

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 for attorney's
8 fees, lobbyist's fees, and costs; providing an effective
9 date.

10

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

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

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

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

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

28 WHEREAS, Ms. Graham suffered multiple pelvic fractures and

CS/HB 611

2007

29 a bladder rupture, for which she had immediate surgery; a left
30 acetabulum fracture; a right sacroiliac joint fracture; a pelvic
31 hematoma; and an open laceration from her stomach to her pubic
32 bone, and

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

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

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

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

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

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

56 WHEREAS, Ms. Graham is also entitled to collect damages for

CS/HB 611

2007

57 her past and future pain and suffering, mental anguish,
58 disability, and loss of enjoyment of life resulting from the
59 devastating injuries and severe impairment she incurred as a
60 result of the accident, and

61 WHEREAS, Ms. Graham filed a lawsuit against the Palm Beach
62 County Sheriff's Office, and a trial was set to begin on July
63 18, 2005, and

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

69

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

71

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

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

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

CS/HB 611

2007

85 (2) Two hundred fifty thousand dollars, paid 1 year
86 following the date of the payment of the first payment of
87 \$350,000; and

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

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

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

CS/HB 611

2007

113 Section 4. Payment for attorney's fees and costs incurred
114 by the claimant's attorneys shall not exceed \$128,988. Payment
115 for the professional services and costs of lobbyists advocating
116 for passage of this claim shall not exceed \$8,500.

117 Section 5. This act shall take effect upon becoming a law.