

By Senator Flores

38-00122-12

201212__

1 A bill to be entitled
2 An act for the relief of Angela Sozzani; requiring
3 that the Department of Children and Family Services
4 request up to a certain amount in its annual
5 legislative budget request each fiscal year to
6 compensate Angela Sozzani for injuries and damages she
7 sustained as a result of the negligence of employees
8 of the department; authorizing the department to
9 request additional funds under extraordinary
10 circumstances; providing for the reversion of funds;
11 providing that Angela Sozzani's attorneys have
12 represented her pro bono and that fees and costs have
13 not been awarded; providing an effective date.

14
15 WHEREAS, Angela Sozzani, whose date of birth is April 21,
16 2000, was in the legal custody of the Department of Children and
17 Family Services and had been placed in the medical foster home
18 of Ronald and Joyce Bryson on February 6, 2001, and

19 WHEREAS, Ronald Bryson and Joyce Bryson were each licensed
20 by the Department of Children and Family Services to provide
21 foster care pursuant to s. 409.175, Florida Statutes, and

22 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were
23 providing foster care to three medically needy foster children
24 and after-school care to their two special-needs grandchildren,
25 even though their foster home was licensed by the Department of
26 Children and Family Services to provide care for only two
27 children, and

28 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were
29 hosting a party and allowed their two grandchildren to swim in

38-00122-12

201212__

30 their swimming pool without adult supervision, and

31 WHEREAS, on April 17, 2002, Angela Sozzani, who was nearly
32 2 years of age and was not being supervised, wandered out the
33 open patio door to the pool and fell into the swimming pool,
34 nearly drowning, and

35 WHEREAS, Angela Sozzani experienced a severe hypoxic-
36 ischemic encephalopathy, secondary to a near drowning, and, as a
37 result, is forever dependent on receiving 24-hour medical and
38 supportive care, and

39 WHEREAS, a lawsuit was filed on behalf of Angela Sozzani in
40 Pinellas County against the Department of Children and Family
41 Services, Ronald and Joyce Bryson, Family Continuity Program,
42 Inc., and Help a Child, Inc., and

43 WEHREAS, Angela Sozzani's claim against Ronald and Joyce
44 Bryson is based on each person's failure to properly supervise
45 Angela and their failure to follow rules of the Department of
46 Children and Family Services, and

47 WHEREAS, Angela Sozzani's claim against Family Continuity
48 Program, Inc., which was the lead agency in Pinellas County
49 pursuant to s. 409.1671, Florida Statutes, during the period
50 that Angela was placed in the Bryson home, is based on the
51 entity's failure to comply with rules of the Department of
52 Children and Family Services, failure to perform monthly home
53 visits, failure to ensure Angela's safety in the Bryson foster
54 home, and failure to report the licensing violations that were
55 observed in the Bryson foster home, and

56 WHEREAS, Angela Sozzani's claim against Help a Child, Inc.,
57 which was the private entity that contracted with the Department
58 of Children and Family Services to oversee the operation of the

38-00122-12

201212__

59 medical foster care program through which the Brysons were
60 licensed, is based on the entity's failure to properly oversee
61 and manage the Bryson foster home, failure to train Ronald and
62 Joyce Bryson, failure to comply with rules of the Department of
63 Children and Family Services, and failure to report the
64 licensing violations that were observed in the Bryson foster
65 home, and

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

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

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

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

81 WHEREAS, Angela Sozzani and Family Continuity Program,
82 Inc., and Help a Child, Inc., have conditionally reached a
83 settlement for the limits of each entity's available insurance,
84 and

85 WHEREAS, pursuant to s. 409.175(15), Florida Statutes, any
86 person who owns and operates a family foster home for the
87 Department of Children and Family Services, including Ronald and

38-00122-12

201212__

88 Joyce Bryson, is provided coverage through the Division of Risk
89 Management of the Department of Financial Services, as provided
90 in ss. 284.38 and 284.385, Florida Statutes, and

91 WHEREAS, Angela Sozzani and Ronald and Joyce Bryson have
92 reached a settlement, and

93 WHEREAS, the Department of Children and Family Services has
94 agreed to tender on behalf of Ronald and Joyce Bryson \$100,000
95 pursuant to s. 409.175(15), Florida Statutes, to compensate
96 Angela Sozzani for damages, and provide a basis for this claim
97 bill, and

98 WHEREAS, a special needs trust has been established for the
99 exclusive benefit and use of Angela Sozzani, and

100 WHEREAS, the net settlement proceeds from each defendant
101 will be deposited into the special needs trust, and

102 WHEREAS, Angela Sozzani is currently eligible for and
103 receiving Medicaid, which is funding her placement, treatment,
104 and care costs, and

105 WHEREAS, if Medicaid does not provide any medically
106 necessary and appropriate health care services, as determined by
107 Angela Sozzani's treatment team, such services will be paid for
108 using assets from the special needs trust, and

109 WHEREAS, the Department of Children and Family Services
110 supports this act to ensure that Angela Sozzani has the funding
111 and resources necessary to obtain all medically necessary and
112 appropriate health care for her entire life, and

113 WHEREAS, because it is unknown how long Angela Sozzani will
114 actually live and if her medically necessary and appropriate
115 health care will be provided through Medicaid, the Department of
116 Children and Family Services has agreed to request in its annual

38-00122-12

201212__

117 legislative budget request funds to replenish any funds in the
118 special needs trust which are expended to provide for Angela's
119 placement costs and medical care and treatment that are not
120 funded by Medicaid, and

121 WHEREAS, upon the death of Angela Sozzani, any proceeds
122 remaining in her special needs trust shall first be used to
123 satisfy the Medicaid lien, together with any additional amounts
124 owed pursuant to the lien, and the remainder shall be paid to
125 the General Revenue Fund, NOW, THEREFORE,

126

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

128

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

131 Section 2. The Department of Children and Family Services
132 shall include in its annual legislative budget request for each
133 fiscal year a request for a specific amount to replenish the
134 special needs trust of Angela Sozzani up to \$180,000, to the
135 extent that any funds in the special needs trust have been
136 expended for Angela Sozzani's placement costs and medical care
137 and treatment. As part of its initial request, the department
138 shall include all funds expended after the date upon which the
139 special needs trust was established through the date of the
140 initial request.

141 Section 3. The Department of Children and Family Services
142 may, under extraordinary circumstances, request in its annual
143 legislative budget request funds in excess of the limit provided
144 in section 2 of this act to replenish funds in the special needs
145 trust which are expended for Angela Sozzani's placement costs

38-00122-12

201212__

146 and medical care and treatment.

147 Section 4. Upon the death of Angela Sozzani, any proceeds
148 remaining in her special needs trust shall first be used to
149 satisfy the Medicaid lien, together with any additional amounts
150 owed pursuant to the lien, and the remainder shall revert to the
151 General Revenue Fund.

152 Section 5. Attorney's fees, lobbying fees, costs, and other
153 similar expenses relating to this claim have not been awarded
154 since Angela Sozzani's attorneys have provided pro bono
155 representation.

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