

By the Committee on Claims and Representatives Cantens and Hill

1 A bill to be entitled
2 An act relating to Volusia County; providing
3 for the relief of Fred Fedorka; providing for
4 an appropriation to compensate him for the
5 death of his wife, Carol Fedorka, and for
6 injuries he sustained as a result of the
7 negligence of Volusia County; providing an
8 effective date.
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10 WHEREAS, on March 5, 1997, at 1:45 p.m., Fred Fedorka
11 and his wife, Carol Fedorka, were operating motorcycles
12 traveling north on State Road A1A in Volusia County, and

13 WHEREAS, they had stopped their motorcycles in traffic
14 because the car traveling north in front of them was preparing
15 to make a left-hand turn, and

16 WHEREAS, while they were waiting for the car in front
17 of them to make the turn, a Volusia County public-works truck,
18 which was also traveling north, failed to stop and crashed
19 into the back of Fred and Carol Fedorka's motorcycles, and

20 WHEREAS, Carol Fedorka was transported by helicopter to
21 Halifax Medical Center, where, although every effort was made
22 to save her, she died 13 days later as a result of multiple
23 trauma in which almost every bone in her body had been broken,
24 and

25 WHEREAS, Fred Fedorka also suffered multiple injuries,
26 including fractures of the pubis, clavicle, nasal bone, C5
27 vertebra, ribs, and lumbar vertebra, lung contusion, tears in
28 the bladder and urethra, and open wounds to the face and ear,
29 and

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1 WHEREAS, Fred Fedorka was transported to Columbia
2 Medical Center-Peninsula of Ormond Beach, and later
3 transported to Halifax Medical Center, and

4 WHEREAS, Fred Fedorka continues to suffer physical
5 disabilities due to his catastrophic injuries, including
6 numbness in the hands, restriction of motion in his left
7 shoulder, loss of coordination and balance, loss of senses and
8 motor skills in his lower extremities, disfiguring scars and a
9 noticeable dent on the right side of his head, loss of part of
10 the right ear, significant back and neck pain, and constant
11 pain and burning during urination due to the tear in his
12 urethra, and

13 WHEREAS, medical bills for Carol Fedorka were in excess
14 of \$239,000 and medical bills for Fred Fedorka were in excess
15 of \$245,000, and

16 WHEREAS, Fred Fedorka's injuries will necessitate
17 future medical care, including future surgeries, and

18 WHEREAS, a lawsuit was filed against Volusia County,
19 which was scheduled for trial in September 1999, and

20 WHEREAS, as a result of mediation that was concluded on
21 July 28, 1999, the parties have reached an agreement to settle
22 this matter for a total of \$1 million, and

23 WHEREAS, pursuant to the settlement reached at
24 mediation, Volusia County has paid the sum of \$200,000, in
25 accordance with the statutory limits on waiver of sovereign
26 immunity provided under section 768.28, Florida Statutes, and

27 WHEREAS, pursuant to the settlement, Volusia County
28 will support the passage of a claim bill in the remaining
29 amount of \$800,000, NOW, THEREFORE,

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

1 Section 1. The facts stated in the preamble to this
2 act are found and declared to be true.
3 Section 2. Volusia County is authorized and directed
4 to appropriate from funds of the county not otherwise
5 appropriated and, after December 1, 2000, to draw a warrant in
6 the sum of \$800,000 for the use and benefit of Fred Fedorka as
7 compensation for the death of his wife, Carol Fedorka, and as
8 compensation for injuries he sustained due to the negligence
9 of Volusia County.
10 Section 3. This act shall take effect upon becoming a
11 law.
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