

By Senator Campbell

30-38A-99

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., for damages sustained as a
5 result of the city's negligence in misplacing
6 evidence relating to an accident that
7 critically injured him; providing an effective
8 date.

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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, Mr. Brown was
15 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 Mr. Brown, and

21 WHEREAS, Mr. Brown's attorneys then filed suit against
22 the city, alleging that the city had negligently failed to
23 preserve and safeguard the physical evidence pertaining to the
24 incident, and

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

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

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

3 WHEREAS, the city has paid \$100,000, the statutory
4 limit, in partial satisfaction of this judgment, and

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

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

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

14 Section 2. The City of Delray Beach is authorized and
15 directed to compensate the Estate of Charlie Brown, Jr., in
16 the amount of \$80,000 for injuries and damages sustained, out
17 of funds of the city not otherwise appropriated.

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

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