

By Senator Martin

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1 A bill to be entitled
2 An act for the relief of the Estate of M.N. by the
3 Broward County Sheriff's Office; providing for an
4 appropriation to compensate the estate for injuries
5 sustained by M.N. and her subsequent death as a result
6 of the negligence of the Broward County Sheriff's
7 Office; providing a limitation on compensation and the
8 payment of attorney fees; providing an effective date.
9
10 WHEREAS, on October 13, 2016, 5-month-old M.N. was brought
11 to Northwest Medical Center in Broward County with a fever and
12 intermittent leg pain, and
13 WHEREAS, diagnostic imaging revealed that M.N. had multiple
14 fractures in her upper and lower extremities which were in
15 different stages of healing, some of which were estimated to be
16 approximately 3 weeks old, including fractures to her left
17 tibia, left fibula, and left radius, and
18 WHEREAS, the treating physician observed bruising around
19 M.N.'s left eye and discoloration on M.N.'s left wrist and
20 learned that, at 3 months of age, M.N. had sustained a black
21 eye, allegedly from falling off a couch, which resulted in a
22 visit to Broward Health, and
23 WHEREAS, the treating physician consulted with a pediatric
24 orthopedic specialist who, upon reviewing M.N.'s diagnostic
25 imaging, advised that the fractures did not appear to be
26 accidental and recommended that M.N.'s injuries be reported to
27 the Department of Children and Families' (DCF) Abuse Hotline,
28 and
29 WHEREAS, on October 13, 2016, the treating physician sent,

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30 and DCF received, a report through DCF's Abuse Hotline
31 describing M.N.'s injuries, which report was assigned to the
32 Broward County Sheriff's Office (BSO) for investigation, as the
33 BSO was the law enforcement agency charged with conducting child
34 protective investigations in Broward County pursuant to s.
35 39.303, Florida Statutes, and

36 WHEREAS, that same day, upon receiving the abuse hotline
37 report, a BSO child protective investigator (CPI) responded to
38 Northwest Medical Center and observed the bruising around M.N.'s
39 left eye and the discoloration on her left wrist and learned
40 that, in addition to M.N.'s unexplained healing fractures, each
41 of the aforementioned injuries occurred while M.N. was in the
42 care or presence of her mother, K.W.; that the origins of the
43 injuries were unexplained; and that K.W. had taken M.N. to
44 different medical facilities to receive treatment for the
45 child's injuries, and

46 WHEREAS, as the agency charged under s. 39.001, Florida
47 Statutes, with conducting child protective investigations to
48 ensure child safety and prevent further harm to children, the
49 BSO owed M.N. a duty to ensure her safety and to protect her
50 from further harm, and

51 WHEREAS, despite the CPI having actual knowledge that there
52 was a pattern of unexplained injuries to M.N. while in K.W.'s
53 care and that the child was in immediate need of a safety plan
54 for her protection, the BSO allowed M.N. to be discharged from
55 the hospital in the custody of K.W., and

56 WHEREAS, the BSO determined that M.N.'s father, C.N., was a
57 nonoffending parent; however, K.W. had moved into the home of a
58 male friend, Juan Santos, and, throughout September and October

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59 2016, refused to respond to C.N.'s multiple requests to visit
60 M.N., and

61 WHEREAS, the BSO failed to contact C.N., despite the fact
62 that the BSO was required to do so to inform him of M.N.'s
63 injuries and to discuss placement of the child, and

64 WHEREAS, the BSO failed to meet with Mr. Santos, to explore
65 whether he was a caregiver to M.N., or to conduct a background
66 check on him, and instead allowed M.N. to remain with K.W. and
67 Mr. Santos, during which time M.N. was subject to further severe
68 abuse, and

69 WHEREAS, on October 24, 2016, while the BSO's child
70 protective investigation remained open, M.N., at only 6 months
71 of age, sustained life-threatening injuries, including a
72 parietal skull fracture, severe brain and spinal cord injury,
73 and extensive retinal hemorrhages, due to shaking and impact,
74 and

75 WHEREAS, on October 24, 2016, M.N. was transported to the
76 hospital, where she was declared brain-dead and placed on life
77 support, and she died from her injuries on October 28, 2016,
78 after being removed from life support, and

79 WHEREAS, on October 24, 2016, an additional abuse hotline
80 report was received regarding M.N., and the case was again
81 assigned to the BSO for investigation, and

82 WHEREAS, the BSO closed its investigation of M.N.'s case on
83 July 17, 2017, with verified findings of bone fractures,
84 internal injuries, threatened harm, and death, and

85 WHEREAS, following a jury trial, a verdict was rendered on
86 August 16, 2023, in the amount of \$4.5 million in favor of
87 M.N.'s father, C.N., for his pain and suffering as a result

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88 M.N.'s wrongful death, with 58 percent of the jury award,
89 totaling \$2.61 million, apportioned to the BSO, and

90 WHEREAS, the BSO admitted its negligence during the trial
91 following the testimony of its own CPI, her supervisor, and
92 other BSO employees, and

93 WHEREAS, the jury found that, but for the BSO's negligence
94 in failing to complete a thorough child protective
95 investigation, ensure M.N.'s safety, and protect M.N. from
96 further abuse and neglect, which was its primary duty, M.N.
97 would not have died and C.N. would not have suffered damages
98 arising out of the loss of his daughter, and

99 WHEREAS, \$110,000 of the jury award was recovered from the
100 BSO and \$90,000 was recovered from Broward County, which total
101 has exhausted the sovereign immunity limits set forth in s.
102 768.28, Florida Statutes, and

103 WHEREAS, the trial court entered a cost judgment awarding
104 taxable costs in the amount of \$88,258.50 to the Estate of M.N.,
105 to be paid by the BSO, and

106 WHEREAS, a total of \$2,498,258.50, representing \$2.41
107 million in excess of the sovereign immunity limits and
108 \$88,258.50 in costs awarded to the Estate of M.N., plus interest
109 remains unpaid by the BSO, and

110 WHEREAS, the Estate of M.N. is responsible for payment of
111 attorney fees and all remaining costs and expenses relating to
112 this claim, subject to the limitations set forth in this act,
113 and

114 WHEREAS, the claimant has been paid the statutory limit of
115 \$200,000 pursuant to s. 768.28, Florida Statutes, leaving a
116 balance of \$2.41 million plus taxable trial costs awarded in the

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117 amount of \$88,258.50 for a total claim of \$2,498,258.50, plus
118 interest, NOW, THEREFORE,

119
120 Be It Enacted by the Legislature of the State of Florida:

121
122 Section 1. The facts stated in the preamble to this act are
123 found and declared to be true.

124 Section 2. The Broward County Sheriff's Office is
125 authorized and directed to appropriate from funds not otherwise
126 encumbered and to draw a warrant in the sum of \$2,498,258.50
127 payable to the Estate of M.N. as compensation for injuries and
128 damages sustained.

129 Section 3. It is the intent of the Legislature that all
130 government liens, including Medicaid liens, resulting from the
131 treatment and care of M.N. for the occurrences described in this
132 act be waived and paid by the state.

133 Section 4. The amount paid by the Broward County Sheriff's
134 Office pursuant to s. 768.28, Florida Statutes, and the amount
135 awarded under this act are intended to provide the sole
136 compensation for all present and future claims arising out of
137 the factual situation described in this act which resulted in
138 injuries and damages to the Estate of M.N. The total amount paid
139 for attorney fees relating to this claim may not exceed 25
140 percent of the total amount awarded under this act.

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