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An act relating to Orange County; providing for the relief of Maria Garcia, as legal guardian of Delfina Benjumea, for injuries and damages sustained by Ms. Benjumea as a result of the negligence of the Orange County Sheriff's Office; providing legislative intent with respect to expenditures; providing an effective date.

WHEREAS, on July 11, 1996, Delfina Benjumea, an 82-year-old woman, had come to the Orlando area from Colombia to visit her family, and

WHEREAS, while in Orlando, Ms. Benjumea participated in a senior-citizen program run by the City of Orlando, and

WHEREAS, on July 11, 1996, a fellow participant in the program gave Ms. Benjumea a ride from the center and mistakenly left her at an apartment complex other than the one in which her daughter resided, and

WHEREAS, in an effort to walk to her daughter's home, Ms. Benjumea became lost, and a sheriff's deputy undertook to drive her to adult protective services, and

WHEREAS, on the way to their destination, the deputy rear-ended a 1992 Lexus automobile at such a speed as to cause airbags in the sheriff's vehicle to deploy, and

WHEREAS, after the accident, Ms. Benjumea was evaluated at a hospital for complaints of neck and back pain and released, but, during the next several weeks, she experienced increased headaches, dizziness, and confusion, and

WHEREAS, on August 3, 1996, Maria Garcia found her mother lying in the grass in front of her apartment complex,

1 and Ms. Benjumea was taken to Florida Hospital South, where a
2 CT Scan of the brain revealed very large bilateral subacute
3 subdural hematomas, and

4 WHEREAS, surgical procedures were performed to open the
5 skull and relieve the hematomas, and

6 WHEREAS, Ms. Benjumea was released from the hospital 3
7 days later but returned there in September 1996, because of
8 coagulation and clotting, and

9 WHEREAS, at a trial based on allegations that the
10 aforementioned accident had caused brain injury, a neurologist
11 testified that Ms. Benjumea had suffered a traumatic brain
12 injury with residual cognitive and behavioral impairment and
13 further concluded that Ms. Benjumea is totally incapacitated
14 and is in need of constant supervision, and

15 WHEREAS, a three-person medical panel, in connection
16 with Ms. Benjumea's guardianship proceeding in 1997, issued
17 findings consistent with the doctor's opinion, and

18 WHEREAS, at trial, a jury determined that the sheriff
19 was 100 percent at fault in the accident, and the jury awarded
20 Ms. Benjumea damages totalling \$384,433, including \$87,745 for
21 past medical expenses, \$172,000 for future medical expenses,
22 and \$124,688 for past and future pain and suffering, and

23 WHEREAS, plaintiff agreed to a remittitur post-trial,
24 and a final judgment in the amount of \$362,954, including
25 taxable costs, was entered in October, 1998, and

26 WHEREAS, the sheriff has tendered \$100,000 in
27 accordance with the limits on waiver of sovereign immunity
28 which are set forth in section 768.28, Florida Statutes, NOW,
29 THEREFORE,

30

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

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

3 Section 2. The Orange County Sheriff's Office is
4 authorized and directed to appropriate from funds of the
5 sheriff's office not otherwise appropriated and to draw a
6 warrant in the sum of \$152,500, which amount includes
7 statutory attorney's fees and costs, payable to Maria Garcia
8 as legal guardian of Delfina Benjumea, to be placed in the
9 guardianship account of Delfina Benjumea to compensate Delfina
10 Benjumea for injuries and damages sustained as a result of the
11 negligence of an employee of the Orange County Sheriff's
12 Office. It is the intent of the Legislature that no funds
13 appropriated by this act be spent, incurred, or obligated
14 under the guardianship account for any extraordinary
15 expenditures without prior order of the circuit court.

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