

CHAPTER 2020-201

Committee Substitute for Committee Substitute for House Bill No. 6501

An act for the relief of Dontrell Stephens through Evett L. Simmons, as guardian of his property, by the Palm Beach County Sheriff's Office; providing for an appropriation to compensate him for personal injuries and damages sustained as the result of the negligence of a deputy of the office; providing for payment of compensation, fees, and costs; providing a limitation on the payment of attorney fees, lobbying fees, and costs; providing for the waiver and extinguishment of certain liens; providing that certain unextinguished lien interest shall be the responsibility of the Palm Beach County Sheriff's Office; providing a limitation on the payment of such liens; providing an effective date.

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

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

WHEREAS, during testimony at trial, Deputy Lin stated that he mistook a cell phone, which was clearly visible throughout the encounter with Mr. Stephens, for a handgun, and such testimony was found to be not credible and was unanimously rejected by the jury, and

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

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

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

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

WHEREAS, following a trial that lasted from January 25, 2016, until February 4, 2016, the jury in the case, brought on behalf of Mr. Stephens against Ric Bradshaw in his capacity as Sheriff of Palm Beach County,

awarded Mr. Stephens compensatory damages resulting in the entry of a final judgment in the amount of \$22,431,892.05, plus postjudgment interest and costs, and

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

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

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

WHEREAS, in accordance with the statutory limits of liability set forth in s. 768.28, Florida Statutes, Ric Bradshaw, in his capacity as Sheriff of Palm Beach County, has paid \$200,000 toward the total amount of this claim, 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 appropriate from funds of the Palm Beach County Sheriff's Office not otherwise encumbered and to draw a warrant in the sum of \$4,500,000, payable as follows: \$3,375,000 payable at the direction of Evett L. Simmons, as guardian of the property of Dontrell Stephens, to fund the future care of Dontrell Stephens and as compensation for injuries and damages sustained, and attorney fees, lobbying fees, and costs relating to this claim shall not exceed 25 percent of the amount awarded.

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

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

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

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

Approved by the Governor June 9, 2020.

Filed in Office Secretary of State June 9, 2020.