

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 6531 (2025)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ☐ (Y/N)

ADOPTED AS AMENDED ☐ (Y/N)

ADOPTED W/O OBJECTION ☐ (Y/N)

FAILED TO ADOPT ☐ (Y/N)

WITHDRAWN ☐ (Y/N)

OTHER ☐

Committee/Subcommittee hearing bill: Civil Justice & Claims
Subcommittee

Representative Brackett offered the following:

Amendment

Remove lines 148-191 and insert:

daily, and she had another brain surgery in January 2025, and

WHEREAS, following a jury trial, a verdict was rendered on
December 8, 2023, in the amount of \$15 million in favor of H.H.,
and

WHEREAS, the jury found that, but for the department's
negligence in failing to complete a thorough child protective
investigation, ensure H.H.'s safety, and protect H.H. from
further abuse and neglect, which was its primary duty, H.H.
would not have suffered damages, and

Amendment No. 1

16 WHEREAS, \$200,000 of the jury award was recovered from the
17 department, which has exhausted the sovereign immunity limits
18 set forth in s. 768.28, Florida Statutes, and

19 WHEREAS, the trial court entered a cost judgment awarding
20 taxable costs in the amount of \$126,639.56 to H.H. to be paid by
21 the department, and

22 WHEREAS, a total of \$14,926,639.56, representing
23 \$14,800,000 in excess of the sovereign immunity limits, and

24 WHEREAS, H.H. will require additional brain surgical
25 procedures in the future and will be catheterized to assist with
26 going to the bathroom, and

27 WHEREAS, H.H.'s care is monitored by multiple physicians,
28 including specialists in pediatrics, palliative care, neurology,
29 neurosurgery, gastroenterology, pulmonology, orthopedics, and
30 urology, and

31 WHEREAS, H.H. receives physical therapy, occupational
32 therapy, and speech therapy, and

33 WHEREAS, H.H. requires and will continue to require
34 constant care, monitoring, supervision, various therapies,
35 multiple specialist services, and supportive care throughout the
36 remainder of her life, and

37 WHEREAS, as the state agency charged under chapter 39,
38 Florida Statutes, with operating the child welfare system in
39 this state, including conducting child protective investigations
40 to ensure child safety and the prevention of further harm to

Amendment No. 1

41 children, the department failed in its duty to ensure H.H.'s
42 safety and protect her from harm, and

43 WHEREAS, H.H. is responsible for the payment of attorney
44 fees and all remaining costs and expenses relating to this
45 claim, subject to the limitations set forth in this act, NOW,
46 THEREFORE,

47
48 Be It Enacted by the Legislature of the State of Florida:

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

51 **Section 2.** The sum of \$14,926,639.56 is appropriated from
52 the General Revenue Fund to the Department of Children and
53 Families for the relief of H.H. for injuries and damages
54 sustained as a result of the negligence of the department.

55 **Section 3.** The Chief Financial Officer is directed to draw
56 a warrant in favor of H.H., payable to an irrevocable trust
57 created for the exclusive use and benefit of H.H., in the sum of
58 \$14,926,639.56 upon funds of the Department of Children and
59 Families in the State Treasury and to pay the same out of such
60 funds in the State Treasury.

61 **Section 4.** It is the intent of the Legislature that all
62 government liens, including Medicaid liens, resulting from the
63 treatment and care of H.H. for the occurrences described in this
64 act be waived and paid by the state.

Amendment No. 1

65 **Section 5.** The amount paid by the Department of Children
66 and Families pursuant to s. 768.28, Florida Statutes, and the
67 amount awarded under this act are intended to provide the sole
68 compensation for all present and future claims arising out of
69 the factual situation described in this act which resulted in
70 injuries and damages to H.H. The total amount paid for attorney
71 fees relating to this claim may not exceed 25 percent of the
72 total amount awarded under this act.

73 **Section 6.** This act shall take effect upon becoming a law.
74