

HB 315

2006
CS

CHAMBER ACTION

1 The Claims Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act for the relief of Jennifer Graham by the Palm Beach
8 County Sheriff's Office; providing for an appropriation to
9 compensate Jennifer Graham for injuries sustained as a
10 result of the negligence of the sheriff's office;
11 requiring the purchase of a specified structured annuity
12 and structured educational fund; providing an effective
13 date.

14
15 WHEREAS, on June 15, 2003, 29-year-old Jennifer Graham was
16 seated on a park bench on the southwest corner of Park Avenue
17 located in Palm Beach County, Florida, and

18 WHEREAS, a deputy sheriff of the Palm Beach County
19 Sheriff's Office was traveling westbound on Park Avenue at
20 approximately 60 to 70 miles per hour according to an
21 eyewitness, and

HB 315

2006
CS

22 WHEREAS, when the deputy sheriff attempted to make a left
23 turn at this high rate of speed, he lost control of his vehicle
24 and collided with the park bench and Jennifer Graham, and

25 WHEREAS, Ms. Graham was thrown approximately 30 feet due to
26 the collision and landed on a concrete sidewalk, and

27 WHEREAS, the Palm Beach County Sheriff's Office
28 investigated the accident and determined that the deputy sheriff
29 was the sole contributing cause of the accident by exceeding a
30 safe speed and losing control of the vehicle while attempting to
31 make a left turn, and

32 WHEREAS, Ms. Graham suffered multiple pelvic fractures and
33 a bladder rupture, for which she had immediate surgery; a left
34 acetabulum fracture; a right sacroiliac joint fracture; a pelvic
35 hematoma; and an open laceration from her stomach to her pubic
36 bone, and

37 WHEREAS, as a result of her injuries, Ms. Graham later
38 underwent multiple surgeries to repair a hernia, a left shoulder
39 joint, and the pelvic and iliosacral fractures, the latter
40 requiring hardware and screw fixation, and

41 WHEREAS, Ms. Graham was admitted to two rehabilitation
42 facilities for a total of approximately 5 months where she was
43 diagnosed with chronic pain, gait dysfunction, and depression,
44 and

45 WHEREAS, as a result of the accident, Ms. Graham sustained
46 a 40-percent permanent functional impairment and permanent gait
47 dysfunction, and

48 WHEREAS, due to the severity of her injuries, Ms. Graham
49 cannot maintain employment and will require future medical care

HB 315

2006
CS

50 over her lifetime and an additional surgery to remove the
51 hardware that was placed in her pelvis and iliosacral joint, and

52 WHEREAS, Ms. Graham's medical expenses resulting from this
53 accident were \$266,462.44 and the Palm Beach County Health Care
54 District has paid a portion of the outstanding medical expenses,
55 but has imposed a lien in the amount of \$87,937.31, and

56 WHEREAS, the present value of Ms. Graham's total economic
57 damages over her lifetime was calculated to be \$1,018,988.40;
58 however, the expert economist hired by the Palm Beach County
59 Sheriff's Office calculated the value to be \$771,670, and

60 WHEREAS, Ms. Graham is also entitled to collect damages for
61 her past and future pain and suffering, mental anguish,
62 disability, and loss of enjoyment of life resulting from the
63 devastating injuries and severe impairment she incurred as a
64 result of the accident, and

65 WHEREAS, Ms. Graham filed a lawsuit against the Palm Beach
66 County Sheriff's Office, and a trial was set to begin on July
67 18, 2005, and

68 WHEREAS, on July 13, 2005, Ms. Graham and the Palm Beach
69 County Sheriff's Office entered into an agreement to settle the
70 lawsuit in the amount of \$950,000, of which the sheriff's office
71 paid \$100,000 at the time the settlement agreement was signed by
72 all parties, NOW, THEREFORE,

73

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

75

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

HB 315

2006
CS

78 Section 2. The Palm Beach County Sheriff's Office is
79 authorized and directed to pay to Jennifer Graham, out of
80 insurance proceeds or out of moneys appropriated by the
81 sheriff's office from funds of the sheriff's office not
82 otherwise encumbered, the sum of \$850,000 for injuries and
83 damages sustained due to the negligence of the Palm Beach County
84 Sheriff's Office in the following manner, as agreed by the
85 parties in their settlement agreement:

86 (1) Three hundred fifty thousand dollars, paid within 20
87 days after notice to the Palm Beach County Sheriff's Office upon
88 the effective date of this act;

89 (2) Two hundred fifty thousand dollars, paid 1 year
90 following the date of the payment of the first payment of
91 \$350,000; and

92 (3) Two hundred fifty thousand dollars, paid 2 years
93 following the date of the first payment of \$350,000.

94 Section 3. (1) Within 20 days of the effective date of
95 this act, Jennifer Graham shall purchase a structured settlement
96 annuity at a cost of no less than \$75,000 for the exclusive use
97 and benefit of her minor children, Ashley Graham, Tyler Graham,
98 and Hunter Graham. Pursuant to the terms of the annuity, each
99 child shall be guaranteed monthly payments beginning on the
100 effective date of this act and ending on each child's 18th
101 birthday. Such funds are to follow the children regardless of
102 who their legal custodians are, where the children are living,
103 or Jennifer Graham's legal status as a parent, and shall be in
104 addition to any child support payments that may be owed or owing
105 by Jennifer Graham.

HB 315

2006
CS

106 (2) Within 13 months of the effective date of this act,
107 Jennifer Graham shall purchase a structured educational fund at
108 a cost to Jennifer Graham of no less than \$45,000. Such fund
109 shall provide a semiannual benefit to each of her three minor
110 children, Ashley Graham, Tyler Graham, and Hunter Graham, for 4
111 years each, beginning on each child's 18th birthday. Such funds
112 are to follow the children regardless of who their legal
113 custodians are, where the children are living, or Jennifer
114 Graham's legal status as a parent, and shall be in addition to
115 any child support payments that may be owed or owing by Jennifer
116 Graham.

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