

1                                   A bill to be entitled  
2           An act for the relief of Joseph Bellamy Farver;  
3           providing an appropriation to compensate him  
4           for injuries and damages sustained as a result  
5           of the negligence of the Department of Children  
6           and Family Services, formerly the Department of  
7           Health and Rehabilitative Services; providing  
8           for reimbursement of all unreimbursed medical  
9           payments made by Medicaid up to the date that  
10          this bill becomes a law; providing an effective  
11          date.

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

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

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

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

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

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

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

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

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

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

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

30 WHEREAS, Joseph Bellamy Farver will suffer severe  
31 neurological medical conditions for the remainder of his life,

1 as well as other irreversible and permanent medical  
2 conditions, and

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

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

9 WHEREAS, Joseph Bellamy Farver has a seizure disorder,  
10 secondary to his head injury, and

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

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

17 WHEREAS, the number of seizures which Joseph Bellamy  
18 Farver experiences are increasing, and

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

22 WHEREAS, Joseph Bellamy Farver takes 2 milligrams of  
23 valium for assistance in sleeping, and

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

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

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1           WHEREAS, following the final incident of abuse against  
2 Joseph Bellamy, Joseph Bellamy became a ward of the State of  
3 Florida, and

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

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

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

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

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

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

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

27           Section 2. There is appropriated from nonrecurring  
28 general revenue the sum of \$4,500,000 to be paid as relief to  
29 Joseph Bellamy Farver for injuries and damages sustained.

30           Section 3. The Comptroller shall draw a warrant from  
31 nonrecurring general revenue in the sum of \$4,500,000 payable

1 to Helen and Jeff Farver, parents and legal guardians of  
2 Joseph Bellamy Farver, to be placed in the Trust created for  
3 the benefit of Joseph Bellamy Farver, a minor, to compensate  
4 him for injuries and damages sustained. Upon the death of  
5 Joseph Bellamy Farver, the Trust balance shall revert to the  
6 general revenue of the State of Florida pursuant to the terms  
7 of the Trust agreement.

8           Section 4. The governmental entity responsible for  
9 payment of the warrant shall pay to the Florida Agency for  
10 Health Care Administration the amount due under section  
11 409.910, Florida Statutes, prior to disbursing any funds to  
12 the claimant. The amount due to the agency shall be equal to  
13 all unreimbursed medical payments paid by Medicaid up to the  
14 date that this bill becomes a law.

15           Section 5. This act shall take effect July 1, 1999.

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