

OF COUNSEL

A quarterly report
to clients
and attorneys.

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Kimberly Godwin Claims Bill Passes

On June 5, Governor Jeb Bush signed into law the Kimberly Godwin “claims bill.” By signing the bill, a 10-year battle between the family of a mentally handicapped woman and the Department of Children and Families (DCF) came to an end.

In 1992, Jimmy Godwin and his now-deceased wife, Darlene, learned that their profoundly mentally retarded daughter, Kimberly, had been raped and impregnated by the 16-year-old son of a DCF group home operator. Upon the recommendations of her doctors, the pregnancy was terminated and Ms. Godwin was returned to live with her parents in northern Florida. The group home, located in Ft. Pierce, Fla., was eventually closed down.

Attorney Lance Block represented the Godwins. A lawsuit was filed in 1995. Evidence was uncovered which revealed that Ms. Godwin, who is 3 feet 11 inches tall and unable to talk, was the victim of chronic physical and sexual abuse. In addition, she received inadequate medical care and suffered from malnutrition while under DCF care. Before trial, DCF officials offered the Godwins \$50,000 to settle the case. On March 28, 2000, a St. Lucie County jury rendered an \$8 million verdict for Ms. Godwin at the conclusion of an eight-day trial. The jurors took less than five hours to reach their decision.

Because Florida’s sovereign immunity laws cap damages against governmental agencies at \$100,000 per claim, a claims bill was filed by Sen. Ken Pruitt, R-Port St. Lucie, and Rep. Gaston Cantens, R-Miami, seeking a balance due of \$7.6 million. While the bill worked its way through the



**Retarded woman, raped in
state care, gets \$7.6 million**

By Jim Ash
Palm Beach Post Capital Bureau
TALLAHASSEE — After agonizing for days,
Gov. Jeb Bush on Wednesday signed a bill
awarding \$7.6 million

legislative process, DCF officials argued that the claims bill amount should be reduced and that Ms. Godwin should continue to receive care from the state. In the final days of the 2002 regular session, legislators rejected DCF’s arguments and approved the jury verdict by a combined 144 to 6 vote in the House and Senate, and then sent the bill to the Governor for final approval.

Jimmy Godwin will use the proceeds to find the best therapeutic training and care for Kimberly. ■

**Readers will find enclosed a reprint from
The National Law Journal (June 10, 2002),
featuring Chris Searcy as one of the
nation’s best trial attorneys.**