

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 satisfies all
16 present and future claims related to the wrongful
17 incarceration of Clinton Treadway; providing a
18 limitation on the payment of fees and costs; providing
19 that unused compensation provided under the act shall
20 be revoked upon any future finding that Clinton
21 Treadway is not innocent of the alleged crimes for
22 which he was wrongfully incarcerated; providing that
23 such unused compensation shall revert to the General
24 Revenue Fund; providing an effective date.

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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
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:

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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.

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

96 Section 4. The Chief Financial Officer shall purchase the
97 annuity required by this act upon delivery by Clinton Treadway
98 to the Chief Financial Officer, the Department of Financial
99 Services, the President of the Senate, and the Speaker of the
100 House of Representatives of a release executed by Clinton
101 Treadway for himself and on behalf of his heirs, successors, and
102 assigns, fully and forever releasing and discharging the State
103 of Florida, and its agencies and subdivisions, as defined in s.
104 768.28(2), Florida Statutes, from any and all present or future

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

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

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

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

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

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

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