

By the Committee on Ways and Means and Senator Diaz-Balart

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A bill to be entitled

An act for the relief of Joseph Bellamy Farver;
providing an appropriation to compensate him
for injuries and damages sustained as a result
of the negligence of the Department of Children
and Family Services, formerly the Department of
Health and Rehabilitative Services; providing
an effective date.

WHEREAS, Joseph Bellamy Farver was born Joseph Bellamy
on May 16, 1985, at Broward General Medical Center in Broward
County, Florida, and

WHEREAS, although Joseph Bellamy was healthy and normal
and was seen by pediatricians as he met his normal development
goals for the first three to five months of his life, Joseph
Bellamy's parents possessed borderline intelligence levels,
were emotionally unstable, and could not handle their son, and

WHEREAS, it became evident to friends and neighbors of
the Bellamy family that Joseph Bellamy was abused, and

WHEREAS, between August 1985 and November 1985,
twenty-seven phone calls were placed to the State of Florida
Department of Health and Rehabilitative Services regarding
Joseph Bellamy, and on all occasions the Department of Health
and Rehabilitative Services failed to protect Joseph Bellamy
from child abuse, as was their duty and responsibility, and

WHEREAS, on October 22, 1985, the Department of Health
and Rehabilitative Services received a telephone call
informing them that Joseph Bellamy had been slapped, hit,
picked up by one arm, and thrown across a bed, and

WHEREAS, in response to the call, the Department of
Health and Rehabilitative Services did nothing, and

1 WHEREAS, the rules and regulations of the former
2 Department of Health and Rehabilitative Services required the
3 department to conduct a home visit pursuant to such a call and
4 that the child be seen within 24 hours of the receipt of a
5 telephone call by the department alleging child abuse, and

6 WHEREAS, on November 6, 1985, Joseph Bellamy was
7 admitted to Broward General Medical Center with bruises all
8 over his body, having been shaken, having been brain-damaged
9 to the point where he had retinal hemorrhages, hemorrhages in
10 his eyes, a brain hemorrhage, and being in a coma as a result
11 of physical abuse inflicted by his parents, and

12 WHEREAS, the former Department of Health and
13 Rehabilitative Services knew or should have known that such
14 injuries would occur to Joseph Bellamy because they received
15 telephone calls from friends and relatives of Joseph Bellamy,
16 including Joseph Bellamy's grandparents, informing the
17 department that "the parents were retarded," and

18 WHEREAS, it is clear that the former Department of
19 Health and Rehabilitative Services, its investigators, and its
20 counselors should have performed their duty by removing Joseph
21 Bellamy from the Bellamy home, thus protecting Joseph Bellamy
22 from abuse, beatings, and brain damage, and

23 WHEREAS, had Joseph Bellamy been taken into protective
24 custody, the terrible physical problems from which he now
25 suffers would never have occurred, and

26 WHEREAS, Joseph Bellamy Farver will suffer severe
27 neurological medical conditions for the remainder of his life,
28 as well as other irreversible and permanent medical
29 conditions, and

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1 WHEREAS, Joseph Bellamy Farver has bilateral subdural
2 hematomas, left parietal intraparenchymal hemorrhage, and
3 subarachnoid hemorrhages, and

4 WHEREAS, Joseph Bellamy Farver has a communicating
5 hydrocephalus with a post right ventricular peritoneal shunt,
6 and

7 WHEREAS, Joseph Bellamy Farver has a seizure disorder,
8 secondary to his head injury, and

9 WHEREAS, Joseph Bellamy Farver has multiple
10 contractures of his heel cords, his hamstrings, his hips, and
11 his elbows, and

12 WHEREAS, Joseph Bellamy Farver is profoundly retarded
13 but capable of interacting and showing emotions and responses,
14 and

15 WHEREAS, the number of seizures which Joseph Bellamy
16 Farver experiences are increasing, and

17 WHEREAS, Joseph Bellamy Farver takes 30-milligram
18 tablets of phenobarbital five times a day for his seizures,
19 and

20 WHEREAS, Joseph Bellamy Farver takes 2 milligrams of
21 valium for assistance in sleeping, and

22 WHEREAS, Joseph Bellamy Farver also takes 125
23 milligrams of valporic acid four times a day, and

24 WHEREAS, Joseph Bellamy Farver receives physical
25 therapy, occupational therapy, and speech therapy on a daily
26 basis at school, and is seen on a routine basis by a
27 pediatrician, a neurologist, an orthopedist, and a
28 neurosurgeon, and

29 WHEREAS, following the final incident of abuse against
30 Joseph Bellamy, Joseph Bellamy became a ward of the State of
31 Florida, and

1 WHEREAS, in 1993, Joseph Bellamy was adopted by Jeffrey
2 and Helen Farver, who reside in Panama City, and

3 WHEREAS, his adoptive parents care for him in his
4 present condition, which requires that they tend to his every
5 need, which is a full-time undertaking and requires more
6 resources than they can afford, and

7 WHEREAS, a lawsuit was brought against the State of
8 Florida Department of Health and Rehabilitative Services on
9 behalf of Joseph Bellamy Farver by his court-appointed
10 guardian ad litem, and

11 WHEREAS, after a lengthy jury trial, the jury found the
12 Department of Health and Rehabilitative Services liable for
13 Joseph Bellamy Farver's injuries and awarded him damages in
14 the amount of \$7,000,000, and

15 WHEREAS, the Department of Health and Rehabilitative
16 Services did not appeal the verdict, and has paid \$100,000
17 pursuant to the statutory limits of liability set forth in
18 section 768.28, Florida Statutes, NOW, THEREFORE,

19
20 Be It Enacted by the Legislature of the State of Florida:

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

24 Section 2. The Comptroller is directed to draw a
25 warrant in the amount of \$4,500,000 from the State Treasury in
26 favor of Joseph Bellamy Farver, for injuries and damages
27 sustained.

28 Section 3. This act shall take effect July 1, 1998.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 62

Increases the amount of the award from \$3,000,000 to \$4,500,000. The funds are to be drawn from the State Treasury in lieu of the unspent trust fund balances of the Department of Children and Family Services.