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An act for the relief of Kimberly Godwin;
providing an appropriation to compensate her
for violations of her rights and for injuries
she sustained as a result of the negligence of
the Department of Children and Family Services;
providing an effective date.

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WHEREAS, Kimberly Godwin is a profoundly retarded young
woman who was in the custody and supervision of the Department
of Children and Family Services at all times relevant hereto,
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WHEREAS, Kimberly Godwin has the IQ of a young child,
is nonverbal, is incontinent, stands 3 feet 11 inches tall,
and requires constant care and supervision, and

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WHEREAS, in August 1985, Kimberly Godwin was
transferred to the Schenck Group Home in Ft. Pierce, Florida,
by the Department of Children and Family Services due to a
confirmed abuse finding that she was severely beaten and
abused at another facility licensed and supervised by the
department, and

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WHEREAS, the Schenck Group Home was licensed,
supervised, and operated by the Department of Children and
Family Services, and

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WHEREAS, from 1989 through 1992, teachers and
administrators at Kimberly Godwin's St. Lucie County school
suspected the abuse and neglect of her by the Schenck Group
Home and the department and documented multiple incidents of
such in her school records, and

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WHEREAS, between 1990 and 1991, teachers at Kimberly
Godwin's school suspected, due to her missed menstrual cycle

1 and other signs of abuse and neglect, that she was being
2 sexually abused, and

3 WHEREAS, the department admits that in September 1991,
4 it violated Kimberly Godwin's rights under the Bill of Rights
5 for the Developmentally Disabled and that because of its
6 negligence, Kimberly was raped and impregnated by the group
7 home operator's 16-year-old son, who was not approved to
8 reside in the house, and

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

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

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

19 WHEREAS, a Ft. Pierce jury determined that Kimberly
20 Godwin suffered noneconomic damages of \$500,000 as a result of
21 this abuse, neglect, and violation of her rights, and

22 WHEREAS, while the abuse and neglect of Kimberly Godwin
23 by the Schenck Group Home was known to the department, it did
24 not remove her from that group home and did not notify her
25 parents about the pregnancy or about the abuse and neglect,
26 and

27 WHEREAS, when her parents were finally notified by a
28 guardian ad litem appointed by the court, Kimberly's mother,
29 Darlene Godwin, now deceased, immediately came to her aid and
30 removed Kimberly from the custody of the department's group
31 home, at which time Kimberly was suffering from pneumonia,

1 anemia, and dehydration as a result of continued medical
2 neglect, requiring her to be hospitalized for 1 week, and

3 WHEREAS, Kimberly Godwin was so severely anemic and her
4 condition was so poor that the doctors who initially evaluated
5 her ordered multiple blood transfusions and tests to rule out
6 leukemia, and

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

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

16 WHEREAS, among other incidents of abuse and neglect
17 inflicted upon Kimberly Godwin and documented by the St. Lucie
18 County School District, there were reports in 1989 that
19 Kimberly received disfiguring burns on her upper thigh
20 inflicted at the Schenck Group Home, which the department
21 admits were caused by its negligence and violation of
22 Kimberly's rights under the Bill of Rights for the
23 Developmentally Disabled, and

24 WHEREAS, a Ft. Pierce jury determined that Kimberly
25 Godwin suffered noneconomic damages of \$500,000 as a result of
26 that abuse, neglect, and violation of her rights, and

27 WHEREAS, the jury also determined that Kimberly Godwin
28 suffered \$5 million in economic damages caused by her rape,
29 impregnation, abuse, neglect, and the violation of her rights
30 under the Bill of Rights for the Developmentally Disabled by
31 the Department of Children and Family Services, and

1 WHEREAS, at trial, the jury heard unrefuted testimony
2 that Kimberly Godwin requires extraordinary services that have
3 not been provided by the department, and

4 WHEREAS, the jury determined that the abuse and neglect
5 of Kimberly Godwin while living at the Schenck Group Home has
6 made her incapable of living in a group home or other
7 residential placement, thus greatly increasing the cost of her
8 habilitative care over her lifetime, estimated to be
9 approximately 51 years, and

10 WHEREAS, Kimberly Godwin resides with her father, Jimmy
11 Godwin, and her family is committed to providing individual
12 home care to ensure her safety for the remainder of her life,
13 and

14 WHEREAS, on March 28, 2000, a jury awarded to the
15 guardianship of Kimberly Godwin a total of \$8 million in
16 damages, and \$21,555.30 for litigation costs was subsequently
17 awarded by the court as a result of the abuse, neglect, and
18 violation of rights which were documented beginning in 1989
19 and continuing until her removal from the department's custody
20 in 1992, and

21 WHEREAS, on April 12, 2000, the trial court entered a
22 Final Judgment in the amount of \$8 million against the
23 Department of Children and Family Services, and

24 WHEREAS, on April 19, 2000, the trial court denied the
25 department's motions for new trial and remittitur, and the
26 department did not appeal either the jury's verdict or the
27 court's orders upholding the verdict, and

28 WHEREAS, only \$400,000 of the outstanding judgments,
29 which total \$8,021,555.30, exclusive of any interest, has been
30 paid, leaving a balance due of \$7,621,555.30, NOW, THEREFORE,

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

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

5 Section 2. There is appropriated from the
6 Administrative Trust Fund of the Department of Children and
7 Family Services or any successor thereto, or in the event
8 sufficient funds are not available from that fund to make
9 payment for any given year, or otherwise, from the General
10 Revenue Fund, the sum of \$760,000 each year for fiscal years
11 2002-2003 inclusive through 2011-2012, to be paid to an
12 insurance company or other financial institution admitted and
13 authorized to issue annuity contracts in this state selected
14 by the guardian of Kimberly Godwin, to finance and purchase a
15 structured settlement for the benefit of Kimberly Godwin,
16 which shall include an annuity that must be used for the
17 habilitative care of Kimberly Godwin over the duration of her
18 lifetime and as a relief for the violations of her rights and
19 for injuries and damages she sustained as a result of the
20 department's wrongful conduct.

21 Section 3. The Comptroller is directed to execute all
22 necessary agreements to implement the payment of this claim,
23 and to draw a warrant in the amount of \$760,000 each fiscal
24 year beginning in 2002-2003 through 2011-2012, inclusive, in
25 favor of the financier of the structured settlement and to be
26 paid from the Administrative Trust Fund of the Department of
27 Children and Family Services or any successor thereto, or in
28 the event sufficient funds are not available from that fund to
29 make payment for any given fiscal year, or otherwise, from the
30 General Revenue Fund. The financing of this structured
31 settlement shall constitute a state debt or obligation as

1 defined in section 216.0442(1)(j), Florida Statutes, as now in
2 effect.

3 Section 4. The Department of Children and Family
4 Services shall include in its annual legislative budget
5 request a specific appropriation for funds sufficient to make
6 the payment due under this section during each relevant fiscal
7 year beginning in fiscal year 2003-2004 and inclusive through
8 2011-2012.

9 Section 5. The appropriation made and authorized by
10 this section shall be deemed a continuing appropriation within
11 the meaning of section 216.011(1)(i), Florida Statutes, as in
12 effect on the date this act becomes a law.

13 Section 6. This act shall take effect upon becoming a
14 law.

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