

HB 797

2009

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

8  
9           WHEREAS, Sheila and John Forehand have been married since  
10          1985 to the present and together have three children, and

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

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

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

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

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

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

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28 WHEREAS, Officer Blind, reacting to the cruiser ahead of  
29 her, careened out of control veering to the right, slid to the  
30 left, smashed into the back of Mrs. Forehand's vehicle, and  
31 collided into Mrs. Forehand with her daughter Kelsie inside the  
32 vehicle, and

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

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

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

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

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

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

55 WHEREAS, after going through its exhaustive approval  
 56 process, the City of Jacksonville has stipulated to judgment in  
 57 the amount of \$700,000 solely against the City of Jacksonville,  
 58 without any issues of comparative negligence or third-party  
 59 liability, and

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

63 WHEREAS, the City of Jacksonville has agreed to remain  
 64 neutral and not take any action whatsoever, direct or indirect,  
 65 which is adverse to the Forehands' ability to collect or enforce  
 66 the remainder of the stipulated judgment through the claim bill  
 67 process, NOW, THEREFORE,

68  
 69 Be It Enacted by the Legislature of the State of Florida:

70  
 71 Section 1. The facts stated in the preamble to this act  
 72 are found and declared to be true.

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

78 Section 3. This award is intended to provide the sole  
 79 compensation for all present and future claims arising out of  
 80 the factual situation described in this act which resulted in  
 81 the injuries and damages to Sheila Forehand. The total amount  
 82 paid for attorney's fees, lobbying fees, costs, and other

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83 similar expenses relating to this claim may not exceed 25  
84 percent of the amount awarded under this act.

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