

1                                   A bill to be entitled  
 2           An act for the relief of Jennifer Graham by the Palm Beach  
 3           County Sheriff's Office; providing for an appropriation to  
 4           compensate Jennifer Graham for injuries sustained as a  
 5           result of the negligence of the sheriff's office;  
 6           requiring the purchase of a specified structured annuity  
 7           and structured educational fund; providing an effective  
 8           date.

9  
 10           WHEREAS, on June 15, 2003, 29-year-old Jennifer Graham was  
 11           seated on a park bench on the southwest corner of Park Avenue  
 12           located in Palm Beach County, Florida, and

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

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

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

22           WHEREAS, the Palm Beach County Sheriff's Office  
 23           investigated the accident and determined that the deputy sheriff  
 24           was the sole contributing cause of the accident by exceeding a  
 25           safe speed and losing control of the vehicle while attempting to  
 26           make a left turn, and

27           WHEREAS, Ms. Graham suffered multiple pelvic fractures and  
 28           a bladder rupture, for which she had immediate surgery; a left

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29 acetabulum fracture; a right sacroiliac joint fracture; a pelvic  
30 hematoma; and an open laceration from her stomach to her pubic  
31 bone, and

32 WHEREAS, as a result of her injuries, Ms. Graham later  
33 underwent multiple surgeries to repair a hernia, a left shoulder  
34 joint, and the pelvic and iliosacral fractures, the latter  
35 requiring hardware and screw fixation, and

36 WHEREAS, Ms. Graham was admitted to two rehabilitation  
37 facilities for a total of approximately 5 months where she was  
38 diagnosed with chronic pain, gait dysfunction, and depression,  
39 and

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

43 WHEREAS, due to the severity of her injuries, Ms. Graham  
44 cannot maintain employment and will require future medical care  
45 over her lifetime and an additional surgery to remove the  
46 hardware that was placed in her pelvis and iliosacral joint, and

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

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

55 WHEREAS, Ms. Graham is also entitled to collect damages for  
56 her past and future pain and suffering, mental anguish,

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57 | disability, and loss of enjoyment of life resulting from the  
 58 | devastating injuries and severe impairment she incurred as a  
 59 | result of the accident, and

60 |         WHEREAS, Ms. Graham filed a lawsuit against the Palm Beach  
 61 | County Sheriff's Office, and a trial was set to begin on July  
 62 | 18, 2005, and

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

68 |

69 | Be It Enacted by the Legislature of the State of Florida:

70 |

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

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

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

84 |             (2) Two hundred fifty thousand dollars, paid 1 year

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85 following the date of the payment of the first payment of  
86 \$350,000; and

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

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

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

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