

1 A bill to be entitled

2 An act for the relief of Pierreisna Archille; providing an
3 appropriation to compensate Pierreisna Archille, a
4 mentally disabled person, by and through Darlene Achille,
5 Limited Guardian of Property for Pierreisna Archille, for
6 injuries and damages sustained as a result of the
7 negligence of employees of the Department of Children and
8 Family Services; providing for reversion of funds;
9 providing a limitation on the payment of attorney's fees,
10 lobbying fees, costs, and other similar expenses relating
11 to the claim; providing an effective date.

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13 WHEREAS, Pierreisna Archille, a 28-year-old moderately
14 retarded woman, has the cognitive ability of a child between
15 kindergarten and first-grade level, and

16 WHEREAS, because of allegations of neglect against her
17 biological mother and stepfather, Pierreisna Archille and her
18 sisters, Darlene and Muriel, were placed in foster care in 1993,
19 and

20 WHEREAS, in 1997, when Pierreisna Archille was 15 years
21 old, the Archille children were placed in the foster home of
22 Bonifacio and Josephine Velazquez, and

23 WHEREAS, the Velazquez foster home was licensed,
24 supervised, and monitored by the Department of Children and
25 Family Services and its employees and agents, and

26 WHEREAS, after placement of the Archille children in the
27 foster home, Darlene Achille complained that Bonifacio
28 Velazquez, the foster father, was sexually molesting her and was

29 | also molesting S.A., a toddler, and

30 | WHEREAS, after these complaints were made, both Darlene and
31 | Muriel were removed from the Velazquez home, but Pierreisna
32 | Archille remained in the home, and

33 | WHEREAS, between June of 1998 through June of 1999,
34 | Bonifacio Velazquez repeatedly raped and molested Pierreisna
35 | Archille, resulting in her impregnation and subsequent birth of
36 | a daughter, and

37 | WHEREAS, after the birth of Pierreisna Archille's daughter,
38 | Takeisha, Pierreisna Archille's younger sister, Darlene, then 19
39 | years old, undertook the responsibility of helping Pierreisna
40 | Archille take care of her daughter, and

41 | WHEREAS, as a developmentally disabled person, Pierreisna
42 | Archille is in need of funds necessary for her to care for her
43 | daughter with the assistance of her sister, Darlene, and

44 | WHEREAS, Pierreisna Archille continues to suffer nightmares
45 | and extreme emotional and psychological trauma as a result of
46 | the actions giving rise to this claim, and

47 | WHEREAS, a life-care continuum was formulated by
48 | comprehensive rehabilitation consultants detailing the funds
49 | necessary to provide treatment to Pierreisna Archille, as well
50 | as to help provide for the support necessary for Pierreisna
51 | Archille to take care of her daughter, and

52 | WHEREAS, Dr. Fred Raffa, an economist, reduced such cost to
53 | present value in the amount of \$4,067,431, and

54 | WHEREAS, the dependency court appointed a Limited Guardian
55 | of Property for Pierreisna Archille for the purpose of assisting
56 | in obtaining compensation for her damages, and

57 WHEREAS, a lawsuit was filed on behalf of the Limited
58 Guardian of Property for Pierreisna Archille in Naples, Florida,
59 against the Department of Children and Family Services, and

60 WHEREAS, Pierreisna Archille, by and through her previous
61 Limited Guardian of Property, Patrick Weber, and the Department
62 of Children and Family Services agreed to mediation to resolve
63 this matter and entered into a settlement agreement to
64 compensate Pierreisna Archille for her damages and to provide a
65 basis for this claim bill, and

66 WHEREAS, as a result of good-faith negotiations between the
67 parties at a court-sanctioned mediation, the Department of
68 Children and Family Services and the Limited Guardian of
69 Property agreed that \$1.3 million is reasonable and fair
70 compensation for Pierreisna Archille's damages, and

71 WHEREAS, the Department of Children and Family Services has
72 already paid \$100,000 in accordance with the provisions of s.
73 768.28, Florida Statutes, and

74 WHEREAS, with respect to the \$100,000 already paid by the
75 department, the appropriate parties agreed to deferred payment
76 of attorney's fees and costs of plaintiff's counsel so that
77 Pierreisna Archille could immediately have access to needed
78 funds, and

79 WHEREAS, the Department of Children and Family Services
80 desires to make good on its promise to Pierreisna Archille which
81 was made in the Settlement Agreement to compensate her for the
82 irreparable harm she suffered in the foster care system, and

83 WHEREAS, the Department of Children and Family Services
84 recognizes that Pierreisna Archille was not only victimized by

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85 her caretaker, but that employees of the department broke a
 86 sacred trust to her to oversee her safety and care, and

87 WHEREAS, the Department of Children and Family Services
 88 supports a claim bill in the amount of \$1.2 million, NOW,
 89 THEREFORE,

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

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

95 Section 2. (1) There is appropriated from the Federal
 96 Grants Trust Fund within the Department of Children and Family
 97 Services the sum of \$1.2 million for the relief of Pierreisna
 98 Archille, by and through Darlene Achille, Limited Guardian of
 99 Property for Pierreisna Archille, for injuries and damages
 100 sustained. After payment of attorney's fees and costs, lobbying
 101 fees, and other similar expenses relating to this claim as
 102 provided for in this section, outstanding medical liens, and
 103 other immediate needs, the remaining funds shall be placed in a
 104 special needs trust created for the exclusive use and benefit of
 105 Pierreisna Archille. Any funds remaining in the special needs
 106 trust upon the death of Pierreisna Archille, after payment of
 107 any outstanding Medicaid liens, shall become available solely to
 108 benefit Pierreisna Archille's daughter, Takeisha Archille. If
 109 Takeisha Archille predeceases her mother, Pierreisna Archille,
 110 all such sums shall revert to the General Revenue Fund of the
 111 State of Florida.

112 (2) Any amount awarded under this act pursuant to the

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113 waiver of sovereign immunity permitted under s. 768.28, Florida
114 Statutes, and this award are intended to provide the sole
115 compensation for all present and future claims arising out of
116 the factual situation described in the preamble to this act
117 which resulted in the injury to Pierreisna Archille. The total
118 amount paid for attorney's fees, lobbying fees, costs, and other
119 similar expenses relating to this claim may not exceed 25
120 percent of the amount awarded under subsection (1).

121 Section 3. The Chief Financial Officer is directed to draw
122 a warrant in the sum of \$1.2 million payable to Pierreisna
123 Archille, by and through Darlene Achille, Limited Guardian of
124 Property for Pierreisna Archille, upon funds in the State
125 Treasury to the credit of the Department of Children and Family
126 Services, and the Chief Financial Officer is directed to pay the
127 same out of such funds in the State Treasury not otherwise
128 appropriated.

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