

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 Darlene Achille,  
 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.

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 13           WHEREAS, Pierreisna Archille, a 26-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, Darlene 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, Darlene Achille complained that Bonifacio  
 28          Velazquez, the foster father, was sexually molesting her and was

29 | also molesting S.A., a toddler, and  
 30 |       WHEREAS, after these complaints were made, both Darlene and  
 31 | Muriel were removed from the Velazquez home, but Pierreisna  
 32 | 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, Darlene, 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, Darlene, 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 previous  
 61 Limited Guardian of Property, Patrick Weber, and the Department  
 62 of Children and Family Services agreed to mediation to resolve  
 63 this matter and entered into a settlement agreement to  
 64 compensate Pierreisna Archille for her damages and to provide a  
 65 basis for 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 Darlene Achille, 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 Darlene Achille, 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.