

HB 6529

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

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

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

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

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

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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

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

34        WHEREAS, despite receiving six abuse allegations within a  
35 7-month period, the department advised the hospital on September  
36 3, 2014, that there was no hold on C.C. and that he was free to  
37 be released to Ms. Highland, and

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

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

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

50        WHEREAS, on September 12, 2015, when C.C. was 13 months

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51 old, he overdosed on Ms. Highland's methadone, was found  
52 unresponsive and not breathing, and was rushed to the hospital  
53 in critical condition, where he remained in a coma for 2 weeks  
54 and was hospitalized for 1 month, and

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

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

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

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

73 WHEREAS, the department's negligence resulted in severe and  
74 permanent injuries to C.C., now 9 years of age, including, but  
75 not limited to, an anoxic brain injury; seizures; strokes and

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76 neurological impairments; permanent hearing, vision, and speech  
77 impediments; cognitive impairment, including memory loss and  
78 learning disabilities; and permanent injuries impacting his  
79 coordination and gross and fine motor skills, requiring lifelong  
80 care, and

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

86  
87 Be It Enacted by the Legislature of the State of Florida:

88  
89 **Section 1.** The facts stated in the preamble to this act  
90 are 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

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

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