

CHAPTER 2020-186

Senate Bill No. 28

An act for the relief of Clifford Williams; providing an appropriation to compensate him for being wrongfully incarcerated for 43 years; directing the Chief Financial Officer to draw a warrant payable to an irrevocable trust for the benefit of Clifford Williams; specifying conditions for payment; providing for the waiver of certain tuition and fees for Mr. Williams; specifying conditions for payment; providing that the act does not waive certain defenses or increase the state's limits of liability; prohibiting any further award to include certain fees and costs; providing that certain benefits are vacated upon specified findings; providing an effective date.

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

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

WHEREAS, Clifford Williams has maintained his innocence, and

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

WHEREAS, on March 28, 2019, the Circuit Court for the Fourth Judicial Circuit granted, with the concurrence of the state, a motion for postconviction relief, vacated the judgment and sentence of Clifford Williams, and ordered a new trial, and

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

WHEREAS, the report found that there was no credible evidence of Clifford Williams' guilt, and likewise, that there was substantial credible evidence of Clifford Williams' innocence, 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, Clifford Williams suffered significant damages that are unique to Clifford Williams, and such 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 crimes, Clifford Williams had two prior convictions for unrelated felonies, and

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

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

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

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

Section 3. Tuition and fees for Clifford Williams 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, Florida College System institution established under part III of chapter 1004, Florida Statutes, or state university. For any educational benefit made, Clifford Williams must meet and maintain the regular admission and registration requirements of such career center, institution, or state university and make satisfactory academic progress as defined by the educational institution in which he is enrolled.

Section 4. The Chief Financial Officer shall pay the funds directed by this act upon the delivery by Clifford Williams 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 Clifford Williams for himself and on behalf of his heirs, successors, and assigns which fully and forever releases and discharges the state 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 Clifford Williams or any of

his heirs, successors, or assigns may have against the state and its agencies and subdivisions, as defined by s. 768.28(2), Florida Statutes, arising out of the factual situation in connection with the arrest, conviction, and incarceration for which compensation is awarded. Without limitation on the foregoing, the release must specifically release and discharge Sheriff Mike Williams of the Jacksonville Sheriff's Office in his official capacity, and any current or former sheriffs, deputies, agents, or employees of the Jacksonville Sheriff's Office 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, that Clifford Williams had, has, or might hereinafter have or claim to have, whether known or not, against the Jacksonville Sheriff's Office, and Sheriff Mike Williams' 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 the same and which may arise in the future. However, this act does not prohibit declaratory action by a judicial or executive branch agency, as otherwise provided by law, for Clifford Williams to obtain judicial expungement of his criminal history record as related to the arrest and convictions for first-degree murder and first-degree attempted murder.

Section 5. The Legislature 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 6. This award is intended to provide the sole compensation for any and all present and future claims arising out of the factual situation described in this act which resulted in Clifford Williams' arrest, conviction, and incarceration. There may not be any further award to include attorney fees, lobbying fees, costs, or other similar expenses to Clifford Williams by the state or any agency, instrumentality, or political subdivision thereof, or any other entity, including any county constitutional officer, officer, or employee, in state or federal court.

Section 7. If any future factual finding determines that Clifford Williams, by DNA evidence or otherwise, participated in any manner related to the death of Jeanette Williams or the attempted murder of Nina Marshall, the unused benefits to which Clifford Williams is entitled under this act are vacated.

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

Approved by the Governor June 9, 2020.

Filed in Office Secretary of State June 9, 2020.