



26 | and

27 |       WHEREAS, over the course of the following month, the  
28 | department conducted an investigation but subsequently closed  
29 | the case file on February 25, 2010, after concluding that the  
30 | children were not at significant risk of harm, and

31 |       WHEREAS, a history of threats of violence existed before  
32 | Dell's shootings of Whyte-Dell and her children, and

33 |       WHEREAS, the Riviera Beach Police Department had responded  
34 | to the Whyte-Dell home 34 times in the 4 years preceding the day  
35 | of the shootings, and

36 |       WHEREAS, 11 of those police responses were for domestic  
37 | violence disturbances, and

38 |       WHEREAS, the department knew or had reason to know of the  
39 | threats and had numerous opportunities to remove the children  
40 | from that dangerous environment, yet did not act and closed  
41 | their case file, and

42 |       WHEREAS, the department's southeast regional director  
43 | acknowledged that the department could have and should have done  
44 | more for the family and admitted that the investigation was  
45 | "subpar," and

46 |       WHEREAS, the department's child protective investigator  
47 | assigned to the case failed to follow policies and procedures,  
48 | and

49 |       WHEREAS, the investigator himself had been accused of  
50 | domestic violence and was facing pending domestic violence

51 | charges, and

52 |       WHEREAS, because of the investigator's errors and  
 53 | omissions, the department failed to follow up on warning signs  
 54 | that any reasonable investigation should have evaluated,  
 55 | analyzed, and acted upon, especially after discovering the  
 56 | investigator's inherent conflict of interest, and

57 |       WHEREAS, the department failed to perform any secondary  
 58 | review or reinvestigation after the investigator's pending  
 59 | domestic violence charges were made public, and

60 |       WHEREAS, in an appeal to the Supreme Court of Florida, the  
 61 | court held that the Whyte-Dell family shootings are to be  
 62 | treated as a single incident or occurrence, and

63 |       WHEREAS, Michael Barnett, individually and as the natural  
 64 | parent and legal guardian of R.B., and as the personal  
 65 | representative of the estates of D.B., D.B., and B.B., entered  
 66 | into a settlement agreement and release and a consent final  
 67 | judgment with the State of Florida and the Department of  
 68 | Children and Families, and

69 |       WHEREAS, per the settlement agreement and release, Michael  
 70 | Barnett and R.B. agree to accept the total amount of \$160,000,  
 71 | including attorney fees and costs, and

72 |       WHEREAS, through the consent final judgment, judgment was  
 73 | entered in favor of Michael Barnett and R.B. and against the  
 74 | department in the amount of \$296,400, NOW, THEREFORE,

75 |

HB 6009

2023

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

77

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

80 Section 2. The sum of \$296,400 is appropriated from the  
81 General Revenue Fund to the Department of Children and Families  
82 for the relief of Michael Barnett, individually and as the  
83 natural parent and legal guardian of R.B., for injuries and  
84 damages sustained.

85 Section 3. The Chief Financial Officer is directed to draw  
86 a warrant in favor of Michael Barnett and R.B. in the sum of  
87 \$296,400 upon funds of the Department of Children and Families  
88 in the State Treasury and to pay the same out of such funds in  
89 the State Treasury.

90 Section 4. The amount paid by the Department of Children  
91 and Families pursuant to s. 768.28, Florida Statutes, and the  
92 amount awarded under this act are intended to provide the sole  
93 compensation for all present and future claims arising out of  
94 the factual situation described in this act which resulted in  
95 injuries and damages to Michael Barnett and R.B. The total  
96 amount paid for attorney fees relating to this claim may not  
97 exceed 25 percent of the total amount awarded under this act.

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