



242200

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/20/2020	.	
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	.	

The Committee on Judiciary (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

Section 2. The Palm Beach County Sheriff's Office is authorized and directed to appropriate from funds of the Palm Beach County Sheriff's Office not otherwise encumbered and to draw a warrant in the sum of \$4.5 million as follows: up to \$3 million payable to Evett L. Simmons, as guardian of the property



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12 of Dontrell Stephens, to purchase a life care plan for Dontrell
13 Stephens as compensation for injuries and damages sustained; and
14 \$1.5 million to pay attorney fees, lobbying fees, and costs
15 relating to this claim.

16 Section 3. The amount paid by the Palm Beach County
17 Sheriff's Office pursuant to s. 768.28, Florida Statutes, and
18 the amount awarded under this act are intended to provide the
19 sole compensation for all present and future claims arising out
20 of the factual situation described in this act which resulted in
21 injuries suffered by Dontrell Stephens. The total amount paid
22 for attorney fees relating to this claim may not exceed 25
23 percent of the amount awarded under this act.

24 Section 4. Excluding the federal portions of any liens,
25 Medicaid or otherwise, which the claimant must pay, it is the
26 intent of the Legislature that the lien interests relating to
27 the treatment and care of Dontrell Stephens, are hereby waived
28 and extinguished.

29 Section 5. This act shall take effect upon becoming a law.
30

31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete everything before the enacting clause
34 and insert:

35 A bill to be entitled
36 An act for the relief of Dontrell Stephens through
37 Evett L. Simmons, as guardian of his property, by the
38 Palm Beach County Sheriff's Office; providing for an
39 appropriation to compensate him for personal injuries
40 and damages sustained as the result of the negligence



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41 of a deputy of the office; providing a limitation on
42 the payment of compensation, fees, and costs;
43 providing an effective date.
44

45 WHEREAS, on September 13, 2013, Dontrell Stephens, then age
46 20, was shot four times by Palm Beach County Deputy Sheriff
47 Adams Lin during an encounter in West Palm Beach, and

48 WHEREAS, the last of the bullets fired at Mr. Stephens
49 entered his back, severing his spinal cord and rendering him
50 permanently paraplegic, and

51 WHEREAS, during testimony at trial, Deputy Sheriff Lin
52 stated that he mistook a cellphone for a handgun, and such
53 testimony was found to be not credible and was unanimously
54 rejected by the jury, and

55 WHEREAS, Mr. Stephens' testimony, corroborated by video
56 from Deputy Sheriff Lin's dashboard camera and physical evidence
57 at the scene, establishes that the only offense committed by Mr.
58 Stephens was a noncriminal bicycle infraction, that he was
59 unarmed, and that he posed no reasonable threat to Deputy
60 Sheriff Lin, and

61 WHEREAS, Mr. Stephens currently resides in a homeless
62 shelter and relies exclusively on public assistance and hospital
63 emergency room services to meet his extensive health care needs,
64 and

65 WHEREAS, Mr. Stephens will require a lifetime of medical,
66 therapeutic, rehabilitative, and nursing care, and his future
67 life expectancy exceeds 50 years, and

68 WHEREAS, following a trial that lasted from January 25,
69 2016, until February 4, 2016, the jury in the case, brought on



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70 behalf of Mr. Stephens against Ric Bradshaw in his capacity as
71 Sheriff of Palm Beach County, awarded Mr. Stephens compensatory
72 damages resulting in the entry of a final judgment in the amount
73 of \$22,431,892.05, plus postjudgment interest and costs, and

74 WHEREAS, in an opinion rendered on January 10, 2018, with
75 rehearing en banc denied on September 10, 2018, the United
76 States Court of Appeals for the 11th Circuit affirmed the
77 factual findings and the judgment of the trial court in the
78 case, and

79 WHEREAS, in the 5 years since being paralyzed, Mr. Stephens
80 has incurred more than \$1.4 million in unpaid expenses for his
81 care and treatment, and

82 WHEREAS, in accordance with the statutory limits of
83 liability set forth in s. 768.28, Florida Statutes, Ric
84 Bradshaw, in his capacity as Sheriff of Palm Beach County, has
85 paid \$200,000 toward the total amount of this claim, NOW,
86 THEREFORE,