

By Senator Flores

38-00540-11

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1 A bill to be entitled
2 An act for the relief of Angela Sozzani; requiring
3 that the Department of Children and Family Services
4 request up to a certain amount in its annual
5 legislative budget request each fiscal year to
6 compensate Angela Sozzani for injuries and damages she
7 sustained as a result of the negligence of employees
8 of the Department of Children and Family Services;
9 authorizing the department to request additional funds
10 under extraordinary circumstances; providing for the
11 reversion of funds; providing that Angela Sozzani's
12 attorneys have represented her pro bono and fees and
13 costs have not been awarded; providing an effective
14 date.

15
16 WHEREAS, Angela Sozzani, whose date of birth is April 21,
17 2000, was in the legal custody of the Department of Children and
18 Family Services and had been placed in the medical foster home
19 of Ronald and Joyce Bryson on 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, Angela Sozzani experienced a severe hypoxic-
37 ischemic encephalopathy, secondary to a near drowning, and, as a
38 result, is forever dependent on receiving 24-hour medical and
39 supportive care, and

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

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

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

57 WHEREAS, Angela Sozzani's claim against Help a Child, Inc.,
58 which was the private entity that contracted with the Department

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59 of Children and Family Services to oversee the operation of the
60 medical foster care program through which the Brysons were
61 licensed, is based on the entity's failure to properly oversee
62 and manage the Bryson foster home, failure to train Ronald and
63 Joyce Bryson, failure to comply with rules of the Department of
64 Children and Family Services, and failure to report the
65 licensing violations that were observed in the Bryson foster
66 home, and

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

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

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

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

82 WHEREAS, Angela Sozzani and Family Continuity Program,
83 Inc., and Help a Child, Inc., have conditionally reached a
84 settlement for the limits of each entity's available insurance,
85 and

86 WHEREAS, pursuant to s. 409.175(15), Florida Statutes, any
87 person who owns and operates a family foster home for the

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88 Department of Children and Family Services, including Ronald and
89 Joyce Bryson, is provided coverage through the Division of Risk
90 Management of the Department of Financial Services, as provided
91 in ss. 284.38 and 284.385, Florida Statutes, and

92 WHEREAS, Angela Sozzani and Ronald and Joyce Bryson have
93 reached a settlement, and

94 WHEREAS, the Department of Children and Family Services has
95 agreed to tender on behalf of Ronald and Joyce Bryson \$100,000
96 pursuant to s. 409.175(15), Florida Statutes, to compensate
97 Angela Sozzani for damages, and provide a basis for this claim
98 bill, and

99 WHEREAS, a special needs trust has been established for the
100 exclusive benefit and use of Angela Sozzani, and

101 WHEREAS, the net settlement proceeds from each defendant
102 will be deposited into the special needs trust, and

103 WHEREAS, Angela Sozzani is currently eligible for and
104 receiving Medicaid, which is funding her placement, treatment,
105 and care costs, and

106 WHEREAS, if Medicaid does not provide any medically
107 necessary and appropriate health care services, as determined by
108 Angela Sozzani's treatment team, such services will be paid for
109 using assets from the special needs trust, and

110 WHEREAS, the Department of Children and Family Services
111 supports this act to ensure that Angela Sozzani has the funding
112 and resources necessary to obtain all medically necessary and
113 appropriate health care for her entire life, and

114 WHEREAS, because it is unknown how long Angela Sozzani will
115 actually live and if her medically necessary and appropriate
116 health care will be provided through Medicaid, the Department of

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117 Children and Family Services has agreed to request in its annual
118 legislative budget request funds to replenish any funds that are
119 expended by the special needs trust to provide for Angela's
120 placement costs and medical care and treatment which are not
121 funded by Medicaid, and

122 WHEREAS, upon the death of Angela Sozzani, any proceeds
123 remaining in her special needs trust shall first be used to
124 satisfy the Medicaid lien, together with any additional amounts
125 owed pursuant to the lien, and the remainder shall be paid to
126 the General Revenue Fund, NOW, THEREFORE,

127

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

129

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

132 Section 2. The Department of Children and Family Services
133 shall include in its annual legislative budget request for each
134 fiscal year a request for a specific amount to replenish the
135 special needs trust of Angela Sozzani up to \$180,000, to the
136 extent that any funds in the special needs trust have been
137 expended for Angela Sozzani's placement costs and medical care
138 and treatment. As part of its initial request, the department
139 shall include all funds expended after the date upon which the
140 special needs trust was established through the date of the
141 initial request.

142 Section 3. The Department of Children and Family Services
143 may, under extraordinary circumstances, request in its annual
144 legislative budget request funds in excess of the limit provided
145 in section 2 of this act to replenish funds in the special needs

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146 trust which are expended for Angela Sozzani's placement costs
147 and medical care and treatment.

148 Section 4. Upon the death of Angela Sozzani, any proceeds
149 remaining in her special needs trust shall first be used to
150 satisfy the Medicaid lien, together with any additional amounts
151 owed pursuant to the lien, and the remainder shall revert to the
152 General Revenue Fund.

153 Section 5. Attorney's fees, lobbying fees, costs, and other
154 similar expenses relating to this claim have not been awarded
155 since Angela Sozzani's attorneys have provided pro bono
156 representation.

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