

By Senator Haridopolos

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1 A bill to be entitled

2 An act for the relief of Angela Sozzani; providing an
3 appropriation to compensate her, by and through her
4 next friend, for injuries and damages sustained as a
5 result of the negligence of employees of the
6 Department of Children and Family Services; providing
7 for the reversion of funds; providing a limitation on
8 the payment of fees and costs; providing an effective
9 date.

10
11 WHEREAS, Angela Sozzani, whose date of birth is April 21,
12 2000, experienced a severe hypoxic-ischemic encephalopathy,
13 secondary to a near drowning, on April 17, 2002, and, as a
14 result, is forever dependent on receiving 24-hour medical and
15 supportive care, and

16 WHEREAS, Angela Sozzani was in the legal custody of the
17 Department of Children and Family Services and had been placed
18 in the medical foster home of Ronald and Joyce Bryson on
19 February 6, 2001, and

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

23 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were
24 providing foster care to three medically needy foster children
25 and after-school care to their two special-needs grandchildren,
26 even though their foster home was licensed by the Department of
27 Children and Family Services to provide care for only two
28 children, and

29 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were

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30 hosting a party and allowed their two grandchildren to swim in
31 their swimming pool without adult supervision, and

32 WHEREAS, on April 17, 2002, Angela Sozzani, who was nearly
33 2 years of age and was not being supervised, wandered out the
34 open patio door to the pool and fell into the swimming pool,
35 nearly drowning, and

36 WHEREAS, a lawsuit was filed on behalf of Angela Sozzani in
37 Pinellas County against the Department of Children and Family
38 Services, Ronald and Joyce Bryson, Family Continuity Program,
39 Inc., and Help a Child, Inc., and

40 WEHREAS, Angela Sozzani's claim against Ronald and Joyce
41 Bryson is based on each person's failure to properly supervise
42 Angela and their failure to follow rules of the Department of
43 Children and Family Services, and

44 WHEREAS, Angela Sozzani's claim against Family Continuity
45 Program, Inc., which was the lead agency in Pinellas County
46 pursuant to s. 409.1671, Florida Statutes, during the period
47 that Angela was placed in the Bryson home, is based on the
48 entity's failure to comply with rules of the Department of
49 Children and Family Services, failure to perform monthly home
50 visits, failure to ensure Angela's safety in the Bryson foster
51 home, and failure to report the licensing violations that were
52 observed in the Bryson foster home, and

53 WHEREAS, Angela Sozzani's claim against Help a Child, Inc.,
54 which was the private entity that contracted with the Department
55 of Children and Family Services to oversee the operation of the
56 medical foster care program through which the Brysons were
57 licensed, is based on the entity's failure to properly oversee
58 and manage the Bryson foster home, failure to train Ronald and

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59 Joyce Bryson, failure to comply with rules of the Department of
60 Children and Family Services, and failure to report the
61 licensing violations that were observed in the Bryson foster
62 home, and

63 WHEREAS, Angela Sozzani's claim against the Department of
64 Children and Family Services is based on the department's
65 failure to follow its own operating procedures and guidelines
66 with respect to the licensure of the Bryson foster home, which
67 the department knew or should have known would be a dangerous
68 environment to all children, including Angela Sozzani, and

69 WHEREAS, as a disabled person, Angela Sozzani is in need of
70 funds necessary for her care, and

71 WHEREAS, Angela Sozzani continues to need 24-hour medical
72 care and treatment as a result of the actions giving rise to
73 this claim, and

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

78 WHEREAS, a Life Care Continuum was formulated by
79 Comprehensive Rehabilitation Consultants detailing the services
80 necessary to provide for the care and treatment of Angela
81 Sozzani, and

82 WHEREAS, Comprehensive Rehabilitation Consultants
83 determined that the amount necessary to provide such care and
84 treatment is between \$10,149,461.42 and \$11,397,847.33 if Angela
85 Sozzani does not exceed her life expectancy, and

86 WHEREAS, Angela Sozzani and Family Continuity Program,
87 Inc., and Help a Child, Inc., have conditionally reached a

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88 settlement for the limits of each entity's available insurance,
89 and

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

96 WHEREAS, Angela Sozzani, by and through her next friend,
97 and the Department of Children and Family Services agreed to
98 mediation in order to resolve the claims against the department
99 and Ronald and Joyce Bryson, compensate Angela Sozzani for
100 damages, and provide a basis for this claim bill, and

101 WHEREAS, it is anticipated that the Department of Children
102 and Family Services will tender \$100,000, in accordance with s.
103 768.28, Florida Statutes, to Angela Sozzani as to the claim
104 against the department, and

105 WHEREAS, it is anticipated that the Department of Children
106 and Family Services will tender, on behalf of Ronald and Joyce
107 Bryson, \$200,000 in accordance with s. 409.175(15), Florida
108 Statutes, to Angela Sozzani as to the claims against Ronald and
109 Joyce Bryson, and

110 WHEREAS, pursuant to the Medicaid Third-Party Liability
111 Act, as set forth in s. 409.910, Florida Statutes, the Agency
112 for Health Care Administration has a lien in the amount of
113 \$1,265,146.78 as of June 2008 for health care services provided
114 to Angela Sozzani as a result of the injury she suffered as
115 described in this act, and

116 WHEREAS, the Department of Children and Family Services

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117 supports this act, and representatives acting on behalf of
118 Angela Sozzani believe the amount of \$2.7 million is necessary
119 and appropriate, and

120 WHEREAS, because it is unknown how long Angela Sozzani will
121 actually live, if the amount appropriated under this act and
122 other amounts received are insufficient to pay for Angela
123 Sozzani's future care and treatment, the Department of Children
124 and Family Services shall submit an additional budget request to
125 supplement the funds available to Angela for her care and
126 treatment, and

127 WHEREAS, it is anticipated that a special needs trust will
128 be established for Angela Sozzani's exclusive use and benefit
129 and, upon her death, any proceeds remaining in the trust will
130 first be used to satisfy the Medicaid lien, together with any
131 additional amounts owed pursuant to the lien, and the remainder
132 will be paid to the General Revenue Fund of the State of
133 Florida, NOW, THEREFORE,

134

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

136

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

139 Section 2. The sum of \$ _____ is appropriated from the
140 General Revenue Fund to the Department of Children and Family
141 Services for the relief of Angela Sozzani for injuries and
142 damages sustained due to the negligence described in this act.
143 After payment of attorney's fees and costs, lobbying fees, and
144 other similar expenses relating to this claim as provided for in
145 this section and other immediate needs, the remaining funds

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146 shall be placed in a special needs trust created for the
147 exclusive use and benefit of Angela Sozzani. Any funds remaining
148 in the special needs trust upon the death of Angela Sozzani,
149 after payment of any outstanding Medicaid liens, shall revert to
150 the General Revenue Fund.

151 Section 3. If the corpus of the special needs trust is
152 insufficient to provide for the care and treatment of Angela
153 Sozzani, the Department of Children and Family Services shall
154 seek additional appropriations to increase the trust to an
155 amount sufficient to provide for her future care and treatment
156 until her death.

157 Section 4. The Chief Financial Officer is directed to draw
158 a warrant in favor of Angela Sozzani, by and through her next
159 friend, in the sum of \$ upon funds of the Department of
160 Children and Family Services not otherwise encumbered, and the
161 Chief Financial Officer is directed to pay the same out of such
162 funds in the State Treasury.

163 Section 5. The total amount paid for attorney's fees,
164 lobbying fees, costs, and other similar expenses relating to
165 this claim may not exceed 25 percent of the amount awarded under
166 section 2 of this act.

167 Section 6. This act shall take effect upon becoming a law.