

By Senators Hill, Wilson, Siplin, Joyner, Bullard, Lawson and Dawson

1-2096B-07

1 A bill to be entitled
2 An act relating to the Department of Juvenile
3 Justice; providing an appropriation to
4 compensate the estate of Martin Lee Anderson,
5 deceased minor child of Robert Anderson and
6 Gina Jones, parents and natural guardians of
7 Martin Lee Anderson, jointly, for the wrongful
8 death of Martin Lee Anderson, which was due to
9 the direct actions of the Bay County Sheriff's
10 Office, an agent of the Department of Juvenile
11 Justice; providing conditions for payment;
12 providing an effective date.

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14 WHEREAS, on January 5, 2006, Martin Lee Anderson, a
15 14-year-old, was in the custody and care of a Department of
16 Juvenile Justice boot camp, operated by the Bay County
17 Sheriff's Office, known as the Bay County Boot Camp, and

18 WHEREAS, during enrollment procedures, employees/guards
19 of the Bay County Boot Camp ordered Martin Lee Anderson to run
20 16 laps around the athletic field of the boot camp, and

21 WHEREAS, during the course of the exercise, Martin Lee
22 Anderson fell and the employees/guards forced him to continue
23 to run, kicked, hit, and manhandled him, and shoved him
24 against a fence and then forced him to the ground, and

25 WHEREAS, during this time Martin Lee Anderson
26 complained of breathing difficulties but was not given the
27 proper medical attention, and

28 WHEREAS, Martin Lee Anderson's failed attempts to stand
29 up resulted in being restrained to a wall by the
30 employees/guards, and given ammonia tablets into his nose and
31 airways, and

1 WHEREAS, the entire matter was captured on security
2 surveillance video camera and was released to the public only
3 after the Miami Herald and CNN sued to have said video
4 released, and

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

8 WHEREAS, after 40 minutes the employees/guards placed a
9 call to 911 requesting an ambulance and Martin Lee Anderson
10 was taken to Sacred Heart Hospital where he was pronounced
11 dead at 1:53 a.m. on January 6, 2006, and

12 WHEREAS, the death of Martin Lee Anderson was caused by
13 suffocation brought on by the manual occlusion of the mouth in
14 concert with the forced inhalation of ammonia fumes that
15 caused spasms of the vocal cord resulting in internal blockage
16 of the upper airways, and

17 WHEREAS, the employees/guards of the boot camp are
18 directly responsible for the administration of the ammonia
19 pills and the covering of Martin Lee Anderson's nose and
20 mouth, and sitting him on the ground which prevented his
21 diaphragm from moving, all of which contributed to the
22 suffocation, and

23 WHEREAS, the actions of the employees/guards, acting
24 within the course and scope of employment with the Bay County
25 Boot Camp and the Department of Juvenile Justice violated the
26 customary and standards protocol and procedures, effective
27 June 21, 2004, with respect to physical restraints and
28 interactions with minor offenders at facilities of the
29 Department of Juvenile Justice which does not permit the use
30 of pressure point maneuvers, and
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1 WHEREAS, employees/guards of the Bay County Sheriff's
2 Office engaged in unauthorized, violent physical interactions
3 with Martin Lee Anderson and violated the laws of the State of
4 Florida and the rights conferred by the Constitution of the
5 United States, and

6 WHEREAS, the Governor, in a consent letter dated March
7 14, 2007, requested the State Legislature to waive the
8 deadline for 2007 claim bills and allocate \$5 million as
9 relief to the estate of Martin Lee Anderson, NOW, THEREFORE,

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11 Be It Enacted by the Legislature of the State of Florida:

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

15 Section 2. The sum of \$5 million is appropriated from
16 the General Revenue Fund to the Department of Juvenile Justice
17 as compensation to the estate of Martin Lee Anderson for the
18 death of Martin Lee Anderson.

19 Section 3. The Chief Financial Officer is directed to
20 draw a warrant in favor of the estate of Martin Lee Anderson
21 in the sum of \$5 million upon funds of the Department of
22 Juvenile Justice not otherwise encumbered, and the Chief
23 Financial Officer is directed to pay the same out of such
24 funds in the State Treasury and to execute a qualified
25 assignment within the meaning of s. 130(c) of the Internal
26 Revenue Code, with an assignee acceptable to the estate of
27 Martin Lee Anderson. The Department of Juvenile Justice is
28 authorized to execute all necessary agreements to implement
29 this act.

30 Section 4. The Chief Financial Officer shall execute
31 the qualified assignment agreement as required by this act

1 upon delivery by the estate of Martin Lee Anderson to the
2 Chief Financial Officer, the Department of Financial Services,
3 the President of the Senate, and the Speaker of the House of
4 Representatives of an executed release and waiver on behalf of
5 the estate of Martin Lee Anderson and his parents, heirs,
6 successors, and assigns forever releasing the Department of
7 Juvenile Justice, the Bay County Sheriff's Office, and the
8 Legislature, and any instrumentality, officer, employee, or
9 political subdivision thereof, from any and all present or
10 future claims or declaratory relief the claimant or any of his
11 parents, heirs, successors, or assigns may have against such
12 enumerated entities and arising out of the factual situation
13 in connection with the death of Martin Lee Anderson.

14 Section 5. The Legislature shall not be deemed by this
15 act to have waived any defense of sovereign immunity or to
16 have increased the limits of liability on behalf of the state
17 or any person or entity subject to the provisions of s.
18 768.28, Florida Statutes, or any other law.

19 Section 6. This award is intended to provide the sole
20 compensation for any and all present and future claims arising
21 out of the factual situation in connection with the death of
22 Martin Lee Anderson. Not more than 25 percent of the award may
23 be paid by the estate for attorney's fees, lobbying fees,
24 costs, or other similar expenses.

25 Section 7. This act shall take effect upon becoming a
26 law.

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29 SENATE SUMMARY

30 Appropriates funds to the estate of Martin Lee Anderson
31 as compensation for his death due to the actions of the
Bay County Sheriff's Office, an agent of the Department
of Juvenile Justice. Provides conditions for payment.