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HB 6507

2026 Legislature

1  
2 An act for the relief of L.E. by the Department of  
3 Children and Families; providing an appropriation to  
4 compensate L.E. 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; providing an effective date.  
8

9 WHEREAS, L.E. was born on July 29, 2019, and, at birth,  
10 tested positive for amphetamines, and

11 WHEREAS, L.E.'s biological mother tested positive for  
12 amphetamines after the delivery of L.E., and

13 WHEREAS, while at the hospital, L.E.'s biological mother  
14 and father engaged in a violent altercation with each other, and

15 WHEREAS, shortly after L.E.'s birth, the Department of  
16 Children and Families received two child abuse hotline reports,  
17 one alleging intrafamily violence threatening L.E. and the other  
18 alleging drug exposure of newborn L.E., and

19 WHEREAS, under s. 39.001, Florida Statutes, the department  
20 is charged with the duty of conducting child protective  
21 investigations to ensure child safety and prevent further harm  
22 to children and owed L.E. a duty to ensure her safety and  
23 prevent further harm, and

24 WHEREAS, the department sent a child protective  
25 investigator to the hospital to initiate an investigation of the

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26 | reported abuse, and

27 |       WHEREAS, the department discovered that L.E.'s mother had a  
28 | history of substance abuse, untreated mental health issues, and  
29 | a criminal history involving violence, and

30 |       WHEREAS, the department discovered that both L.E.'s mother  
31 | and father had an extensive history of involvement with the  
32 | department, including, collectively, at least 20 prior child  
33 | abuse hotline reports, and

34 |       WHEREAS, one of those prior reports involved egregious  
35 | abuse of L.E.'s biological father's other daughter when she was  
36 | not yet 6 months old, resulting in long-bone fractures, and

37 |       WHEREAS, the department removed that daughter from the  
38 | father's care, and

39 |       WHEREAS, L.E.'s mother's other two biological children had  
40 | previously been removed from her care due to verified child  
41 | abuse, and

42 |       WHEREAS, as L.E.'s mother placed her third child for  
43 | adoption, she was also planning to place L.E. for adoption and  
44 | made such arrangements before L.E.'s birth, and

45 |       WHEREAS, shortly after L.E. was born, L.E.'s mother  
46 | abandoned L.E. at the hospital and, against medical advice, left  
47 | the hospital with L.E.'s father, and

48 |       WHEREAS, an adoption specialist arrived at the hospital to  
49 | visit L.E., and

50 |       WHEREAS, while L.E. was still in the hospital following her

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51 | birth, the department determined that L.E. was in "present  
52 | danger" if left in the care of her parents and that immediate  
53 | action was necessary to protect L.E. from further abuse or  
54 | neglect, and

55 |       WHEREAS, the department contracted with a child welfare  
56 | agency and, instead of removing L.E. from her parents' care  
57 | through a judicial process, the department and its subcontractor  
58 | developed an out-of-home safety plan to place L.E. with a friend  
59 | of L.E.'s mother, and

60 |       WHEREAS, within 3 weeks after that placement, the friend  
61 | realized that she could no longer care for L.E. and informed the  
62 | department of this, and

63 |       WHEREAS, despite a reassessment that established that there  
64 | was still a "present danger" to L.E. if left in the care of her  
65 | parents, the department relied upon information from its  
66 | subcontracted agency, and the joint decision was made to place  
67 | L.E. into her parents' care, and

68 |       WHEREAS, on August 21, 2019, L.E. was placed into her  
69 | parents' home, and

70 |       WHEREAS, on or about September 17, 2019, less than 4 weeks  
71 | later, the department determined that it would be closing its  
72 | investigation, despite acknowledging that L.E.'s home situation  
73 | was volatile and unstable and that L.E.'s mother remained  
74 | violent and impulsive, and

75 |       WHEREAS, the subcontractor planned to decrease its

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76 | monitoring of L.E. and the home upon the department closing its  
77 | investigation, and

78 |       WHEREAS, on September 18, 2019, the subcontractor  
79 | transitioned its services from safety management to nonjudicial  
80 | in-home services, which inherently decreased monitoring of L.E.  
81 | by child welfare professionals, and

82 |       WHEREAS, on September 24, 2019, the department closed its  
83 | investigation, despite having no evidence of change or progress  
84 | with L.E.'s parents, and

85 |       WHEREAS, despite the subcontractor's claims that it had  
86 | provided services to the parents, the department expressly  
87 | acknowledged in its own investigative summary that, at the time  
88 | of closing its case, "[t]he home environment continues to be  
89 | volatile and unstable on a normal basis. The fighting in the  
90 | home will stabilize for a period of time but will always return  
91 | to a chaotic and aggressive environment... [violent and  
92 | impulsive behaviors] are clearly evident and severe... there  
93 | [have] been no clear changes made to their behaviors and the  
94 | patterns continue... [and] all of the children [including L.E.]  
95 | are vulnerable," and

96 |       WHEREAS, the very next day, on September 25, 2019, L.E. was  
97 | brought to Rockledge Regional Hospital in distress and  
98 | experiencing seizures, and

99 |       WHEREAS, medical staff at Rockledge Regional Hospital found  
100 | makeup covering obvious bruising across her forehead, and

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101 WHEREAS, doctors determined that L.E. had suffered  
 102 catastrophic injuries from child abuse which had occurred over a  
 103 period of time, including a parietal calvarial skull fracture; a  
 104 left frontal parietal subdural hematoma with bilateral frontal,  
 105 temporal, and parietal cortical edema and encephalomalacia;  
 106 healing fractures of the left sixth and seventh ribs; a healing  
 107 fracture of the right eighth rib; acute fractures to the right  
 108 tenth and eleventh ribs; a pelvic fracture-left acetabular  
 109 cortical avulsion fracture; cortical buckling of the right  
 110 proximal tibial medial metaphysis; and multiple ecchymotic  
 111 lesions to the forehead, and

112 WHEREAS, L.E. was immediately transferred to Nemours  
 113 Children's Hospital in Orlando and admitted in critical  
 114 condition, due to severe organ system injury and dysfunction,  
 115 and was diagnosed as being at risk for hypoxia, hypercarbia,  
 116 hypotension, sepsis, shock, cardiorespiratory arrest,  
 117 intracranial hypertension, cerebral edema, stroke, and death,  
 118 and

119 WHEREAS, L.E. was diagnosed with shaken baby syndrome  
 120 causing traumatic brain injury, seizures, and cerebral palsy, as  
 121 well as malnourishment, and

122 WHEREAS, between August 21, 2019, and September 25, 2019,  
 123 L.E. was subjected to repeated and severe child abuse and  
 124 neglect while in the care of her parents, and

125 WHEREAS, L.E.'s parents were arrested, charged, and

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126 convicted of aggravated child abuse, based upon their abuse of  
 127 L.E. while she was in their home between August 21, 2019, and  
 128 September 25, 2019, and

129 WHEREAS, L.E. was subsequently adopted by her maternal  
 130 grandmother and relocated to Chicago, where she is followed by a  
 131 medical team at Lurie Children's Hospital, and

132 WHEREAS, L.E. has received, and will continue to receive,  
 133 therapeutic services across a host of disciplines, including  
 134 occupational, physical, speech, nutritional, vision, and  
 135 cognitive therapy, and

136 WHEREAS, L.E., who just turned 6 years old, is currently  
 137 under an individual educational plan at school for her  
 138 disability, which has been formally classified as traumatic  
 139 brain injury, and

140 WHEREAS, L.E. requires and will continue to require  
 141 constant care, monitoring, supervision, various therapies,  
 142 multiple specialist services, and supportive care throughout the  
 143 remainder of her life, which may include admission to a skilled  
 144 residential home if her adoptive parent is no longer able to  
 145 care for her, and

146 WHEREAS, the department, charged with the responsibility  
 147 for operating Florida's child welfare system, failed in its  
 148 duties to ensure L.E.'s safety and protect her from harm, and

149 WHEREAS, the department's negligence, in combination with  
 150 the failures of its subcontracted agency, resulted in

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151 catastrophic brain injury that will have a significant impact on  
 152 L.E. for the remainder of her life, and

153 WHEREAS, the department agreed to resolve L.E.'s claims  
 154 against the department through a negotiated settlement in the  
 155 Circuit Court for the 18th Judicial Circuit in and for Brevard  
 156 County, under case number 05-2022-CA-033685, in the total amount  
 157 of \$4 million, and

158 WHEREAS, the settlement agreement required that the  
 159 department make an initial payment of \$200,000, which is the  
 160 maximum amount allowed under the sovereign immunity limitations  
 161 imposed under s. 768.28, Florida Statutes; and that the  
 162 remaining \$3.8 million be paid contingent upon the passage and  
 163 funding of this claim bill, which the department has expressly  
 164 agreed it does not and will not oppose, and

165 WHEREAS, on July 9, 2024, the settlement agreement was  
 166 approved by the circuit court, and, with the department's  
 167 agreement and consent, a final judgment was entered against the  
 168 department in the amount of \$4 million pursuant to the  
 169 negotiated settlement, and

170 WHEREAS, L.E.'s civil claims against the subcontracted  
 171 child welfare agency remain pending, NOW, THEREFORE,

172

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

174

175 Section 1. The facts stated in the preamble to this act

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176 are found and declared to be true.

177 Section 2. The sum of \$3.8 million is appropriated from  
 178 the General Revenue Fund to the Department of Children and  
 179 Families for the relief of L.E. for injuries and damages  
 180 sustained as a result of the negligence of the department.

181 Section 3. The Chief Financial Officer is directed to draw  
 182 a warrant in favor of L.E., payable to the irrevocable trust  
 183 which has already been created for the exclusive use and benefit  
 184 of L.E., in the sum of \$3.8 million upon funds of the Department  
 185 of Children and Families in the State Treasury and to pay the  
 186 same out of such funds in the State Treasury.

187 Section 4. The amount paid by the Department of Children  
 188 and Families pursuant to s. 768.28, Florida Statutes, and the  
 189 amount awarded under this act are intended to provide the sole  
 190 compensation for all present and future claims against the  
 191 department arising out of the factual situation described in  
 192 this act which resulted in injuries and damages to L.E. The  
 193 total amount paid for attorney fees relating to this claim  
 194 against the department may not exceed 25 percent of the total  
 195 amount awarded under this act.

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