

By Senator Klein

28-161A-98

1 A bill to be entitled
2 An act relating to Palm Beach County; providing
3 for the relief of Julie McGinnes; providing for
4 an appropriation to compensate her for injuries
5 and damages sustained as a result of the
6 negligence of Palm Beach County; providing an
7 effective date.
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9 WHEREAS, on July 22, 1993, Julie McGinnes, then 18
10 years of age, was seriously injured in a motor vehicle
11 accident which occurred at an intersection in Palm Beach
12 County, and
13 WHEREAS, the motor vehicle accident of July 22, 1993,
14 in which Julie McGinnes was seriously injured was caused by a
15 line-of-sight obstruction, and
16 WHEREAS, the line-of-sight obstruction in the
17 intersection consisted of a Florida Power & Light box, hedges
18 placed around the box by the Loggers Run Homeowners
19 Association, a traffic control cabinet, and a traffic light
20 pole, and
21 WHEREAS, the accident formed the basis of legal action
22 against Palm Beach County, the adverse driver in the accident,
23 Florida Power & Light, and the Loggers Run Homeowners
24 Association, and
25 WHEREAS, the party primarily responsible for the
26 accident was Palm Beach County, and
27 WHEREAS, in January 1990, after receiving numerous
28 complaints from Loggers Run Homeowners Association, Palm Beach
29 County dispatched a traffic technician to investigate the
30 intersection at which Julie McGinnes was seriously injured,
31 and

1 WHEREAS, upon investigation, the traffic technician for
2 Palm Beach County, Charles Hood, concluded that there was a
3 line-of-sight obstruction at the intersection and documented
4 the obstruction with a diagram and photographs, and

5 WHEREAS, in a follow-up to Mr. Hood's investigation,
6 Palm Beach County traffic engineer Charles Cantrell ordered
7 that a site study be performed in April 1990, more than three
8 years prior to the accident in which Julie McGinnes was
9 seriously injured, and

10 WHEREAS, Mr. Cantrell's work order for a site study was
11 lost within the Palm Beach County Traffic Engineering
12 Department and the study was never performed, and

13 WHEREAS, between the time at which the site study was
14 recommended and the time of the accident in which Julie
15 McGinnes was seriously injured, the Loggers Run Homeowners
16 Association continued to complain about the intersection, and

17 WHEREAS, the obstructions were never corrected until
18 after the accident in which Julie McGinnes was seriously
19 injured, and

20 WHEREAS, as a result of the accident of July 22, 1993,
21 Julie McGinnes suffered extensive brain damage, and

22 WHEREAS, Julie McGinnes has been left with partial
23 paralysis of the left side, impaired judgment and reasoning,
24 and slurred speech, and

25 WHEREAS, Julie McGinnes will never attain a level of
26 mentality beyond 12 to 17 years, and

27 WHEREAS, prior to the accident, Julie McGinnes had
28 completed her first year of college and had hoped to become a
29 speech therapist, and

30 WHEREAS, now 22 years of age, Julie McGinnes lives with
31 her parents because she cannot function independently, and

1 WHEREAS, vocational counselors, psychologists,
2 neuropsychologists, and neurologists involved in the care and
3 rehabilitation of Julie McGinnes estimate her impairment and
4 disability at up to 80 percent, and

5 WHEREAS, Julie McGinnes will require long-term
6 psychological counseling and follow-up medical care and will
7 never obtain meaningful employment, and

8 WHEREAS, Julie McGinnes has incurred past medical bills
9 in excess of \$250,000, and projections for her future care and
10 loss of earnings are in the range of \$6,000,000, and

11 WHEREAS, an overall settlement of \$2,325,000 in the
12 case was reached, and

13 WHEREAS, contributing to the overall settlement were
14 the adverse driver, contributing \$100,000, the tendered
15 insurance policy limits, Florida Power & Light, contributing
16 \$500,000, and the Loggers Run Homeowners Association, owners
17 of the land on which the Florida Power & Light box was placed,
18 contributing \$600,000, and

19 WHEREAS, Palm Beach County has paid \$100,000 of its
20 portion of the consent settlement pursuant to the limits of
21 liability under s. 768.28, Florida Statutes, and

22 WHEREAS, the remaining amount of the consent settlement
23 owed by Palm Beach County is \$1,025,000, NOW, THEREFORE,

24

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

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

29 Section 2. The Board of County Commissioners of Palm
30 Beach County is authorized and directed to appropriate from
31 funds of the county not otherwise appropriated and to draw a

1 warrant in the sum of \$1,025,000 payable to Julie McGinnes to
2 compensate her for injuries and damages sustained.

3 Section 3. This act shall take effect upon becoming a
4 law.

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