

1 A bill to be entitled

2 An act for the relief of Angela Sozzani; requiring  
3 that the Department of Children and Families request  
4 up to a certain amount in its annual legislative  
5 budget request each fiscal year to compensate Angela  
6 Sozzani for injuries and damages she sustained as a  
7 result of the negligence of individuals and entities  
8 licensed by the department; authorizing the department  
9 to request additional funds under extraordinary  
10 circumstances; providing for the satisfaction of any  
11 liens and the reversion of remaining funds in the  
12 special needs trust upon Angela Sozzani's death;  
13 providing that fees and costs have not been awarded;  
14 providing an effective date.

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

21 WHEREAS, Ronald Bryson and Joyce Bryson were each licensed  
22 by the Department of Children and Families to provide foster  
23 care pursuant to s. 409.175, Florida Statutes, and

24 WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were  
25 providing foster care to three medically needy foster children

26 | and after-school care to their two special-needs grandchildren,  
27 | even though their foster home was licensed by the Department of  
28 | Children and Families to provide care for only two children, and

29 |       WHEREAS, on April 17, 2002, Ronald and Joyce Bryson were  
30 | hosting a party and allowed their two grandchildren to swim in  
31 | their swimming pool without adult supervision, and

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

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

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

44 |       WHEREAS, Angela Sozzani's claim against Ronald and Joyce  
45 | Bryson was based on each person's failure to properly supervise  
46 | Angela Sozzani and their failure to follow rules of the  
47 | Department of Children and Families, and

48 |       WHEREAS, Angela Sozzani's claim against Family Continuity  
49 | Program, Inc., which was the lead agency in Pinellas County  
50 | pursuant to former s. 409.1671, Florida Statutes, during the

51 | period that Angela Sozzani was placed in the Bryson home, was  
52 | based on the entity's failure to comply with rules of the  
53 | Department of Children and Families, failure to perform monthly  
54 | home visits, failure to ensure Angela Sozzani's safety in the  
55 | Bryson foster home, and failure to report the licensing  
56 | violations that were observed in the Bryson foster home, and

57 |       WHEREAS, Angela Sozzani's claim against Help a Child, Inc.,  
58 | which was the private entity that contracted with the Department  
59 | of Children and Families to oversee the operation of the medical  
60 | foster care program through which the Brysons were licensed, was  
61 | based on the entity's failure to properly oversee and manage the  
62 | Bryson foster home, failure to train Ronald and Joyce Bryson,  
63 | failure to comply with rules of the Department of Children and  
64 | Families, and failure to report the licensing violations that  
65 | were observed in the Bryson foster home, and

66 |       WHEREAS, Angela Sozzani's claim against the Department of  
67 | Children and Families is based on the department's failure to  
68 | follow its own operating procedures and guidelines with respect  
69 | to the licensure of the Bryson foster home, which the department  
70 | knew or should have known would be a dangerous environment to  
71 | 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, Angela Sozzani and Family Continuity Program,  
78 | Inc., and Help a Child, Inc., have reached a settlement for the  
79 | limits of each entity's available insurance, and

80 |       WHEREAS, pursuant to s. 409.175(15), Florida Statutes, any  
81 | person who owns or operates a family foster home for the  
82 | Department of Children and Families, including Ronald and Joyce  
83 | Bryson, is provided coverage through the Division of Risk  
84 | Management of the Department of Financial Services, as provided  
85 | in ss. 284.38 and 284.385, Florida Statutes, and

86 |       WHEREAS, Angela Sozzani and Ronald and Joyce Bryson have  
87 | reached a settlement, and

88 |       WHEREAS, the Division of Financial Services paid \$200,000:  
89 | \$100,000 on behalf of the Department of Children and Families  
90 | and \$100,000 on behalf of Ronald and Joyce Bryson, pursuant to  
91 | s. 409.175(15), Florida Statutes, to compensate Angela Sozzani  
92 | for damages, and

93 |       WHEREAS, a special needs trust has been established for the  
94 | exclusive benefit and use of Angela Sozzani, and

95 |       WHEREAS, the net settlement proceeds from each defendant  
96 | totaling \$978,837.62 were deposited into the special needs  
97 | trust, and

98 |       WHEREAS, Angela Sozzani is currently eligible for and  
99 | receiving Medicaid, which is funding her placement, treatment,  
100 | and care costs, and

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

105 WHEREAS, the Department of Children and Families supports  
106 this act to ensure that Angela Sozzani has the funding and  
107 resources necessary to obtain all medically necessary and  
108 appropriate health care for her entire life, and

109 WHEREAS, since Angela Sozzani's parent's rights were  
110 terminated, the Department of Children and Families, through its  
111 lead agency, ChildNet, Inc., has not been able to find a  
112 permanent family to adopt Angela Sozzani, and she has lived,  
113 been cared for, and treated at Kidz Korner for 17 years, which  
114 has been her only home, with the Department of Children and  
115 Families' support, and

116 WHEREAS, Dr. Nicholas D.A. Suite, M.D., board-certified  
117 neurologist, has recently reported that Angela Sozzani's  
118 condition has improved from an anoxic-ischemic coma in a  
119 persistent vegetative state to a minimally conscious state, and  
120 that, with optimum medical care, such as she has been receiving  
121 at Kidz Korner, Angela Sozzani's life expectancy will be  
122 approximately 20 to 25 years, and

123 WHEREAS, as Angela Sozzani will be turning 21 on April 21,  
124 2021, this legislative session will be her last opportunity to  
125 obtain the passage of a claims bill before the time that she is

126 | at risk of facing significant expenditures from her trust  
 127 | because of the reduction in her Medicaid benefits as a medically  
 128 | fragile child under the age of 21, and

129 |       WHEREAS, because it is unknown how long Angela Sozzani will  
 130 | actually live, and if medically necessary and appropriate health  
 131 | care will be provided through Medicaid, the Department of  
 132 | Children and Families has agreed to request, in its annual  
 133 | legislative budget request, funds to replenish those funds that  
 134 | have been expended by the special needs trust to provide for  
 135 | Angela Sozzani's placement costs and medical care and treatment  
 136 | which are not funded by Medicaid, and

137 |       WHEREAS, upon the death of Angela Sozzani, any proceeds  
 138 | remaining in her special needs trust shall first be used to  
 139 | satisfy the Medicaid lien, together with any additional amounts  
 140 | owed pursuant to the lien, and the remainder shall be paid to  
 141 | the General Revenue Fund, NOW, THEREFORE,

142 |  
 143 | Be It Enacted by the Legislature of the State of Florida:

144 |  
 145 |       Section 1. The facts stated in the preamble to this act  
 146 | are found and declared to be true.

147 |       Section 2. The Department of Children and Families shall  
 148 | include in its annual legislative budget request for each fiscal  
 149 | year a request for a specific amount to replenish the special  
 150 | needs trust of Angela Sozzani, up to \$180,000, to the extent

151 that any funds in the special needs trust have been expended for  
152 Angela Sozzani's placement costs and medical care and treatment.

153 Section 3. In the event of extraordinary circumstances,  
154 the Department of Children and Families, in its sole discretion,  
155 may seek in its annual legislative budget request amount in  
156 excess of the limit provided in section 2 of this act to  
157 replenish the funds in the special needs trust which have been  
158 expended for Angela Sozzani's placement costs and medical care  
159 and treatment.

160 Section 4. Upon the death of Angela Sozzani, any proceeds  
161 remaining in her special needs trust shall first be used to  
162 satisfy the Medicaid lien, together with any additional amounts  
163 owed pursuant to the lien, and the remainder shall revert to the  
164 General Revenue Fund.

165 Section 5. Attorney fees, lobbying fees, costs, and other  
166 similar expenses relating to this claim have not been awarded  
167 since Angela's Sozzani's attorneys have provided pro bono  
168 representation.

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