



361396

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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	.	

The Committee on Children, Families, and Elder Affairs (Storms) recommended the following:

Senate Amendment (with title amendment)

Delete lines 96 - 124
and insert:

Section 2. (1) There is appropriated from the General Revenue Fund to the Department of Children and Family Services the sum of \$1.2 million for the relief of Pierreisna Archille, by and through Darlene Achille, Limited Guardian of Property for Pierreisna Archille, for injuries and damages sustained. After payment of attorney's fees and costs, lobbying fees, and other similar expenses relating to this claim as provided for in this section, outstanding medical liens, and other immediate needs,



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13 the remaining funds shall be placed in a special-needs trust
14 created for the exclusive use and benefit of Pierreisna
15 Archille. Any funds remaining in the special-needs trust upon
16 the death of Pierreisna Archille, after payment of any
17 outstanding Medicaid liens, shall become available solely to
18 benefit Pierreisna Archille's daughter, Takeisha Archille. If
19 Takeisha Archille predeceases her mother, Pierreisna Archille,
20 all such sums shall revert to the General Revenue Fund of the
21 State of Florida.

22 (2) Any amount awarded under this act pursuant to the
23 waiver of sovereign immunity permitted under s. 768.28, Florida
24 Statutes, and this award are intended to provide the sole
25 compensation for all present and future claims arising out of
26 the factual situation described in the preamble to this act
27 which resulted in the injury to Pierreisna Archille. The total
28 amount paid for attorney's fees, lobbying fees, costs, and other
29 similar expenses relating to this claim may not exceed 25
30 percent of the amount awarded under subsection (1).

31 Section 3. The Chief Financial Officer is directed to draw
32 a warrant in the sum of \$1.2 million payable to Pierreisna
33 Archille, by and through Darlene Achille, Limited Guardian of

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete lines 5 - 30

38 and insert:

39 Darlene Achille, Limited Guardian of Property for
40 Pierreisna Archille, for injuries and damages
41 sustained as a result of the negligence of employees



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42 of the Department of Children and Family Services;
43 providing for reversion of funds; providing a
44 limitation on the payment of attorney's fees, lobbying
45 fees, costs, and other similar expenses relating to
46 the claim; providing an effective date.
47

48 WHEREAS, Pierreisna Archille, a 28-year-old moderately
49 retarded woman, has the cognitive ability of a child between
50 kindergarten and first-grade level, and

51 WHEREAS, because of allegations of neglect against her
52 biological mother and stepfather, Pierreisna Archille and her
53 sisters, Darlene and Muriel, were placed in foster care in 1993,
54 and

55 WHEREAS, in 1997, when Pierreisna Archille was 15 years
56 old, the Archille children were placed in the foster home of
57 Bonifacio and Josephine Velazquez, and

58 WHEREAS, the Velazquez foster home was licensed,
59 supervised, and monitored by the Department of Children and
60 Family Services and its employees and agents, and

61 WHEREAS, after placement of the Archille children in the
62 foster home, Darlene Achille complained that Bonifacio
63 Velazquez, the foster father, was sexually molesting her and was
64 also molesting S.A., a toddler, and