

By Representative Rubio

1 A bill to be entitled
2 An act for the relief of the Estate of Alice
3 Berdat, deceased; providing an appropriation to
4 compensate the Estate of Alice Berdat for the
5 death of Alice Berdat due to the negligence of
6 the Department of Corrections; providing an
7 effective date.

8
9 WHEREAS, on August 17, 1989, Alice Berdat, a
10 92-year-old resident of St. Petersburg, Pinellas County,
11 Florida, was sexually assaulted by Anthony Neil Washington
12 (hereinafter referred to as Washington), who beat her so
13 severely as to cause her death, and

14 WHEREAS, Washington committed the above-referenced rape
15 and murder while imprisoned at the Largo Community
16 Correctional Work-Release Center, to which he had been
17 sentenced on August 31, 1988, to 6 years in prison for various
18 crimes, and

19 WHEREAS, on the date of the rape and murder, Washington
20 left the Largo Community Correctional Work-Release Center,
21 purportedly to go to work, and

22 WHEREAS, Washington's travel to work by foot was
23 unsupervised, and Washington, instead of going to work on the
24 date in question, proceeded to the home of Alice Berdat and
25 attacked her as described above, and

26 WHEREAS, Anthony Neil Washington was found guilty of
27 sexually assaulting and murdering Alice Berdat and is
28 presently residing on Florida's Death Row, and

29 WHEREAS, the Department of Corrections, knowing that
30 Washington was a career felon and was serving a 6-year
31 sentence for various crimes, allowed him to participate in a

1 work-release program less than 1 year after the date of the
2 6-year sentence, and

3 WHEREAS, the Department of Corrections allowed
4 Washington to walk from the Largo Correctional Center to his
5 place of employment totally unsupervised, and

6 WHEREAS, the Department of Corrections failed to
7 establish any procedure requiring Washington to contact them
8 from his place of employment so that they might assure his
9 arrival there, and

10 WHEREAS, the Commander of Largo Correctional Center at
11 all times material to this claim was of the belief and
12 understanding that before an inmate was placed with a
13 prospective employer, the Department of Corrections had the
14 employer undergo an orientation program that set forth the
15 duties and responsibilities of the employer pertaining to the
16 handling of the inmate, and the duty to initiate this
17 orientation program was bestowed upon another officer within
18 the Department of Corrections and Largo Correctional Center,
19 and

20 WHEREAS, no such orientation program existed, and,
21 specifically, no orientation program was provided to
22 Washington's employer to inform the employer as to the
23 employer's duties and responsibilities pertaining to
24 Washington, such as keeping an arrival or departure log to
25 assure Washington's whereabouts, taking specified action if
26 Washington undertook certain activities or actions, or
27 notifying a designated person within the Department of
28 Corrections if Washington undertook any suspicious activity or
29 action, and

30 WHEREAS, the Department of Corrections knew that the
31 Largo Community Correctional Work-Release Center was located

1 in and about a residential neighborhood, which included the
2 area in which Alice Berdat lived, but failed to notify or warn
3 local residents of the location and identity of the Largo
4 Community Correctional Work-Release Center and the
5 unsupervised nature of the program in order that residents
6 including Alice Berdat could undertake necessary precautions,
7 and

8 WHEREAS, this incident occurred because of the
9 premature placement of Washington in the work-release program
10 before he had been rehabilitated, the Department of
11 Corrections allowing Washington to leave Largo Correctional
12 Center unsupervised, the failure of the Department of
13 Corrections to have a program in effect to assure Washington's
14 arrival at his place of employment, the failure of the
15 Department of Corrections to have in effect a program designed
16 to assure that employers of work-release inmates understand
17 their duties and responsibilities pertaining to the inmate,
18 and the failure of the Department of Corrections to notify
19 residents within the general vicinity of the Largo
20 Correctional Center of the housing of inmates and the
21 unsupervised nature of the program, and

22 WHEREAS, experts testified that the beatings to the
23 body of Alice Berdat by Washington were so severe as to cause
24 her false teeth to be knocked out or ripped out of her mouth,
25 her hearing aid to come loose and fall to the floor, and her
26 eyeglasses to break; that her face had bruises and abrasions
27 on her cheekbone, her eyelid, her forehead, her chin, and her
28 nose; that there were twenty-three bruises on Alice Berdat's
29 right arm and hand and about the same number of bruises to her
30 left arm and hand; that there were bruises and fingernail
31 marks on Ms. Berdat's legs and groin area where Washington

1 | pried Ms. Berdat's legs open to get to her vagina; and that
2 | the vagina had eleven separate areas of injury, and

3 | WHEREAS, experts further testified that Washington must
4 | have knelt on Alice Berdat's chest with both knees, resulting
5 | in seventeen separate rib fractures, and

6 | WHEREAS, experts further testified that Washington
7 | choked Ms. Berdat so severely as to break her hyoid bone on
8 | the right and left and to cause four fractures of the
9 | cartilage that form the voice box, which led the experts to
10 | conclude that Ms. Berdat was manually strangled by
11 | Washington, and

12 | WHEREAS, the family of Alice Berdat was required to
13 | identify Alice Berdat's body at the scene of the crime, to
14 | endure 3 years of the criminal prosecution of Washington until
15 | his sentencing in July 1992, and to continue to live with the
16 | premature death of Alice Berdat in such a heinous fashion, and

17 | WHEREAS, there is no available civil remedy to provide
18 | compensation for the brutal death of Ms. Berdat due to the
19 | negligence of the Department of Corrections, the Estate of
20 | Alice Berdat seeks the sum of \$250,000, NOW, THEREFORE,

21 |

22 | Be It Enacted by the Legislature of the State of Florida:

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24 | Section 1. The facts stated in the preamble to this
25 | act are found and declared to be true.

26 | Section 2. The sum of \$250,000 is appropriated out of
27 | funds in the State Treasury to the credit of the Department of
28 | Corrections and not otherwise appropriated to be paid to the
29 | Estate of Alice Berdat as relief for the death of Alice Berdat
30 | due to the negligence of the Department of Corrections.

31 |

1 Section 3. The Comptroller is directed to draw his
2 warrant in favor of the Estate of Alice Berdat in the sum of
3 \$250,000 upon funds in the State Treasury to the credit of the
4 Department of Corrections, and the State Treasurer is directed
5 to pay the same out of such funds in the State Treasury not
6 otherwise appropriated.

7 Section 4. This act shall take effect upon becoming a
8 law.

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SENATE SUMMARY

Provides for an appropriation to compensate the Estate of Alice Berdat, deceased, for Ms. Berdat's death due to the negligence of the Department of Corrections.