

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 by the Department of Children and Families; providing
5 an appropriation to compensate Mr. Barnett and R.B.
6 for injuries and damages sustained; providing a
7 limitation on compensation and the payment of attorney
8 fees; providing an effective date.
9

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

14 WHEREAS, Mr. Dell committed suicide shortly after exiting
15 the residence, and

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

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

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26 WHEREAS, later that same morning, Mr. Dell was arrested on
27 charges of aggravated assault with a deadly weapon and criminal
28 mischief, and

29 WHEREAS, over the course of the following month, the
30 department conducted an investigation but subsequently closed
31 the case file on February 25, 2010, after concluding that Ms.
32 Whyte-Dell's children were not at significant risk of harm, and

33 WHEREAS, Mr. Dell had a prior history of making threats of
34 violence against Ms. Whyte-Dell and her children, and

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

38 WHEREAS, 11 of those police responses were for domestic
39 violence disturbances, and

40 WHEREAS, the department should have had reason to know of
41 the threats and had numerous opportunities to remove the
42 children from that dangerous environment, yet did not act and
43 closed its case file, and

44 WHEREAS, because of the investigator's errors and
45 omissions, the department failed to follow up on warning signs
46 that any reasonable investigation should have evaluated,
47 analyzed, and acted upon, and

48 WHEREAS, Michael Barnett, individually and as the natural
49 parent and legal guardian of R.B., and as the personal
50 representative of the estates of D.B., D.B., and B.B., entered

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51 into a settlement agreement and release and a consent final
52 judgment with the State of Florida and the department, and

53 WHEREAS, per the settlement agreement and release, Michael
54 Barnett and R.B. agree to accept the total amount of \$160,000,
55 including attorney fees and costs, and

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

59
60 Be It Enacted by the Legislature of the State of Florida:

61
62 **Section 1.** The facts stated in the preamble to this act
63 are found and declared to be true.

64 **Section 2.** The sum of \$296,400 is appropriated from the
65 General Revenue Fund to the Department of Children and Families
66 for the relief of Michael Barnett, individually and as the
67 natural parent and legal guardian of R.B., for injuries and
68 damages sustained.

69 **Section 3.** The Chief Financial Officer is directed to draw
70 a warrant in favor of Michael Barnett and R.B. in the sum of
71 \$296,400 upon funds of the Department of Children and Families
72 in the State Treasury and to pay the same out of such funds in
73 the State Treasury.

74 **Section 4.** The amount paid by the Department of Children
75 and Families pursuant to s. 768.28, Florida Statutes, and the

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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 Michael Barnett and R.B. The total
80 amount paid for attorney fees relating to this claim may not
81 exceed 25 percent of the total amount awarded under this act.

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