

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

78 (1) \$250,000 upon this act becoming a law; and

79 (2) \$250,000 on October 1, 2009.

80 Section 3. This award is intended to provide the sole
 81 compensation for all present and future claims arising out of
 82 the factual situation described in this act which resulted in

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83 the injuries and damages to Sheila Forehand. The total amount
84 paid for attorney's fees, lobbying fees, costs, and other
85 similar expenses relating to this claim may not exceed 25
86 percent of the amount awarded under this act.

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