

By Senator Rodriguez

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

39-00740-21

2021350__

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

33 WHEREAS, on April 17, 2002, Angela Sozzani, who was nearly
34 2 years of age and was unsupervised, wandered out through an
35 open patio door to the pool area and fell into the swimming
36 pool, and

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

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

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

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

58 WHEREAS, Angela Sozzani's claim against Help a Child, Inc.,

39-00740-21

2021350__

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

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

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

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

78 WHEREAS, Angela Sozzani and Family Continuity Programs,
79 Inc., and Help a Child, Inc., have reached a settlement for the
80 limits of each entity's available insurance, and

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

87 WHEREAS, Angela Sozzani and Ronald and Joyce Bryson have

39-00740-21

2021350__

88 reached a settlement, and

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

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

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

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

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

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

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

39-00740-21

2021350__

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

124 WHEREAS, as Angela Sozzani will be turning 21 on April 21,
125 2021, this legislative session will be her last opportunity to
126 obtain the passage of a claims bill before the time that she is
127 at risk of facing significant expenditures from her trust
128 because of the reduction in her Medicaid benefits as a medically
129 fragile child under the age of 21, and

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

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

143

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

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39-00740-21

2021350__

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

148 Section 2. The Department of Children and Families shall
149 include in its annual legislative budget request for each fiscal
150 year a request for a specific amount to replenish the special
151 needs trust of Angela Sozzani, up to \$180,000, to the extent
152 that any funds in the special needs trust have been expended for
153 Angela Sozzani's placement costs and medical care and treatment.

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

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

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

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