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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 warrants, payable to Sheila and John
77 Forehand, as compensation for injuries and damages sustained, as
78 follows:

79 (1) \$250,000 upon this act becoming a law; and

80 (2) \$250,000 on October 1, 2009.

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

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