

By Senator Rodriguez

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1 A bill to be entitled
2 An act for the relief of C.C. by the Department of
3 Children and Families; providing an appropriation to
4 compensate C.C. for injuries and damages sustained as
5 a result of the negligence of the department;
6 providing a limitation on compensation and the payment
7 of attorney fees and certain costs; providing an
8 effective date.

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10 WHEREAS, on August 12, 2014, Anna Highland, a resident of
11 Fort Myers, gave birth to C.C., who was born addicted to
12 methadone as a result of Ms. Highland's opiate dependence,
13 cocaine abuse, and intravenous drug use, and

14 WHEREAS, at the time of C.C.'s birth, Ms. Highland was
15 licensed as a foster parent by the Department of Children and
16 Families and had significant involvement with the department
17 dating back to 2012, and

18 WHEREAS, due to Ms. Highland's drug abuse throughout her
19 pregnancy, C.C. suffered severe withdrawal symptoms after his
20 birth which required him to be hospitalized for a month in a
21 neonatal intensive care unit and treated with morphine, and

22 WHEREAS, during the 6 months before C.C.'s birth, the
23 department received three separate child abuse hotline reports
24 regarding Ms. Highland, including reports alleging that she was
25 abusing drugs and physically abusing her foster child, and

26 WHEREAS, the department opened an investigation after
27 receiving a fourth child abuse hotline report made on August 12,
28 2014, the day of C.C.'s birth, alleging that Ms. Highland had
29 tested positive for drugs while pregnant, and

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WHEREAS, on September 3, 2014, while the investigation was pending, the department received two additional child abuse hotline reports alleging that Ms. Highland was abusing drugs, and

WHEREAS, despite receiving six abuse allegations within a 7-month period, the department advised the hospital on September 3, 2014, that there was no hold on C.C. and that he was free to be released to Ms. Highland, and

WHEREAS, on September 6, 2014, C.C. was discharged from the hospital to Ms. Highland's care with no intervention and no services in place to protect C.C. from the potentially dangerous effects of Ms. Highland's drug addiction, and

WHEREAS, on September 23, 2014, the department closed its investigation with findings of substance misuse not substantiated and a determination that Ms. Highland's methadone use had no implications for child safety, and

WHEREAS, on June 3, 2015, and again on August 6, 2015, the department received two new child abuse hotline reports alleging that Ms. Highland was abusing the foster child in her care, both of which the department closed without investigation, and

WHEREAS, on September 12, 2015, when C.C. was 13 months old, he overdosed on Ms. Highland's methadone, was found unresponsive and not breathing, and was rushed to the hospital in critical condition, where he remained in a coma for 2 weeks and was hospitalized for 1 month, and

WHEREAS, the department's investigation of C.C.'s overdose revealed that Ms. Highland, as well as her mother who was present, waited 5 hours before seeking medical attention for C.C. while his condition continued to deteriorate, and

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WHEREAS, as a result of the department's investigation of the overdose, C.C. was finally removed from Ms. Highland's care and placed in the care of his father, and

WHEREAS, as the state agency charged with operating the child welfare system in this state, including conducting child protective investigations to ensure child safety and prevent further harm to children under s. 39.001, Florida Statutes, the department owed C.C. a duty to ensure his safety and protect him from further harm, and

WHEREAS, the department failed to protect C.C. from further harm when it negligently allowed him to be released from the hospital to Ms. Highland's care after his birth with no services or interventions in place to protect him from the potentially dangerous effects of her drug addiction, and

WHEREAS, the department's negligence resulted in severe and permanent injuries to C.C., now 9 years of age, including, but not limited to, an anoxic brain injury; seizures; strokes and neurological impairments; permanent hearing, vision, and speech impediments; cognitive impairment, including memory loss and learning disabilities; and permanent injuries impacting his coordination and gross and fine motor skills, requiring lifelong care, and

WHEREAS, the State of Florida recognizes an equitable obligation to redress the injuries and damages C.C. sustained as a result of the negligence of the department and its failure to exercise its duties to ensure the safety of children in this state and protect them from further harm, NOW, THEREFORE,

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

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

91 Section 2. The sum of \$20 million is appropriated from the
92 General Revenue Fund to the Department of Children and Families
93 for the relief of C.C. for injuries and damages sustained.

94 Section 3. The Chief Financial Officer is directed to draw
95 a warrant in favor of C.C., payable to an irrevocable trust
96 created for the exclusive use and benefit of C.C., in the sum of
97 \$20 million upon funds of the Department of Children and
98 Families in the State Treasury, and the Chief Financial Officer
99 is directed to pay the same out of such funds in the State
100 Treasury. The trust shall be responsible for payment of attorney
101 fees and costs, lobbying fees, and other similar expenses
102 relating to this claim, subject to the limitations set forth in
103 this act.

104 Section 4. The amount awarded under this act is intended to
105 provide the sole compensation for all present and future claims
106 arising out of the factual situation described in this act which
107 resulted in injuries and damages to C.C. The total amount paid
108 for attorney fees and costs, lobbying fees, and other similar
109 expenses relating to this claim may not exceed 25 percent of the
110 total amount awarded under this act.

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