

Committee Substitute for Senate Bill No. 72

An act for the relief of Jennifer Graham by the Palm Beach County Sheriff's Office; providing for an appropriation to compensate Jennifer Graham for injuries sustained as a result of the negligence of the sheriff's office; requiring the purchase of a specified structured annuity and structured educational fund; providing for attorney's fees, lobbyist's fees, and costs; providing an effective date.

WHEREAS, on June 15, 2003, 29-year-old Jennifer Graham was seated on a park bench on the southwest corner of Park Avenue located in Palm Beach County, Florida, and

WHEREAS, a deputy sheriff of the Palm Beach County Sheriff's Office was traveling westbound on Park Avenue at approximately 60 to 70 miles per hour according to an eyewitness, and

WHEREAS, when the deputy sheriff attempted to make a left turn at this high rate of speed, he lost control of his vehicle and collided with the park bench and Jennifer Graham, and

WHEREAS, Ms. Graham was thrown approximately 30 feet due to the collision and landed on a concrete sidewalk, and

WHEREAS, the Palm Beach County Sheriff's Office investigated the accident and determined that the deputy sheriff was the sole contributing cause of the accident by exceeding a safe speed and losing control of the vehicle while attempting to make a left turn, and

WHEREAS, Ms. Graham suffered multiple pelvic fractures and a bladder rupture, for which she had immediate surgery; a left acetabulum fracture; a right sacroiliac joint fracture; a pelvic hematoma; and an open laceration from her stomach to her pubic bone, and

WHEREAS, as a result of her injuries, Ms. Graham later underwent multiple surgeries to repair a hernia, a left shoulder joint, and the pelvic and iliosacral fractures, the latter requiring hardware and screw fixation, and

WHEREAS, Ms. Graham was admitted to two rehabilitation facilities for a total of approximately 5 months where she was diagnosed with chronic pain, gait dysfunction, and depression, and

WHEREAS, as a result of the accident, Ms. Graham sustained a 40-percent permanent functional impairment and permanent gait dysfunction, and

WHEREAS, due to the severity of her injuries, Ms. Graham cannot maintain employment and will require future medical care over her lifetime and an additional surgery to remove the hardware that was placed in her pelvis and iliosacral joint, and

WHEREAS, Ms. Graham's medical expenses resulting from this accident were \$266,462.44 and the Palm Beach County Health Care District has paid

a portion of the outstanding medical expenses, but has imposed a lien in the amount of \$87,937.31, and

WHEREAS, the present value of Ms. Graham's total economic damages over her lifetime was calculated to be \$1,018,988.40; however, the expert economist hired by the Palm Beach County Sheriff's Office calculated the value to be \$771,670, and

WHEREAS, Ms. Graham is also entitled to collect damages for her past and future pain and suffering, mental anguish, disability, and loss of enjoyment of life resulting from the devastating injuries and severe impairment she incurred as a result of the accident, and

WHEREAS, Ms. Graham filed a lawsuit against the Palm Beach County Sheriff's Office, and a trial was set to begin on July 18, 2005, and

WHEREAS, on July 13, 2005, Ms. Graham and the Palm Beach County Sheriff's Office entered into an agreement to settle the lawsuit in the amount of \$950,000, of which the sheriff's office paid \$100,000 at the time the settlement agreement was signed by all parties, 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 Palm Beach County Sheriff's Office is authorized and directed to pay to Jennifer Graham, out of insurance proceeds or out of moneys appropriated by the sheriff's office from funds of the sheriff's office not otherwise encumbered, the sum of \$850,000 for injuries and damages sustained due to the negligence of the Palm Beach County Sheriff's Office in the following manner, as agreed to by the parties in their settlement agreement:

(1) Three hundred fifty thousand dollars, paid within 20 days after notice to the Palm Beach County Sheriff's Office upon the effective date of this act;

(2) Two hundred fifty thousand dollars, paid 1 year following the date of the payment of the first payment of \$350,000; and

(3) Two hundred fifty thousand dollars, paid 2 years following the date of the first payment of \$350,000.

Section 3. (1) Within 20 days of the effective date of this act, Jennifer Graham shall purchase a structured settlement annuity at a cost of no less than \$75,000 for the exclusive use and benefit of her minor children, Ashley Graham, Tyler Graham, and Hunter Graham. Pursuant to the terms of the annuity, each child shall be guaranteed monthly payments beginning on the month following the effective date of this act and ending on each child's 18th birthday. Such funds are to follow the children regardless of who their legal custodians are, where the children are living, or Jennifer Graham's legal status as a parent, and shall be in addition to any child support payments that may be owed or owing by Jennifer Graham.

(2) Within 13 months of the effective date of this act, Jennifer Graham shall purchase a structured educational fund at a cost to Jennifer Graham of no less than \$45,000. Such fund shall provide a semiannual benefit to each of her three minor children, Ashley Graham, Tyler Graham, and Hunter Graham, for 4 years each, beginning on each child's 18th birthday. Such funds are to follow the children regardless of who their legal custodians are, where the children are living, or Jennifer Graham's legal status as a parent, and shall be in addition to any child support payments that may be owed or owing by Jennifer Graham.

Section 4. Payment for attorney's fees and costs incurred by the claimant's attorneys shall not exceed \$128,988. Payment for the professional services and costs of lobbyists advocating for passage of this claim shall not exceed \$8,500.

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

Approved by the Governor June 12, 2007.

Filed in Office Secretary of State June 12, 2007.