

By Representative Arza

1                                   A bill to be entitled  
2           An act for the relief of Mary Beth Wiggers;  
3           providing an appropriation to compensate Mary  
4           Beth Wiggers for injuries she sustained due to  
5           the negligence of the Department of  
6           Corrections; providing an effective date.

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8           WHEREAS, on August 25, 1989, Mary Beth Wiggers, a  
9           38-year-old resident of St. Petersburg, Pinellas County,  
10          Florida, was sexually assaulted and beaten by Anthony Neil  
11          Washington (hereinafter referred to as Washington), and

12                WHEREAS, Washington committed the above-referenced rape  
13          and battery while imprisoned at the Largo Community  
14          Correctional Work-Release Center after being sentenced on  
15          August 31, 1988, to serve 6 years in prison for various  
16          crimes, and

17                WHEREAS, Washington's travel to and from work was  
18          totally unsupervised, and

19                WHEREAS, on the date of the rape and battery,  
20          Washington was dropped off by a co-worker (not an inmate) on  
21          the street in front of Largo Community Correctional  
22          Work-Release Center, whereupon Washington, instead of directly  
23          proceeding to Largo Community Correctional Work-Release  
24          Center, walked down the street to a motel where Mary Beth  
25          Wiggers was working as a housekeeper, and

26                WHEREAS, Washington entered a motel room that Mary Beth  
27          Wiggers was cleaning and proceeded to rape and batter her and  
28          twice choked her into unconsciousness, and

29                WHEREAS, Washington walked back to and entered Largo  
30          Community Correctional Work-Release Center without notice or  
31          inquiry, and

1           WHEREAS, Washington pled no contest to the charge of  
2 sexually assaulting and battering Mary Beth Wiggers and was  
3 sentenced to 15 years in prison; however, Washington is on  
4 Florida's Death Row for the rape and murder of Alice Berdat,  
5 and

6           WHEREAS, the Department of Corrections, knowing that  
7 Washington was a career felon who was serving a 6-year  
8 sentence for various crimes, allowed Washington to participate  
9 in a work-release program less than 1 year after the date of  
10 the 6-year sentence, and

11           WHEREAS, the Department of Corrections allowed  
12 Washington to walk from the Largo Community Correctional  
13 Work-Release Center to his place of employment and to return  
14 to Largo Community Correctional Work-Release Center totally  
15 unsupervised, and

16           WHEREAS, the Department of Corrections failed to  
17 establish any procedures for contact by Washington at his  
18 place of employment so as to assure his arrival or departure,  
19 and

20           WHEREAS, the Commander of Largo Correctional Center at  
21 all times material to this claim was of the belief and  
22 understanding that before any inmate was placed with a  
23 prospective employer, the Department of Corrections had the  
24 employer undergo an orientation program setting forth the  
25 duties and responsibilities of the employer pertaining to the  
26 handling of the inmate, and the duty to initiate this  
27 orientation program was bestowed upon another officer within  
28 the Department of Corrections and Largo Correctional Center,  
29 and

30           WHEREAS, no such orientation program existed, and,  
31 specifically, no orientation program was presented to

1 Washington's employer to inform the employer of the employer's  
2 duties and responsibilities pertaining to Washington, such as  
3 keeping an arrival or departure log to assure the whereabouts  
4 of Washington, taking specified actions if certain activities  
5 or actions were undertaken by Washington, or notifying a  
6 designated person within the Department of Corrections if  
7 Washington undertook any suspicious activity or action, and  
8         WHEREAS, the Department of Corrections knew that the  
9 Largo Community Correctional Work-Release Center was located  
10 in and about a residential neighborhood and business district,  
11 which included the area in which Mary Beth Wiggers worked, but  
12 failed to notify or warn local residents or persons working in  
13 the area of the location and identity of the Largo Community  
14 Correctional Work-Release Center and the unsupervised nature  
15 of the program in order that residents and workers, including  
16 Mary Beth Wiggers, could undertake necessary precautions, and  
17         WHEREAS, this incident occurred because of the  
18 premature placement of Washington in the work-release program  
19 before he had been rehabilitated, the Department of  
20 Corrections allowing Washington to leave Largo Correctional  
21 Center unsupervised, the failure of the Department of  
22 Corrections to have a program in effect to assure Washington's  
23 arrival at his place of employment and departure therefrom,  
24 the failure of the Department of Corrections to have in effect  
25 a program designed to assure that employers of work-release  
26 inmates understand their duties and responsibilities  
27 pertaining to the inmate, and the failure of the Department of  
28 Corrections to notify residents and workers within the general  
29 vicinity of the Largo Correctional Center of the housing of  
30 inmates and the unsupervised nature of the program, and  
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1           WHEREAS, due to the attack described in this act, Mary  
2 Beth Wiggers suffers from post-traumatic stress disorder,  
3 continues with psychological counseling, has been unable to  
4 enter into any relationships, is fearful she may have  
5 contracted AIDS from Washington, and has lost closeness with  
6 her children, and

7           WHEREAS, since there is no civil remedy available to  
8 compensate Mary Beth Wiggers for this brutal attack and rape  
9 that occurred due to the negligence of the Department of  
10 Corrections, Mary Beth Wiggers seeks the sum of \$450,000, NOW,  
11 THEREFORE,

12  
13 Be It Enacted by the Legislature of the State of Florida:

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

17           Section 2. The sum of \$450,000 is appropriated out of  
18 the funds in the State Treasury to the credit of the  
19 Department of Corrections and not otherwise appropriated to be  
20 paid to Mary Beth Wiggers as relief for the injuries that she  
21 suffered as a result of the negligence of the Department of  
22 Corrections.

23           Section 3. The Comptroller is directed to draw his  
24 warrant in favor of Mary Beth Wiggers in the sum of \$450,000  
25 upon funds in the State Treasury to the credit of the  
26 Department of Corrections, and the State Treasurer is directed  
27 to pay the sum out of such funds in the State Treasury not  
28 otherwise appropriated.

29           Section 4. This act shall take effect upon becoming a  
30 law.

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SENATE SUMMARY

Provides an appropriation to compensate Mary Beth Wiggers for injuries she sustained due to the negligence of the Department of Corrections.