

By Senator Cruz

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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 legislative budget
5 request for the 2021-2022 fiscal year to compensate
6 Angela Sozzani for injuries and damages she sustained
7 as a result of the negligence of individuals and
8 entities licensed by the department; providing for the
9 satisfaction of any liens and the reversion of
10 remaining funds in the special needs trust upon Angela
11 Sozzani's death; providing a limitation on the payment
12 of attorney fees; providing an effective date.

13
14 WHEREAS, Angela Sozzani, whose date of birth is April 21,
15 2000, was in the legal custody of the Department of Children and
16 Families (formerly known as the Department of Children and
17 Family Services) and was placed in the medical foster home of
18 Ronald and Joyce Bryson on February 6, 2001, and

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

22 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were
23 providing foster care to three medically needy foster children
24 and after-school care to their two special-needs grandchildren,
25 even though their foster home was licensed by the Department of
26 Children and Families to provide care for only two children, and

27 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were
28 hosting a party and allowed their two grandchildren to swim in
29 the Bryson's swimming pool without adult supervision, and

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30 WHEREAS, Angela Sozzani, who was nearly 2 years of age and
31 was not being supervised while the party was occurring, wandered
32 out through an open patio door to the swimming pool and
33 subsequently fell in, nearly drowning, and

34 WHEREAS, Angela Sozzani experienced a severe hypoxic-
35 ischemic encephalopathy, secondary to a near drowning, and, as a
36 result, is forever dependent on receiving 24-hour medical and
37 supportive care, and

38 WHEREAS, a lawsuit was filed on behalf of Angela Sozzani in
39 Pinellas County against the Department of Children and Families,
40 Ronald and Joyce Bryson, Family Continuity Program, Inc., and
41 Help a Child, Inc., and

42 WHEREAS, Angela Sozzani's claim against Ronald and Joyce
43 Bryson was based on each person's failure to properly supervise
44 Angela Sozzani and failure to follow rules of the Department of
45 Children and Families, and

46 WHEREAS, Angela Sozzani's claim against Family Continuity
47 Program, Inc., which was the lead agency in Pinellas County
48 pursuant to former s. 409.1671, Florida Statutes, during the
49 period that Angela Sozzani was placed in the Bryson home, was
50 based on the entity's failure to comply with rules of the
51 Department of Children and Families, failure to perform monthly
52 home visits, failure to ensure Angela Sozzani's safety in the
53 Bryson foster home, and failure to report the licensing
54 violations that were observed in the Bryson foster home, and

55 WHEREAS, Angela Sozzani's claim against Help a Child, Inc.,
56 which was the private entity under contract with the Department
57 of Children and Families to oversee the operation of the medical
58 foster care program through which the Brysons were licensed, was

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59 based on the entity's failure to properly oversee and manage the
60 Bryson foster home, failure to train Ronald and Joyce Bryson,
61 failure to comply with rules of the Department of Children and
62 Families, and failure to report the licensing violations that
63 were observed in the Bryson foster home, and

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

70 WHEREAS, as a disabled person, Angela Sozzani is in need of
71 funds necessary for her care, and

72 WHEREAS, Angela Sozzani continues to need 24-hour medical
73 care and treatment as a result of the actions giving rise to
74 this claim, and

75 WHEREAS, Angela Sozzani and Family Continuity Program,
76 Inc., and Help a Child, Inc., have previously reached a
77 settlement for the limits of each entity's available insurance,
78 and

79 WHEREAS, pursuant to s. 409.175(15), Florida Statutes, any
80 person, including Ronald and Joyce Bryson, who owns or operates
81 a family foster home for the Department of Children and Families
82 is provided coverage through the Division of Risk Management of
83 the Department of Financial Services, as provided in ss. 284.38
84 and 284.385, Florida Statutes, and

85 WHEREAS, Angela Sozzani and Ronald and Joyce Bryson have
86 reached a settlement, and

87 WHEREAS, the Department of Children and Families previously

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88 agreed to tender \$100,000 on behalf of Ronald and Joyce Bryson,
89 pursuant to s. 409.175(15), Florida Statutes, to compensate
90 Angela Sozzani for damages and provide a basis for this claim
91 bill, and

92 WHEREAS, a special needs trust has been established for the
93 exclusive benefit and use of Angela Sozzani, and

94 WHEREAS, the net settlement proceeds from each defendant
95 will be deposited into the special needs trust, and

96 WHEREAS, Angela Sozzani is currently eligible for and
97 receiving Medicaid, which is funding her placement, treatment,
98 and care costs, and

99 WHEREAS, if Medicaid does not provide any medically
100 necessary and appropriate health care services, as determined by
101 Angela Sozzani's treatment team, such services will be paid for
102 using assets from the special needs trust, and

103 WHEREAS, at the time that the original settlements were
104 entered in 2009, it was unknown how long Angela Sozzani would
105 live, as estimates then ranged anywhere from 5 to 25 additional
106 years, but she is now approaching 21 years of age, and it is now
107 estimated that Angela Sozzani will live another 20 to 25 years,
108 and

109 WHEREAS, the Department of Children and Families has agreed
110 to request funds for treatment to provide for Angela Sozzani's
111 increased placement costs and medical care and treatment not
112 funded by Medicaid, and

113 WHEREAS, upon the death of Angela Sozzani, any proceeds
114 remaining in her special needs trust shall first be used to
115 satisfy the Medicaid lien, together with any additional amounts
116 owed pursuant to the lien, and the remainder shall revert to the

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117 General Revenue Fund, NOW, THEREFORE,

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

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

123 Section 2. The Department of Children and Families shall
124 include in its annual legislative budget request for the 2021-
125 2022 fiscal year a request for \$7,265,420.40 to fund the special
126 needs trust of Angela Sozzani, to be used for Angela Sozzani's
127 placement costs and medical care and treatment which are not
128 covered by Medicaid.

129 Section 3. Upon the death of Angela Sozzani, any proceeds
130 remaining in her special needs trust shall first be used to
131 satisfy the Medicaid lien, together with any additional amounts
132 owed pursuant to the lien, and the remainder shall revert to the
133 General Revenue Fund.

134 Section 4. The total amount paid for attorney fees relating
135 to this claim may not exceed 25 percent of the amount awarded
136 under this act.

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