Florida House of Representatives
Committee on Civil Justice & Claims
Summary Claim Bill Report

Bill #:   HB 1713
Sponsor(s):   Representative Sembler
References: Civil Justice & Claims; General Government Appropriations
Companion Bill(s):   None

A. Basic Information

   1. Claimant: Frank H. Holliday

   2. Respondent: Manatee County

   3. Amount Requested: $235,000

   4. Type of Claim: EQUITABLE CLAIM/SETTLEMENT

   5. Respondent's Posture: The respondent has agreed to the settlement

   6. Collateral Sources: None apparent

   7. Prior Legislative History: None

B. Procedural Summary: Manatee County, in light of injuries suffered by the claimant, and in an effort to avoid litigation, agreed to settle with the claimant for $335,000. A settlement and release agreement was executed for that amount. To date, the county has paid the claimant $100,000. Because Manatee County is self insured, this amount represents the full extent of its obligation under s. 768.28, F.S. HB 1713 would require Manatee County to pay the outstanding balance on the settlement agreement.

C. Facts of the Case: On June 28, 1996, the claimant, while driving his motorcycle, approached an intersection on a two lane street in Manatee County. Another vehicle had come to a stop while waiting to turn from the opposite lane. The driver of a Manatee County Sheriff's patrol car failed to see the stopped vehicle and struck it from behind. The force of this collision propelled the stopped vehicle across the center line and into the path of the claimant's motorcycle. As a result of this second impact, the claimant received numerous injuries. His left leg was crushed by the bumper of the rear-ended vehicle, and he was ejected onto the street. The claimant sustained compound fractures, simple fractures, lacerations, and abrasions.   He has undergone several surgical procedures and medical bills currently total about $118,000. Some of the claimant's injuries may be permanent.

LRS: _____ **LRD:** _____ **Date:** April 6, 1997
              Charles R. Boning   Richard Hixson