

By Senator Rossin

35-105A-02

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 Ms. Falkinburg
6 for personal injuries she suffered due to the
7 negligence of a city employee; providing an
8 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 Ms.
15 Falkinburg's vehicle, and

16 WHEREAS, within a few days after the accident, Ms.
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, Ms. Falkinburg continued to work at her job in
22 an animal hospital until February 1999, at which time her pain
23 became so severe that she needed surgery, which was performed
24 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, Ms. Falkinburg subsequently found another,
28 lower-paying, job, but her surgeon has testified that she will
29 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 Ms.

1 Falkinburg's car was 98 percent at fault for the accident and
2 rendered a verdict in favor of Ms. Falkinburg for damages in
3 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 as
11 soon as the city commission approves the settlement, \$250,000
12 more within 30 days after a claim bill for the amount owed
13 takes effect, and the final \$250,000 on the 1-year anniversary
14 of the second payment, NOW, THEREFORE,

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

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

20 Section 2. The City of West Palm Beach is authorized
21 and directed to appropriate from funds of the city not
22 otherwise appropriated and to draw a warrant payable to
23 Rosemary Falkinburg in two equal installments for the total
24 amount of \$500,000, which amount includes statutory attorney's
25 fees and costs, for injuries and damages she sustained as a
26 result of the negligence of a city employee. The initial
27 installment of \$250,000 shall be paid within 30 days after the
28 effective date of this act, and the second installment of
29 \$250,000 shall be paid on the 1-year anniversary of the
30 initial payment.

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