

1 A bill to be entitled

2 An act for the relief of Clinton Treadway; providing  
3 an appropriation and certain benefits to compensate  
4 Clinton Treadway for being wrongfully incarcerated for  
5 7 years and 25 days; directing the Chief Financial  
6 Officer to draw a warrant for the purchase of an  
7 annuity; providing conditions for the purchase of the  
8 annuity; requiring the Department of Legal Affairs and  
9 the Department of Law Enforcement to immediately  
10 expunge Clinton Treadway's criminal record arising  
11 from his wrongful incarceration; waiving all fees  
12 related to the expunction of his criminal record;  
13 providing that the act does not waive certain defenses  
14 or increase the state's liability; providing that  
15 certain benefits and the appropriation satisfy all  
16 present and future claims related to the wrongful  
17 arrest, conviction, and incarceration of Clinton  
18 Treadway; providing a limitation on the payment of  
19 fees and costs; providing that unused benefits  
20 provided under the act shall be revoked and that  
21 remaining sums shall revert to the General Revenue  
22 Fund upon any future finding that Clinton Treadway is  
23 not innocent of the alleged crimes for which he was  
24 wrongfully incarcerated; providing an effective date.

25  
26 WHEREAS, Clinton Treadway was arrested on June 11, 2005,

Page 1 of 7

HB 3507

2016

27 | and convicted on February 6, 2006, of four counts of uttering a  
28 | forged instrument and four counts of grand theft, and

29 |       WHEREAS, Clinton Treadway has always maintained his  
30 | innocence of the offenses, and

31 |       WHEREAS, based on new evidence in the case, the Office of  
32 | the State Attorney in the 10th Judicial Circuit determined with  
33 | certainty that Clinton Treadway did not participate in the  
34 | offenses for which he was convicted, and

35 |       WHEREAS, on July 3, 2012, the Circuit Court in the 10th  
36 | Judicial Circuit granted a motion for postconviction relief,  
37 | vacated the judgment and sentence of Clinton Treadway as entered  
38 | on February 6, 2006, and ordered a new trial, and

39 |       WHEREAS, the state filed a nolle prosequi as related to the  
40 | retrial on July 3, 2012, and Clinton Treadway was released from  
41 | physical confinement on July 5, 2012, and

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

45 |       WHEREAS, as a result of his physical confinement and the  
46 | deprivation of the exercise of freedom to which all innocent  
47 | citizens are entitled, Clinton Treadway suffered significant  
48 | damages that are unique to him, and

49 |       WHEREAS, before his wrongful conviction for the  
50 | aforementioned offenses, Clinton Treadway pled guilty to  
51 | unrelated felonies, and

52 |       WHEREAS, because of his prior felony convictions, Clinton

53 Treadway is ineligible for compensation under chapter 961,  
 54 Florida Statutes, and

55 WHEREAS, the Legislature is providing compensation to  
 56 Clinton Treadway to acknowledge the fact that he suffered  
 57 significant damages that are unique to him, 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 Clinton Treadway's wrongful  
 61 arrest, wrongful conviction, and wrongful incarceration, and

62 WHEREAS, Clinton Treadway may not seek future compensation  
 63 from the state or any agency, instrumentality, or political  
 64 subdivision thereof, or any other entity subject to s. 768.28,  
 65 Florida Statutes, in state or federal court, for any and all  
 66 present or future claims arising out of the facts in connection  
 67 with his wrongful arrest, wrongful conviction, and wrongful  
 68 incarceration, and

69 WHEREAS, the Legislature apologizes to Clinton Treadway on  
 70 behalf of the state, NOW, THEREFORE,

71

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

73

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

76 Section 2. The sum of \$350,000 is appropriated from the  
 77 General Revenue Fund to the Department of Financial Services for  
 78 the relief of Clinton Treadway for the injuries and damages he

79 sustained as a result of his wrongful arrest, wrongful  
80 conviction, and wrongful incarceration.

81 Section 3. The Chief Financial Officer is directed to draw  
82 a warrant in the sum of \$350,000 upon the funds of the  
83 Department of Financial Services in the State Treasury, which  
84 shall be payable to an insurance company or other financial  
85 institution admitted and authorized to issue annuity contracts  
86 in this state and selected by Clinton Treadway, to purchase an  
87 annuity or annuities on behalf of Clinton Treadway for a term of  
88 not less than 10 years. The terms of the annuity or annuities  
89 must provide that the annuity or annuities may not be sold,  
90 discounted, or used as security for a loan or mortgage by  
91 Clinton Treadway and must contain beneficiary provisions for the  
92 continued disbursement of the annuity or annuities in the event  
93 of the death of Clinton Treadway. The Chief Financial Officer is  
94 directed to execute all necessary agreements to implement this  
95 section and to maximize the benefit of the annuity or annuities  
96 to Clinton Treadway.

97 Section 4. The Chief Financial Officer shall purchase the  
98 annuity or annuities required by this act upon delivery by  
99 Clinton Treadway to the Chief Financial Officer, the Department  
100 of Financial Services, the President of the Senate, and the  
101 Speaker of the House of Representatives of a release executed by  
102 Clinton Treadway for himself and on behalf of his heirs,  
103 successors, and assigns, fully and forever releasing and  
104 discharging the State of Florida, and its agencies and

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

131 the same and which may arise in the future.

132       Section 5. Notwithstanding Section 4, this act does not  
133 prohibit Clinton Treadway from seeking declaratory action to  
134 obtain judicial expunction of his criminal record as related to  
135 the arrest and conviction of uttering a forged instrument and  
136 grand theft within a judicial or executive branch agency as  
137 otherwise provided by law. The Department of Legal Affairs and  
138 the Department of Law Enforcement shall immediately take all  
139 action necessary to administratively expunge Clinton Treadway's  
140 criminal record arising from his wrongful arrest, wrongful  
141 conviction, and wrongful incarceration. All fees related to the  
142 expunction process are waived.

143       Section 6. Tuition and fees for Clinton Treadway shall be  
144 waived for up to a total of 120 hours of instruction at any  
145 career center established under s. 1001.44, Florida Statutes,  
146 any Florida College System institution as defined in s.  
147 1000.21(3), Florida Statutes, or any state university as defined  
148 in s. 1000.21(6), Florida Statutes, if Clinton Treadway meets  
149 and maintains the regular admissions requirements of such career  
150 center, Florida College System institution, or state university;  
151 remains registered at such educational institution; and makes  
152 satisfactory academic progress as defined by the educational  
153 institution in which he is enrolled.

154       Section 7. The Legislature, by this act, does not waive  
155 any defense of sovereign immunity or increase the limits of  
156 liability on behalf of the state or any person or entity that is

157 subject to s. 768.28, Florida Statutes, or any other law.

158 Section 8. This award is intended to provide the sole  
159 compensation for any and all present and future claims arising  
160 out of the factual situation in connection with Clinton  
161 Treadway's wrongful arrest, wrongful conviction, and wrongful  
162 incarceration. No further award, including attorney fees,  
163 lobbying fees, costs, or other similar expenses, may be made to  
164 Clinton Treadway by the state or any agency, instrumentality, or  
165 political subdivision thereof, or any other entity, including  
166 any county constitutional office, officer, or employee, in state  
167 or federal court.

168 Section 9. If a future factual finding determines, by DNA  
169 evidence or otherwise, that Clinton Treadway participated in any  
170 manner related to the four counts of uttering a forged  
171 instrument or four counts of grand theft, the unused benefits  
172 awarded to Clinton Treadway under this act, including any  
173 disbursements remaining under any annuity purchased on his  
174 behalf, shall be immediately revoked and any remaining sums  
175 shall revert to the General Revenue Fund.

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