

By Senator Hill

1-00143-09

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1                   A bill to be entitled  
2           An act for the relief of Sheila and John Forehand by  
3           the City of Jacksonville; providing for an  
4           appropriation to compensate them for injuries and  
5           damages sustained as a result of the negligence of an  
6           employee of the City of Jacksonville; providing a  
7           limitation on the payment of fees and costs; providing  
8           an effective date.

9  
10           WHEREAS, Sheila and John Forehand have been married since  
11           1985 to the present and together have three children, and

12           WHEREAS, on June 24, 2005, Sheila Forehand, accompanied by  
13           her daughter Kelsie, was traveling on Interstate 10 in  
14           Jacksonville, Florida, when her car became disabled, and

15           WHEREAS, Mrs. Forehand lawfully stopped in the emergency  
16           lane to wait for assistance, and

17           WHEREAS, shortly thereafter, Officer Dawn Blind, while in  
18           the course of her employment with the Jacksonville Sheriff's  
19           Office, was traveling this same roadway and following another  
20           police cruiser, and

21           WHEREAS, notwithstanding the wet road, Officer Dawn Blind  
22           was following the first police cruiser too closely and was  
23           exceeding the posted speed limit, and

24           WHEREAS, the first officer saw Mrs. Forehand's disabled  
25           vehicle and slowed to render assistance, and

26           WHEREAS, as he was pulling into the emergency lane, Mrs.  
27           Forehand was standing by the left rear of her disabled vehicle,  
28           and

29           WHEREAS, Officer Blind, reacting to the cruiser ahead of

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30 her, careened out of control veering to the right, slid to the  
31 left, smashed into the back of Mrs. Forehand's vehicle, and  
32 collided into Mrs. Forehand with her daughter Kelsie inside the  
33 vehicle, and

34 WHEREAS, the impact launched Mrs. Forehand's vehicle a good  
35 distance from its original position and propelled Mrs. Forehand  
36 approximately 10 yards before she violently hit the ground and  
37 suffered serious injuries, and

38 WHEREAS, Mrs. Forehand was transported by ambulance to  
39 Shands Jacksonville Medical Center, was immediately taken into  
40 surgery for correction of multiple cerebral hematomas, remained  
41 in a coma for 2 weeks and in the surgical intensive care unit  
42 for 27 days, and was finally able to breath on her own 1 month  
43 later, and

44 WHEREAS, Mrs. Forehand's injuries are permanent and she is  
45 not employable due to her injuries, and

46 WHEREAS, as a result of these events, the Forehands filed a  
47 lawsuit against the City of Jacksonville for negligence in  
48 causing the injuries, losses, and damages to the Forehands, and

49 WHEREAS, the City of Jacksonville acknowledged its police  
50 officer was completely responsible for the events without any  
51 comparative negligence or third-party liability, and

52 WHEREAS, the City of Jacksonville acknowledged that the  
53 harms and damages far exceeded the statutory limit of \$200,000  
54 and would have likely garnered a multi-million-dollar verdict,  
55 and

56 WHEREAS, after going through its exhaustive approval  
57 process, the City of Jacksonville has stipulated to judgment in  
58 the amount of \$700,000 solely against the City of Jacksonville,

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59 without any issues of comparative negligence or third-party  
60 liability, and

61 WHEREAS, the City of Jacksonville has paid \$200,000 to the  
62 Forehands under the statutory limits of liability set forth in  
63 s. 768.28, Florida Statutes, and

64 WHEREAS, the City of Jacksonville has agreed to remain  
65 neutral and not take any action whatsoever, direct or indirect,  
66 which is adverse to the Forehands' ability to collect or enforce  
67 the remainder of the stipulated judgment through the claim bill  
68 process, 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 are  
73 found and declared to be true.

74 Section 2. The City of Jacksonville is authorized and  
75 directed to appropriate from funds of the city not otherwise  
76 appropriated and to draw a warrant in the sum of \$500,000,  
77 payable to Sheila and John Forehand, as compensation for  
78 injuries and damages sustained.

79 Section 3. This award is intended to provide the sole  
80 compensation for all present and future claims arising out of  
81 the factual situation described in this act which resulted in  
82 the injuries and damages to Sheila Forehand. The total amount  
83 paid for attorney's fees, lobbying fees, costs, and similar  
84 expenses relating to this claim may not exceed 25 percent of the  
85 amount awarded under this act.

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