

CHAPTER 2012-229

Committee Substitute for Senate Bill No. 2

An act for the relief of William Dillon, who was wrongfully incarcerated for 27 years; providing an appropriation to compensate William Dillon for his wrongful incarceration; directing the Chief Financial Officer to draw a warrant for the purchase of an annuity; providing for a waiver of certain tuition and fees; providing conditions for payment; providing that the act does not waive certain defenses or increase the state's liability; providing a limitation on the payment of fees and costs; providing that certain benefits are void upon any future finding that William Dillon is not innocent of the alleged crime; providing an effective date.

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

WHEREAS, William Dillon has maintained his innocence, and

WHEREAS, on November 14, 2008, the Circuit Court in the Eighteenth Judicial Circuit granted a motion for postconviction relief and vacated the judgment and sentence of William Dillon as entered on March 12, 1982. The court additionally ordered a new trial, and

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

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

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

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

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

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

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

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

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

WHEREAS, the Brevard County Sheriff's Office comprehensive reinvestigation of the matter has determined verifiable and substantial evidence of William Dillon's actual innocence of first degree felony murder, and

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

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

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

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

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

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

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

Section 4. The Department of Financial Services shall pay the funds appropriated under this act to an insurance company or other financial institution admitted and authorized to issue annuity contracts in this state and selected by William Dillon to purchase an annuity. The Department of Financial Services shall execute all necessary agreements to implement this act.

Section 5. Tuition and fees for William Dillon shall be waived for up to a total of 120 hours of instruction at any career center established pursuant to s. 1001.44, Florida Statutes, community college established under part III of chapter 1004, Florida Statutes, or state university. For any educational benefit made, William Dillon must meet and maintain the regular admission

requirements of, and be registered at, such career center, community college, or state university and make satisfactory academic progress as defined by the educational institution in which he is enrolled.

Section 6. The Chief Financial Officer shall purchase the annuity required by this act upon delivery by William Dillon to the Chief Financial Officer, the Department of Financial Services, the President of the Senate, and the Speaker of the House of Representatives of a release executed by William Dillon for himself and on behalf of his heirs, successors, and assigns, fully and forever releasing and discharging the State of Florida, and its agencies and subdivisions, as defined by s. 768.28(2), Florida Statutes, from any and all present or future claims or declaratory relief that William Dillon or any of his heirs, successors, or assigns may have against the State of Florida, and its agencies and subdivisions, as defined by s. 768.28(2), Florida Statutes, and arising out of the factual situation in connection with the arrest, conviction, and incarceration for which compensation is awarded; and, without limitation of the foregoing, the release shall specifically release and discharge the Sheriff of Brevard County, Florida, in his official capacity, and any current or former sheriffs, deputies, agents, or employees of the Sheriff of Brevard County, in their individual capacities, from all claims, causes of action, demands, rights, and claims for attorney fees or costs, of whatever kind or nature, whether in law or equity, including, but not limited to, any claims pursuant to 42 U.S.C. s. 1983, which William Dillon had, has, or might hereinafter have or claim to have, whether known or not, against the Sheriff of Brevard County, Florida, and his assigns, successors in interest, predecessors in interest, heirs, employees, agents, servants, officers, directors, deputies, insurers, reinsurers, and excess insurers, in their official and individual capacities, and that arise out of, are associated with, or are a cause of, the arrest, conviction, and incarceration for which compensation is awarded, including any known or unknown loss, injury, or damage related to or caused by same and which may arise in the future. However, this act does not prohibit declaratory action to obtain judicial expungement of William Dillon's record as related to the arrest and conviction of first degree felony murder within a judicial or executive branch agency as otherwise provided by law.

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

Section 8. This award is intended to provide the sole compensation for any and all present and future claims arising out of the factual situation in connection with William Dillon's arrest, conviction, and incarceration. There shall be no further award to include attorney fees, lobbying fees, costs, or other similar expenses to William Dillon by the state or any agency, instrumentality, or political subdivision thereof, or any other entity, including any county constitutional office, officer, or employee, in state or federal court.

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

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

Approved by the Governor March 1, 2012.

Filed in Office Secretary of State March 1, 2012.