

By Senator Ring

29-00072-15

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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 a limitation on 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

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

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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  
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

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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  
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

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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 20 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  
106 litigated, and a jury trial of the case was set in Leon County,  
107 and

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

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

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

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

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

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

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