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

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

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

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