By the Committee on Criminal and Civil Justice Appropriations; and Senators Hill, Wilson, Siplin, Joyner, Bullard, Lawson and Dawson

604-2627-07

1	A bill to be entitled
2	An act relating to the Department of Juvenile
3	Justice; providing an appropriation to
4	compensate Gina Jones and Robert Anderson,
5	parents and natural guardians of Martin Lee
6	Anderson, jointly, for the wrongful death of
7	Martin Lee Anderson, which was due to the
8	negligence of the Bay County Sheriff's Office;
9	providing conditions for payment; providing for
10	attorney's fees and lobbying fees; providing an
11	effective date.
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13	WHEREAS, on January 5, 2006, Martin Lee Anderson, a
14	14-year-old, was in the custody and care of a Department of
15	Juvenile Justice boot camp, operated by the Bay County
16	Sheriff's Office, known as the Bay County Boot Camp, and
17	WHEREAS, during enrollment procedures, employees/guards
18	of the Bay County Boot Camp ordered Martin Lee Anderson to run
19	16 laps around the athletic field of the boot camp, and
20	WHEREAS, during the course of the exercise, Martin Lee
21	Anderson fell and the employees/guards forced him to continue
22	to run, kicked, hit, and manhandled him, and shoved him
23	against a fence and then forced him to the ground, and
24	WHEREAS, during this time Martin Lee Anderson
25	complained of breathing difficulties but was not given the
26	proper medical attention, and
27	WHEREAS, Martin Lee Anderson's failed attempts to stand
28	up resulted in being restrained to a wall by the
29	employees/guards, and given ammonia tablets, and
30	WHEREAS, the entire matter was captured on security
31	surveillance video camera and was released to the public only

after the Miami Herald and CNN sued to have said video 2 released, and WHEREAS, the employees/guards continued to hold such 3 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 WHEREAS, the death of Martin Lee Anderson was caused by 11 12 suffocation brought on by the manual occlusion of the mouth in 13 concert with the forced inhalation of ammonia fumes, and WHEREAS, the employees/guards of the boot camp are 14 directly responsible for the administration of the ammonia 15 pills and the covering of Martin Lee Anderson's nose and 16 17 mouth, which contributed to the suffocation, and 18 WHEREAS, the actions of the employees/guards violated the customary and standards protocol and procedures, effective 19 June 21, 2004, with respect to physical restraints and 20 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 WHEREAS, the Governor, in a consent letter dated March 2.4 14, 2007, requested the State Legislature to waive the 25 26 deadline for 2007 claim bills and allocate \$5 million as 27 relief to the estate of Martin Lee Anderson, NOW, THEREFORE, 2.8 29 Be It Enacted by the Legislature of the State of Florida: 30 31

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 Financial Services under the conditions provided in this act. 5 6 Section 3. The Chief Financial Officer is directed to 7 draw a warrant in the sum of \$4.8 million for the purposes provided in this act. The Chief Financial Officer is directed 8 and authorized to pay the same out of such funds in the State 9 10 Treasury and to execute a qualified assignment within the meaning of s. 130(c) of the Internal Revenue Code, with an 11 12 assignee acceptable to the estate of Martin Lee Anderson, 13 providing periodic payments to Gina Jones and Robert Anderson as compensation for the personal injuries and death of the 14 decedent. The Department of Financial Services is authorized 15 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 upon execution by the estate of Martin Lee Anderson and 19 delivery to the Department of Financial Services, with copies 2.0 21 to the President of the Senate and the Speaker of the House of 2.2 Representatives, of a release and waiver on behalf of the 23 estate of Martin Lee Anderson and his parents, heirs, successors, and assigns forever releasing the State of Florida 2.4 and any instrumentality, officer, employee, or political 2.5 subdivision thereof, or any other entity subject to the 2.6 27 provisions of s. 768.28, Florida Statutes, from any and all 2.8 present or future claims or declaratory relief the estate of Martin Lee Anderson or any of his parents, heirs, successors, 29 or assigns may have against such enumerated entities and 30 31

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 <u>Senate Bill 2968</u>
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21	Appropriates \$4.8 million for the wrongful death of Martin Lee
22	Anderson, reducing the original appropriation by \$200,000 to account for the amount already paid by the Department of
23	Juvenile Justice to the family.
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