

By the Committee on Judiciary; and Senator Gruters

590-03189-25

202512c1

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 a special needs trust, to compensate
5 L.P. for injuries and damages sustained due to the
6 negligence of employees and caseworkers of the
7 department; providing a limitation on compensation and
8 the payment of fees and costs; providing an effective
9 date.

10
11 WHEREAS, on June 25, 2015, a family member of the then-6-
12 year-old L.P. called the Sarasota Police Department to request a
13 wellness check of the mother of L.P. due to a suicide video the
14 mother sent to relatives, along with other bizarre behaviors
15 that called her mental fitness into question, and

16 WHEREAS, in response to this call, the Sarasota Police
17 Department complied with its statutory duty to report known or
18 possible child abuse by notifying the Department of Children and
19 Families (DCF), which, through its employees and caseworkers,
20 responded to the home late on June 25, 2015, but failed to
21 identify the mother of L.P., much less identify several
22 forewarnings as to the mother's mental health status, and

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

28 WHEREAS, because of the negligence of the DCF caseworkers
29 to recognize the danger to L.P., she was left in her mother's

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30 custody, and

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

36 WHEREAS, as a further consequence of the negligence of DCF
37 through its employees, L.P. will incur a lifetime of significant
38 pain, suffering, disability, disfigurement, mental anguish,
39 inconvenience, loss of capacity for the enjoyment of life,
40 medical costs, future surgeries, and psychological costs over a
41 potential duration of more than 65 years, and

42 WHEREAS, following a 2-week trial from February 28 through
43 March 11, 2022, the jury found DCF negligent and awarded L.P.
44 damages resulting in a final judgment in the amount of \$28
45 million, and

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

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

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

57 WHEREAS, in accordance with the statutory cap of liability
58 set forth in s. 768.28, Florida Statutes, DCF has paid \$200,000

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59 toward the total amount of this claim, NOW, THEREFORE,

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

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

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

68 Section 3. The Chief Financial Officer is directed to draw
69 a warrant in the sum of \$28 million payable to a special needs
70 trust created for the exclusive use and benefit of L.P. for
71 injuries and damages sustained.

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

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