

By Senator Martin

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A bill to be entitled

An act for the relief of the Estate of M.N. by the Broward County Sheriff's Office; providing an appropriation to compensate the estate for injuries sustained by M.N. and her subsequent death as a result of the negligence of the Broward County Sheriff's Office; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

WHEREAS, on October 13, 2016, when M.N. was 5 months old, the Broward County Sheriff's Office received its first abuse report regarding M.N. through the Department of Children and Families' abuse hotline, alleging that M.N. had multiple unexplained fractures and had sustained a black eye, and

WHEREAS, during the office's investigation, the Broward County Sheriff's Office child protective investigator went to Northwest Medical Center and learned that M.N. had unexplained injuries, including fractures and bruises, and

WHEREAS, the Broward County Sheriff's Office allowed M.N. to be discharged from the hospital and remain in the custody of her mother, K.W., despite the investigator having actual knowledge that there was a pattern of unexplained injuries to M.N. and that the child was in immediate need of a safety plan for her protection, and

WHEREAS, K.W. moved with M.N. and M.N.'s brother out of M.N.'s paternal grandmother's home and into the home of Juan Santos, and thereafter K.W. stopped all contact with M.N.'s father, C.N., and

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29 WHEREAS, C.N. made multiple requests to see M.N., to which
30 K.W. did not respond, resulting in C.N. not knowing where M.N.
31 was living or that she was injured, and

32 WHEREAS, the Broward County Sheriff's Office failed to
33 contact C.N., who, as the non-offending parent, was required to
34 be one of the Broward County Sheriff's Office's first contacts,
35 to inform him of M.N.'s injuries and to discuss placement of the
36 child, and

37 WHEREAS, the Broward County Sheriff's Office failed to meet
38 with Mr. Santos, explore whether Mr. Santos was a caregiver to
39 M.N., conduct a background check on Mr. Santos, or investigate
40 M.N.'s injuries, and the office allowed M.N. to remain with K.W.
41 and Mr. Santos without taking any further investigative action,
42 and

43 WHEREAS, while the Broward County Sheriff's Office's child
44 protective investigation was open, multiple abuse reports were
45 received by the Broward County Sheriff's Office alleging that
46 M.N. had multiple fractures, spinal cord hemorrhaging, severe
47 traumatic brain injury, and retinal hemorrhages due to abusive
48 shaking and impact, and that the child was declared brain dead,
49 and

50 WHEREAS, on October 28, 2016, M.N. died from her injuries
51 after being taken off life support, and the Broward County
52 Sheriff's Office closed its investigation July 17, 2017, with
53 verified findings of bone fractures, internal injuries,
54 threatened harm, and death, and

55 WHEREAS, the Broward County Sheriff's Office failed to
56 complete a thorough child protective investigation, failed to
57 ensure M.N.'s safety, and failed to protect M.N. from further

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abuse and neglect, which was its primary responsibility, and

WHEREAS, a jury correctly found that, but for the Broward County Sheriff's Office's negligence, M.N. would not have died and C.N. would not have suffered damages from the loss of his daughter, and

WHEREAS, a verdict was rendered in the case on August 16, 2023, awarding C.N. a total amount of \$4.5 million, of which 58 percent of fault, or \$2.61 million, was apportioned to the Broward County Sheriff's Office, and

WHEREAS, \$110,000 was recoverable from the Broward County Sheriff's Office, and the unpaid amount in excess of the limitations on liability set forth in s. 768.28, Florida Statutes, is \$2.5 million, NOW, THEREFORE,

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 Broward County Sheriff's Office is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$2.5 million payable to the Estate of M.N. as compensation for injuries and damages sustained.

Section 3. The amount paid by the Broward County Sheriff's Office 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 the Estate of M.N. The total amount paid

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87 for attorney fees relating to this claim may not exceed 25
88 percent of the total amount awarded under this act.

89 Section 4. This act shall take effect upon becoming a law.