

By Senator Aronberg

27-00163-08

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1 A bill to be entitled

2 An act relating to the Department of Children and Family  
3 Services; providing for the relief of Pierreisna Archille,  
4 a mentally disabled person, by and through her Limited  
5 Guardian of Property, Patrick Weber, to compensate  
6 Pierreisna for injuries sustained as a result of the  
7 negligence of employees of the department; providing for  
8 an appropriation; providing a limitation on the payment of  
9 fees and costs; providing an effective date.

10  
11 WHEREAS, Pierreisna Archille, a 25-year-old moderately  
12 retarded woman, has the cognitive ability of a child between  
13 kindergarten and a first-grade level, and

14 WHEREAS, because of allegations of neglect against her  
15 biological mother and stepfather, Pierreisna Archille and her  
16 sisters, Darleen and Muriel, were placed in foster care in 1993,  
17 and

18 WHEREAS, in 1997, when Pierreisna was 15 years old, the  
19 Archille children were placed in the foster home of Bonifacio and  
20 Josephine Velazquez, and

21 WHEREAS, the Velazquez foster home was licensed, supervised,  
22 and monitored by the Department of Children and Family Services  
23 and its employees and agents, and

24 WHEREAS, after the children's placement in the foster home,  
25 Darleen Archille complained that Bonifacio Velazquez, the foster  
26 father, was sexually molesting Muriel, a toddler, and was also  
27 molesting Darleen, and

28 WHEREAS, after such complaints were made, both Darleen and  
29 Muriel were removed from the Velazquez home, but Pierreisna

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30 remained in the home, and

31 WHEREAS, between June of 1998 through June of 1999,  
32 Bonifacio Velazquez repeatedly raped and molested Pierreisna  
33 Archille, resulting in her impregnation and subsequent birth of a  
34 daughter, and

35 WHEREAS, after the birth of Pierreisna's daughter, Takeisha,  
36 Pierreisna's younger sister Darleen, then 19 years old, undertook  
37 the responsibility of helping Pierreisna take care of Takeisha,  
38 and

39 WHEREAS, Pierreisna is in need of funds necessary for her,  
40 as a developmentally disabled person, to care for her daughter  
41 with the assistance of Darleen, and

42 WHEREAS, Pierreisna continues to suffer nightmares and  
43 extreme emotional and psychological trauma, and

44 WHEREAS, a life care continuum was formulated by  
45 comprehensive rehabilitation consultants detailing the funds  
46 necessary to provide treatment to Pierreisna, as well as to help  
47 provide for the support necessary for Pierreisna to take care of  
48 her daughter, and

49 WHEREAS, Dr. Fred Raffa, an economist, reduced such cost to  
50 the present value in the amount of \$4,067,431, and

51 WHEREAS, the dependency court appointed a Limited Guardian  
52 of Property for Pierreisna Archille for the purpose of assisting  
53 in obtaining compensation for her damages, and

54 WHEREAS, a lawsuit was filed on behalf of the Limited  
55 Guardian of Property for Pierreisna Archille in Naples, Florida,  
56 against the Department of Children and Family Services, and

57 WHEREAS, Pierreisna Archille, by and through her Limited  
58 Guardian of Property, Patrick Weber, and the Department of

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59 Children and Family Services agreed to mediation to resolve this  
60 matter and entered into a settlement agreement to reimburse  
61 Pierreisna for her damages and to provide a basis for this claim  
62 bill, and

63 WHEREAS, the Department of Children and Family Services and  
64 the Limited Guardian of Property agreed that \$1.3 million is  
65 reasonable and fair compensation for Pierreisna Archille's  
66 damages, and this amount was arrived by a good-faith negotiation  
67 between the parties at a court-sanctioned mediation, and

68 WHEREAS, the Department of Children and Family Services has  
69 already paid \$100,000 and supports a claim bill in the amount of  
70 \$1.2 million, and

71 WHEREAS, so that Pierreisna Archille could immediately have  
72 access to needed funds, it was agreed to defer payment of  
73 attorney's fees and costs of plaintiff's counsel with respect to  
74 the \$100,000 already paid by the department, NOW, THEREFORE,

75

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

77

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

80 Section 2. The sum of \$1.2 million is appropriated from the  
81 General Revenue Fund to the Department of Children and Family  
82 Services for the benefit of Pierreisna Archille as compensation  
83 for injuries she sustained due to the negligence of employees of  
84 the department.

85 Section 3. The Chief Financial Officer is authorized and  
86 directed to draw a warrant in the sum of \$1.2 million, payable to  
87 Patrick Weber, Limited Guardian of Property for Pierreisna

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88 Archille, upon funds of the Department of Children and Family  
89 Services and, after payment of any outstanding liens and  
90 attorney's fees, costs, and lobbying fees as provided in section  
91 4 of this act, the remainder shall be placed in a Special Needs  
92 Trust created for the exclusive use and benefit of Pierreisna  
93 Archille, a disabled adult, as compensation for injuries and  
94 damages sustained while under the care of the department.

95       Section 4. This award is intended to provide the sole  
96 compensation for all present and future claims arising out of the  
97 factual situation described in this act which resulted in injury  
98 to Pierreisna Archille. The total amount paid for attorney's  
99 fees, lobbying fees, costs, and other similar expenses relating  
100 to this claim may not exceed 25 percent of the amount awarded  
101 under this act and the amount previously paid to the claimant by  
102 the Department of Children and Family Services.

103       Section 5. This act shall take effect upon becoming a law.