

HB 3525

2014

1 A bill to be entitled

2 An act for the relief of L.T., a minor; providing an
3 appropriation to compensate L.T. for injuries and
4 damages sustained as a result of the negligence of
5 employees of the Department of Children and Families,
6 formerly known as the Department of Children and
7 Family Services; providing a limitation of the payment
8 of fees and costs; providing an effective date.

9
10 WHEREAS, on August 15, 1995, the Department of Children and
11 Families removed 14-month-old L.T. and her infant brother from
12 their mother's custody because they were not receiving adequate
13 care, and

14 WHEREAS, the Department of Children and Families
15 temporarily placed the children into the home of the children's
16 great aunt and uncle, Vicki and Eddie Thomas, and

17 WHEREAS, a background check that was conducted shortly
18 after L.T. and her brother were placed in the Thomases' home
19 indicated that Mr. Thomas had once been convicted of a
20 misdemeanor and possession of narcotics equipment, and

21 WHEREAS, the background check also revealed that Ms. Thomas
22 had been charged with, but apparently not convicted of, larceny,
23 and

24 WHEREAS, the background check did not reveal any prior
25 history of violence, sex offenses, or child abuse, and

HB 3525

2014

26 WHEREAS, the Department of Children and Families conducted
27 a home study, interviews, and an investigation, concluded that
28 the Thomases were capable of providing a safe and loving home
29 for L.T. and her brother, and approved the placement, and

30 WHEREAS, on August 21, 1996, approximately 1 year after
31 L.T. and her brother had been placed in the Thomases' home, Mr.
32 Thomas was charged with committing a lewd and lascivious act on
33 a child under the age of 16, and

34 WHEREAS, the alleged victim was the 13-year-old daughter of
35 a woman with whom Mr. Thomas was having an extramarital affair,
36 and the state later amended the charge to add a count for sexual
37 battery on a child by a familial or custodial authority, and

38 WHEREAS, after two hung jury trials in January and March of
39 1997, Mr. Thomas pled no contest in April 1997, to committing a
40 lewd, lascivious, and indecent act on a child under the age of
41 16, and

42 WHEREAS, Mr. Thomas was sentenced to 5 years' probation and
43 required to attend sex offender classes and register as a sex
44 offender, and

45 WHEREAS, on May 9, 1997, 1 month after Mr. Thomas entered
46 his plea and was convicted of a child sex crime, the Department
47 of Children and Families recommended, and the judge approved, an
48 order allowing Mr. Thomas to return home and have unsupervised
49 contact with the children, and

50 WHEREAS, although the policies of the Department of

HB 3525

2014

51 Children and Families barred Mr. Thomas from being able to adopt
52 a child because of his conviction for a sex act with a child and
53 for his sex offender status, the policies did not prohibit the
54 continued placement of L.T. and her brother in the Thomases'
55 home, and so the children remained with the Thomases, and

56 WHEREAS, the Department of Children and Families
57 subsequently recommended to the court the permanent, long-term
58 placement of L.T. and her brother in the Thomases' home and
59 further recommended that the children be removed from protective
60 services, with no further supervision by the department, and

61 WHEREAS, on March 3, 2000, following the recommendation of
62 the Department of Children and Families, the court approved L.T.
63 and her brother's long-term placement with the Thomases and
64 removed the children from continued protective services, and

65 WHEREAS, on March 24, 2003, an abuse hotline call to the
66 Department of Children and Families reported that L.T. was being
67 abused by Mr. Thomas and that both Mr. and Ms. Thomas were using
68 drugs in the children's presence, and

69 WHEREAS, the next day a child protective investigator for
70 the Department of Children and Families interviewed L.T. and her
71 brother while in the presence of Ms. Thomas, and neither child
72 was asked to be interviewed outside Ms. Thomas's presence, and

73 WHEREAS, L.T. and her brother denied the abuse allegations
74 while Ms. Thomas watched and listened to them, and

75 WHEREAS, results from new background checks and drug

HB 3525

2014

76 screens were negative, and the Department of Children and
77 Families concluded that L.T. and her brother were not at risk of
78 abuse and closed the case, and

79 WHEREAS, on February 24, 2005, L.T. ran away from the
80 Thomases' home and was found by law enforcement officers, and

81 WHEREAS, L.T. ran away from home because she had been
82 repeatedly sexually and physically abused by Mr. Thomas and
83 physically, verbally, and emotionally abused for years by Ms.
84 Thomas, and

85 WHEREAS, L.T. and her brother were finally removed from the
86 Thomases' home in 2005, and

87 WHEREAS, since then, L.T. has been the subject of repeated
88 Baker Act proceedings and suicide attempts and has been in and
89 out of inpatient and outpatient psychiatric facilities, and

90 WHEREAS, L.T. has been seen and treated by physicians and
91 mental health care professionals who have diagnosed her with
92 depression, posttraumatic stress disorder, anxiety disorder, and
93 other disorders attributed to her trauma, and

94 WHEREAS, although L.T. struggles with the symptoms of
95 posttraumatic stress disorder, depression, and anxiety, she is
96 now 19 years of age, attends a university in this state, and
97 supports herself with part-time employment as she works toward
98 her goal of becoming a mental health care professional to help
99 children who have been abused, neglected, or traumatized, and

100 WHEREAS, a lawsuit was brought on L.T.'s behalf in state

101 and federal courts alleging negligence pursuant to s. 768.28,
 102 Florida Statutes, and civil rights violations pursuant to 42
 103 U.S.C. s. 1983, and

104 WHEREAS, the civil rights claims were disposed of by the
 105 trial court, but the negligence claims continued to be litigated
 106 and a jury trial of the case was set in Leon County, and

107 WHEREAS, the parties attended a court-ordered mediation and
 108 on June 21, 2010, the parties agreed to a mediated settlement
 109 under which L.T. shall receive \$1 million, of which \$200,000 was
 110 paid and the balance of \$800,000 shall be submitted through a
 111 claim bill that the Department of Children and Families agrees
 112 to support, NOW, THEREFORE,

113
 114 Be It Enacted by the Legislature of the State of Florida:

115
 116 Section 1. The facts stated in the preamble to this act
 117 are found and declared to be true.

118 Section 2. There is appropriated from the General Revenue
 119 Fund to the Department of Children and Families the sum of
 120 \$800,000 for the relief of L.T. for the injuries and damages she
 121 sustained. After payment of attorney fees and costs, lobbying
 122 fees, other similar expenses relating to this claim, outstanding
 123 medical liens, and other immediate needs, the remaining funds
 124 shall be placed into a special needs trust created for the
 125 exclusive use and benefit of L.T.

HB 3525

2014

126 Section 3. The Chief Financial Officer is directed to draw
127 a warrant in the sum of \$800,000, payable to L.T., upon funds in
128 the State Treasury to the credit of the Department of Children
129 and Families, and the Chief Financial Officer is directed to pay
130 the same out of such funds in the State Treasury not otherwise
131 appropriated.

132 Section 4. The amount awarded pursuant to the waiver of
133 sovereign immunity under s. 768.28, Florida Statutes, and the
134 amount awarded under this act are intended to provide the sole
135 compensation for all present and future claims arising out of
136 the factual situation described in the preamble to this act
137 which resulted in the injuries and damages to L.T. The total
138 amount paid for attorney fees, lobbying fees, costs, and other
139 similar expenses relating to this claim may not exceed 25
140 percent of the total amount awarded under this act.

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