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An act relating to the City of Delray Beach;
providing for the relief of the estate of
Charlie Brown, Jr., for damages sustained as a
result of the city's negligence in misplacing
evidence relating to an accident that
critically injured him; providing an effective
date.

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

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

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

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

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

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

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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