

By Senator Grimsley

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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,
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

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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

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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,

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

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74 Section 1. The facts stated in the preamble to this act are
75 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

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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

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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,

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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 any
155 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

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175 shall revert to the General Revenue Fund.

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