

Bill No. SB 2968

Barcode 884768

CHAMBER ACTION

Senate

House

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Comm: 1/FAV
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The Special Master on Claim Bills recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

Section 2. There is appropriated from the General Revenue Fund the sum of \$2.3 million to the Department of Financial Services under the conditions provided in this act.

Section 3. The Chief Financial Officer is directed to draw a warrant in the sum of \$2.3 million for the purposes provided in this act. The Chief Financial Officer is directed and authorized to pay the same out of such funds in the State Treasury and to execute a qualified assignment within the meaning of s. 130(c) of the Internal Revenue Code, with an assignee acceptable to the estate of Martin Lee Anderson, providing periodic payments to Gina Jones and Robert Anderson as compensation for the personal injuries and death of the

Bill No. SB 2968

Barcode 884768

1 decedent. The Department of Financial Services is authorized
2 to execute all necessary agreements to implement this act.

3 Section 4. The Chief Financial Officer shall execute
4 the qualified assignment agreement as required by this act
5 upon execution by the estate of Martin Lee Anderson and
6 delivery to the Department of Financial Services, with copies
7 to the President of the Senate and the Speaker of the House of
8 Representatives, of a release and waiver on behalf of the
9 estate of Martin Lee Anderson and his parents, heirs,
10 successors, and assigns forever releasing the State of Florida
11 and any instrumentality, officer, employee, or political
12 subdivision thereof, or any other entity subject to the
13 provisions of s. 768.28, Florida Statutes, from any and all
14 present or future claims or declaratory relief the estate of
15 Martin Lee Anderson or any of his parents, heirs, successors,
16 or assigns may have against such enumerated entities and
17 arising out of the factual situation in connection or
18 associated with the death of Martin Lee Anderson.

19 Section 5. The Legislature shall not be deemed by this
20 act to have waived any defense of sovereign immunity or to
21 have increased the limits of liability on behalf of the state
22 or any person or entity subject to s. 768.28, Florida
23 Statutes, or any other law.

24 Section 6. This award is intended to provide the sole
25 compensation for any and all present and future claims arising
26 out of the factual situation in connection or associated with
27 the death of Martin Lee Anderson. Not more than 25 percent of
28 the award may be paid by the estate of Martin Lee Anderson,
29 Gina Jones, or Robert Anderson for attorney's fees, lobbying
30 fees, costs, or other similar expenses.

31 Section 7. This act shall take effect upon becoming a

Bill No. SB 2968

Barcode 884768

1 law.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

9 A bill to be entitled

10 An act relating to the Department of Juvenile
11 Justice; providing an appropriation to
12 compensate Gina Jones and Robert Anderson,
13 parents and natural guardians of Martin Lee
14 Anderson, jointly, for the wrongful death of
15 Martin Lee Anderson, which was due to the
16 negligence of the Bay County Sheriff's Office;
17 providing conditions for payment; providing for
18 attorney's fees and lobbying fees; providing an
19 effective date.

20

21 WHEREAS, on January 5, 2006, Martin Lee Anderson, a
22 14-year-old, was in the custody and care of a Department of
23 Juvenile Justice boot camp, operated by the Bay County
24 Sheriff's Office, known as the Bay County Boot Camp, and

25 WHEREAS, during enrollment procedures, employees/guards
26 of the Bay County Boot Camp ordered Martin Lee Anderson to run
27 16 laps around the athletic field of the boot camp, and

28 WHEREAS, during the course of the exercise, Martin Lee
29 Anderson fell and the employees/guards forced him to continue
30 to run, kicked, hit, and manhandled him, and shoved him
31 against a fence and then forced him to the ground, and

Bill No. SB 2968

Barcode 884768

1 WHEREAS, during this time Martin Lee Anderson
2 complained of breathing difficulties but was not given the
3 proper medical attention, and

4 WHEREAS, Martin Lee Anderson's failed attempts to stand
5 up resulted in being restrained to a wall by the
6 employees/guards, and given ammonia tablets, and

7 WHEREAS, the entire matter was captured on security
8 surveillance video camera and was released to the public only
9 after the Miami Herald and CNN sued to have said video
10 released, and

11 WHEREAS, the employees/guards continued to hold such
12 tablets over Martin Lee Anderson's airways while covering his
13 mouth until he became unresponsive, and

14 WHEREAS, after a considerable amount of time the
15 employees/guards placed a call to 911 requesting an ambulance
16 and Martin Lee Anderson was taken to Sacred Heart Hospital
17 where he was pronounced dead at 1:53 a.m. on January 6, 2006,
18 and

19 WHEREAS, the death of Martin Lee Anderson was caused by
20 suffocation brought on by the manual occlusion of the mouth in
21 concert with the forced inhalation of ammonia fumes, and

22 WHEREAS, the employees/guards of the boot camp are
23 directly responsible for the administration of the ammonia
24 pills and the covering of Martin Lee Anderson's nose and
25 mouth, which contributed to the suffocation, and

26 WHEREAS, the actions of the employees/guards violated
27 the customary and standards protocol and procedures, effective
28 June 21, 2004, with respect to physical restraints and
29 interactions with minor offenders at facilities of the
30 Department of Juvenile Justice which does not permit the use
31 of pressure point maneuvers, and

Bill No. SB 2968

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1 WHEREAS, the Governor, in a consent letter dated March
2 14, 2007, requested the State Legislature to waive the
3 deadline for 2007 claim bills and allocate \$5 million as
4 relief to the estate of Martin Lee Anderson, NOW, THEREFORE,

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