

By the Committee on Claims and Representative Ritter

1                                   A bill to be entitled  
2           An act relating to the City of Delray Beach;  
3           providing for the relief of the Estate of  
4           Charlie Brown, Jr.; providing for an  
5           appropriation to compensate the Estate of  
6           Charlie Brown, Jr., for damages sustained as a  
7           result of the negligence of the City of Delray  
8           Beach; providing an effective date.  
9

10           WHEREAS, on November 25, 1987, Charlie Brown, Jr., who  
11           was then 35 years of age, was struck from behind on his  
12           bicycle by an automobile on Lake Ida Road in the City of  
13           Delray Beach, and

14           WHEREAS, as a result of this accident, Charlie Brown,  
15           Jr., was critically injured and brain-damaged, and he remained  
16           institutionalized until his death on May 4, 1997, and

17           WHEREAS, due to the loss, misplacement, or accidental  
18           discarding of evidence by the city police, the state attorney  
19           had to drop the criminal charges that had been brought against  
20           the alleged hit-and-run violator who struck Charlie Brown,  
21           Jr., and

22           WHEREAS, attorneys for Charlie Brown, Jr., then filed  
23           suit against the city, alleging that the city had negligently  
24           failed to preserve and safeguard the physical evidence  
25           pertaining to the incident, and

26           WHEREAS, the lower court granted the city's motion for  
27           summary judgment, but that verdict was subsequently reversed  
28           in *Brown v. City of Delray Beach*, 652 So.2d 1150 (Fla. 4th DCA  
29           1995), and

30           WHEREAS, pursuant to the subsequent jury verdict of  
31           August 19, 1996, final judgment in that action was entered

1 against the City of Delray Beach in the amount of \$300,000  
2 plus interest and attorneys' fees and costs, and

3 WHEREAS, the City of Delray Beach has paid \$100,000,  
4 the statutory limit of liability under section 768.28, Florida  
5 Statutes, in partial satisfaction of this judgment, and

6 WHEREAS, the parties have agreed to settle the  
7 controversy for the amount of \$80,000, to be paid to the  
8 Estate of Charlie Brown, Jr., and used for the benefit of Mr.  
9 Brown's minor child, Nicola Brown, NOW, THEREFORE,

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. The facts stated in the preamble to this  
14 act are found and declared to be true.

15 Section 2. The City of Delray Beach is authorized and  
16 directed to appropriate from funds of the city not otherwise  
17 appropriated and to draw a warrant in the sum of \$80,000  
18 payable to the Estate of Charlie Brown, Jr., for the benefit  
19 of Nicola Brown, minor child of Charlie Brown, Jr., as  
20 compensation for injuries and damages sustained.

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