

1                   A bill to be entitled  
2           An act for the relief of William Dillon, who was  
3           wrongfully incarcerated for 27 years; providing an  
4           appropriation to compensate William Dillon for his  
5           wrongful incarceration; directing the Chief Financial  
6           Officer to draw a warrant for the purchase of an  
7           annuity; providing for a waiver of certain tuition and  
8           fees; providing conditions for payment; providing that  
9           the act does not waive certain defenses or increase  
10          the state's liability; providing a limitation on the  
11          payment of fees and costs; providing that certain  
12          benefits are void upon any future finding that William  
13          Dillon is not innocent of the alleged crime; providing  
14          an effective date.

15  
16           WHEREAS, William Dillon was arrested on August 27, 1981,  
17          indicted by a grand jury on September 3, 1981, and convicted of  
18          first degree felony murder on December 4, 1981, and

19           WHEREAS, William Dillon has maintained his innocence, and  
20           WHEREAS, on November 14, 2008, the Circuit Court in the  
21          Eighteenth Judicial Circuit granted a motion for postconviction  
22          relief and vacated the judgment and sentence of William Dillon  
23          as entered on March 12, 1982. The court additionally ordered a  
24          new trial, and

25           WHEREAS, William Dillon was released pending a new trial on  
26          November, 18, 2008, and

27           WHEREAS, on December 10, 2008, the state filed a nolle  
28          prosequi as related to the retrial of William Dillon, and

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29 WHEREAS, on November 3, 2009, the Sheriff of Brevard County  
30 directed that the 1981 homicide investigation of James Dvorak be  
31 reopened and actively investigated in a comprehensive manner,  
32 and

33 WHEREAS, the Sheriff of Brevard County has formally  
34 announced that the reopened investigation has determined with  
35 certainty that William Dillon did not participate in the  
36 aggravated battery that most likely led to the death of James  
37 Dvorak, and

38 WHEREAS, the Legislature acknowledges that the state's  
39 system of justice yielded an imperfect result that had tragic  
40 consequences in this case, and

41 WHEREAS, the Legislature acknowledges that, as a result of  
42 his physical confinement, William Dillon suffered significant  
43 damages that are unique to William Dillon and all of those  
44 damages are due to the fact that he was physically restrained  
45 and prevented from exercising the freedom to which all innocent  
46 citizens are entitled, and

47 WHEREAS, before his conviction for the above-mentioned  
48 crime, William Dillon pled guilty to an unrelated felony, and

49 WHEREAS, because of his prior felony conviction, William  
50 Dillon is ineligible for compensation under chapter 961, Florida  
51 Statutes, and

52 WHEREAS, the Legislature is providing compensation to  
53 William Dillon to acknowledge the fact that he suffered  
54 significant damages that are unique to William Dillon, and

55 WHEREAS, the Brevard County Sheriff's Office comprehensive  
56 reinvestigation of the matter has determined verifiable and

57 | substantial evidence of William Dillon's actual innocence of  
 58 | first degree felony murder, and

59 |       WHEREAS, the compensation provided by this act is the sole  
 60 | compensation from the state for any and all present and future  
 61 | claims arising in connection with William Dillon's arrest,  
 62 | conviction, and incarceration, and

63 |       WHEREAS, William Dillon may not seek any future  
 64 | compensation against the state or any agency, instrumentality,  
 65 | or political subdivision thereof, or any other entity subject to  
 66 | the provisions of s. 768.28, in state or federal court  
 67 | requesting compensation arising out of the facts in connection  
 68 | with his arrest, conviction, and incarceration, and

69 |       WHEREAS, the Legislature apologizes to William Dillon on  
 70 | behalf of the state, NOW, THEREFORE,

71 |

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

73 |

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

76 |       Section 2. The sum of \$1,350,000 is appropriated from the  
 77 | General Revenue Fund to the Department of Financial Services  
 78 | under the conditions provided in this act.

79 |       Section 3. The Chief Financial Officer is directed to draw  
 80 | a warrant in the total sum specified in section 2 for the  
 81 | purposes provided in this act.

82 |       Section 4. The Department of Financial Services shall pay  
 83 | the funds appropriated under this act to an insurance company or  
 84 | other financial institution admitted and authorized to issue

85 annuity contracts in this state and selected by William Dillon  
86 to purchase an annuity. The Department of Financial Services  
87 shall execute all necessary agreements to implement this act.

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

98 Section 6. The Chief Financial Officer shall purchase the  
99 annuity required by this act upon delivery by William Dillon to  
100 the Chief Financial Officer, the Department of Financial  
101 Services, the President of the Senate, and the Speaker of the  
102 House of Representatives of a release executed by William Dillon  
103 for himself and on behalf of his heirs, successors, and assigns,  
104 fully and forever releasing and discharging the State of  
105 Florida, and its agencies and subdivisions, as defined by s.  
106 768.28(2), Florida Statutes, from any and all present or future  
107 claims or declaratory relief that William Dillon or any of his  
108 heirs, successors, or assigns may have against the State of  
109 Florida, and its agencies and subdivisions, as defined by s.  
110 768.28(2), Florida Statutes, and arising out of the factual  
111 situation in connection with the arrest, conviction, and  
112 incarceration for which compensation is awarded; and, without

113 limitation of the foregoing, the release shall specifically  
 114 release and discharge the Sheriff of Brevard County, Florida, in  
 115 his official capacity, and any current or former sheriffs,  
 116 deputies, agents, or employees of the Sheriff of Brevard County,  
 117 in their individual capacities, from all claims, causes of  
 118 action, demands, rights, and claims for attorney fees or costs,  
 119 of whatever kind or nature, whether in law or equity, including,  
 120 but not limited to, any claims pursuant to 42 U.S.C. s. 1983,  
 121 which William Dillon had, has, or might hereinafter have or  
 122 claim to have, whether known or not, against the Sheriff of  
 123 Brevard County, Florida, and his assigns, successors in  
 124 interest, predecessors in interest, heirs, employees, agents,  
 125 servants, officers, directors, deputies, insurers, reinsurers,  
 126 and excess insurers, in their official and individual  
 127 capacities, and that arise out of, are associated with, or are a  
 128 cause of, the arrest, conviction, and incarceration for which  
 129 compensation is awarded, including any known or unknown loss,  
 130 injury, or damage related to or caused by same and which may  
 131 arise in the future. However, this act does not prohibit  
 132 declaratory action to obtain judicial expungement of William  
 133 Dillon's record as related to the arrest and conviction of first  
 134 degree felony murder within a judicial or executive branch  
 135 agency as otherwise provided by law.

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

140 Section 8. This award is intended to provide the sole

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141 compensation for any and all present and future claims arising  
142 out of the factual situation in connection with William Dillon's  
143 arrest, conviction, and incarceration. There shall be no further  
144 award to include attorney fees, lobbying fees, costs, or other  
145 similar expenses to William Dillon by the state or any agency,  
146 instrumentality, or political subdivision thereof, or any other  
147 entity, including any county constitutional office, officer, or  
148 employee, in state or federal court.

149 Section 9. If a future factual finding determines that  
150 William Dillon, by DNA evidence or otherwise, participated in  
151 any manner as related to the death or robbery of James Dvorak,  
152 the unused benefits to which William Dillon is entitled under  
153 this act are void.

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