

Senate Bill No. 24

An act relating to the City of Delray Beach; providing for the relief of the estate of Charlie Brown, Jr., for damages sustained as a result of the city's negligence in misplacing evidence relating to an accident that critically injured him; providing an effective date.

WHEREAS, on November 25, 1987, Charlie Brown, Jr., who was then 35 years of age, was struck from behind on his bicycle by an automobile on Lake Ida Road in the City of Delray Beach, and

WHEREAS, as a result of this accident, Mr. Brown was critically injured and brain-damaged, and he remained institutionalized until his death on May 4, 1997, and

WHEREAS, due to the loss, misplacement, or accidental discarding of evidence by the city police, the state attorney had to drop the criminal charges that had been brought against the alleged hit-and-run violator who struck Mr. Brown, and

WHEREAS, Mr. Brown's attorneys then filed suit against the city, alleging that the city had negligently failed to preserve and safeguard the physical evidence pertaining to the incident, and

WHEREAS, the lower court granted the city's motion for summary judgment, but that verdict was subsequently reversed in *Brown v. City of Delray Beach*, 652 So.2d 1150 (Fla. 4th DCA 1995), and

WHEREAS, pursuant to the subsequent jury verdict of August 19, 1996, final judgment in that action was entered against the city in the amount of \$300,000 plus interest and attorneys' fees and costs, and

WHEREAS, the city has paid \$100,000, the statutory limit, in partial satisfaction of this judgment, and

WHEREAS, the parties have agreed to settle the controversy for the amount of \$80,000, to be paid to the Estate of Charlie Brown, Jr., and used for the benefit of Mr. Brown's minor child, Nicola Brown, NOW, THEREFORE,

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

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

Section 2. The City of Delray Beach is authorized and directed to compensate the Estate of Charlie Brown, Jr., in the amount of \$80,000 for injuries and damages sustained, out of funds of the city not otherwise appropriated.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor April 5, 1999.

Filed in Office Secretary of State April 5, 1999.