

By Senator Rodriguez

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1 A bill to be entitled
2 An act for the relief of C.C. by the Department of
3 Children and Families; providing an appropriation to
4 compensate C.C. for injuries and damages sustained as
5 a result of the negligence of the department;
6 providing a limitation on compensation and the payment
7 of attorney fees and certain costs; providing an
8 effective date.

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10 WHEREAS, on August 12, 2014, Anna Highland, a resident of
11 Fort Myers, gave birth to C.C., who was born addicted to
12 methadone as a result of Ms. Highland's opiate dependence,
13 cocaine abuse, and intravenous drug use, and

14 WHEREAS, at the time of C.C.'s birth, Ms. Highland was
15 licensed as a foster parent by the Department of Children and
16 Families and had significant involvement with the department
17 dating back to 2012, and

18 WHEREAS, due to Ms. Highland's drug abuse throughout her
19 pregnancy, C.C. suffered severe withdrawal symptoms after his
20 birth which required him to be hospitalized for a month in a
21 neonatal intensive care unit and treated with morphine, and

22 WHEREAS, during the 6 months before C.C.'s birth, the
23 department received three separate child abuse hotline reports
24 regarding Ms. Highland, including reports alleging that she was
25 abusing drugs and physically abusing her foster child, and

26 WHEREAS, the department opened an investigation after
27 receiving a fourth child abuse hotline report made on August 12,
28 2014, the day of C.C.'s birth, alleging that Ms. Highland had
29 tested positive for drugs while pregnant, and

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WHEREAS, on September 3, 2014, while the investigation was pending, the department received two additional child abuse hotline reports alleging that Ms. Highland was abusing drugs, and

WHEREAS, despite receiving six child abuse allegations within a 7-month period, the department advised the hospital on September 3, 2014, that there was no hold on C.C. and that he was free to be released to Ms. Highland, and

WHEREAS, on September 6, 2014, C.C. was discharged from the hospital to Ms. Highland's care with no intervention and no services in place to protect C.C. from the potentially dangerous effects of Ms. Highland's drug addiction, and

WHEREAS, on September 23, 2014, the department closed its investigation with a finding that substance misuse was not substantiated and a determination that Ms. Highland's methadone use had no implications for child safety, and

WHEREAS, on June 3, 2015, and again on August 6, 2015, the department received two new child abuse hotline reports alleging that Ms. Highland was abusing the foster child in her care, both of which reports the department closed without investigation, and

WHEREAS, on September 12, 2015, when C.C. was 13 months old, he overdosed on Ms. Highland's methadone, was found unresponsive and not breathing, and was rushed to the hospital in critical condition, where he remained in a coma for 2 weeks and was hospitalized for 1 month, and

WHEREAS, the department's investigation of C.C.'s overdose revealed that Ms. Highland, as well as her mother who was present, waited 5 hours before seeking medical attention for

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59 C.C. while his condition continued to deteriorate, and

60 WHEREAS, as a result of the department's investigation of
61 the overdose, C.C. was finally removed from Ms. Highland's care
62 and placed in the care of his father, and

63 WHEREAS, as the state agency charged with operating the
64 child welfare system in this state, including conducting child
65 protective investigations to ensure child safety and prevent
66 further harm to children under s. 39.001, Florida Statutes, the
67 department owed C.C. a duty to ensure his safety and protect him
68 from further harm, and

69 WHEREAS, the department failed to protect C.C. from further
70 harm when it negligently allowed him to be released from the
71 hospital to Ms. Highland's care after his birth with no services
72 or interventions in place to protect him from the potentially
73 dangerous effects of her drug addiction, and

74 WHEREAS, the department's negligence resulted in severe and
75 permanent injuries to C.C., now 11 years of age, including, but
76 not limited to, an anoxic brain injury; seizures; strokes and
77 neurological impairments; permanent hearing, vision, and speech
78 impediments; cognitive impairment, including memory loss and
79 learning disabilities; and permanent injuries impacting his
80 coordination and gross and fine motor skills, requiring lifelong
81 care, and

82 WHEREAS, the state recognizes an equitable obligation to
83 redress the injuries and damages C.C. sustained as a result of
84 the negligence of the department and its failure to exercise its
85 duties to ensure the safety of children in this state and to
86 protect them from further harm, 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 \$20 million is appropriated from the General Revenue Fund to the Department of Children and Families for the relief of C.C. for injuries and damages sustained.

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of C.C., payable to an irrevocable trust created for the exclusive use and benefit of C.C., in the sum of \$20 million upon funds of the Department of Children and Families in the State Treasury, and the Chief Financial Officer is directed to pay the same out of such funds in the State Treasury. The trust shall be responsible for payment of attorney fees and costs, lobbying fees, and other similar expenses relating to this claim, subject to the limitations set forth in this act.

Section 4. The amount awarded under this act is 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 C.C. The total amount paid for attorney fees and costs, 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.