

By Senator Campbell

33-60-01

1 A bill to be entitled
2 An act for the relief of the Guardianship of
3 Kimberly Godwin; providing an appropriation to
4 compensate her for injuries she sustained as a
5 result of the negligence of the Department of
6 Children and Family Services; providing an
7 effective date.
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9 WHEREAS, Kimberly Godwin is a profoundly retarded young
10 woman who was being cared for in a group home that was
11 licensed and supervised by the Department of Children and
12 Family Services, and
13 WHEREAS, she has the IQ of a young child, is nonverbal,
14 is incontinent, and stands 3 feet 11 inches tall, and
15 WHEREAS, in August 1985, Kimberly Godwin was
16 transferred to the Schenck Group Home in Ft. Pierce, Florida,
17 based on recommendations by the department due to a confirmed
18 abuse report that she was beaten and abused at another
19 facility under the department's supervision, and
20 WHEREAS, the Schenck Group Home was licensed,
21 supervised, and operated by the department and its employees
22 or agents, and
23 WHEREAS, Kimberly Godwin received burns on her upper
24 thigh which were inflicted on her while she was residing at
25 the department's group home in 1989 and the department admits
26 that the burns were caused by its violation of the Bill of
27 Rights for the Developmentally Disabled and by its negligence,
28 and
29 WHEREAS, a Ft. Pierce jury determined that Kimberly
30 Godwin suffered noneconomic damages of \$500,000 as a result of
31 that abuse, and

1 WHEREAS, from 1990 through 1991, teachers at Kimberly
2 Godwin's school suspected, due to her missed menstrual cycle
3 and other signs of abuse, that she was being abused and raped,
4 and

5 WHEREAS, the department admits that in September 1991
6 it violated Kimberly Godwin's rights and that because of its
7 negligence Kimberly was raped and impregnated by the group
8 home operator's 16-year-old son, who was not supposed to
9 reside in the house, and

10 WHEREAS, a Ft. Pierce jury determined that Kimberly
11 Godwin suffered noneconomic damages of \$1 million for the
12 sexual battery and impregnation, and

13 WHEREAS, the department has admitted that it violated
14 Kimberly Godwin's rights and was negligent for failing to
15 discover her pregnancy until she was over 20 weeks pregnant,
16 and

17 WHEREAS, Kimberly was denied prompt and appropriate
18 medical care because the department and the group home did not
19 want her pregnancy revealed, and

20 WHEREAS, a Ft. Pierce jury determined that Kimberly
21 Godwin suffered \$500,000 in noneconomic damages as a result of
22 this abuse, and

23 WHEREAS, after Kimberly Godwin's pregnancy was known to
24 the department, the department continued her in the care and
25 custody of the same group home and failed to notify her
26 parents of her pregnancy, and

27 WHEREAS, when her parents were notified by a Guardian
28 Ad Litem for Kimberly, her mother, Darlene Godwin, who is now
29 deceased, removed Kimberly from the custody of the
30 department's group home, at which time Kimberly was suffering
31 from pneumonia, anemia, and dehydration as a result of

1 continued abuse and neglect and was taken to the hospital by
2 her mother and was hospitalized, and

3 WHEREAS, her condition was so poor that the doctors
4 performed blood transfusions and suspected that she had
5 leukemia, and

6 WHEREAS, the department admits that its negligence
7 caused Kimberly's deteriorating medical condition, and a jury
8 determined that Kimberly Godwin suffered \$1 million in
9 noneconomic damages as a result of this abuse, and

10 WHEREAS, because of her medical condition, it was
11 determined that Kimberly Godwin could not safely give birth to
12 a child, and a circuit court ordered a therapeutic abortion to
13 protect Kimberly Godwin's life, and

14 WHEREAS, the jury also determined that Kimberly Godwin
15 suffered \$5 million in economic damages caused by her rape and
16 impregnation, and

17 WHEREAS, at trial, the jury heard unrefuted testimony
18 that Kimberly Godwin requires extraordinary services, which
19 are not being provided, because of her abuse, and

20 WHEREAS, the jury determined that Kimberly Godwin's
21 abuse has made her incapable of living in a group home
22 environment, thus increasing the cost for her habilitative
23 care over her entire lifetime, estimated to be 51 years, and

24 WHEREAS, Kimberly is residing with her father, Jimmy
25 Godwin, and her family is committed to providing individual
26 home care to ensure her safety, and

27 WHEREAS, on March 28, 2000, a jury awarded the
28 Guardianship of Kimberly Godwin a total of \$8 million in
29 damages plus \$21,555.30 in costs, and \$5 million was awarded
30 for the economic damages and \$3 million for her pain and
31

1 suffering and abuse that continued from 1989 until her removal
2 from the department's custody in 1992, and

3 WHEREAS, on April 12, 2000, the trial court entered a
4 Final Judgment of \$8 million against the Department of
5 Children and Family Services, and

6 WHEREAS, on April 19, 2000, the trial judge denied the
7 department's motions for new trial and remittitur, and the
8 department did not appeal either the jury's verdict or the
9 court's order upholding the verdict, NOW, THEREFORE,

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

12
13 Section 1. The facts stated in the preamble to this
14 act are found and declared to be true.

15 Section 2. The sum of \$8,021,555.30 is appropriated
16 out of the funds in the State Treasury to the credit of the
17 Department of Children and Family Services to be paid to the
18 Guardianship of Kimberly Godwin, Jimmy Godwin, Guardian.

19 Section 3. The Comptroller is directed to draw a
20 warrant in favor of the Guardianship of Kimberly Godwin, Jimmy
21 Godwin, Guardian, in the sum of \$8,021,555.30 out of funds in
22 the State Treasury to the credit of the Department of Children
23 and Family Services, and the State Treasurer is directed to
24 pay that amount out of those funds.

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

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29 SENATE SUMMARY

30 Provides an appropriation for the relief of the
31 Guardianship of Kimberly Godwin for injuries and damages
she sustained as a result of the negligence of the
Department of Children and Family Services.