

HB 6013

2023

1 A bill to be entitled

2 An act for the relief of C.C. by the Department of  
3 Children and Families; providing an appropriation to  
4 compensate C.C. for injuries and damages sustained as  
5 a result of the negligence of the department;  
6 providing a limitation on compensation and the payment  
7 of certain fees and costs; providing an effective  
8 date.

9  
10 WHEREAS, on August 12, 2014, Anna Highland, a resident of  
11 Fort Myers, gave birth to C.C., who was born addicted to  
12 methadone as a result of Ms. Highland's opiate dependence,  
13 cocaine abuse, and intravenous drug use, and

14 WHEREAS, at the time of C.C.'s birth, the Department of  
15 Children and Families had significant involvement with Ms.  
16 Highland dating back to 2012, when she was licensed by the  
17 department as a foster parent, and

18 WHEREAS, due to Ms. Highland's drug abuse throughout her  
19 pregnancy, C.C. suffered severe withdrawal symptoms after his  
20 birth which required him to be hospitalized for a month in a  
21 neonatal intensive care unit and treated with morphine, and

22 WHEREAS, within the 6 months before C.C.'s birth, the  
23 department received three separate child abuse hotline reports  
24 against Ms. Highland, including reports alleging that she was  
25 abusing drugs and physically abusing her foster child, and

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26 WHEREAS, the department opened an investigation after  
27 receiving a fourth child abuse hotline report made on August 12,  
28 2014, the day of C.C.'s birth, alleging that Ms. Highland had  
29 tested positive for drugs while pregnant, and

30 WHEREAS, on September 3, 2014, while the investigation was  
31 pending, the department received two additional child abuse  
32 hotline reports alleging that Ms. Highland was abusing drugs,  
33 and

34 WHEREAS, despite its receipt of six abuse allegations  
35 within a 7-month period, the department advised the hospital on  
36 September 3, 2014, that there was no hold on C.C. and he was  
37 free to be released to Ms. Highland, and

38 WHEREAS, on September 6, 2014, C.C. was discharged from the  
39 hospital to Ms. Highland's care with no intervention and no  
40 services in place to protect him from the potentially dangerous  
41 effects of her drug addiction, and

42 WHEREAS, on September 23, 2014, the department closed its  
43 investigation with unsubstantiated findings of substance misuse  
44 and a determination that Ms. Highland's methadone use had no  
45 implications for child safety, and

46 WHEREAS, on June 3, 2015, and again on August 6, 2015, the  
47 department received two new child abuse hotline reports alleging  
48 that Ms. Highland was abusing the foster child in her care, both  
49 of which the department closed without investigation, and

50 WHEREAS, on September 12, 2015, when C.C. was 13 months  
 51 old, he overdosed on Ms. Highland's methadone, was found  
 52 unresponsive and not breathing, and was rushed to the hospital  
 53 in critical condition, where he remained in a coma for 2 weeks  
 54 and was hospitalized for 1 month, and

55 WHEREAS, the department's investigation of C.C.'s overdose  
 56 revealed that Ms. Highland, as well as her mother who was  
 57 present, waited 5 hours before seeking medical attention for  
 58 C.C. while his condition continued to deteriorate, and

59 WHEREAS, as a result of the department's investigation of  
 60 the overdose, C.C. was finally removed from Ms. Highland's care  
 61 and placed in the care of his father, and

62 WHEREAS, as the state agency charged with operating the  
 63 child welfare system in this state, including conducting child  
 64 protective investigations to ensure child safety and prevent  
 65 further harm to children under s. 39.001, Florida Statutes, the  
 66 department owed C.C. a duty to ensure his safety and protect him  
 67 from further harm, and

68 WHEREAS, the department failed to protect C.C. from further  
 69 harm when it negligently allowed him to be released from the  
 70 hospital after his birth to Ms. Highland's care with no services  
 71 or interventions in place to protect him from the potentially  
 72 dangerous effects of her drug addiction, and

73 WHEREAS, the department's negligence resulted in severe and  
 74 permanent injuries to C.C., now 8 years of age, including, but

75 | not limited to, an anoxic brain injury; seizures; strokes and  
 76 | neurological impairments; permanent hearing, vision, and speech  
 77 | impediments; cognitive impairment, including memory loss and  
 78 | learning disabilities; and permanent injuries impacting his  
 79 | coordination and gross and fine motor skills, requiring lifelong  
 80 | care, and

81 |       WHEREAS, the State of Florida recognizes an equitable  
 82 | obligation to redress the injuries and damages C.C. sustained as  
 83 | a result of the negligence of the department and its failure to  
 84 | exercise its duties to ensure the safety of children in this  
 85 | state and protect them from further harm, NOW, THEREFORE,

86 |  
 87 | Be It Enacted by the Legislature of the State of Florida:  
 88 |

89 |       Section 1. The facts stated in the preamble to this act  
 90 | are found and declared to be true.

91 |       Section 2. The sum of \$20 million is appropriated from the  
 92 | General Revenue Fund to the Department of Children and Families  
 93 | for the relief of C.C. for injuries and damages sustained.

94 |       Section 3. The Chief Financial Officer is directed to draw  
 95 | a warrant in favor of C.C., payable to an irrevocable trust  
 96 | created for the exclusive use and benefit of C.C., in the sum of  
 97 | \$20 million upon funds of the Department of Children and  
 98 | Families in the State Treasury, and the Chief Financial Officer  
 99 | is directed to pay the same out of such funds in the State

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100 Treasury. The trust shall be responsible for payment of attorney  
101 fees and costs, lobbying fees, and other similar expenses  
102 relating to this claim, subject to the limitations set forth in  
103 this act.

104 Section 4. The amount awarded under this act is intended  
105 to provide the sole compensation for all present and future  
106 claims arising out of the factual situation described in this  
107 act which resulted in injuries and damages to C.C. The total  
108 amount paid for attorney fees and costs, lobbying fees, and  
109 other similar expenses relating to this claim may not exceed 25  
110 percent of the total amount awarded under this act.

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