

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.

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

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 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  
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,  
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  
 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.