

1                               A bill to be entitled

2       An act for the relief of Angela Sozzani; directing the  
3       Department of Children and Family Services to include  
4       in its annual legislative budget requests an  
5       appropriation to compensate Angela Sozzani, a disabled  
6       person, by and through her next friend, for injuries  
7       and damages sustained as a result of the negligence of  
8       employees of the Department of Children and Family  
9       Services; providing for the use of funds; specifying  
10      funds to be included in the initial appropriation;  
11      requiring the department to seek appropriations in  
12      excess of the limit established in the act under  
13      certain circumstances; providing that no payment of  
14      attorney fees, lobbying fees, costs, or other similar  
15      expenses relating to the claim shall be awarded;  
16      providing an effective date.

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18       WHEREAS, Angela Sozzani, whose date of birth is April 21,  
19      2000, experienced a severe hypoxic-ischemic encephalopathy,  
20      secondary to a near drowning, on April 17, 2002, and, as a  
21      result, is forever dependent on receiving 24-hour medical and  
22      supportive care, and

23       WHEREAS, Angela Sozzani was in the legal custody of the  
24      Department of Children and Family Services and had been placed  
25      in the medical foster home of Ronald and Joyce Bryson on  
26      February 6, 2001, and

27       WHEREAS, Ronald Bryson and Joyce Bryson were each licensed  
28      by the Department of Children and Family Services to provide

HB 209

2012

29 foster care pursuant to s. 409.175, Florida Statutes, and

30 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were  
31 providing foster care to three medically needy foster children  
32 and after-school care to their two special-needs grandchildren,  
33 even though their foster home was licensed by the Department of  
34 Children and Family Services to provide care for only two  
35 children, and

36 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were  
37 hosting a party and allowed their two grandchildren to swim in  
38 their swimming pool without adult supervision, and

39 WHEREAS, on April 17, 2002, Angela Sozzani, who was nearly  
40 2 years of age and was not being supervised, wandered out the  
41 open patio door to the pool and fell into the swimming pool,  
42 nearly drowning, and

43 WHEREAS, a lawsuit was filed on behalf of Angela Sozzani in  
44 Pinellas County against the Department of Children and Family  
45 Services, Ronald and Joyce Bryson, Family Continuity Program,  
46 Inc., and Help a Child, Inc., and

47 WHEREAS, Angela Sozzani's claim against Ronald and Joyce  
48 Bryson is based on each person's failure to properly supervise  
49 Angela and their failure to follow rules of the Department of  
50 Children and Family Services, and

51 WHEREAS, Angela Sozzani's claim against Family Continuity  
52 Program, Inc., which was the lead agency in Pinellas County  
53 pursuant to s. 409.1671, Florida Statutes, during the period  
54 that Angela was placed in the Bryson home, is based on the  
55 entity's failure to comply with rules of the Department of  
56 Children and Family Services, failure to perform monthly home

HB 209

2012

visits, failure to ensure Angela's safety in the Bryson foster home, and failure to report the licensing violations that were observed in the Bryson foster home, and

WHEREAS, Angela Sozzani's claim against Help a Child, Inc., which was the private entity that contracted with the Department of Children and Family Services to oversee the operation of the medical foster care program through which the Brysons were licensed, is based on the entity's failure to properly oversee and manage the Bryson foster home, failure to train Ronald and Joyce Bryson, failure to comply with rules of the Department of Children and Family Services, and failure to report the licensing violations that were observed in the Bryson foster home, and

WHEREAS, Angela Sozzani's claim against the Department of Children and Family Services is based on the department's failure to follow its own operating procedures and guidelines with respect to the licensure of the Bryson foster home, which the department knew or should have known would be a dangerous environment to all children, including Angela Sozzani, and

WHEREAS, as a disabled person, Angela Sozzani is in need of funds necessary for her care, and

WHEREAS, Angela Sozzani continues to need 24-hour medical care and treatment as a result of the actions giving rise to this claim, and

WHEREAS, Robert F. Cullen, Jr., M.D., F.A.A.P., Director Emeritus of Child Neurology of Miami Children's Hospital, has reported that, with optimum medical care, Angela Sozzani's life expectancy will be approximately 20 to 30 years, and

HB 209

2012

85           WHEREAS, Angela Sozzani and Family Continuity Program,  
86 Inc., and Help a Child, Inc., have reached a settlement for the  
87 limits of each entity's available insurance, and

88           WHEREAS, pursuant to s. 409.175(15), Florida Statutes, any  
89 person who owns and operates a family foster home for the  
90 Department of Children and Family Services, including Ronald and  
91 Joyce Bryson, is provided coverage through the Division of Risk  
92 Management of the Department of Financial Services, as provided  
93 in ss. 284.38 and 284.385, Florida Statutes, and

94           WHEREAS, Angela Sozzani, by and through her next friend,  
95 and Ronald and Joyce Bryson have reached a settlement and the  
96 Department of Children and Family Services has tendered payment  
97 on behalf of the Brysons in the amount of \$100,000 in accordance  
98 with the provisions of s. 409.175(15), Florida Statutes, to  
99 compensate Angela Sozzani for damages and to provide a basis for  
100 this claim bill, and

101           WHEREAS, the Department of Children and Family Services has  
102 tendered payment in the amount of \$100,000 in accordance with s.  
103 768.28, Florida Statutes, to Angela Sozzani as to the claim  
104 against the department, and

105           WHEREAS, a special needs trust has been established for the  
106 exclusive use and benefit of Angela Sozzani and the net  
107 settlement proceeds from each of the defendants have been  
108 deposited into the special needs trust, and

109           WHEREAS, Angela Sozzani is currently eligible for and  
110 receiving Medicaid, and currently all of her placement,  
111 treatment, and care costs are being funded through the Medicaid  
112 program, and

HB 209

2012

113           WHEREAS, if Medicaid does not provide any medically  
114 necessary and appropriate health care services as determined by  
115 Angela Sozzani's treatment team, then such services shall be  
116 paid for utilizing assets from Angela Sozzani's special needs  
117 trust, and

118           WHEREAS, the Department of Children and Family Services  
119 supports this act to ensure that Angela Sozzani has adequate  
120 funds and resources for her entire life to obtain all medically  
121 necessary and appropriate health care, and

122           WHEREAS, because it is unknown how long Angela Sozzani will  
123 actually live and whether all of her medically necessary and  
124 appropriate health care will be provided through the Medicaid  
125 program, the Department of Children and Family Services has  
126 agreed to seek a claims bill which will, as part of the  
127 department's annual legislative budget request, provide for the  
128 replenishment of any funds expended by Angela Sozzani's special  
129 needs trust for placement costs and medical care and treatment  
130 not funded by Medicaid, and

131           WHEREAS, Angela Sozzani's attorneys provided pro bono  
132 representation for Angela Sozzani in seeking introduction of  
133 this relief act at the 2010 and 2011 Regular Sessions of the  
134 Legislature and sought no payment of attorney fees, lobbying  
135 fees, costs, or other similar expenses relating to this claim,  
136 NOW, THEREFORE,

137  
138 Be It Enacted by the Legislature of the State of Florida:

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

HB 209

2012

are found and declared to be true.

Section 2. Beginning in fiscal year 2013-2014 and for each subsequent fiscal year thereafter for the remainder of Angela Sozzani's life, the Department of Children and Family Services shall include in its annual legislative budget request an amount not to exceed \$180,000 to replenish the special needs trust of Angela Sozzani for any funds that have been expended from the trust for Angela Sozzani's placement costs and medical care and treatment that are not funded by Medicaid. As part of the appropriation in the legislative budget request for the 2013-2014 fiscal year, the department shall include all funds expended by the special needs trust for placement costs and medical care and treatment not funded by Medicaid from the date of the trust's inception through the date on which the initial request is made.

Section 3. In the event of extraordinary circumstances, the Department of Children and Family Services in its sole discretion shall, as part of its annual legislative budget request, seek amounts in excess of the limit set forth in section 2 to replenish Angela Sozzani's special needs trust for funds expended for placement costs and medical care and treatment not funded by Medicaid.

Section 4. No attorney fees, lobbying fees, costs, or other similar expenses relating to this claim shall be awarded.

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