

1 after the Miami Herald and CNN sued to have said video
2 released, and

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

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

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

14 WHEREAS, the employees/guards of the boot camp are
15 directly responsible for the administration of the ammonia
16 pills and the covering of Martin Lee Anderson's nose and
17 mouth, which contributed to the suffocation, and

18 WHEREAS, the actions of the employees/guards violated
19 the customary and standards protocol and procedures, effective
20 June 21, 2004, with respect to physical restraints and
21 interactions with minor offenders at facilities of the
22 Department of Juvenile Justice which does not permit the use
23 of pressure point maneuvers, and

24 WHEREAS, the Governor, in a consent letter dated March
25 14, 2007, requested the State Legislature to waive the
26 deadline for 2007 claim bills and allocate \$5 million as
27 relief to the estate of Martin Lee Anderson, NOW, THEREFORE,

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

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

3 Section 2. There is appropriated from the General
4 Revenue Fund the sum of \$4.8 million to the Department of
5 Financial Services under the conditions provided in this act.

6 Section 3. The Chief Financial Officer is directed to
7 draw a warrant in the sum of \$4.8 million for the purposes
8 provided in this act. The Chief Financial Officer is directed
9 and authorized to pay the same out of such funds in the State
10 Treasury and to execute a qualified assignment within the
11 meaning of s. 130(c) of the Internal Revenue Code, with an
12 assignee acceptable to the estate of Martin Lee Anderson,
13 providing periodic payments to Gina Jones and Robert Anderson
14 as compensation for the personal injuries and death of the
15 decedent. The Department of Financial Services is authorized
16 to execute all necessary agreements to implement this act.

17 Section 4. The Chief Financial Officer shall execute
18 the qualified assignment agreement as required by this act
19 upon execution by the estate of Martin Lee Anderson and
20 delivery to the Department of Financial Services, with copies
21 to the President of the Senate and the Speaker of the House of
22 Representatives, of a release and waiver on behalf of the
23 estate of Martin Lee Anderson and his parents, heirs,
24 successors, and assigns forever releasing the State of Florida
25 and any instrumentality, officer, employee, or political
26 subdivision thereof, or any other entity subject to the
27 provisions of s. 768.28, Florida Statutes, from any and all
28 present or future claims or declaratory relief the estate of
29 Martin Lee Anderson or any of his parents, heirs, successors,
30 or assigns may have against such enumerated entities and
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1 arising out of the factual situation in connection or
2 associated with the death of Martin Lee Anderson.

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

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

15 Section 7. This act shall take effect upon becoming a
16 law.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 Senate Bill 2968

21 Appropriates \$4.8 million for the wrongful death of Martin Lee
22 Anderson, reducing the original appropriation by \$200,000 to
23 account for the amount already paid by the Department of
24 Juvenile Justice to the family.
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