

By the Committee on Judiciary; and Senator Flores

590-03957-20

20204c1

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 Sheriff Lin  
18       stated that he mistook a cellphone for a handgun, and such  
19       testimony was found to be not credible and was unanimously  
20       rejected by the jury, and

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

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

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30 and

31 WHEREAS, Mr. Stephens will require a lifetime of medical,  
32 therapeutic, rehabilitative, and nursing care, and his future  
33 life expectancy exceeds 50 years, and

34 WHEREAS, following a trial that lasted from January 25,  
35 2016, until February 4, 2016, the jury in the case, brought on  
36 behalf of Mr. Stephens against Ric Bradshaw in his capacity as  
37 Sheriff of Palm Beach County, awarded Mr. Stephens compensatory  
38 damages resulting in the entry of a final judgment in the amount  
39 of \$22,431,892.05, plus postjudgment interest and costs, and

40 WHEREAS, in an opinion rendered on January 10, 2018, with  
41 rehearing en banc denied on September 10, 2018, the United  
42 States Court of Appeals for the 11th Circuit affirmed the  
43 factual findings and the judgment of the trial court in the  
44 case, and

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

48 WHEREAS, in accordance with the statutory limits of  
49 liability set forth in s. 768.28, Florida Statutes, Ric  
50 Bradshaw, in his capacity as Sheriff of Palm Beach County, has  
51 paid \$200,000 toward the total amount of this claim, NOW,  
52 THEREFORE,

53

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

55

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

58 Section 2. The Palm Beach County Sheriff's Office is

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59 authorized and directed to appropriate from funds of the Palm  
60 Beach County Sheriff's Office not otherwise encumbered and to  
61 draw a warrant in the sum of \$4.5 million as follows: up to \$3  
62 million payable to Evett L. Simmons, as guardian of the property  
63 of Dontrell Stephens, to purchase a life care plan for Dontrell  
64 Stephens as compensation for injuries and damages sustained; and  
65 \$1.5 million to pay attorney fees, lobbying fees, and costs  
66 relating to this claim.

67 Section 3. The amount paid by the Palm Beach County  
68 Sheriff's Office pursuant to s. 768.28, Florida Statutes, and  
69 the amount awarded under this act are intended to provide the  
70 sole compensation for all present and future claims arising out  
71 of the factual situation described in this act which resulted in  
72 injuries suffered by Dontrell Stephens. The total amount paid  
73 for attorney fees relating to this claim may not exceed 25  
74 percent of the amount awarded under this act.

75 Section 4. Excluding the federal portions of any liens,  
76 Medicaid or otherwise, which the claimant must pay, it is the  
77 intent of the Legislature that the lien interests relating to  
78 the treatment and care of Dontrell Stephens are hereby waived  
79 and extinguished.

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