

By Senator Flores

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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; authorizing the department to  
9 request additional funds under extraordinary  
10 circumstances; providing for the reversion of funds;  
11 providing that Angela Sozzani's attorneys have  
12 represented her pro bono and that fees and costs have  
13 not been awarded; providing an effective date.

14  
15 WHEREAS, Angela Sozzani, whose date of birth is April 21,  
16 2000, was in the legal custody of the Department of Children and  
17 Family Services and had been placed in the medical foster home  
18 of Ronald and Joyce Bryson on February 6, 2001, and

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

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

28 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were  
29 hosting a party and allowed their two grandchildren to swim in

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30 their swimming pool without adult supervision, and

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

35 WHEREAS, Angela Sozzani experienced a severe hypoxic-  
36 ischemic encephalopathy, secondary to a near drowning, and, as a  
37 result, is forever dependent on receiving 24-hour medical and  
38 supportive care, and

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

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

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

56 WHEREAS, Angela Sozzani's claim against Help a Child, Inc.,  
57 which was the private entity that contracted with the Department  
58 of Children and Family Services to oversee the operation of the

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

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

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

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

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

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

85 WHEREAS, pursuant to s. 409.175(15), Florida Statutes, any  
86 person who owns and operates a family foster home for the  
87 Department of Children and Family Services, including Ronald and

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

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

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

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

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

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

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

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

113 WHEREAS, because it is unknown how long Angela Sozzani will  
114 actually live and if her medically necessary and appropriate  
115 health care will be provided through Medicaid, the Department of  
116 Children and Family Services has agreed to request in its annual

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

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

126

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

128

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

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

141 Section 3. The Department of Children and Family Services  
142 may, under extraordinary circumstances, request in its annual  
143 legislative budget request funds in excess of the limit provided  
144 in section 2 of this act to replenish funds in the special needs  
145 trust which are expended for Angela Sozzani's placement costs

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146 and medical care and treatment.

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

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

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