

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

CIVIL DIVISION
CASE NO.:

BEVERLY BEN-ZAKEN, as Next Friend
of, SARA BROWN,

Plaintiff,

vs.

HEARTLAND BOCA OPCO LLC, d/b/a
BOCA CIRCLE REHABILITATION CENTER,

Defendant.

COMPLAINT

COMES NOW, the Plaintiff, BEVERLY BEN-ZAKEN, as Next Friend of, SARA BROWN, by and through their undersigned counsel, and sues Defendant, HEARTLAND BOCA OPCO LLC, d/b/a BOCA CIRCLE REHABILITATION CENTER, and alleges:

1. This action is within the jurisdiction of this court for damages in excess of Fifty Thousand and 00/100 Dollars (\$50,000.00), exclusive of interest and costs.
2. At all times material to this cause of action, SARA BROWN was an adult resident of Palm Beach County, Florida.
3. At all times material hereto, SARA BROWN was a person who was suffering from infirmities to the extent that she was impaired in her ability to adequately provide for her own care and protection.
4. Pursuant to Garcia v. Brookwood Extended Care Center of Homestead, 643 So.2d 715(3rd DCA 1994), BEVERLY BEN-ZAKEN is authorized to pursue this action as next friend on behalf of SARA BROWN.

5. At all times material hereto, Defendant, HEARTLAND BOCA OPCO LLC was licensed and authorized to do business as a nursing home in Palm Beach County, Florida, as BOCA CIRCLE REHABILITATION CENTER. The Defendant was in the business of owning, managing and maintaining nursing homes and related healthcare facilities, including BOCA CIRCLE REHABILITATION CENTER, located in Palm Beach County, Florida.
6. At all times material hereto, Defendant, HEARTLAND BOCA OPCO LLC, was the licensee and owner of BOCA CIRCLE REHABILITATION CENTER.
7. At all times material hereto, Defendant, HEARTLAND BOCA OPCO LLC, was subject to the provisions of Chapter 400 of Florida Statutes, which sets the standards for operating nursing homes such as BOCA CIRCLE REHABILITATION CENTER.
8. During SARA BROWN's residency at BOCA CIRCLE REHABILITATION CENTER, the staff and employees failed to develop an adequate care plan and properly monitor and supervise the care and treatment provided to SARA BROWN in order to prevent her from suffering the development and deterioration of wounds and to prevent her from suffering the development and deterioration of infections.
9. As a direct result of BOCA CIRCLE REHABILITATION CENTER's acts and omissions, SARA BROWN suffered the development and deterioration of wounds, and suffered the development and deterioration of infections.
10. This is a claim under Florida Statute §400 for violation of SARA BROWN's resident's rights, based solely on custodial care issues, and any pre suit pursuant to Chapter 766 is unnecessary.
11. Plaintiff has complied with the nursing home presuit provisions set forth in Florida Statutes §400.0233.

12. Plaintiff has satisfied all conditions precedent to the filing of this action.
13. Plaintiff's counsel certifies by signing this Complaint that a good faith investigation into the merits of this claim was made.
14. It has been necessary for BEVERLY BEN-ZAKEN to retain the undersigned firm of Ford, Dean & Rotundo, P.A., to prosecute this action and has agreed to pay said firm a reasonable fee for its services.

COUNT I

CHAPTER 400 CLAIM AGAINST DEFENDANT,
HEARTLAND BOCA OPCO LLC, d/b/a
BOCA CIRCLE REHABILITATION CENTER

Plaintiff hereby realleges paragraphs one (1) through fourteen (14) as if fully stated herein and further alleges:

15. Defendant has a statutorily mandated responsibility to SARA BROWN to provide her with her nursing home resident's rights, as set forth in Florida Statute §400.022, which responsibility included, but was not limited to, the following:
 - (a) providing adequate and appropriate healthcare and protective and support services;
 - (b) preventing mental and physical abuse of SARA BROWN;
 - (c) complying with regulations for the operation of nursing homes promulgated by the Department of Health and Rehabilitative Services and contained in the Florida Administrative Code 59A-4; and
 - (d) treating residents courteously, fairly, and with the fullest measure of dignity.
16. That Defendant's responsibility to SARA BROWN, as outlined in Florida Statutes §400.022, are non-delegable and such that Defendant had direct liability for violations, deprivations and infringements by any person or entity under Defendant's control, direct

or indirect, including their employees, agents, consultants and independent contractors, whether in-house or outside entities, individuals, agencies or pools, or caused by Defendant's policies, and procedures, whether written or unwritten, or common practices.

17. That in addition to Defendant's direct responsibility under Florida Statute §400.022 and as alleged in the preceding paragraph, Defendant had vicarious liability for the acts and omissions of all persons or entities under Defendant's control either direct or indirect including its employees, agents, consultants and independent contractors, whether in-house or outside entities, individuals, agencies or pools causing any deprivations or infringements of SARA BROWN resident's rights as set forth in Florida Statutes §400.022.
18. That the duty alleged in the immediately preceding paragraphs include, but are not limited to, proper training and supervision; proper hiring, background and referral checks; and proper retaining and dismissing of employees, agents, consultants and independent contractors, as well as providing adequate staffing.
19. That notwithstanding the responsibility of Defendant to provide SARA BROWN with her statutorily mandated nursing home resident's rights, SARA BROWN was deprived of such rights by the acts or omissions of Defendant's agents and employees which include, but are not limited to, the following:
 - a) failing to properly provide a turning program for the prevention of wounds;
 - b) failing to provide a proper mattress, bedding, protective devices and positioning devices for SARA BROWN;
 - c) failing to turn and position SARA BROWN timely and appropriately to prevent wounds;
 - d) failing to properly recognize the development and deterioration of wounds on SARA BROWN and failing to obtain treatment to prevent the worsening of such wounds;

- e) failing to adequately clean SARA BROWN to prevent skin breakdown due to continual contact with feces and urine;
- f) failure to properly supervise SARA BROWN;
- g) failing to provide adequate and appropriate protective and support services to SARA BROWN;
- h) failing to develop, implement, and update an adequate and appropriate resident care plans to meet the custodial needs of SARA BROWN;
- i) failing to maintain records which contain sufficient and accurate information to justify the diagnosis and treatment and to document the results, including at a minimum documented evidence of assessments of the needs of the resident, of establishment of appropriate plans of care and treatment, and of the care and services provided;
- j) failing to appropriately monitor SARA BROWN and recognize significant signs and symptoms of change in her health condition, such as suffering the development and deterioration of wounds, and suffering the development and deterioration of infections;
- k) failing to properly notify the family and physicians of SARA BROWN's of significant changes in her health status, such as suffering the development and deterioration of wounds, and suffering the development and deterioration of infections;
- l) failing to protect SARA BROWN from foreseeable harm, including but not limited to suffering the development and deterioration of wounds, and suffering the development and deterioration of infections;
- m) failing to properly supervise staff;
- n) failing to properly train staff;
- o) improper retention of staff;
- p) Inadequate staffing;
- q) failing to protect the dignity of SARA BROWN;
- r) failing to protect the privacy of SARA BROWN;
- s) failing to follow physician orders;
- t) failing to properly chart on the resident pursuant to Florida Statute § 400, F.A.C. 59-A; and 42 C.F.R. 483; and

- u) failure to timely transfer the resident to the hospital.
20. As a direct and proximate result of the failure of the Defendant to comply with the requirements of Florida Statute §400.022, and to provide adequate and appropriate and protective support services, SARA BROWN suffered damages, including loss of dignity; humiliation; bodily injury; pain and suffering, disability, physical impairment; disfigurement; mental anguish, inconvenience; loss of capacity to enjoy life; discomfort; aggravation of existing diseases or physical defect; medical, hospital and nursing expenses.

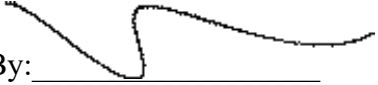
WHEREFORE, Plaintiff, BEVERLY BEN-ZAKEN, as Next Friend of, SARA BROWN, demands judgment against Defendant, HEARTLAND BOCA OPCO LLC, d/b/a BOCA CIRCLE REHABILITATION CENTER, for all compensatory damages allowed by law for the deprivation of SARA BROWN's rights as stated above, and further demands prejudgment interest and a trial by jury on all issues triable as a matter of right. Plaintiff reserves the right to amend to allege a cause of action for punitive damages at a later date.

DEMAND FOR JURY TRIAL

Plaintiff, BEVERLY BEN-ZAKEN, as Next Friend of, SARA BROWN, requests trial by jury of all issues so triable as of right.

DATED this 13th day of May, 2026.

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