

By the Committee on Claims and Representatives Cantens,  
Morrone and Hill

1                                   A bill to be entitled  
2           An act relating to the City of Fort Lauderdale;  
3           providing for the relief of Earl Spencer and  
4           his children, Sheryl Spencer, Zico Spencer,  
5           Kimberly Spencer, Djaniela Spencer, and Jamarina  
6           Spencer; providing for an appropriation to  
7           compensate them for personal injuries suffered  
8           due to the negligence of the City of Fort  
9           Lauderdale; providing an effective date.

10

11           WHEREAS, on March 19, 1996, while on his way home from  
12           visiting his sister at a hospital, Earl Spencer, a 35-year-old  
13           husband and father of five children, was involved in an  
14           automobile accident with an unmarked police vehicle owned by  
15           the City of Fort Lauderdale and operated by an undercover  
16           officer for the city, and

17           WHEREAS, Mr. Spencer was attempting to make a left-hand  
18           turn onto N.W. 26th Street from N.W. 31st Avenue in Lauderdale  
19           Lakes, Florida, when the city detective, who was on his way to  
20           an off-duty detail and was traveling well in excess of the  
21           posted speed limit, collided with Mr. Spencer's vehicle, and

22           WHEREAS, the city's own internal investigation revealed  
23           that the detective driving the city-owned vehicle was  
24           traveling at an estimated speed of 56-67 mph in a 45-mph zone  
25           and that the accident never would have occurred if the  
26           detective had been traveling within the posted speed limit,  
27           and

28           WHEREAS, as a direct result of the accident, Earl  
29           Spencer suffered a massive brain injury, which has left him in  
30           a permanent vegetative state, confined to a wheelchair, and  
31           unable to care for himself in any way, and

1           WHEREAS, since the accident, Mr. Spencer has resided in  
2 various hospitals and rehabilitation facilities, and has been  
3 residing in St. John's rehabilitation facility since February  
4 14, 1997, and

5           WHEREAS, the case with the City of Fort Lauderdale has  
6 been settled for a total of \$800,000, of which the city has  
7 paid \$200,000, leaving a balance of \$600,000 remaining, NOW,  
8 THEREFORE,

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
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 Fort Lauderdale is authorized  
15 and directed to appropriate from funds of the city not  
16 otherwise appropriated and to draw warrants totaling \$600,000  
17 as compensation for injuries and damages sustained by Earl  
18 Spencer and his children, Sheryl Spencer, Zico Spencer,  
19 Kimberly Spencer, Djaniela Spencer, and Jamaría Spencer. The  
20 funds shall be disbursed to Earl Spencer's Special Needs  
21 Trust; to his adult daughter, Sheryl Spencer; and to the  
22 guardianship accounts for his minor children, Zico Spencer,  
23 Kimberly Spencer, Djaniela Spencer, and Jamaría Spencer  
24 pursuant to the terms of the Order on Plaintiff's Motion to  
25 Approve Settlement signed by Judge Mark Speiser on January 13,  
26 1999.

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