

Senate Bill No. 38

An act relating to the City of West Palm Beach; providing for the relief of Rosemary Falkinburg; authorizing and directing the City of West Palm Beach to compensate Ms. Falkinburg for personal injuries she suffered due to the negligence of a city employee; providing an effective date.

WHEREAS, on August 11, 1994, Rosemary Falkinburg, who was then 34 years old, was driving on Belvedere Road in West Palm Beach on her way to work, and

WHEREAS, an accident occurred when a West Palm Beach police officer, who was driving a police vehicle, struck Ms. Falkinburg's vehicle, and

WHEREAS, within a few days after the accident, Ms. Falkinburg began experiencing pain in her neck, back, and buttocks and, in May 1995, saw a back surgeon who treated her with various modalities in an effort to postpone or avoid surgery, and

WHEREAS, Ms. Falkinburg continued to work at her job in an animal hospital until February 1999, at which time her pain became so severe that she needed surgery, which was performed on February 11, 1999, and

WHEREAS, she returned to work in mid-May 1999, but was unable to perform her job and was terminated, and

WHEREAS, Ms. Falkinburg subsequently found another, lower-paying, job, but her surgeon has testified that she will probably need a second surgery, and

WHEREAS, on February 14, 2000, a jury in Palm Beach County found that the police officer who collided with Ms. Falkinburg's car was 98 percent at fault for the accident and rendered a verdict in favor of Ms. Falkinburg for damages in the amount of \$1,601,600, and

WHEREAS, because of a finding of comparative negligence, a final judgment in the amount of \$1,559,768 was entered against the City of West Palm Beach, and

WHEREAS, after several post-trial motions and negotiations, the City of West Palm Beach and the plaintiff entered into a stipulated settlement for a total sum of \$600,000, to be paid in installments as follows: \$100,000 as soon as the city commission approves the settlement, \$250,000 more within 30 days after a claim bill for the amount owed takes effect, and the final \$250,000 on the 1-year anniversary of the second payment, 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 West Palm Beach is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw a warrant payable to Rosemary Falkinburg in two equal installments for the total amount of \$500,000, which amount includes statutory attorney's fees and costs, for injuries and damages she sustained as a result of the negligence of a city employee. The initial installment of \$250,000 shall be paid within 30 days after the effective date of this act, and the second installment of \$250,000 shall be paid on the 1-year anniversary of the initial payment.

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

Approved by the Governor May 30, 2002.

Filed in Office Secretary of State May 30, 2002.