

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 for the
6 purchase of an annuity; requiring the Department of
7 Financial Services to pay specified funds; 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.

15
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

HB 6507

2020

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
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

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,

65 |

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

67 |

68 | Section 1. The facts stated in the preamble to this act
69 | are 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
72 | under the conditions provided in this act.

73 | Section 3. The Chief Financial Officer is directed to draw
74 | a warrant in the sum specified in section 2 for the purposes
75 | provided in this act.

76 Section 4. The Department of Financial Services shall pay
77 the funds appropriated under this act to an insurance company or
78 other financial institution admitted and authorized to issue
79 annuity contracts in this state and selected by Clifford
80 Williams to purchase an annuity. The Chief Financial Officer
81 shall execute all necessary agreements to implement this act and
82 to maximize the benefit to Clifford Williams.

83 Section 5. Tuition and fees for Clifford Williams shall be
84 waived for up to a total of 120 hours of instruction at any
85 career center established pursuant to s. 1001.44, Florida
86 Statutes, Florida College System institution established under
87 part III of chapter 1004, Florida Statutes, or state university.
88 For any educational benefit made, Clifford Williams must meet
89 and maintain the regular admission and registration requirements
90 of such career center, institution, or state university and make
91 satisfactory academic progress as defined by the educational
92 institution in which he is enrolled.

93 Section 6. The Chief Financial Officer shall purchase the
94 annuity as required by this act upon delivery by Clifford
95 Williams to the Chief Financial Officer, the Department of
96 Financial Services, the President of the Senate, and the Speaker
97 of the House of Representatives of a release executed by
98 Clifford Williams for himself and on behalf of his heirs,
99 successors, and assigns which fully and forever releases and
100 discharges the state and its agencies and subdivisions, as

101 defined by s. 768.28(2), Florida Statutes, from any and all
102 present or future claims or declaratory relief that Clifford
103 Williams or any of his heirs, successors, or assigns may have
104 against the state and its agencies and subdivisions, as defined
105 by s. 768.28(2), Florida Statutes, arising out of the factual
106 situation in connection with the arrest, conviction, and
107 incarceration for which compensation is awarded. Without
108 limitation on the foregoing, the release must specifically
109 release and discharge Sheriff Mike Williams of the Jacksonville
110 Sheriff's Office in his official capacity, and any current or
111 former sheriffs, deputies, agents, or employees of the
112 Jacksonville Sheriff's Office in their individual capacities,
113 from all claims, causes of action, demands, rights, and claims
114 for attorney fees or costs, of whatever kind or nature, whether
115 in law or equity, including, but not limited to, any claims
116 pursuant to 42 U.S.C. s. 1983, that Clifford Williams had, has,
117 or might hereinafter have or claim to have, whether known or
118 not, against the Jacksonville Sheriff's Office, and Sheriff Mike
119 Williams' assigns, successors in interest, predecessors in
120 interest, heirs, employees, agents, servants, officers,
121 directors, deputies, insurers, reinsurers, and excess insurers,
122 in their official and individual capacities, and that arise out
123 of, are associated with, or are a cause of the arrest,
124 conviction, and incarceration for which compensation is awarded,
125 including any known or unknown loss, injury, or damage related

126 to or caused by the same and which may arise in the future.
127 However, this act does not prohibit declaratory action by a
128 judicial or executive branch agency, as otherwise provided by
129 law, for Clifford Williams to obtain judicial expungement of his
130 criminal history record as related to the arrest and convictions
131 for first-degree murder and first-degree attempted murder.

132 Section 7. The Legislature does not waive any defense of
133 sovereign immunity or increase the limits of liability on behalf
134 of the state or any person or entity that is subject to s.
135 768.28, Florida Statutes, or any other law.

136 Section 8. This award is intended to provide the sole
137 compensation for any and all present and future claims arising
138 out of the factual situation described in this act which
139 resulted in Clifford Williams' arrest, conviction, and
140 incarceration. There may not be any further award to include
141 attorney fees, lobbying fees, costs, or other similar expenses
142 to Clifford Williams by the state or any agency,
143 instrumentality, or political subdivision thereof, or any other
144 entity, including any county constitutional officer, officer, or
145 employee, in state or federal court.

146 Section 9. If any future factual finding determines that
147 Clifford Williams, by DNA evidence or otherwise, participated in
148 any manner related to the death of Jeanette Williams or the
149 attempted murder of Nina Marshall, the unused benefits to which
150 Clifford Williams is entitled under this act are vacated.

HB 6507

2020

151 | Section 10. This act shall take effect upon becoming a
152 | law.