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2024

1 A bill to be entitled
2 An act for the relief of Michael Barnett, individually
3 and as the natural parent and legal guardian of R.B.;
4 providing an appropriation to compensate Mr. Barnett
5 and R.B. for injuries and damages sustained as a
6 result of the negligence of the Department of Children
7 and Families; providing a limitation on compensation
8 and the payment of attorney fees; providing an
9 effective date.

10
11 WHEREAS, in September 2010, Patrick Dell entered the
12 Riviera Beach residence of his estranged wife, Natasha Whyte-
13 Dell, where he fatally shot her and four of her children and
14 severely wounded a fifth child by shooting him in the neck, and

15 WHEREAS, Dell committed suicide shortly after exiting the
16 residence, and

17 WHEREAS, several months before the shootings, on January
18 26, 2010, the abuse hotline of the Department of Children and
19 Families received a phone call about an incident that occurred
20 in December 2009, and

21 WHEREAS, according to the police report of the December
22 2009 incident, while Natasha Whyte-Dell was visiting a friend,
23 Patrick Dell charged at and threatened Ms. Whyte-Dell with a
24 knife, verbally threatened to kill her, and flattened all four
25 tires on her vehicle, and

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26 WHEREAS, later that same morning, Patrick Dell was arrested
27 for aggravated assault with a deadly weapon and criminal
28 mischief, and

29 WHEREAS, over the course of the following month, the
30 Department of Children and Families conducted an investigation
31 but subsequently closed the case file on February 25, 2010,
32 after concluding that the children were not at significant risk
33 of harm, and

34 WHEREAS, a history of threats of violence existed before
35 Patrick Dell's shootings of Natasha Whyte-Dell and her children,
36 and

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

40 WHEREAS, 11 of those police responses were for domestic
41 violence disturbances, and

42 WHEREAS, the Department of Children and Families knew or
43 had reason to know of the threats and had numerous opportunities
44 to remove the children from that dangerous environment, yet did
45 not act and had closed its case file, and

46 WHEREAS, the department's southeast regional director
47 acknowledged that the department could have and should have done
48 more for the family and admitted that the investigation was
49 "subpar," and

50 WHEREAS, the department's child protective investigator

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51 assigned to the case failed to follow policies and procedures,
52 and

53 WHEREAS, the investigator himself had been accused of
54 domestic violence and was facing pending domestic violence
55 charges, and

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

61 WHEREAS, the department failed to perform any secondary
62 review or reinvestigation of the Whyte-Dell case after the
63 investigator's pending domestic violence charges were made
64 public, and

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

68 WHEREAS, Michael Barnett, individually and as the natural
69 parent and legal guardian of R.B., and as the personal
70 representative of the estates of D.B., D.B., and B.B., entered
71 into a settlement agreement and release and a consent final
72 judgment with the State of Florida and the Department of
73 Children and Families, and

74 WHEREAS, per the settlement agreement and release, Michael
75 Barnett and R.B. agree to accept the total amount of \$160,000,

76 including attorney fees and costs, and

77 WHEREAS, through the consent final judgment, judgment was
 78 entered in favor of Michael Barnett and R.B. and against the
 79 department in the amount of \$296,400, NOW, THEREFORE,

80

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

82

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

85 Section 2. The sum of \$296,400 is appropriated from the
 86 General Revenue Fund to the Department of Children and Families
 87 for the relief of Michael Barnett, individually and as the
 88 natural parent and legal guardian of R.B., for injuries and
 89 damages sustained.

90 Section 3. The Chief Financial Officer is directed to draw
 91 a warrant in favor of Michael Barnett and R.B. in the sum of
 92 \$296,400 upon funds of the Department of Children and Families
 93 in the State Treasury and to pay the same out of such funds in
 94 the State Treasury.

95 Section 4. The amount paid by the Department of Children
 96 and Families pursuant to s. 768.28, Florida Statutes, and the
 97 amount awarded under this act are intended to provide the sole
 98 compensation for all present and future claims arising out of
 99 the factual situation described in this act which resulted in
 100 injuries and damages to Michael Barnett and R.B. The total

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101 | amount paid for attorney fees relating to this claim may not
102 | exceed 25 percent of the total amount awarded under this act.

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