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1                   A bill to be entitled  
2           An act for the relief of L.T.; 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 for a waiver of specified  
8           lien interests held by the state; providing a  
9           limitation on the payment of fees and costs; providing  
10          an effective date.

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

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

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

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

26          WHEREAS, the background check did not reveal any prior

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27 | history of violence, sex offenses, or child abuse, and

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

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

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

40 |       WHEREAS, after two hung jury trials in January and March of  
41 | 1997, Mr. Thomas pled no contest in April 1997 to committing a  
42 | lewd, lascivious, and indecent act on a child under the age of  
43 | 16, and

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

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

52 |       WHEREAS, although the policies of the Department of

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

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

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

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

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

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

77 WHEREAS, results from new background checks and drug  
78 screens were negative, and the Department of Children and

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79 Families concluded that L.T. and her brother were not at risk of  
80 abuse and closed the case, and

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

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

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

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

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

96 WHEREAS, although L.T. struggles with the symptoms of  
97 posttraumatic stress disorder, depression, and anxiety, she is  
98 now 20 years of age, attends a university in this state, and  
99 supports herself with part-time employment as she works toward  
100 her goal of becoming a mental health care professional to help  
101 children who have been abused, neglected, or traumatized, and

102 WHEREAS, a lawsuit was brought on L.T.'s behalf in state  
103 and federal courts alleging negligence pursuant to s. 768.28,  
104 Florida Statutes, and civil rights violations pursuant to 42

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105 U.S.C. s. 1983, and

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

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

116  
117 Be It Enacted by the Legislature of the State of Florida:

118  
119 Section 1. The facts stated in the preamble to this act  
120 are found and declared to be true.

121 Section 2. There is appropriated from the General Revenue  
122 Fund to the Department of Children and Families the sum of  
123 \$800,000 for the relief of L.T. for the injuries and damages she  
124 sustained.

125 Section 3. The Chief Financial Officer is directed to draw  
126 a warrant in the sum of \$800,000, payable to a special needs  
127 trust created for the exclusive use and benefit of L.T., upon  
128 funds in the State Treasury to the credit of the Department of  
129 Children and Families, and the Chief Financial Officer is  
130 directed to pay the same out of such funds in the State Treasury

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131 not otherwise appropriated. The trust shall be administered by  
132 an institutional trustee that L.T. chooses and shall terminate  
133 upon L.T.'s 30th birthday, at which time the remaining principal  
134 shall revert to her, or if she predeceases the termination of  
135 the trust, the principal shall revert to her heirs,  
136 beneficiaries, or estate.

137 Section 4. It is the intent of the Legislature that all  
138 lien interests held by the state resulting from the treatment  
139 and care of L.T. for the occurrences described in this act are  
140 waived.

141 Section 5. The amount awarded pursuant to the waiver of  
142 sovereign immunity under s. 768.28, Florida Statutes, and the  
143 amount awarded under this act are intended to provide the sole  
144 compensation for all present and future claims arising out of  
145 the factual situation described in the preamble to this act  
146 which resulted in the injuries and damages to L.T. The total  
147 amount paid for attorney fees, lobbying fees, costs, and other  
148 similar expenses relating to this claim may not exceed 25  
149 percent of the total amount awarded under this act.

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