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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 provided pro bono
 131 representation for Angela Sozzani in seeking introduction of
 132 this relief act at the 2010 and 2011 Regular Sessions of the
 133 Legislature and sought no payment of attorneys' fees, lobbying
 134 fees, costs, or other similar expenses relating to this claim,
 135 NOW, THEREFORE,

136

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

138

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

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141 Section 2. Beginning in fiscal year 2012-2013 and for each
142 subsequent fiscal year thereafter for the remainder of Angela
143 Sozzani's life, the Department of Children and Family Services
144 shall include in its annual legislative budget request an amount
145 not to exceed \$180,000 to replenish the special needs trust of
146 Angela Sozzani for any funds that have been expended from the
147 trust for Angela Sozzani's placement costs and medical care and
148 treatment that are not funded by Medicaid. As part of the
149 appropriation in the legislative budget request for the 2012-
150 2013 fiscal year, the department shall include all funds
151 expended by the special needs trust for placement costs and
152 medical care and treatment not funded by Medicaid from the date
153 of the trust's inception through the date on which the initial
154 request is made.

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

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

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