

By Senator Klein

28-196-98

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A bill to be entitled

An act relating to Alachua County; providing for the relief of Matthew White; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Alachua County Sheriff's Department; providing an effective date.

WHEREAS, on November 5, 1988, at approximately 4:00 a.m., Matthew White was injured when his motorcycle struck a horse that was being chased at night by a City of Waldo police officer, and

WHEREAS, the City of Waldo police officer had been dispatched by the Alachua County Sheriff's Department to a location in Alachua County to investigate and "handle" a CB radio report that there was a horse loose on U.S. Highway 301 north of Waldo, and

WHEREAS, a civilian passerby who was attempting to assist the City of Waldo police officer described the events leading up to the accident as a "lights-off sneak attack" on the horse in the median of the divided highway, and

WHEREAS, the City of Waldo police officer driving the police cruiser, with the civilian witness seated on the hood of the police cruiser, eased up to the horse, which they had been chasing for nearly a mile, back and forth across Highway 301, in an attempt to secure the horse by the civilian attempting to place his arms around the neck of the horse, and

WHEREAS, this attempt to secure the horse was taking place as Matthew White approached the area on his motorcycle, and

1 WHEREAS, this method of attempting to secure the horse
2 spooked the horse one final time, causing the horse to run out
3 into the highway and into the motorcycle traveling north
4 within the lawful speed limit, operated by Lieutenant Matthew
5 White, a Florida National Guard Officer and a student at the
6 University of Florida, and

7 WHEREAS, the City of Waldo police officer had turned
8 off the blue lights, headlights, and flashers on the police
9 cruiser, and

10 WHEREAS, upon impact with the horse, Matthew White was
11 thrown over 100 feet from the motorcycle he was operating and
12 landed in a ditch, and

13 WHEREAS, Matthew White sustained complete, or nearly
14 complete, tears of all four of the ligaments that hold the
15 lower leg to the upper leg at the knee, and

16 WHEREAS, Dr. McFarland, the orthopedist at Shands
17 Teaching Hospital, testified that it would not have been
18 uncommon for Matthew White to have lost his leg as a result of
19 the injuries he sustained, and

20 WHEREAS, Dr. McFarland and his staff were able to
21 reattach the torn ligaments in Matthew White's leg over the
22 course of a year of surgery, and

23 WHEREAS, with subsequent surgical procedures, Matthew
24 White was eventually able to regain some use of his leg, and

25 WHEREAS, Matthew White received a 20 percent permanent
26 impairment from Dr. McFarland, but his leg was so impaired
27 that he was within 1 percentage point of the degree of
28 impairment which would require mandatory medical discharge
29 from the United States Army, and

30 WHEREAS, Matthew White's goal in life was to serve as a
31 full-time active duty military officer, and

1 WHEREAS, Matthew White attended the Georgia Military
2 Academy for 2 years, and

3 WHEREAS, following his attendance at Georgia Military
4 Academy, Matthew White received an early commission as a
5 Second Lieutenant in the United States Army, and

6 WHEREAS, the program required him to serve in the troop
7 unit during the last 2 years of his college enrollment so that
8 he could enter federal active duty upon graduation, and

9 WHEREAS, the accident of November 5, 1988, the injuries
10 sustained by Matthew White as a result of the accident, and
11 the recuperation from those injuries put Matthew White
12 seriously behind in his obligation to complete college within
13 that time period, and to receive his Officer's Basic Training,
14 and

15 WHEREAS, Matthew White was medically disabled for a
16 year and a half following the accident, and was finally called
17 to active duty for his Officer's Basic Training Course as a
18 result of Operation Desert Storm, and

19 WHEREAS, Matthew White was rejected for active duty
20 following the completion of Operation Desert Storm, and

21 WHEREAS, the ROTC Senior Military Instructor who was
22 called as an expert witness in this case stated that Matthew
23 White effectively lost his opportunity to compete as an
24 Engineer Officer in the United States Army in both the active
25 component and the reserve component, and

26 WHEREAS, Matthew White is now discharged from the
27 United States Army, and

28 WHEREAS, as a result of the accident of November 5,
29 1988, Matthew White sustained serious injury that formed the
30 basis of legal action brought by Matthew White, and

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1 WHEREAS, following trial on this matter, a judgment was
2 returned by the jury in the amount of \$489,942.65, and

3 WHEREAS, a subsequent award for costs and the amount of
4 the judgment was entered in the amount of \$501,116.19, and

5 WHEREAS, a total of \$55,000 was paid from Florida Risk
6 Management toward the settlement, and \$45,000 had been paid on
7 behalf of the City of Waldo in settlement of the claim prior
8 to the trial in this action, and

9 WHEREAS, the verdict returned by the jury assessed 100
10 percent liability for the accident upon the Alachua County
11 Sheriff's Department, and

12 WHEREAS, there remains due and unpaid the sum of
13 \$401,116.19, NOW, THEREFORE,

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. The facts stated in the preamble to this
18 act are found and declared to be true.

19 Section 2. The Alachua County Sheriff's Department is
20 authorized and directed to appropriate from funds of the
21 sheriff's department not otherwise appropriated and to draw a
22 warrant in the sum of \$401,116.19 payable to Matthew White as
23 compensation for injuries and damages sustained due to the
24 negligence of the Alachua County Sheriff's Department.

25 Section 3. This act shall take effect upon becoming a
26 law.

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