

Senate Bill No. 30

An act for the relief of Sheila and John Forehand by the City of Jacksonville; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of an employee of the City of Jacksonville; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, Sheila and John Forehand have been married since 1985 to the present and together have three children, and

WHEREAS, on June 24, 2005, Sheila Forehand, accompanied by her daughter Kelsie, was traveling on Interstate 10 in Jacksonville, Florida, when her car became disabled, and

WHEREAS, Mrs. Forehand lawfully stopped in the emergency lane to wait for assistance, and

WHEREAS, shortly thereafter, Officer Dawn Blind, while in the course of her employment with the Jacksonville Sheriff's Office, was traveling this same roadway and following another police cruiser, and

WHEREAS, notwithstanding the wet road, Officer Dawn Blind was following the first police cruiser too closely and was exceeding the posted speed limit, and

WHEREAS, the first officer saw Mrs. Forehand's disabled vehicle and slowed to render assistance, and

WHEREAS, as he was pulling into the emergency lane, Mrs. Forehand was standing by the left rear of her disabled vehicle, and

WHEREAS, Officer Blind, reacting to the cruiser ahead of her, careened out of control veering to the right, slid to the left, smashed into the back of Mrs. Forehand's vehicle, and collided into Mrs. Forehand with her daughter Kelsie inside the vehicle, and

WHEREAS, the impact launched Mrs. Forehand's vehicle a good distance from its original position and propelled Mrs. Forehand approximately 10 yards before she violently hit the ground and suffered serious injuries, and

WHEREAS, Mrs. Forehand was transported by ambulance to Shands Jacksonville Medical Center, was immediately taken into surgery for correction of multiple cerebral hematomas, remained in a coma for 2 weeks and in the surgical intensive care unit for 27 days, and was finally able to breath on her own 1 month later, and

WHEREAS, Mrs. Forehand's injuries are permanent and she is not employable due to her injuries, and

WHEREAS, as a result of these events, the Forehands filed a lawsuit against the City of Jacksonville for negligence in causing the injuries, losses, and damages to the Forehands, and

WHEREAS, the City of Jacksonville acknowledged its police officer was completely responsible for the events without any comparative negligence or third-party liability, and

WHEREAS, the City of Jacksonville acknowledged that the harms and damages far exceeded the statutory limit of \$200,000 and would have likely garnered a multi-million-dollar verdict, and

WHEREAS, after going through its exhaustive approval process, the City of Jacksonville has stipulated to judgment in the amount of \$700,000 solely against the City of Jacksonville, without any issues of comparative negligence or third-party liability, and

WHEREAS, the City of Jacksonville has paid \$200,000 to the Forehands under the statutory limits of liability set forth in s. 768.28, Florida Statutes, and

WHEREAS, the City of Jacksonville has agreed to remain neutral and not take any action whatsoever, direct or indirect, which is adverse to the Forehands' ability to collect or enforce the remainder of the stipulated judgment through the claim bill process, 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 Jacksonville is authorized and directed to appropriate from funds of the city not otherwise appropriated and to draw warrants, payable to Sheila and John Forehand, as compensation for injuries and damages sustained, as follows:

- (1) \$250,000 upon this act becoming a law; and
- (2) \$250,000 on October 1, 2009.

Section 3. This award is 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 the injuries and damages to Sheila Forehand. The total amount paid for attorney's fees, lobbying fees, costs, and similar expenses relating to this claim may not exceed 25 percent of the amount awarded under this act.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor June 1, 2009.

Filed in Office Secretary of State June 1, 2009.