

By Senator Flores

39-00166-20

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1 A bill to be entitled
2 An act for the relief of Dontrell Stephens through
3 Evelt L. Simmons, as guardian of his property, by the
4 Palm Beach County Sheriff's Office; providing for an
5 appropriation to compensate him for personal injuries
6 and damages sustained as the result of the negligence
7 of a deputy of the office; providing a limitation on
8 the payment of compensation, fees, and costs;
9 providing an effective date.

10
11 WHEREAS, on September 13, 2013, Dontrell Stephens, then age
12 20, was shot four times by Palm Beach County Deputy Sheriff
13 Adams Lin during an encounter in West Palm Beach, and

14 WHEREAS, the last of the bullets fired at Mr. Stephens
15 entered his back, severing his spinal cord and rendering him
16 permanently paraplegic, and

17 WHEREAS, during testimony at trial, Deputy Lin stated that
18 he mistook a cell phone, which was clearly visible throughout
19 the encounter with Mr. Stephens, for a handgun, and such
20 testimony was found to be not credible and was unanimously
21 rejected by the jury, and

22 WHEREAS, Mr. Stephens' testimony, corroborated by video
23 from Deputy Lin's dashboard camera and physical evidence at the
24 scene, establishes that the only offense committed by Mr.
25 Stephens was a noncriminal bicycle infraction, that he was
26 unarmed, and that he posed no reasonable threat to Deputy Lin,
27 and

28 WHEREAS, Mr. Stephens, through no fault of his own, and
29 based solely on the wrongful conduct of an agent of the Palm

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30 Beach County Sheriff's Office, suffered permanent and
31 catastrophic injuries that will force him to use a wheelchair
32 for the remainder of his life, and

33 WHEREAS, Mr. Stephens currently resides in a homeless
34 shelter and relies exclusively on public assistance and hospital
35 emergency room services to meet his extensive health care needs,
36 and

37 WHEREAS, Mr. Stephens will require a lifetime of medical,
38 therapeutic, rehabilitative, and nursing care, and his future
39 life expectancy exceeds 50 years, and

40 WHEREAS, following a trial that lasted from January 25,
41 2016, until February 4, 2016, the jury in the case, brought on
42 behalf of Mr. Stephens against Ric Bradshaw in his capacity as
43 Sheriff of Palm Beach County, awarded Mr. Stephens compensatory
44 damages resulting in the entry of a final judgment in the amount
45 of \$22,431,892.05, plus postjudgment interest and costs, and

46 WHEREAS, in an opinion rendered on January 10, 2018, with
47 rehearing en banc denied on September 10, 2018, the United
48 States Court of Appeals for the Eleventh Circuit affirmed the
49 factual findings and the judgment of the trial court in the
50 case, and

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

54 WHEREAS, the costs incurred in the prosecution of the
55 claims on behalf of Mr. Stephens exceed \$260,000, with \$60,000
56 remaining to be paid, and

57 WHEREAS, in accordance with the statutory limits of
58 liability set forth in s. 768.28, Florida Statutes, Ric

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59 Bradshaw, in his capacity as Sheriff of Palm Beach County, has
60 paid \$200,000 toward the total amount of this claim, NOW,
61 THEREFORE,

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63 Be It Enacted by the Legislature of the State of Florida:

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

67 Section 2. The Palm Beach County Sheriff's Office is
68 authorized and directed to appropriate from funds of the Palm
69 Beach County Sheriff's Office not otherwise encumbered and to
70 draw a warrant in the sum of \$22,431,892.05 plus post-judgment
71 interest as ordered in the final judgment, along with remaining
72 costs in the amount of \$60,000, payable to Evett L. Simmons, as
73 guardian of the property of Dontrell Stephens, as compensation
74 for injuries and damages sustained.

75 Section 3. The amount paid by the Palm Beach County
76 Sheriff's Office pursuant to s. 768.28, Florida Statutes, and
77 the amount awarded under this act are intended to provide the
78 sole compensation for all present and future claims arising out
79 of the factual situation described in this act which resulted in
80 injuries suffered by Dontrell Stephens. The total amount paid
81 for attorney fees relating to this claim may not exceed 25
82 percent of the amount awarded under this act.

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