

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Bucher offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5
6 Section 1. The facts stated in the preamble to this act
7 are found and declared to be true.

8 Section 2. The Palm Beach County Sheriff's Office is
9 authorized and directed to pay to Jennifer Graham, out of
10 insurance proceeds or out of moneys appropriated by the
11 sheriff's office from funds of the sheriff's office not
12 otherwise encumbered, the sum of \$850,000 for injuries and
13 damages sustained due to the negligence of the Palm Beach County
14 Sheriff's Office in the following manner, as agreed to by the
15 parties in their settlement agreement:

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

19 (2) Two hundred fifty thousand dollars, paid 1 year
20 following the date of the payment of the first payment of
21 \$350,000; and

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

24 Section 3. (1) Within 20 days of the effective date of
25 this act, Jennifer Graham shall purchase a structured settlement
26 annuity at a cost of no less than \$75,000 for the exclusive use
27 and benefit of her minor children, Ashley Graham, Tyler Graham,
28 and Hunter Graham. Pursuant to the terms of the annuity, each
29 child shall be guaranteed monthly payments beginning on the
30 month following the effective date of this act and ending on
31 each child's 18th birthday. Such funds are to follow the
32 children regardless of who their legal custodians are, where the
33 children are living, or Jennifer Graham's legal status as a
34 parent, and shall be in addition to any child support payments
35 that may be owed or owing by Jennifer Graham.

36 (2) Within 13 months of the effective date of this act,
37 Jennifer Graham shall purchase a structured educational fund at
38 a cost to Jennifer Graham of no less than \$45,000. Such fund
39 shall provide a semiannual benefit to each of her three minor
40 children, Ashley Graham, Tyler Graham, and Hunter Graham, for 4
41 years each, beginning on each child's 18th birthday. Such funds
42 are to follow the children regardless of who their legal
43 custodians are, where the children are living, or Jennifer

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44 Graham's legal status as a parent, and shall be in addition to
45 any child support payments that may be owed or owing by Jennifer
46 Graham.

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

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

52

53 ===== T I T L E A M E N D M E N T =====

54 On page 1, line 1, through page 3, line 11, remove all of
55 said lines, and insert:

56

57 A bill to be entitled

58 An act for the relief of Jennifer Graham by the Palm Beach
59 County Sheriff's Office; providing for an appropriation to
60 compensate Jennifer Graham for injuries sustained as a
61 result of the negligence of the sheriff's office;
62 requiring the purchase of a specified structured annuity
63 and structured educational fund; providing for attorney's
64 fees, lobbyist's fees, and costs; providing an effective
65 date.

66

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

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

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

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

79 | WHEREAS, the Palm Beach County Sheriff's Office
80 | investigated the accident and determined that the deputy sheriff
81 | was the sole contributing cause of the accident by exceeding a
82 | safe speed and losing control of the vehicle while attempting to
83 | make a left turn, and

84 | WHEREAS, Ms. Graham suffered multiple pelvic fractures and
85 | a bladder rupture, for which she had immediate surgery; a left
86 | acetabulum fracture; a right sacroiliac joint fracture; a pelvic
87 | hematoma; and an open laceration from her stomach to her pubic
88 | bone, and

89 | WHEREAS, as a result of her injuries, Ms. Graham later
90 | underwent multiple surgeries to repair a hernia, a left shoulder
91 | joint, and the pelvic and iliosacral fractures, the latter
92 | requiring hardware and screw fixation, and

93 | WHEREAS, Ms. Graham was admitted to two rehabilitation
94 | facilities for a total of approximately 5 months where she was
95 | diagnosed with chronic pain, gait dysfunction, and depression,
96 | and

97 | WHEREAS, as a result of the accident, Ms. Graham sustained
98 | a 40-percent permanent functional impairment and permanent gait
99 | dysfunction, and

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

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

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

112 WHEREAS, Ms. Graham is also entitled to collect damages for
113 her past and future pain and suffering, mental anguish,
114 disability, and loss of enjoyment of life resulting from the
115 devastating injuries and severe impairment she incurred as a
116 result of the accident, and

117 WHEREAS, Ms. Graham filed a lawsuit against the Palm Beach
118 County Sheriff's Office, and a trial was set to begin on July
119 18, 2005, and

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