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CS/CS/HB 6501, Engrossed 1

2020 Legislature

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2 An act for the relief of Dontrell Stephens through
3 Evett 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 for payment of
8 compensation, fees, and costs; providing a limitation
9 on the payment of attorney fees, lobbying fees, and
10 costs; providing for the waiver and extinguishment of
11 certain liens; providing that certain unextinguished
12 lien interest shall be the responsibility of the Palm
13 Beach County Sheriff's Office; providing a limitation
14 on the payment of such liens; providing an effective
15 date.

16
17 WHEREAS, on September 13, 2013, Dontrell Stephens, then age
18 20, was shot four times by Palm Beach County Deputy Sheriff
19 Adams Lin during an encounter in West Palm Beach, and

20 WHEREAS, the last of the bullets fired at Mr. Stephens
21 entered his back, severing his spinal cord and rendering him
22 permanently paraplegic, and

23 WHEREAS, during testimony at trial, Deputy Lin stated that
24 he mistook a cell phone, which was clearly visible throughout
25 the encounter with Mr. Stephens, for a handgun, and such

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26 | testimony was found to be not credible and was unanimously
27 | rejected by the jury, and

28 | WHEREAS, Mr. Stephens' testimony, corroborated by video
29 | from Deputy Lin's dashboard camera and physical evidence at the
30 | scene, establishes that the only offense committed by Mr.
31 | Stephens was a noncriminal bicycle infraction, that he was
32 | unarmed, and that he posed no reasonable threat to Deputy Lin,
33 | and

34 | WHEREAS, Mr. Stephens, through no fault of his own, and
35 | based solely on the wrongful conduct of an agent of the Palm
36 | Beach County Sheriff's Office, suffered permanent and
37 | catastrophic injuries that will force him to use a wheelchair
38 | for the remainder of his life, and

39 | WHEREAS, Mr. Stephens currently resides in a homeless
40 | shelter and relies exclusively on public assistance and hospital
41 | emergency room services to meet his extensive health care needs,
42 | and

43 | WHEREAS, Mr. Stephens will require a lifetime of medical,
44 | therapeutic, rehabilitative, and nursing care, and his future
45 | life expectancy exceeds 50 years, and

46 | WHEREAS, following a trial that lasted from January 25,
47 | 2016, until February 4, 2016, the jury in the case, brought on
48 | behalf of Mr. Stephens against Ric Bradshaw in his capacity as
49 | Sheriff of Palm Beach County, awarded Mr. Stephens compensatory
50 | damages resulting in the entry of a final judgment in the amount

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51 of \$22,431,892.05, plus postjudgment interest and costs, and

52 WHEREAS, in an opinion rendered on January 10, 2018, with
 53 rehearing en banc denied on September 10, 2018, the United
 54 States Court of Appeals for the Eleventh Circuit affirmed the
 55 factual findings and the judgment of the trial court in the
 56 case, and

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

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

63 WHEREAS, in accordance with the statutory limits of
 64 liability set forth in s. 768.28, Florida Statutes, Ric
 65 Bradshaw, in his capacity as Sheriff of Palm Beach County, has
 66 paid \$200,000 toward the total amount of this claim, NOW,
 67 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 Palm Beach County Sheriff's Office is
 74 authorized and directed to appropriate from funds of the Palm
 75 Beach County Sheriff's Office not otherwise encumbered and to

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76 | draw a warrant in the sum of \$4,500,000, payable as follows:
77 | \$3,375,000 payable at the direction of Evett L. Simmons, as
78 | guardian of the property of Dontrell Stephens, to fund the
79 | future care of Dontrell Stephens and as compensation for
80 | injuries and damages sustained, and attorney fees, lobbying
81 | fees, and costs relating to this claim shall not exceed 25
82 | percent of the amount awarded.

83 | Section 3. Except as provided in section 4 of this act,
84 | the amount paid by the Palm Beach County Sheriff's Office
85 | pursuant to s. 768.28, Florida Statutes, and the amount awarded
86 | under this act are intended to provide the sole compensation for
87 | all present and future claims arising out of the factual
88 | situation described in this act which resulted in injuries
89 | suffered by Dontrell Stephens. The total amount paid for
90 | attorney fees relating to this claim may not exceed 25 percent
91 | of the amount awarded under this act.

92 | Section 4. Excluding the federal portions of any liens,
93 | Medicaid or otherwise, which the claimant must pay, it is the
94 | intent of the Legislature that the lien interests relating to
95 | the treatment and care of Dontrell Stephens are hereby waived
96 | and extinguished. To the extent such lien interests are not
97 | extinguished, it shall be the responsibility of the Palm Beach
98 | County Sheriff's Office to compromise or satisfy such liens up
99 | to the amount of \$1,500,000 and to indemnify and hold harmless
100 | Dontrell Stephens and Evett L. Simmons, as guardian of the

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101 property of Dontrell Stephens, from any liability, cost, or
102 expense which may arise in connection with such liens, except
103 for any obligation exceeding the total of \$1,500,000, if any,
104 which shall remain the responsibility of Dontrell Stephens and
105 Evett L. Simmons, as guardian of the property of Dontrell
106 Stephens, to compromise or satisfy.

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