

By Senator Soto

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1 A bill to be entitled
2 An act for the relief of J.D.S.; providing an
3 appropriation from the General Revenue Fund to
4 compensate J.D.S. for injuries and damages sustained
5 as a result of negligence by the Agency for Persons
6 with Disabilities, as successor agency of the
7 Department of Children and Family Services; providing
8 a limitation on the payment of fees and costs;
9 providing an effective date.

10
11 WHEREAS, in December 2002, J.D.S., a 22-year-old
12 developmentally disabled woman with autism, cerebral palsy, and
13 mental retardation, was living at the Strong Group Home, which
14 was owned and operated by Hester Strong and licensed and
15 supervised by the Department of Children and Family Services,
16 and

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

20 WHEREAS, on April 24, 2003, J.D.S.'s pregnancy was
21 discovered by her physician, and on August 30, 2003, J.D.S. gave
22 birth to a baby girl, known as G.V.S., who was immediately taken
23 from J.D.S. and placed for adoption, and

24 WHEREAS, as a result of her rape and impregnation, J.D.S.
25 sustained mental anguish and a further diminution in the quality
26 of her life, and

27 WHEREAS, J.D.S. filed a claim in Orange County Circuit
28 Court alleging that the department negligently supervised the
29 Strong Group Home and that the Strong Group Home was negligently

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30 operated, thereby allowing Philip Strong to rape J.D.S., which
31 resulted in her impregnation, and

32 WHEREAS, J.D.S.'s claims against the department, the Strong
33 Group Home, and other parties were based upon negligence,
34 violations of chapter 393, Florida Statutes, and violations of
35 the Bill of Rights of Persons with Developmental Disabilities,
36 s. 393.13, Florida Statutes, and

37 WHEREAS, as a client of the department, as defined in s.
38 393.063, Florida Statutes, J.D.S. had a right under s. 393.13,
39 Florida Statutes, to "dignity, privacy, and humane care,
40 including the right to be free from sexual abuse, neglect, and
41 exploitation," and

42 WHEREAS, J.D.S. alleged that the department had a
43 nondelegable duty to protect J.D.S. from foreseeable harm,
44 including sexual abuse, and

45 WHEREAS, J.D.S. alleged that the department was liable for
46 direct negligence relating to its oversight of the Strong Group
47 Home and that it was vicariously liable for the negligence of
48 the Strong Group Home under the doctrine of respondeat superior
49 pursuant to s. 768.28(9)(a), Florida Statutes, and

50 WHEREAS, before the jury trial commenced on February 6,
51 2012, the parties agreed to settle the case titled *Patti R.*
52 *Jarrell, as plenary guardian of J.D.S., an incapacitated person,*
53 *Plaintiff, v. State of Florida, Agency for Persons With*
54 *Disabilities, as successor agency of the Department of Children*
55 *and Family Services, for the sum of \$1.15 million, and*

56 WHEREAS, under the terms of the settlement agreement
57 consented to by the parties, the Agency for Persons with
58 Disabilities agreed to pay \$200,000 to J.D.S., with the

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59 remaining \$950,000 to be paid pursuant to a stipulated claim
60 bill, and

61 WHEREAS, the agency has agreed to request an appropriation
62 from the Legislature in the amount of \$950,000 in its 2015-2016
63 fiscal year budget, and

64 WHEREAS, the \$950,000 stipulated settlement is sought
65 through the submission of a claim bill to the Legislature, NOW,
66 THEREFORE,

67

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

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

72 Section 2. The sum of \$950,000 is appropriated from the
73 General Revenue Fund to the Agency for Persons with Disabilities
74 for the relief of J.D.S. as compensation for the injuries and
75 damages she sustained.

76 Section 3. The Chief Financial Officer shall draw a warrant
77 upon funds of the Agency for Persons with Disabilities in the
78 sum of \$950,000 and shall pay such amount out of funds in the
79 State Treasury to the AGED Pooled Special Needs Trust, which
80 shall be managed and administered by AGED, Inc., a nonprofit
81 trust company, on behalf of J.D.S.

82 Section 4. The amount paid by the Agency for Persons with
83 Disabilities pursuant to s. 768.28, Florida Statutes, and the
84 amount awarded under this act are intended to provide the sole
85 compensation for all present and future claims arising out of
86 the factual situation described in this act which resulted in
87 the injuries and damages to J.D.S. The total amount paid for

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88 attorney fees, lobbying fees, costs, and other similar expenses
89 relating to this claim may not exceed 25 percent of the amount
90 awarded under this act.

91 Section 5. This act shall take effect upon becoming a law.