

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 6533 (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WITHDRAWN _____ (Y/N)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 LaMarca offered the following:

Amendment (with title amendment)

Remove line 133 and insert:

Section 4. The amount to be paid by the Broward County
Sheriff's

T I T L E A M E N D M E N T

Remove lines 35-115 and insert:

39.3065, Florida Statutes, and

WHEREAS, that same day, upon receiving the abuse hotline
report, a BSO child protective investigator (CPI) responded to
Northwest Medical Center and observed the bruising around M.N.'s

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17 left eye and the discoloration on her left wrist and learned
18 that, in addition to M.N.'s unexplained healing fractures, each
19 of the aforementioned injuries occurred while M.N. was in the
20 care or presence of her mother, K.W.; that the origins of the
21 injuries were unexplained; and that K.W. had taken M.N. to
22 different medical facilities to receive treatment for the
23 child's injuries, and

24 WHEREAS, as the agency charged under s. 39.001, Florida
25 Statutes, with conducting child protective investigations to
26 ensure child safety and prevent further harm to children, the
27 BSO owed M.N. a duty to ensure her safety and to protect her
28 from further harm, and

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

34 WHEREAS, the BSO determined that M.N.'s father, C.N., was a
35 nonoffending parent; however, K.W. had moved into the home of a
36 male friend, Juan Santos, and, throughout September and October
37 2016, refused to respond to C.N.'s multiple requests to visit
38 M.N., and

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

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

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

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

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

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

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

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

68 WHEREAS, the BSO admitted its negligence during the trial
69 following the testimony of its own CPI, her supervisor, and
70 other BSO employees, and

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

77 WHEREAS, BSO is obligated to tender \$110,000 of the jury
78 award which it has not done and \$90,000 was recovered from
79 Broward County, which total will exhaust the sovereign immunity
80 limits set forth in s. 768.28, Florida Statutes, and

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

84 WHEREAS, a total of \$2,498,258.50, representing \$2.41
85 million in excess of the sovereign immunity limits and
86 \$88,258.50 in costs awarded to the Estate of M.N., plus interest
87 remains unpaid by the BSO, and

88 WHEREAS, the Estate of M.N. is responsible for payment of
89 attorney fees and all remaining costs and expenses relating to

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90 | this claim, subject to the limitations set forth in this act,
91 | and
92 | WHEREAS, the claimant is to be paid the statutory
93 | limit of \$200,000 pursuant to s. 768.28, Florida Statutes,
94 | leaving a