

STORAGE NAME: pcb06.cla
DATE: January 13, 2000

Florida House of Representatives
Committee on Claims
Summary Claim Bill Report

Bill #: PCB CL 00-06
Sponsor: Committee on Claims
Companion Bill: SB 28, by Senator Geller
Special Master: Phillip B. Miller

A. Basic Information:

1. Claimant: Earl Spencer
2. Respondent: City of Ft. Lauderdale
3. Amount Requested: \$600,000
4. Type of Claim: SETTLEMENT
5. Respondent's Position: The City has agreed to the settlement.
6. Collateral Sources: A separate action with the city detective who was the driver of the other vehicle involved in the accident has been settled. By the settlement agreement's terms, the amount recovered is confidential.
7. Prior Legislative History: None

B. **Procedural Summary:** A negligence action was brought by Earl Spencer against the City of Ft. Lauderdale based on a motor vehicle accident involving Mr. Spencer and Detective Ghalib Carmichael, of the Ft. Lauderdale Police Department. Prior to the case going to trial the City and Mr. Spencer reached a settlement requiring payment of \$800,000 to Mr. Spencer. A Consent Final Judgment approving the Settlement was entered on January 21, 1999. Mr. Spencer settled a separate claim against Detective Carmichael. By the settlement agreement's terms, the amount recovered is confidential. The City has paid \$200,000, leaving a balance of \$600,000.

C. **Facts of the Case:** On March 19, 1996, Earl Spencer was involved in an automobile accident with an unmarked police vehicle operated by Detective Ghalib Carmichael, an undercover agent for the City of Ft. Lauderdale. Mr. Spencer was northbound and attempting to make a left-hand turn at an intersection in Lauderdale Lakes, Florida, when Detective Carmichael, who was southbound, collided with Mr. Spencer's vehicle. At impact, Detective Carmichael's speed was estimated to be at least 11 mph higher than the posted speed limit of 45 mph. The detective was not responding to an emergency at the time of the accident.

As a result of the crash, Mr. Spencer suffered a severe closed head injury and was in a comatose state for approximately 3 months. After recovery from the coma, Mr. Spencer was left with severe brain damage which has permanently confined him to a wheelchair. He is unable to care for himself in any way and currently lives with his mother. Mr. Spencer is 39 years old. 75 percent of the claim bill proceeds will be distributed to an Irrevocable Special Needs Trust established for Mr. Spencer. The remaining 25 percent will go in equal parts to Mr. Spencer's five children.

SM: _____ SD: _____ Date: _____
Phillip B. Miller Stephanie Olin Birtman