

By Senator Gruters

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1 A bill to be entitled
2 An act for the relief of L.P., a minor, by the
3 Department of Children and Families; providing an
4 appropriation to compensate L.P. for injuries and
5 damages sustained due to the negligence of employees
6 and caseworkers of the department; providing a
7 limitation on compensation and the payment of fees and
8 costs; providing an effective date.
9

10 WHEREAS, on June 25, 2015, a family member of then-6-year-
11 old L.P. called the Sarasota Police Department to request a
12 wellness check of the mother of L.P. due to a suicide video the
13 mother sent to relatives, along with other bizarre behaviors
14 that called her mental fitness into question, and

15 WHEREAS, in response to this call, the Sarasota Police
16 Department complied with its statutory duty to report known or
17 possible child abuse by notifying the Department of Children and
18 Families (DCF), which, through its employees and caseworkers,
19 responded to the home late on June 25, 2015, but failed to
20 identify the mother of L.P., much less identify several
21 forewarnings as to the mother's mental health status, and

22 WHEREAS, because of the inadequate wellness check by DCF
23 employees, including failure to implement a readily available
24 safety plan, L.P. was left in the custody of her mother, rather
25 than her grandmother, who is now her adopted mother and who
26 lived just a few houses away, and

27 WHEREAS, because of the negligence of the DCF caseworkers
28 in failing to recognize the danger to L.P., she was left in her
29 mother's custody, and

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WHEREAS, the mother of L.P. attempted to murder L.P. within hours after DCF's negligent decision, resulting in L.P. being stabbed no fewer than 14 times, including an attempted disembowelment, which required lifesaving emergency surgery and multiple follow-up surgeries and treatments, and

WHEREAS, as a further consequence of the negligence of DCF through its employees, L.P. will incur a lifetime of significant pain, suffering, disability, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, medical costs, future surgeries, and psychological costs over a potential duration of more than 65 years, and

WHEREAS, following a 2-week trial from February 28 through March 11, 2022, the jury found DCF negligent and awarded L.P. damages resulting in a final judgment in the amount of \$28 million, and

WHEREAS, an appeal to the Second District Court of Appeal affirmed the factual findings and the judgment of the jury and trial court in the case, and

WHEREAS, in the 9 years since her mother attempted to murder her, L.P. has incurred the costs of multiple lifesaving surgeries, psychological counseling, and related expenses which remain unpaid or will be incurred at over \$14 million along with a loss of earning capacity at \$1.5 million, and

WHEREAS, the costs incurred in the prosecution of the claims on behalf of L.P. exceeded \$208,000, with over \$8,000 remaining to be paid, and

WHEREAS, in accordance with the statutory cap of liability set forth in s. 768.28, Florida Statutes, DCF has paid \$200,000 toward the total amount of this claim, NOW, THEREFORE,

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

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

Section 2. The sum of \$28 million is appropriated from the General Revenue Fund to the Department of Children and Families for the relief of L.P. for injuries and damages sustained.

Section 3. The Chief Financial Officer is directed to draw a warrant in the sum of \$28 million payable to a special needs trust created for the exclusive use and benefit of L.P. for injuries and damages sustained.

Section 4. The amount paid by the Department of Children and Families pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to L.P. The total amount paid for attorney fees, lobbying fees, and other similar expenses relating to this claim may not exceed 25 percent of the total amount awarded under this act.

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