

By Senator Meek

36-45A-02

1                                   A bill to be entitled  
2           An act relating to Miami-Dade County; providing  
3           for the relief of Jack Brett Lemonik;  
4           authorizing and directing Miami-Dade County to  
5           compensate Mr. Lemonik for injuries sustained  
6           as a result of the actions of county employees;  
7           providing an effective date.

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9           WHEREAS, on March 6, 1988, Jack Brett Lemonik was one  
10          of several hundred passengers waiting to board a flight that  
11          was scheduled to depart from the Miami International Airport,  
12          and

13                   WHEREAS, the crowd of proposed and intended passengers  
14          for the flight consisted of such an excessive number of people  
15          that the Metro-Dade Police Department had stationed three  
16          uniformed officers at the departure gate, and

17                   WHEREAS, the crowd became unruly, and, since there were  
18          no signs or barriers to prevent him from doing so, Mr. Lemonik  
19          walked between the counter where the airline personnel stood  
20          while servicing passengers and the wall to the rear of the  
21          counter, and

22                   WHEREAS, without warning, a Metro-Dade police officer  
23          lunged at Mr. Lemonik, and the two of them subsequently came  
24          into contact with two airline employees, and

25                   WHEREAS, without provocation or legal justification,  
26          another Metro-Dade police officer also lunged at Mr. Lemonik,  
27          knocking him to the floor, and

28                   WHEREAS, the Dade County officers falsely accused Mr.  
29          Lemonik of willfully pushing both of the airline employees and  
30          of deliberately swinging his arms at one of the officers and  
31          resisting the two officers' efforts to arrest him, and

1           WHEREAS, the police officers thereafter falsely  
2 arrested Mr. Lemonik and caused the Dade County prosecuting  
3 authorities to initiate criminal prosecution against him, and

4           WHEREAS, Mr. Lemonik subsequently brought a legal  
5 action in the circuit court of the 11th Judicial Circuit  
6 against Metropolitan Dade County and the police officers who  
7 violated his rights, and the jury returned a verdict in favor  
8 of Mr. Lemonik in the amount of \$400,000, and

9           WHEREAS, after reductions made by the trial judge, a  
10 judgment of \$200,000 was entered in favor of Mr. Lemonik, and

11           WHEREAS, Miami-Dade County has paid \$100,000 to Jack  
12 Brett Lemonik, in accordance with the limits set forth in  
13 section 768.28, Florida Statutes, leaving a balance due of  
14 \$100,000, 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. Miami-Dade County is authorized and  
21 directed to compensate Jack Brett Lemonik in the amount of  
22 \$100,000, which amount includes statutory attorney's fees and  
23 costs, out of funds of the county not otherwise appropriated,  
24 for injuries and damages sustained by Mr. Lemonik due to the  
25 actions of employees of the county.

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

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