

House Bill No. 2277

An act relating to the City of Fort Lauderdale; providing for the relief of Earl Spencer and his children, Sheryl Spencer, Zico Spencer, Kimberly Spencer, Djaniela Spencer, and Jamaria Spencer; providing for an appropriation to compensate them for personal injuries suffered due to the negligence of the City of Fort Lauderdale; providing an effective date.

WHEREAS, on March 19, 1996, while on his way home from visiting his sister at a hospital, Earl Spencer, a 35-year-old husband and father of five children, was involved in an automobile accident with an unmarked police vehicle owned by the City of Fort Lauderdale and operated by an undercover officer for the city, and

WHEREAS, Mr. Spencer was attempting to make a left-hand turn onto N.W. 26th Street from N.W. 31st Avenue in Lauderdale Lakes, Florida, when the city detective, who was on his way to an off-duty detail and was traveling well in excess of the posted speed limit, collided with Mr. Spencer's vehicle, and

WHEREAS, the city's own internal investigation revealed that the detective driving the city-owned vehicle was traveling at an estimated speed of 56-67 mph in a 45-mph zone and that the accident never would have occurred if the detective had been traveling within the posted speed limit, and

WHEREAS, as a direct result of the accident, Earl Spencer suffered a massive brain injury, which has left him in a permanent vegetative state, confined to a wheelchair, and unable to care for himself in any way, and

WHEREAS, since the accident, Mr. Spencer has resided in various hospitals and rehabilitation facilities, and has been residing in St. John's rehabilitation facility since February 14, 1997, and

WHEREAS, the case with the City of Fort Lauderdale has been settled for a total of \$800,000, of which the city has paid \$200,000, leaving a balance of \$600,000 remaining, 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 Fort Lauderdale is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw warrants totaling \$600,000 as compensation for injuries and damages sustained by Earl Spencer and his children, Sheryl Spencer, Zico Spencer, Kimberly Spencer, Djaniela Spencer, and Jamaria Spencer. The funds shall be disbursed to Earl Spencer's Special Needs Trust; to his adult daughter, Sheryl Spencer; and to the guardianship accounts for his minor children, Zico Spencer, Kimberly Spencer, Djaniela Spencer, and Jamaria Spencer

pursuant to the terms of the Order on Plaintiff's Motion to Approve Settlement signed by Judge Mark Speiser on January 13, 1999.

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

Approved by the Governor June 14, 2000.

Filed in Office Secretary of State June 14, 2000.