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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; 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.

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

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

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

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

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

34 WHEREAS, the reopened but continuing investigation by the
35 Sheriff of Brevard County has determined with certainty that
36 William Dillon did not participate in the death of James Dvorak,
37 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

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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 are
75 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.

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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,

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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
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,

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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 law.