

By the Committee on Judiciary; and Senator Ring

590-01673-15

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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 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
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

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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
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

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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
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

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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
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,

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

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119 Section 1. The facts stated in the preamble to this act are
120 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
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

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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.