

By Senator Siplin

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1 A bill to be entitled

2 An act for the relief of Marissa Amora in furtherance
3 of chapter 2008-258, Laws of Florida; providing a
4 continuing appropriation to compensate Marissa Amora
5 for injuries and damages sustained as a result of
6 negligence by employees of the Department of Children
7 and Family Services; requiring a specified legislative
8 budget request; providing a limitation on the payment
9 of attorney's fees and costs; providing legislative
10 intent as to the waiver of all lien interests held by
11 the state; providing an effective date.
12

13 WHEREAS, on May 6, 2008, chapter 2008-258, Laws of Florida,
14 was enacted into law upon the signature of the Governor, and

15 WHEREAS, the act provided for compensation to Marissa Amora
16 totaling \$18.2 million over a 10-year period beginning in the
17 2008-2009 fiscal year and ending after payment in the 2017-2018
18 fiscal year, and

19 WHEREAS, the law provided for compensation to Marissa Amora
20 in the amounts of \$1.2 million for the 2008-2009 fiscal year
21 only, and \$1.7 million for each fiscal year beginning in the
22 2008-2009 fiscal year for 10 consecutive years through the 2017-
23 2018 fiscal year, but the Chief Financial Officer was not
24 authorized to draw a warrant for any of the payments in the
25 amounts of \$1.7 million, and

26 WHEREAS, compensation in the amount of \$1.2 million only
27 was provided to Marissa Amora for the 2008-2009 fiscal year, and

28 WHEREAS, in the 2009-2010 and 2010-2011 fiscal years,
29 budgetary appropriations were made to Marissa Amora of \$1.7

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30 million for each year, and

31 WHEREAS, a total amount of \$4.6 million has been paid to
32 Marissa Amora, leaving an outstanding balance of \$13.6 million,
33 and

34 WHEREAS, additional legislation is necessary to authorize
35 the Chief Financial Officer to make payment in compliance with
36 chapter 2008-258, Laws of Florida, and fulfill the legislative
37 intent to provide compensation to Marissa Amora totaling \$18.2
38 million over a 10-year period, NOW, THEREFORE,

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

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42 Section 1. The facts stated herein and in the preamble of
43 chapter 2008-258, Laws of Florida, are declared to be true and
44 are adopted.

45 Section 2. There is appropriated from the Administrative
46 Trust Fund of the Department of Children and Family Services or
47 any successor thereto, or, if sufficient funds are not available
48 from that fund to make payment for any given year or otherwise,
49 from the General Revenue Fund, the sum of \$1.7 million each year
50 beginning in the 2011-2012 fiscal year, inclusive, and for the
51 next 7 consecutive years thereafter through the 2018-2019 fiscal
52 year, to be paid to an insurance company or other financial
53 institution admitted and authorized to issue annuity contracts
54 in this state selected by the guardian of Marissa Amora, to
55 finance and purchase a structured settlement for the benefit of
56 Marissa Amora, which shall include an annuity that must be used
57 for the habilitative care of Marissa Amora over the duration of
58 her lifetime and as relief and compensation for the injuries and

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59 damages she sustained as a result of the department's wrongful
60 conduct.

61 Section 3. Beginning in the 2011-2012 fiscal year, and for
62 the next 7 fiscal years thereafter, the Department of Children
63 and Family Services shall include in its annual legislative
64 budget request a specific appropriation for \$1.7 million of
65 nonrecurring funds for the relief of Marissa Amora in the
66 Administrative Trust Fund or the General Revenue Fund for a
67 total of \$13.6 million paid over 8 consecutive years.

68 Section 4. The Chief Financial Officer is directed to
69 execute all necessary agreements to implement the payment of
70 this claim and to draw a warrant in the amount of \$1.7 million
71 each fiscal year beginning in the 2011-2012 fiscal year,
72 inclusive, and through the 2018-2019 fiscal year, in favor of
73 the financier of the structured settlement, to be paid from the
74 Administrative Trust Fund of the Department of Children and
75 Family Services or any successor thereto, or, if sufficient
76 funds are not available from that fund to make payment for any
77 given year or otherwise, from the General Revenue Fund. The
78 financing of this structured settlement constitutes a state debt
79 or obligation as defined in s. 216.0442(1), Florida Statutes.

80 Section 5. This award and any subsequent awards
81 appropriated up to a total of \$18.2 million in nonrecurring
82 funds, inclusive of this award, are intended to provide the sole
83 compensation for all present and future claims arising out of
84 the factual situation described in the preamble to chapter 2008-
85 258, Laws of Florida, which resulted in the injury to Marissa
86 Amora. The amount of attorney's fees, lobbying fees, costs, and
87 other similar expenses relating to this claim may not exceed 25

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88 percent of the amount awarded under this act.

89 Section 6. It is the intent of the Legislature that all
90 lien interests held by the state resulting from the treatment
91 and care of Marissa Amora for the events described in the
92 preamble to chapter 2008-258, Laws of Florida, are waived and
93 extinguished, and the claimant's guardianship is relieved of any
94 obligation to reimburse Medicaid, Medicare, or the Agency for
95 Health Care Administration for such expenses.

96 Section 7. The appropriation made and authorized by this
97 act shall be deemed a continuing appropriation within the
98 meaning of s. 216.011(1), Florida Statutes.

99 Section 8. This act shall take effect upon becoming a law.