

By Representative Bucher

1 A bill to be entitled
2 An act relating to the City of West Palm Beach;
3 providing for the relief of Rosemary
4 Falkinburg; authorizing and directing the City
5 of West Palm Beach to compensate Rosemary
6 Falkinburg for personal injuries she suffered
7 due to the negligence of a city employee;
8 providing an effective date.

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10 WHEREAS, on August 11, 1994, Rosemary Falkinburg, who
11 was then 34 years old, was driving on Belvedere Road in West
12 Palm Beach on her way to work, and

13 WHEREAS, an accident occurred when a West Palm Beach
14 police officer, who was driving a police vehicle, struck
15 Rosemary Falkinburg's vehicle, and

16 WHEREAS, within a few days after the accident, Rosemary
17 Falkinburg began experiencing pain in her neck, back, and
18 buttocks and, in May 1995, saw a back surgeon who treated her
19 with various modalities in an effort to postpone or avoid
20 surgery, and

21 WHEREAS, Rosemary Falkinburg continued to work at her
22 job in an animal hospital until February 1999, at which time
23 her pain became so severe that she needed surgery, which was
24 performed on February 11, 1999, and

25 WHEREAS, she returned to work in mid-May 1999, but was
26 unable to perform her job and was terminated, and

27 WHEREAS, Rosemary Falkinburg subsequently found
28 another, lower-paying, job, but her surgeon has testified that
29 she will probably need a second surgery, and

30 WHEREAS, on February 14, 2000, a jury in Palm Beach
31 County found that the police officer who collided with

1 Rosemary Falkinburg's car was 98 percent at fault for the
2 accident and rendered a verdict in favor of Rosemary
3 Falkinburg for damages in the amount of \$1,601,600, and
4 WHEREAS, because of a finding of comparative
5 negligence, a final judgment in the amount of \$1,559,768 was
6 entered against the City of West Palm Beach, and
7 WHEREAS, after several post-trial motions and
8 negotiations, the City of West Palm Beach and the plaintiff
9 entered into a stipulated settlement for a total sum of
10 \$600,000, to be paid in installments as follows: \$100,000 upon
11 approval of the settlement by the West Palm Beach City
12 Commission; \$250,000 within 30 days after a claim bill for the
13 amount owed takes effect; and \$250,000 on the 1-year
14 anniversary of the initial payment of \$250,000, NOW,
15 THEREFORE,

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

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

21 Section 2. The City of West Palm Beach is authorized
22 and directed to compensate Rosemary Falkinburg in two equal
23 installments for the total amount of \$500,000, out of funds of
24 the City of West Palm Beach not otherwise appropriated, for
25 injuries and damages she sustained as a result of the
26 negligence of a city employee. The initial installment of
27 \$250,000 shall be paid within 30 days after the effective date
28 of this act, and the second installment of \$250,000 shall be
29 paid on the 1-year anniversary of the initial payment of
30 \$250,000. Such amounts shall be paid in addition to the

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1 \$100,000 payable pursuant to section 768.28, Florida Statutes,
2 Florida's sovereign immunity statute.

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

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