

By Senator Aronberg

27-69-07

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A bill to be entitled

An act relating to the Palm Beach County Sheriff's Office; providing for the relief of Jennifer Graham to compensate her for injuries sustained as a result of the negligence of a deputy sheriff of the sheriff's office; providing for an appropriation; providing an effective date.

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

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

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

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

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

WHEREAS, Ms. Graham suffered multiple pelvic fractures and a bladder rupture, for which she had immediate surgery; a left acetabulum fracture; a right sacroiliac joint fracture; a

1 pelvic hematoma; and an open laceration from her stomach to
2 her pubic bone, and

3 WHEREAS, as a result of her injuries, Ms. Graham later
4 underwent multiple surgeries to repair a hernia, a left
5 shoulder joint, and the pelvic and iliosacral fractures, the
6 latter requiring hardware and screw fixation, and

7 WHEREAS, Ms. Graham was admitted to two rehabilitation
8 facilities for a total of approximately 5 months where she was
9 diagnosed with chronic pain, gait disfunction, and depression,
10 and

11 WHEREAS, as a result of the accident, Ms. Graham
12 sustained a 40-percent permanent functional impairment and
13 permanent gait disfunction, and

14 WHEREAS, due to the severity of her injuries, Ms.
15 Graham cannot maintain employment and will require future
16 medical care over her lifetime and an additional surgery to
17 remove the hardware that was placed in her pelvis and
18 iliosacral joint, and

19 WHEREAS, Ms. Graham's medical expenses resulting from
20 this accident were \$266,462.44 and the Palm Beach County
21 Health Care District has paid a portion of the outstanding
22 medical expenses, but has imposed a lien in the amount of
23 \$87,937.31, and

24 WHEREAS, the present value of Ms. Graham's total
25 economic damages over her lifetime was calculated to be
26 \$1,018,988.40; however, the expert economist hired by the Palm
27 Beach County Sheriff's Office calculated the value to be
28 \$771,670, and

29 WHEREAS, Ms. Graham is also entitled to collect damages
30 for her past and future pain and suffering, mental anguish,
31 disability, and loss of enjoyment of life resulting from the

1 devastating injuries and severe impairment she incurred as a
2 result of the accident, and

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

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

11
12 Be It Enacted by the Legislature of the State of Florida:

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

16 Section 2. The Palm Beach County Sheriff's Office is
17 authorized and directed to pay to Jennifer Graham, out of
18 insurance proceeds or out of moneys appropriated by the
19 sheriff's office from funds of the sheriff's office not
20 otherwise encumbered, the sum of \$850,000 for injuries and
21 damages sustained due to the negligence of the deputy sheriff
22 of the Palm Beach County Sheriff's Office in the following
23 manner, as agreed by the parties in their settlement
24 agreement:

25 (1) Three hundred fifty thousand dollars, paid within
26 20 days after notice to the Palm Beach County Sheriff's Office
27 upon the effective date of this act;

28 (2) Two hundred fifty thousand dollars, paid 1 year
29 following the date of the payment of the first payment of
30 \$350,000; and

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1 (3) Two hundred fifty thousand dollars, paid 2 years
2 following the date of the first payment of \$350,000.
3 Section 3. This act shall take effect upon becoming a
4 law.
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