

By Senator Sullivan

22-51-01

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:

23 |  
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.