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1 A bill to be entitled
2 An act for the relief of Clifford Williams; providing
3 an appropriation to compensate him for being
4 wrongfully incarcerated for 43 years; directing the
5 Chief Financial Officer to draw a warrant payable to
6 an irrevocable trust for the benefit of Clifford
7 Williams; specifying conditions for payment; providing
8 for the waiver of certain tuition and fees for Mr.
9 Williams; specifying conditions for payment; providing
10 that the act does not waive certain defenses or
11 increase the state's limits of liability; prohibiting
12 any further award to include certain fees and costs;
13 providing that certain benefits are vacated upon
14 specified findings; providing an effective date.

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16 WHEREAS, Clifford Williams was arrested on May 2, 1976, and
17 convicted of first-degree murder and first-degree attempted
18 murder on September 2, 1976, and

19 WHEREAS, Clifford Williams spent 4 years on death row
20 before the Florida Supreme Court reversed his death sentence in
21 1980, and

22 WHEREAS, Clifford Williams has maintained his innocence,
23 and

24 WHEREAS, on February 25, 2019, the Conviction Integrity
25 Review Division (CIR) for the Office of the State Attorney for
26 the Fourth Judicial Circuit issued a report and recommendation,
27 based on a comprehensive investigation spanning nearly a year,
28 in Clifford Williams' case, and

29 WHEREAS, on March 28, 2019, the Circuit Court for the

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30 Fourth Judicial Circuit granted, with the concurrence of the
31 state, a motion for postconviction relief, vacated the judgment
32 and sentence of Clifford Williams, and ordered a new trial, and

33 WHEREAS, on March 28, 2019, the state orally pronounced a
34 nolle prosequi with regard to the retrial of Clifford Williams,
35 and

36 WHEREAS, the report found that there was no credible
37 evidence of Clifford Williams' guilt, and likewise, that there
38 was substantial credible evidence of Clifford Williams'
39 innocence, and

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

43 WHEREAS, the Legislature acknowledges that, as a result of
44 his physical confinement, Clifford Williams suffered significant
45 damages that are unique to Clifford Williams, and such damages
46 are due to the fact that he was physically restrained and
47 prevented from exercising the freedom to which all innocent
48 citizens are entitled, and

49 WHEREAS, before his conviction for the above-mentioned
50 crimes, Clifford Williams had two prior convictions for
51 unrelated felonies, and

52 WHEREAS, because of his prior violent felony convictions,
53 Clifford Williams is ineligible for compensation under chapter
54 961, Florida Statutes, and

55 WHEREAS, the Legislature is providing compensation to
56 Clifford Williams to acknowledge the fact that he suffered
57 significant damages that are unique to Clifford Williams for
58 being wrongfully incarcerated, and

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59 WHEREAS, the CIR's comprehensive investigation of the
60 matter found verifiable and substantial evidence of Clifford
61 Williams' actual innocence of first-degree murder and first-
62 degree attempted murder, and

63 WHEREAS, the Legislature apologizes to Clifford Williams on
64 behalf of the state, NOW, THEREFORE,

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

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

70 Section 2. The sum of \$2,150,000 is appropriated from the
71 General Revenue Fund to the Department of Financial Services for
72 the relief of Clifford Williams, for his wrongful incarceration.
73 The Chief Financial Officer is directed to draw a warrant in the
74 sum of \$2,150,000 payable to the Clifford Williams, Irrevocable
75 Trust, whose co-trustees are Nathaniel Glover, Jr., Tracy
76 Bernice Magwood, and Seaside National Bank and Trust. The
77 trustees shall distribute the funds as may be in the best
78 interests of Clifford Williams for his lifetime, including a
79 reasonable monthly living allowance.

80 Section 3. Tuition and fees for Clifford Williams shall be
81 waived for up to a total of 120 hours of instruction at any
82 career center established pursuant to s. 1001.44, Florida
83 Statutes, Florida College System institution established under
84 part III of chapter 1004, Florida Statutes, or state university.
85 For any educational benefit made, Clifford Williams must meet
86 and maintain the regular admission and registration requirements
87 of such career center, institution, or state university and make

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88 satisfactory academic progress as defined by the educational
89 institution in which he is enrolled.

90 Section 4. The Chief Financial Officer shall pay the funds
91 directed by this act upon the delivery by Clifford Williams to
92 the Chief Financial Officer, the Department of Financial
93 Services, the President of the Senate, and the Speaker of the
94 House of Representatives of a release executed by Clifford
95 Williams for himself and on behalf of his heirs, successors, and
96 assigns which fully and forever releases and discharges the
97 state and its agencies and subdivisions, as defined by s.
98 768.28(2), Florida Statutes, from any and all present or future
99 claims or declaratory relief that Clifford Williams or any of
100 his heirs, successors, or assigns may have against the state and
101 its agencies and subdivisions, as defined by s. 768.28(2),
102 Florida Statutes, arising out of the factual situation in
103 connection with the arrest, conviction, and incarceration for
104 which compensation is awarded. Without limitation on the
105 foregoing, the release must specifically release and discharge
106 Sheriff Mike Williams of the Jacksonville Sheriff's Office in
107 his official capacity, and any current or former sheriffs,
108 deputies, agents, or employees of the Jacksonville Sheriff's
109 Office in their individual capacities, from all claims, causes
110 of action, demands, rights, and claims for attorney fees or
111 costs, of whatever kind or nature, whether in law or equity,
112 including, but not limited to, any claims pursuant to 42 U.S.C.
113 s. 1983, that Clifford Williams had, has, or might hereinafter
114 have or claim to have, whether known or not, against the
115 Jacksonville Sheriff's Office, and Sheriff Mike Williams'
116 assigns, successors in interest, predecessors in interest,

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117 heirs, employees, agents, servants, officers, directors,
118 deputies, insurers, reinsurers, and excess insurers, in their
119 official and individual capacities, and that arise out of, are
120 associated with, or are a cause of the arrest, conviction, and
121 incarceration for which compensation is awarded, including any
122 known or unknown loss, injury, or damage related to or caused by
123 the same and which may arise in the future. However, this act
124 does not prohibit declaratory action by a judicial or executive
125 branch agency, as otherwise provided by law, for Clifford
126 Williams to obtain judicial expungement of his criminal history
127 record as related to the arrest and convictions for first-degree
128 murder and first-degree attempted murder.

129 Section 5. The Legislature does not waive any defense of
130 sovereign immunity or increase the limits of liability on behalf
131 of the state or any person or entity that is subject to s.
132 768.28, Florida Statutes, or any other law.

133 Section 6. This award is intended to provide the sole
134 compensation for any and all present and future claims arising
135 out of the factual situation described in this act which
136 resulted in Clifford Williams' arrest, conviction, and
137 incarceration. There may not be any further award to include
138 attorney fees, lobbying fees, costs, or other similar expenses
139 to Clifford Williams by the state or any agency,
140 instrumentality, or political subdivision thereof, or any other
141 entity, including any county constitutional officer, officer, or
142 employee, in state or federal court.

143 Section 7. If any future factual finding determines that
144 Clifford Williams, by DNA evidence or otherwise, participated in
145 any manner related to the death of Jeanette Williams or the

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146 attempted murder of Nina Marshall, the unused benefits to which
147 Clifford Williams is entitled under this act are vacated.

148 Section 8. This act shall take effect upon becoming a law.