

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

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

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

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

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

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

54 WHEREAS, the Brevard County Sheriff's Office comprehensive
55 reinvestigation of the matter has determined verifiable and
56 substantial evidence of William Dillon's actual innocence of

57 first degree felony murder, and

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

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

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

70

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

72

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

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

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

81 Section 4. The Department of Financial Services shall pay
 82 the funds appropriated under this act to an insurance company or
 83 other financial institution admitted and authorized to issue
 84 annuity contracts in this state and selected by William Dillon

85 to purchase an annuity. The Department of Financial Services
86 shall execute all necessary agreements to implement this act.

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

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

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

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

139 Section 8. This award is intended to provide the sole
 140 compensation for any and all present and future claims arising

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

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

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