

By Senator Rodriguez

40-00072-24

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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

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

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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 C.C. from the potentially dangerous
41 effects of Ms. Highland's 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

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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 9 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,

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

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

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

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of C.C., payable to an irrevocable trust created for the exclusive use and benefit of C.C., in the sum of \$20 million upon funds of the Department of Children and Families in the State Treasury, and the Chief Financial Officer is directed to pay the same out of such funds in the State Treasury. The trust shall be responsible for payment of attorney fees and costs, lobbying fees, and other similar expenses relating to this claim, subject to the limitations set forth in this act.

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

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