

By Representative Argenziano

1 A bill to be entitled
2 An act for the relief of Kimberly Godwin;
3 providing an appropriation to compensate her
4 for injuries she sustained as a result of the
5 negligence of the Department of Children and
6 Family Services; providing an effective date.

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8 WHEREAS, Kimberly Godwin is a profoundly retarded young
9 woman who was being cared for in a group home that was
10 licensed and supervised by the Department of Children and
11 Family Services, and

12 WHEREAS, she has the IQ of a young child, is nonverbal,
13 is incontinent, and stands 3 feet 11 inches tall, and

14 WHEREAS, in August 1985, Kimberly Godwin was
15 transferred to the Schenck Group Home in Ft. Pierce, Florida,
16 based on recommendations by the Department of Children and
17 Family Services due to a confirmed abuse report that she was
18 beaten and abused at another facility under the department's
19 supervision, and

20 WHEREAS, the Schenck Group Home was licensed,
21 supervised, and operated by the Department of Children and
22 Family Services and its employees 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 \$1,000,000 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 Godwin, her mother, Darlene Godwin, who
29 is now 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 \$1,000,000 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 \$5,000,000 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 \$8,000,000 in
29 damages plus \$21,555.30 in costs, and \$5,000,000 was awarded
30 for the economic damages and \$3,000,000 for her pain and
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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 \$8,000,000 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:

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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 and not otherwise
18 appropriated to be paid to Jimmy Godwin, Guardian of Kimberly
19 Godwin, for the benefit of Kimberly Godwin, to be used for the
20 habilitative care of Kimberly Godwin over the duration of her
21 lifetime and as relief for injuries and damages sustained.

22 Section 3. The Comptroller is directed to draw a
23 warrant in favor of Jimmy Godwin, Guardian of Kimberly Godwin,
24 in the sum of \$8,021,555.30 out of funds in the State Treasury
25 to the credit of the Department of Children and Family
26 Services, and the State Treasurer is directed to pay the same
27 out of such funds in the State Treasury not otherwise
28 appropriated.

29 Section 4. This act shall take effect upon becoming a
30 law.

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LEGISLATIVE SUMMARY

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