CHAPTER 2026-184

House Bill No. 6507

An act for the relief of L.E. by the Department of Children and Families; providing an appropriation to compensate L.E. for injuries and damages sustained as a result of the negligence of the department; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

WHEREAS, L.E. was born on July 29, 2019, and, at birth, tested positive for amphetamines, and

WHEREAS, L.E.'s biological mother tested positive for amphetamines after the delivery of L.E., and

WHEREAS, while at the hospital, L.E.'s biological mother and father engaged in a violent altercation with each other, and

WHEREAS, shortly after L.E.'s birth, the Department of Children and Families received two child abuse hotline reports, one alleging intrafamily violence threatening L.E. and the other alleging drug exposure of newborn L.E., and

WHEREAS, under s. 39.001, Florida Statutes, the department is charged with the duty of conducting child protective investigations to ensure child safety and prevent further harm to children and owed L.E. a duty to ensure her safety and prevent further harm, and

WHEREAS, the department sent a child protective investigator to the hospital to initiate an investigation of the reported abuse, and

WHEREAS, the department discovered that L.E.'s mother had a history of substance abuse, untreated mental health issues, and a criminal history involving violence, and

WHEREAS, the department discovered that both L.E.'s mother and father had an extensive history of involvement with the department, including, collectively, at least 20 prior child abuse hotline reports, and

WHEREAS, one of those prior reports involved egregious abuse of L.E.'s biological father's other daughter when she was not yet 6 months old, resulting in long-bone fractures, and

WHEREAS, the department removed that daughter from the father's care, and

WHEREAS, L.E.'s mother's other two biological children had previously been removed from her care due to verified child abuse, and

WHEREAS, as L.E.'s mother placed her third child for adoption, she was also planning to place L.E. for adoption and made such arrangements before L.E.'s birth, and

WHEREAS, shortly after L.E. was born, L.E.'s mother abandoned L.E. at the hospital and, against medical advice, left the hospital with L.E.'s father, and

WHEREAS, an adoption specialist arrived at the hospital to visit L.E., and

WHEREAS, while L.E. was still in the hospital following her birth, the department determined that L.E. was in "present danger" if left in the care of her parents and that immediate action was necessary to protect L.E. from further abuse or neglect, and

WHEREAS, the department contracted with a child welfare agency and, instead of removing L.E. from her parents' care through a judicial process, the department and its subcontractor developed an out-of-home safety plan to place L.E. with a friend of L.E.'s mother, and

WHEREAS, within 3 weeks after that placement, the friend realized that she could no longer care for L.E. and informed the department of this, and

WHEREAS, despite a reassessment that established that there was still a "present danger" to L.E. if left in the care of her parents, the department relied upon information from its subcontracted agency, and the joint decision was made to place L.E. into her parents' care, and

WHEREAS, on August 21, 2019, L.E. was placed into her parents' home, and

WHEREAS, on or about September 17, 2019, less than 4 weeks later, the department determined that it would be closing its investigation, despite acknowledging that L.E.'s home situation was volatile and unstable and that L.E.'s mother remained violent and impulsive, and

WHEREAS, the subcontractor planned to decrease its monitoring of L.E. and the home upon the department closing its investigation, and

WHEREAS, on September 18, 2019, the subcontractor transitioned its services from safety management to nonjudicial in-home services, which inherently decreased monitoring of L.E. by child welfare professionals, and

WHEREAS, on September 24, 2019, the department closed its investigation, despite having no evidence of change or progress with L.E.'s parents, and

WHEREAS, despite the subcontractor's claims that it had provided services to the parents, the department expressly acknowledged in its own investigative summary that, at the time of closing its case, "[t]he home environment continues to be volatile and unstable on a normal basis. The

fighting in the home will stabilize for a period of time but will always return to a chaotic and aggressive environment... [violent and impulsive behaviors] are clearly evident and severe... there [have] been no clear changes made to their behaviors and the patterns continue... [and] all of the children [including L.E.] are vulnerable," and

WHEREAS, the very next day, on September 25, 2019, L.E. was brought to Rockledge Regional Hospital in distress and experiencing seizures, and

WHEREAS, medical staff at Rockledge Regional Hospital found makeup covering obvious bruising across her forehead, and

WHEREAS, doctors determined that L.E. had suffered catastrophic injuries from child abuse which had occurred over a period of time, including a parietal calvarial skull fracture; a left frontal parietal subdural hematoma with bilateral frontal, temporal, and parietal cortical edema and encephalomalacia; healing fractures of the left sixth and seventh ribs; a healing fracture of the right eighth rib; acute fractures to the right tenth and eleventh ribs; a pelvic fracture–left acetabular cortical avulsion fracture; cortical buckling of the right proximal tibial medial metaphysis; and multiple ecchymotic lesions to the forehead, and

WHEREAS, L.E. was immediately transferred to Nemours Children's Hospital in Orlando and admitted in critical condition, due to severe organ system injury and dysfunction, and was diagnosed as being at risk for hypoxia, hypercarbia, hypotension, sepsis, shock, cardiorespiratory arrest, intracranial hypertension, cerebral edema, stroke, and death, and

WHEREAS, L.E. was diagnosed with shaken baby syndrome causing traumatic brain injury, seizures, and cerebral palsy, as well as malnourishment, and

WHEREAS, between August 21, 2019, and September 25, 2019, L.E. was subjected to repeated and severe child abuse and neglect while in the care of her parents, and

WHEREAS, L.E.'s parents were arrested, charged, and convicted of aggravated child abuse, based upon their abuse of L.E. while she was in their home between August 21, 2019, and September 25, 2019, and

WHEREAS, L.E. was subsequently adopted by her maternal grandmother and relocated to Chicago, where she is followed by a medical team at Lurie Children's Hospital, and

WHEREAS, L.E. has received, and will continue to receive, therapeutic services across a host of disciplines, including occupational, physical, speech, nutritional, vision, and cognitive therapy, and

WHEREAS, L.E., who just turned 6 years old, is currently under an individual educational plan at school for her disability, which has been formally classified as traumatic brain injury, and

WHEREAS, L.E. requires and will continue to require constant care, monitoring, supervision, various therapies, multiple specialist services, and supportive care throughout the remainder of her life, which may include admission to a skilled residential home if her adoptive parent is no longer able to care for her, and

WHEREAS, the department, charged with the responsibility for operating Florida's child welfare system, failed in its duties to ensure L.E.'s safety and protect her from harm, and

WHEREAS, the department's negligence, in combination with the failures of its subcontracted agency, resulted in catastrophic brain injury that will have a significant impact on L.E. for the remainder of her life, and

WHEREAS, the department agreed to resolve L.E.'s claims against the department through a negotiated settlement in the Circuit Court for the 18th Judicial Circuit in and for Brevard County, under case number 05-2022-CA-033685, in the total amount of $4 million, and

WHEREAS, the settlement agreement required that the department make an initial payment of $200,000, which is the maximum amount allowed under the sovereign immunity limitations imposed under s. 768.28, Florida Statutes; and that the remaining $3.8 million be paid contingent upon the passage and funding of this claim bill, which the department has expressly agreed it does not and will not oppose, and

WHEREAS, on July 9, 2024, the settlement agreement was approved by the circuit court, and, with the department's agreement and consent, a final judgment was entered against the department in the amount of $4 million pursuant to the negotiated settlement, and

WHEREAS, L.E.'s civil claims against the subcontracted child welfare agency remain pending, 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 sum of $3.8 million is appropriated from the General Revenue Fund to the Department of Children and Families for the relief of L.E. for injuries and damages sustained as a result of the negligence of the department.

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of L.E., payable to the irrevocable trust which has already been created for the exclusive use and benefit of L.E., in the sum of $3.8 million upon funds of the Department of Children and Families in the State Treasury and to pay the same out of such funds in the State Treasury.

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 against the department arising out of the factual situation described in this act which resulted in injuries and damages to L.E. The total amount paid for attorney fees relating to this claim against the department may not exceed 25 percent of the total amount awarded under this act.

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

Approved by the Governor June 8, 2026.

Filed in Office Secretary of State June 8, 2026.