

By Representative Sembler

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           an effective date.

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

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

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

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

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

30           WHEREAS, in response to the call, the Department of  
31           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,

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

27           Section 3. The Comptroller shall draw a warrant from  
28 nonrecurring general revenue in the sum of \$4,500,000 payable  
29 to Helen and Jeffrey Farver, parents and legal guardians of  
30 Joseph Bellamy Farver, to be placed in the Trust created for  
31 the benefit of Joseph Bellamy Farver, a minor, to compensate

1 him for injuries and damages sustained. Upon the death of  
2 Joseph Bellamy Farver, the Trust balance shall revert to the  
3 general revenue of the State of Florida pursuant to the terms  
4 of the Trust agreement.

5 Section 4. This act shall take effect July 1, 1999.

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HOUSE SUMMARY

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10 Provides a \$4,500,000 appropriation for the relief of  
11 Joseph Bellamy Farver as compensation for injuries and  
12 damages sustained as a result of the negligence of the  
13 former Department of Health and Rehabilitative Services.

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