

By Senator Hukill

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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 Families request
4 up to a certain amount in its annual legislative
5 budget request each fiscal year to compensate Angela
6 Sozzani for injuries and damages she sustained as a
7 result of the negligence of employees of the
8 Department of Children and Families; authorizing the
9 department to request additional funds under
10 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 Families (formerly known as the Department of Children and
19 Family Services) and had been placed in the medical foster home
20 of Ronald and Joyce Bryson on February 6, 2001, and

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

24 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were
25 providing foster care to three medically needy foster children
26 and after-school care to their two special-needs grandchildren,
27 even though their foster home was licensed by the Department of
28 Children and Families to provide care for only two 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 Families,
42 Ronald and Joyce Bryson, Family Continuity Program, Inc., and
43 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 Families, 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 Families, failure to perform monthly home visits,
54 failure to ensure Angela's safety in the Bryson foster home, and
55 failure to report the licensing violations that were observed in
56 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 Families to oversee the operation of the medical
60 foster care program through which the Brysons were licensed, is
61 based on the entity's failure to properly oversee and manage the
62 Bryson foster home, failure to train Ronald and Joyce Bryson,
63 failure to comply with rules of the Department of Children and
64 Families, and failure to report the licensing violations that
65 were observed in the Bryson foster home, and

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

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88 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 Families has agreed
94 to tender on behalf of Ronald and Joyce Bryson \$100,000 pursuant
95 to s. 409.175(15), Florida Statutes, to compensate Angela
96 Sozzani for damages, and provide a basis for this claim bill,
97 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 Families supports
110 this act to ensure that Angela Sozzani has the funding and
111 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 Families has agreed to request in its annual

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

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

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

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

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