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1                   A bill to be entitled  
2           An act for the relief of J.D.S. by the Agency for  
3           Persons with Disabilities; providing an appropriation  
4           to compensate J.D.S. for injuries sustained as a  
5           result of the negligence of the Strong Group Home in  
6           Orange County, Florida, and the Department of Children  
7           and Family Services and its successor agency, the  
8           Agency for Persons with Disabilities; providing a  
9           limitation on the payment of fees and costs; providing  
10          an effective date.

11  
12          WHEREAS, in December 2002, J.D.S., a 22-year-old  
13          developmentally disabled woman afflicted with autism, cerebral  
14          palsy, and mental retardation, was living at the Strong Group  
15          Home, owned and operated by Hester Strong and licensed and  
16          supervised by the Department of Children and Family Services,  
17          and

18          WHEREAS, in December 2002, J.D.S. was raped and impregnated  
19          by Philip Strong, the husband of the owner and operator of the  
20          Strong Group Home, and

21          WHEREAS, on April 24, 2003, J.D.S.'s pregnancy was  
22          discovered by her physician, and

23          WHEREAS, on August 30, 2003, J.D.S. gave birth by Caesarean  
24          section to a baby girl, known as G.V.S., and the newborn infant  
25          was immediately taken from J.D.S. and placed for adoption, and

26          WHEREAS, J.D.S. alleged that the Department of Children and  
27          Family Services and the Strong Group Home negligently supervised  
28          and operated the Strong Group Home, thereby allowing Philip

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29 Strong to engage in sexual intercourse with J.D.S., resulting in  
30 the rape and impregnation of J.D.S., and

31 WHEREAS, J.D.S.'s claims against the Agency for Persons  
32 with Disabilities as successor agency to the Department of  
33 Children and Family Services, the Strong Group Home, and various  
34 other parties included claims for negligence and violations of  
35 chapter 393, Florida Statutes, specifically violations of s.  
36 393.13, Florida Statutes, "The Bill of Rights of Persons with  
37 Developmental Disabilities," and

38 WHEREAS, under s. 393.063(5), Florida Statutes, J.D.S. was  
39 a client of the Department of Children and Family Services and,  
40 as such, had a right to "dignity, privacy, and humane care,  
41 including the right to be free from abuse, including sexual  
42 abuse," in residential facilities, and

43 WHEREAS, the plaintiff alleged that the Department of  
44 Children and Family Services had a nondelegable duty to protect  
45 J.D.S. from foreseeable harm, including sexual abuse, and

46 WHEREAS, the plaintiff also alleged that the Department of  
47 Children and Family Services was liable for its direct  
48 negligence relating to its oversight of the Strong Group Home  
49 and that the department was vicariously liable for the  
50 negligence of the Strong Group Home under the doctrine of  
51 respondeat superior, pursuant to s. 768.28(9)(a), Florida  
52 Statutes, and

53 WHEREAS, as a result of the rape and impregnation, J.D.S.  
54 sustained mental anguish and a further diminution in the quality  
55 of her life, and

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56 WHEREAS, the case was scheduled for a jury trial in Orange  
57 County on February 6, 2012, and

58 WHEREAS, prior to the scheduled trial, the parties agreed  
59 to settle the case for the sum of \$1,150,000, and

60 WHEREAS, the terms of the settlement agreement include  
61 \$200,000 payable by the Agency for Persons with Disabilities  
62 pursuant to the limits of liability set forth in s. 768.28,  
63 Florida Statutes, with the remaining \$950,000 to be paid through  
64 a stipulated claim bill with the consent of the parties to the  
65 case, and

66 WHEREAS, the Agency for Persons with Disabilities has  
67 agreed to include the \$950,000 for payment of the claim bill in  
68 its budget request to the Florida Legislature for fiscal year  
69 2013-2014, NOW, THEREFORE,

70  
71 Be It Enacted by the Legislature of the State of Florida:

72  
73 Section 1. The facts stated in the preamble to this act  
74 are found and declared to be true.

75 Section 2. The Agency for Persons with Disabilities is  
76 authorized and directed to appropriate from funds of the agency  
77 not otherwise appropriated and to draw a warrant payable to the  
78 AGED Pooled Special Needs Trust, which will be administered by  
79 AGED, Inc., a nonprofit trust company which will manage and  
80 administer the funds appropriated for J.D.S.

81 Section 3. The amount paid by the Agency for Persons with  
82 Disabilities under this act pursuant to s. 768.28, Florida  
83 Statutes, and the amount awarded under this act are intended to

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84 provide the sole compensation for all present and future claims  
85 arising out of the factual situation described in this act which  
86 resulted in the injuries to J.D.S. The total amount paid for  
87 attorney fees, lobbying fees, costs, and other similar expenses  
88 relating to this claim may not exceed 25 percent of the amount  
89 awarded under this act.

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