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

9  
10       WHEREAS, on May 3, 2017, H.H. was a healthy, normally  
11       developing 18 month old, when the Department of Children and  
12       Families received its first child abuse hotline report regarding  
13       H.H., which alleged substance abuse by H.H.'s mother and  
14       stepfather and that H.H.'s mother and stepfather were selling  
15       drugs out of, and harboring a fugitive in, their home, and

16       WHEREAS, during the course of its investigation of the  
17       initial child abuse hotline report, the department discovered  
18       that the stepfather had been released from the Department of  
19       Corrections 7 months before initiation of the Department of  
20       Children and Families' investigation after being incarcerated  
21       for 3 1/2 years, was on probation, had been married to the  
22       mother for only 1 month and had been dating the mother for only  
23       3 months before initiation of the department's investigation,  
24       and had a significant and dangerous criminal history that showed  
25       a pattern of impulsivity and violence, and

26 WHEREAS, at the time of the initial child abuse hotline  
27 report, the stepfather had been involved in at least 35  
28 incidents resulting in police reports, and his criminal history,  
29 ranging from 2003 through 2013, included a 2003 charge for  
30 driving under the influence, marijuana possession, and drug  
31 equipment possession; a 2003 charge for driving under the  
32 influence and possession of liquor by a person under the age of  
33 21; a 2003 charge for driving while his license was suspended or  
34 revoked, including a prior suspension for refusal to submit to a  
35 lawful test of breath; a 2003 charge for burglary; 2004 felony  
36 convictions for possession of cocaine, possession of drug  
37 paraphernalia, and burglary of a dwelling, for which he served  
38 concurrent sentences of 270 days and 55 days in jail; a 2004  
39 arrest for resisting an officer without violence during a  
40 disturbance; a 2005 charging affidavit for violation of a court  
41 order and making threats toward his girlfriend's parents; a 2007  
42 battery charge; a 2007 felony conviction for fleeing and  
43 eluding; a 2009 arrest for violation of probation relating to  
44 drug charges; a 2009 charge for marijuana possession, violation  
45 of driver license restrictions, and drug equipment possession; a  
46 2010 arrest for possession of a controlled substance and  
47 possession of a firearm by a convicted felon; a 2010 arrest for  
48 involvement in a marijuana growing operation and the cultivation  
49 and manufacturing of cannabis; 2011 felony convictions for  
50 possession of a Schedule II controlled substance, possession of

51 a firearm by a convicted felon, manufacture of cannabis,  
52 possession of cocaine, fleeing and eluding, burglary of a  
53 dwelling, possession of drug paraphernalia, driving while his  
54 license was suspended, battery of a law enforcement officer, and  
55 escape, for which he was sentenced to two 366-day sentences in  
56 prison; and 2013 felony convictions for resisting arrest with  
57 violence, fleeing or attempting to elude, driving while his  
58 license was suspended or revoked, battery on a law enforcement  
59 officer, and escape, for which he was sentenced to 4 years in  
60 prison, and

61       WHEREAS, during the course of the department's  
62 investigation of the initial child abuse hotline report, H.H.'s  
63 stepfather refused to submit to a drug test, and

64       WHEREAS, during the course of the department's  
65 investigation of the initial abuse report, H.H.'s mother  
66 admitted to smoking marijuana and tested positive for marijuana,  
67 and

68       WHEREAS, despite the department's discoveries regarding  
69 risk of harm to H.H. during the investigation, the department  
70 failed to thoroughly investigate the child abuse hotline report  
71 by failing to speak with any persons who may have had  
72 information regarding H.H.'s safety, such as family members or  
73 the stepfather's probation officer, and failing to request  
74 relevant records and to refer the family to appropriate  
75 services, and

76           WHEREAS, despite the department's knowledge of the  
77 potential risk for harm to H.H. as a result of the initial  
78 investigation, the department incorrectly assessed the danger to  
79 H.H. as "no present danger" under the care of her mother and  
80 stepfather, and

81           WHEREAS, on June 2, 2017, while the initial investigation  
82 remained open, the department received a second child abuse  
83 hotline report regarding H.H., alleging substance misuse by the  
84 mother and stepfather and neglect of H.H. by the mother, and

85           WHEREAS, between June 2 and June 28, 2017, the department  
86 failed to investigate the allegations of the second abuse  
87 report, failing to conduct a home visit at the family's  
88 residence to observe H.H. and failing to refer the family to  
89 appropriate services, and

90           WHEREAS, on June 28, 2017, the department visited a motel  
91 to which the family had relocated, but failed to conduct any  
92 additional investigation in connection with the second abuse  
93 report, and

94           WHEREAS, on July 2, 2017, the department closed both  
95 investigations with no findings without conducting a thorough  
96 investigation or ensuring H.H.'s safety, and

97           WHEREAS, on September 4, 2017, only 2 months after closing  
98 the first two cases alleging abuse of H.H., the department  
99 received four additional child abuse hotline reports regarding  
100 severe abuse and neglect of H.H., and

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101 WHEREAS, on September 4, 2017, H.H. was admitted to the  
102 hospital with life-threatening injuries, and

103 WHEREAS, upon admission to the hospital, H.H. was  
104 unconscious and unresponsive; had a severe traumatic head  
105 injury; had multiple areas of bleeding in her brain; had severe  
106 brain swelling caused by repetitive abusive head trauma; had eye  
107 injuries; was in respiratory failure requiring ventilator  
108 support; was placed in a medically induced coma; underwent two  
109 cranioplasties to remove parts of her skull to allow her brain  
110 swelling to go down; received various other intensive medical  
111 interventions and treatment; and was determined to be the victim  
112 of severe, prolonged, repeated, life-threatening physical abuse  
113 that caused permanent damage, and

114 WHEREAS, due to the significance of her injuries, H.H.  
115 remained in the hospital for 109 days, and

116 WHEREAS, a law enforcement investigation determined that  
117 H.H. had been physically abused, neglected, and tortured by her  
118 mother and stepfather, and

119 WHEREAS, the department only removed H.H. from her mother's  
120 care and placed her in its custody after the law enforcement  
121 investigation, and

122 WHEREAS, as a result of the law enforcement investigation,  
123 H.H.'s mother was charged with and convicted of aggravated child  
124 abuse and child neglect causing great bodily harm and was  
125 sentenced to 40 years in prison, and H.H.'s stepfather was

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126 charged with and convicted of possession of a firearm by a  
127 convicted felon, aggravated child abuse, and child abuse and  
128 child neglect causing great bodily harm and was sentenced to 25  
129 years in prison, and

130 WHEREAS, as a consequence of the department's negligence  
131 and failure to take protective action, H.H. suffered  
132 catastrophic and permanent injuries, including, but not limited  
133 to, permanent traumatic brain damage, cerebral palsy,  
134 encephalomalacia, ventriculomegaly, profound developmental  
135 delays, inability to walk or talk, inability to sit up  
136 independently, dysphagia, inability to eat without use of a  
137 feeding tube, posttraumatic epilepsy and seizures that  
138 necessitated surgery and the implantation of a vagus nerve  
139 stimulation device in her chest, spasticity,  
140 neurostorming/autonomic dysfunction, obstructive sleep apnea,  
141 chronic constipation and gastroesophageal reflux disease, and  
142 chronic lung disease/restrictive lung disease, and

143 WHEREAS, H.H. has also been treated for acute respiratory  
144 failure, anemia, transaminitis, hyperglycemia, fevers,  
145 tachycardia, candida stomatitis, and acute tracheitis, and

146 WHEREAS, in November 2022, H.H. underwent corpus  
147 callosotomy surgery to treat seizures that were occurring  
148 multiple times daily, and she had another brain surgery in  
149 January 2025, and

150 WHEREAS, H.H. will require additional brain surgical

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151 | procedures in the future and will be catheterized to assist with  
152 | urination, and

153 |       WHEREAS, H.H.'s care is monitored by multiple physicians,  
154 | including specialists in pediatrics, palliative care, neurology,  
155 | neurosurgery, gastroenterology, pulmonology, orthopedics, and  
156 | urology, and

157 |       WHEREAS, H.H. receives physical therapy, occupational  
158 | therapy, and speech therapy, and

159 |       WHEREAS, H.H. requires and will continue to require  
160 | constant care, monitoring, supervision, various therapies,  
161 | multiple specialist services, and supportive care throughout the  
162 | remainder of her life, and

163 |       WHEREAS, as the state agency charged under chapter 39,  
164 | Florida Statutes, with operating the child welfare system in  
165 | this state, including conducting child protective investigations  
166 | to ensure child safety and to prevent further harm to children,  
167 | the department failed in its duty to ensure H.H.'s safety and  
168 | protect her from harm, and

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

172 |       WHEREAS, the jury found that, but for the department's  
173 | negligence in failing to complete a thorough child protective  
174 | investigation to ensure H.H.'s safety and to protect H.H. from  
175 | further abuse and neglect, which was its primary duty, H.H.

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would not have suffered catastrophic and permanent injuries, and  
WHEREAS, \$200,000 of the jury award was recovered from the  
department, which has exhausted the sovereign immunity limits  
set forth in s. 768.28, Florida Statutes, and

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

WHEREAS, a total of \$14,926,639.56, representing \$14.8  
million in excess of the sovereign immunity limits and  
\$126,639.56 in costs awarded to H.H., plus interest, remains  
unpaid by the department, and

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

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

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

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

**Section 3.** The Chief Financial Officer is directed to draw



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201   a warrant in favor of H.H., payable to an irrevocable trust  
202   created for the exclusive use and benefit of H.H., in the sum of  
203   \$14,926,639.56 upon funds of the Department of Children and  
204   Families in the State Treasury and to pay the same out of such  
205   funds in the State Treasury.

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

210       **Section 5.**   The amount paid by the Department of Children  
211   and Families pursuant to s. 768.28, Florida Statutes, and the  
212   amount awarded under this act are intended to provide the sole  
213   compensation for all present and future claims arising out of  
214   the factual situation described in this act which resulted in  
215   injuries and damages to H.H. The total amount paid for attorney  
216   fees relating to this claim may not exceed 25 percent of the  
217   total amount awarded under this act.

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