

By Senator Diaz

36-00623-19

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1                                   A bill to be entitled  
2       An act for the relief of Dontrell Stephens through  
3       Evelt L. Simmons, as guardian of his property, by the  
4       Palm Beach County Sheriff's Office; providing for an  
5       appropriation to compensate him for personal injuries  
6       and damages sustained as the result of the negligence  
7       of a deputy of the office; providing a limitation on  
8       the payment of compensation, fees, and costs;  
9       providing an effective date.

10  
11       WHEREAS, on September 13, 2013, Dontrell Stephens, then age  
12       20, was shot four times by Palm Beach County Deputy Sheriff  
13       Adams Lin during an encounter in West Palm Beach, and

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

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

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

28       WHEREAS, Mr. Stephens, through no fault of his own, and  
29       based solely on the wrongful conduct of an agent of the Palm

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30 Beach County Sheriff's Office, suffered permanent and  
31 catastrophic injuries that will force him to use a wheelchair  
32 for the remainder of his life, and

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

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

40 WHEREAS, following a trial that lasted from January 25,  
41 2016, until February 4, 2016, the jury in the case, brought on  
42 behalf of Mr. Stephens against Ric Bradshaw in his capacity as  
43 Sheriff of Palm Beach County, awarded Mr. Stephens compensatory  
44 damages resulting in the entry of a final judgment in the amount  
45 of \$22,431,892.05, plus postjudgment interest and costs, and

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

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

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

57 WHEREAS, in accordance with the statutory limits of  
58 liability set forth in s. 768.28, Florida Statutes, Ric

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59 Bradshaw, in his capacity as Sheriff of Palm Beach County, has  
60 paid \$200,000 toward the total amount of this claim, NOW,  
61 THEREFORE,

62  
63 Be It Enacted by the Legislature of the State of Florida:

64  
65 Section 1. The facts stated in the preamble to this act are  
66 found and declared to be true.

67 Section 2. The Palm Beach County Sheriff's Office is  
68 authorized and directed to appropriate from funds of the Palm  
69 Beach County Sheriff's Office not otherwise encumbered and to  
70 draw a warrant in the sum of \$22,431,892.05 plus post-judgment  
71 interest as ordered in the final judgment, along with remaining  
72 costs in the amount of \$60,000, payable to Evett L. Simmons, as  
73 guardian of the property of Dontrell Stephens, as compensation  
74 for injuries and damages sustained.

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

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