

By the Committee on Criminal Justice; and Senator Aronberg

591-2363-07

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

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

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

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

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

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

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

1 left acetabulum fracture; a right sacroiliac joint fracture; a
2 pelvic hematoma; and an open laceration from her stomach to
3 her pubic bone, and

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

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

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

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

20 WHEREAS, Ms. Graham's medical expenses resulting from
21 this accident were \$266,462.44 and the Palm Beach County
22 Health Care District has paid a portion of the outstanding
23 medical expenses, but has imposed a lien in the amount of
24 \$87,937.31, and

25 WHEREAS, the present value of Ms. Graham's total
26 economic damages over her lifetime was calculated to be
27 \$1,018,988.40; however, the expert economist hired by the Palm
28 Beach County Sheriff's Office calculated the value to be
29 \$771,670, and

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

1 disability, and loss of enjoyment of life resulting from the
2 devastating injuries and severe impairment she incurred as a
3 result of the accident, and

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

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

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

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

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

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

29 (2) Two hundred fifty thousand dollars, paid 1 year
30 following the date of the payment of the first payment of
31 \$350,000; and

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 award is intended to provide the sole
4 compensation for any and all present and future claims arising
5 out of the factual situation in connection with the injury to
6 Jennifer Graham. Not more than 25 percent of the award may be
7 paid by the claimant for attorney's fees, lobbying fees,
8 costs, or other similar expenses.

9 Section 4. (1) Within 20 days after the effective
10 date of this act, Jennifer Graham shall purchase a structured
11 settlement annuity at a cost of no less than \$75,000 for the
12 exclusive use and benefit of her minor children, Ashley
13 Graham, Tyler Graham, and Hunter Graham. Pursuant to the terms
14 of the annuity, each child shall be guaranteed monthly
15 payments beginning on the month following effective date of
16 this act and ending on each child's 18th birthday. Such funds
17 shall follow the children regardless of who their legal
18 custodians are, where the children are living, or Jennifer
19 Graham's legal status as a parent, and shall be in addition to
20 any child support payments that may be owed or owing by
21 Jennifer Graham.

22 (2) Within 13 months after the effective date of this
23 act, Jennifer Graham shall purchase a structured educational
24 fund at a cost to Jennifer Graham of no less than \$45,000.
25 Such fund shall provide a semiannual benefit to each or her
26 three minor children, Ashley Graham, Tyler Graham, and Hunter
27 Graham, for 4 years each, beginning on each child's 18th
28 birthday. Such funds shall follow the children regardless of
29 who their legal custodians are, where the children are living,
30 or Jennifer Graham's legal status as a parent, and shall be in
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1 addition to any child support payments that may be owed or
2 owing by Jennifer Graham.

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 72

9 The CS added a provision that restricted the attorney and
10 lobbyist fees to no more than 25% of the award. The CS also
11 implemented the special master's recommendation for structured
12 annuities for Ms. Graham's three children.
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