

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 27-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

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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, the appropriate parties agreed to deferred payment
 76 of attorney's fees and costs of plaintiff's counsel so that
 77 Pierreisna Archille could immediately have access to needed
 78 funds, and

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

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

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

Section 2. (1) There is appropriated from the General Revenue Fund to the Department of Children and Family Services the sum of \$1.2 million for the relief of Pierreisna Archille, by and through Darlene Achille, Limited Guardian of Property for Pierreisna Archille, for injuries and damages sustained. After payment of attorney's fees and costs, lobbying fees, and other similar expenses relating to this claim as provided for in this section, outstanding medical liens, and other immediate needs, the remaining funds shall be placed in a special needs trust created for the exclusive use and benefit of Pierreisna Archille. Any funds remaining in the special needs trust upon the death of Pierreisna Archille, after payment of any outstanding Medicaid liens, shall revert to the General Revenue Fund of the State of Florida.

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

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110 Section 3. The Chief Financial Officer is authorized and
111 directed to draw a warrant in the sum of \$1.2 million payable to
112 Pierreisna Archille, by and through Darlene Achille, Limited
113 Guardian of Property for Pierreisna Archille, upon funds in the
114 State Treasury to the credit of the Department of Children and
115 Family Services, and the Chief Financial Officer is directed to
116 pay the same out of such funds in the State Treasury not
117 otherwise appropriated.

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