

By Senator Gruters

22-00106-25

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1 A bill to be entitled
2 An act for the relief of L.P., a minor, by the
3 Department of Children and Families; providing an
4 appropriation to Sidney and Valerie Carey, as the
5 grandparents and adoptive parents of L.P., to
6 compensate L.P. for injuries and damages sustained due
7 to the negligence of employees and caseworkers of the
8 department; providing a limitation on compensation and
9 the payment of fees and costs; providing an effective
10 date.

11
12 WHEREAS, on June 14, 2015, a family member of the then-six-
13 year-old L.P. called the Sarasota Police Department to request a
14 wellness check of the mother of L.P. due to a suicide video the
15 mother sent to relatives, along with other bizarre behaviors
16 that called her mental fitness into question, and

17 WHEREAS, in response to this call, the Sarasota Police
18 Department complied with its statutory duty to report known or
19 possible child abuse by notifying the Department of Children and
20 Families (DCF), which, through its employees and caseworkers,
21 responded to the home late on June 14, 2015, but failed to
22 identify the mother of L.P., much less identify several
23 forewarnings as to the mother's mental health status, and

24 WHEREAS, because of the inadequate wellness check by DCF
25 employees, including failure to implement a readily available
26 safety plan, L.P. was left in the custody of her mother, rather
27 than her grandmother, who is now her adopted mother and who
28 lived just a few houses away, and

29 WHEREAS, because of the negligence of the DCF caseworkers

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30 to recognize the danger to L.P., she was left in her mother's
31 custody, and

32 WHEREAS, the mother of L.P. attempted to murder L.P. within
33 hours after DCF's negligent decision, resulting in L.P. being
34 stabbed no fewer than 14 times, including an attempted
35 disembowelment, which required emergency surgery to save her
36 life and multiple follow-up surgeries and treatments, and

37 WHEREAS, as a further consequence of the negligence of DCF
38 through its employees, L.P. will incur a lifetime of significant
39 pain, suffering, disability, disfigurement, mental anguish,
40 inconvenience, loss of capacity for the enjoyment of life,
41 medical costs, future surgeries, and psychological costs over a
42 potential duration of more than sixty-five years, and

43 WHEREAS, following a two-week trial from February 28
44 through March 11, 2022, the jury found DCF negligent and awarded
45 L.P. damages resulting in a final judgment in the amount of \$28
46 million, and

47 WHEREAS, an appeal to the Second District Court of Appeal
48 affirmed the factual findings and the judgment of the jury and
49 trial court in the case, and

50 WHEREAS, in the 9 years since her mother attempted to
51 murder her, L.P. has incurred the costs of multiple lifesaving
52 surgeries, psychological counseling, and related expenses which
53 remain unpaid or will be incurred at over \$14 million along with
54 a loss of earning capacity at \$1.5 million, and

55 WHEREAS, the costs incurred in the prosecution of the
56 claims on behalf of L.P. exceeded \$208,000, with over \$8,000
57 remaining to be paid, and

58 WHEREAS, in accordance with the statutory cap of liability

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59 set forth in s. 768.28, Florida Statutes, DCF has paid \$200,000
60 toward the total amount of this claim, NOW, THEREFORE,

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

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

66 Section 2. The sum of \$28 million is appropriated from the
67 General Revenue Fund to the Department of Children and Families
68 for the relief of L.P. for injuries and damages sustained.

69 Section 3. The Chief Financial Officer is directed to draw
70 a warrant in the sum of \$28 million payable to Sidney and
71 Valerie Carey, as the grandparents and adoptive parents of L.P.,
72 to be placed in a special needs trust created for the exclusive
73 use and benefit of L.P. for injuries and damages sustained.

74 Section 4. The amount paid by the Department of Children
75 and Families pursuant to s. 768.28, Florida Statutes, and the
76 amount awarded under this act are intended to provide the sole
77 compensation for all present and future claims arising out of
78 the factual situation described in this act which resulted in
79 injuries and damages to L.P. The total amount paid for attorney
80 fees, lobbying fees, and other similar expenses relating to this
81 claim may not exceed 25 percent of the total amount awarded
82 under this act.

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