

1 A bill to be entitled
 2 An act for the relief of Pierreisna Archille; providing an
 3 appropriation to compensate Pierreisna Archille, a
 4 mentally disabled person, by and through Patrick Weber,
 5 Limited Guardian of Property for Pierreisna Archille, for
 6 injuries and damages sustained as a result of the
 7 negligence of employees of the Department of Children and
 8 Family Services; providing for reversion of funds;
 9 providing a limitation on the payment of attorney's fees,
 10 lobbying fees, costs, and other similar expenses relating
 11 to the claim; providing an effective date.

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

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

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

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

26 WHEREAS, after placement of the Archille children in the
 27 foster home, Darleen Archille complained that Bonifacio
 28 Velazquez, the foster father, was sexually molesting her and was

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29 | also molesting Muriel Archille, a toddler, and

30 | WHEREAS, after these complaints were made, both Darleen
31 | Archille and Muriel Archille were removed from the Velazquez
32 | home, but Pierreisna Archille remained in the home, and

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

37 | WHEREAS, after the birth of Pierreisna Archille's daughter,
38 | Takeisha, Pierreisna Archille's younger sister, Darleen, then 19
39 | years old, undertook the responsibility of helping Pierreisna
40 | Archille take care of her daughter, and

41 | WHEREAS, as a developmentally disabled person, Pierreisna
42 | Archille is in need of funds necessary for her to care for her
43 | daughter with the assistance of her sister, Darleen, and

44 | WHEREAS, Pierreisna Archille continues to suffer nightmares
45 | and extreme emotional and psychological trauma as a result of
46 | the actions giving rise to this claim, and

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

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

54 | WHEREAS, the dependency court appointed a Limited Guardian
55 | of Property for Pierreisna Archille for the purpose of assisting
56 | in obtaining compensation for her damages, and

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

60 WHEREAS, Pierreisna Archille, by and through her Limited
 61 Guardian of Property, Patrick Weber, and the Department of
 62 Children and Family Services agreed to mediation to resolve this
 63 matter and entered into a settlement agreement to compensate
 64 Pierreisna Archille for her damages and to provide a basis for
 65 this claim bill, and

66 WHEREAS, as a result of good-faith negotiations between the
 67 parties at a court-sanctioned mediation, the Department of
 68 Children and Family Services and the Limited Guardian of
 69 Property agreed that \$1.3 million is reasonable and fair
 70 compensation for Pierreisna Archille's damages, and

71 WHEREAS, the Department of Children and Family Services has
 72 already paid \$100,000 in accordance with the provisions of s.
 73 768.28, Florida Statutes, and

74 WHEREAS, with respect to the \$100,000 already paid by the
 75 department, deferred payment of attorney's fees and costs of
 76 plaintiff's counsel was agreed to in order that Pierreisna
 77 Archille could immediately have access to needed funds, and

78 WHEREAS, the Department of Children and Family Services
 79 supports a claim bill in the amount of \$1.2 million, NOW,
 80 THEREFORE,

81

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

83

84 Section 1. The facts stated in the preamble to this act

85 are found and declared to be true.

86 Section 2. (1) There is appropriated from the General
87 Revenue Fund to the Department of Children and Family Services
88 the sum of \$1,200,000 to be paid to Pierreisna Archille, by and
89 through Patrick Weber, Limited Guardian of Property for
90 Pierreisna Archille, as relief for injuries and damages
91 sustained. After payment of attorney's fees and costs, lobbying
92 fees, and other similar expenses relating to this claim as
93 provided for in this section, outstanding medical liens, and
94 other immediate needs, the remaining funds shall be placed in a
95 special needs trust created for the exclusive use and benefit of
96 Pierreisna Archille. Any funds remaining in the special needs
97 trust upon the death of Pierreisna Archille, after payment of
98 any outstanding Medicaid liens, shall revert to the General
99 Revenue Fund of the State of Florida.

100 (2) Any amount awarded under this act pursuant to the
101 waiver of sovereign immunity permitted under s. 768.28, Florida
102 Statutes, and this award is intended to provide the sole
103 compensation for all present and future claims arising out of
104 the factual situation described in the preamble to this act
105 which resulted in the injury to Pierreisna Archille. The total
106 amount paid for attorney's fees, lobbying fees, costs, and other
107 similar expenses relating to this claim may not exceed 25
108 percent of the amount awarded under subsection (1).

109 Section 3. The Chief Financial Officer is authorized and
110 directed to draw a warrant in the sum of \$1,200,000, payable to
111 Pierreisna Archille, by and through Patrick Weber, Limited
112 Guardian of Property for Pierreisna Archille, upon funds in the

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113 State Treasury to the credit of the Department of Children and
114 Family Services, and the Chief Financial Officer is directed to
115 pay the same out of such funds in the State Treasury not
116 otherwise appropriated.

117 Section 4. This act shall take effect upon becoming a law.