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1                   A bill to be entitled  
2           An act for the relief of Angela Sozzani; directing the  
3           Department of Children and Family Services to include in  
4           its annual legislative budget requests an appropriation to  
5           compensate Angela Sozzani, a disabled person, by and  
6           through her next friend, for injuries and damages  
7           sustained as a result of the negligence of employees of  
8           the Department of Children and Family Services; providing  
9           for the use of funds; specifying funds to be included in  
10          the initial appropriation; requiring the department to  
11          seek appropriations in excess of the limit established in  
12          the act under certain circumstances; providing that no  
13          payment of attorneys' fees, lobbying fees, costs, or other  
14          similar expenses relating to the claim shall be awarded;  
15          providing an effective date.

16  
17          WHEREAS, Angela Sozzani, whose date of birth is April 21,  
18          2000, experienced a severe hypoxic-ischemic encephalopathy,  
19          secondary to a near drowning, on April 17, 2002, and, as a  
20          result, is forever dependent on receiving 24-hour medical and  
21          supportive care, and

22          WHEREAS, Angela Sozzani was in the legal custody of the  
23          Department of Children and Family Services and had been placed  
24          in the medical foster home of Ronald and Joyce Bryson on  
25          February 6, 2001, and

26          WHEREAS, Ronald Bryson and Joyce Bryson were each licensed  
27          by the Department of Children and Family Services to provide  
28          foster care pursuant to s. 409.175, Florida Statutes, and

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29 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were  
30 providing foster care to three medically needy foster children  
31 and after-school care to their two special-needs grandchildren,  
32 even though their foster home was licensed by the Department of  
33 Children and Family Services to provide care for only two  
34 children, and

35 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were  
36 hosting a party and allowed their two grandchildren to swim in  
37 their swimming pool without adult supervision, and

38 WHEREAS, on April 17, 2002, Angela Sozzani, who was nearly  
39 2 years of age and was not being supervised, wandered out the  
40 open patio door to the pool and fell into the swimming pool,  
41 nearly drowning, and

42 WHEREAS, a lawsuit was filed on behalf of Angela Sozzani in  
43 Pinellas County against the Department of Children and Family  
44 Services, Ronald and Joyce Bryson, Family Continuity Program,  
45 Inc., and Help a Child, Inc., and

46 WHEREAS, Angela Sozzani's claim against Ronald and Joyce  
47 Bryson is based on each person's failure to properly supervise  
48 Angela and their failure to follow rules of the Department of  
49 Children and Family Services, and

50 WHEREAS, Angela Sozzani's claim against Family Continuity  
51 Program, Inc., which was the lead agency in Pinellas County  
52 pursuant to s. 409.1671, Florida Statutes, during the period  
53 that Angela was placed in the Bryson home, is based on the  
54 entity's failure to comply with rules of the Department of  
55 Children and Family Services, failure to perform monthly home  
56 visits, failure to ensure Angela's safety in the Bryson foster

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57 | home, and failure to report the licensing violations that were  
58 | observed in the Bryson foster home, and

59 |       WHEREAS, Angela Sozzani's claim against Help a Child, Inc.,  
60 | which was the private entity that contracted with the Department  
61 | of Children and Family Services to oversee the operation of the  
62 | medical foster care program through which the Brysons were  
63 | licensed, is based on the entity's failure to properly oversee  
64 | and manage the Bryson foster home, failure to train Ronald and  
65 | Joyce Bryson, failure to comply with rules of the Department of  
66 | Children and Family Services, and failure to report the  
67 | licensing violations that were observed in the Bryson foster  
68 | home, and

69 |       WHEREAS, Angela Sozzani's claim against the Department of  
70 | Children and Family Services is based on the department's  
71 | failure to follow its own operating procedures and guidelines  
72 | with respect to the licensure of the Bryson foster home, which  
73 | the department knew or should have known would be a dangerous  
74 | environment to all children, including Angela Sozzani, and

75 |       WHEREAS, as a disabled person, Angela Sozzani is in need of  
76 | funds necessary for her care, and

77 |       WHEREAS, Angela Sozzani continues to need 24-hour medical  
78 | care and treatment as a result of the actions giving rise to  
79 | this claim, and

80 |       WHEREAS, Robert F. Cullen, Jr., M.D., F.A.A.P., Director  
81 | Emeritus of Child Neurology of Miami Children's Hospital, has  
82 | reported that, with optimum medical care, Angela Sozzani's life  
83 | expectancy will be approximately 20 to 30 years, and

84 |       WHEREAS, Angela Sozzani and Family Continuity Program,

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85 Inc., and Help a Child, Inc., have reached a settlement for the  
86 limits of each entity's available insurance, and

87 WHEREAS, pursuant to s. 409.175(15), Florida Statutes, any  
88 person who owns and operates a family foster home for the  
89 Department of Children and Family Services, including Ronald and  
90 Joyce Bryson, is provided coverage through the Division of Risk  
91 Management of the Department of Financial Services, as provided  
92 in ss. 284.38 and 284.385, Florida Statutes, and

93 WHEREAS, Angela Sozzani, by and through her next friend,  
94 and Ronald and Joyce Bryson have reached a settlement and the  
95 Department of Children and Family Services has tendered payment  
96 on behalf of the Brysons in the amount of \$100,000 in accordance  
97 with the provisions of s. 409.175(15), Florida Statutes, to  
98 compensate Angela Sozzani for damages and to provide a basis for  
99 this claim bill, and

100 WHEREAS, the Department of Children and Family Services has  
101 tendered payment in the amount of \$100,000 in accordance with s.  
102 768.28, Florida Statutes, to Angela Sozzani as to the claim  
103 against the department, and

104 WHEREAS, a special needs trust has been established for the  
105 exclusive use and benefit of Angela Sozzani and the net  
106 settlement proceeds from each of the defendants have been  
107 deposited into the special needs trust, and

108 WHEREAS, Angela Sozzani is currently eligible for and  
109 receiving Medicaid, and currently all of her placement,  
110 treatment, and care costs are being funded through the Medicaid  
111 program, and

112 WHEREAS, if Medicaid does not provide any medically

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113 necessary and appropriate health care services as determined by  
 114 Angela Sozzani's treatment team, then such services shall be  
 115 paid for utilizing assets from Angela Sozzani's special needs  
 116 trust, and

117 WHEREAS, the Department of Children and Family Services  
 118 supports this act to ensure that Angela Sozzani has adequate  
 119 funds and resources for her entire life to obtain all medically  
 120 necessary and appropriate health care, and

121 WHEREAS, because it is unknown how long Angela Sozzani will  
 122 actually live and whether all of her medically necessary and  
 123 appropriate health care will be provided through the Medicaid  
 124 program, the Department of Children and Family Services has  
 125 agreed to seek a claims bill which will, as part of the  
 126 department's annual legislative budget request, provide for the  
 127 replenishment of any funds expended by Angela Sozzani's special  
 128 needs trust for placement costs and medical care and treatment  
 129 not funded by Medicaid, and

130 WHEREAS, Angela Sozzani's attorneys have provided pro bono  
 131 representation for Angela Sozzani in seeking introduction of  
 132 this relief act at the 2009 Regular Session of the Legislature  
 133 and seek no payment of attorneys' fees, lobbying fees, costs, or  
 134 other similar expenses relating to this claim, NOW, THEREFORE,

135  
 136 Be It Enacted by the Legislature of the State of Florida:

137  
 138 Section 1. The facts stated in the preamble to this act  
 139 are found and declared to be true.

140 Section 2. Beginning in fiscal year 2010-2011 and for each

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141 subsequent fiscal year thereafter for the remainder of Angela  
142 Sozzani's life, the Department of Children and Family Services  
143 shall include in its annual legislative budget request an amount  
144 not to exceed \$180,000 to replenish the special needs trust of  
145 Angela Sozzani for any funds that have been expended from the  
146 trust for Angela Sozzani's placement costs and medical care and  
147 treatment that are not funded by Medicaid. As part of the  
148 appropriation in the legislative budget request for the 2010-  
149 2011 fiscal year, the department shall include all funds  
150 expended by the special needs trust for placement costs and  
151 medical care and treatment not funded by Medicaid from the date  
152 of the trust's inception through the date on which the initial  
153 request is made.

154 Section 3. In the event of extraordinary circumstances,  
155 the Department of Children and Family Services in its sole  
156 discretion shall, as part of its annual legislative budget  
157 request, seek amounts in excess of the limit set forth in  
158 section 2 to replenish Angela Sozzani's special needs trust for  
159 funds expended for placement costs and medical care and  
160 treatment not funded by Medicaid.

161 Section 4. No attorneys' fees, lobbying fees, costs, or  
162 other similar expenses relating to this claim shall be awarded.

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