

By Senator Burt

16-105-00

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 Atlantic  
2 Hospital of Ormond Beach and later transported to Halifax  
3 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 will pay 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 to draw a warrant in the sum of \$800,000 for  
6 the use and benefit of Fred Fedorka as compensation for the  
7 death of his wife, Carol Fedorka, and as compensation for  
8 injuries he sustained due to the negligence of Volusia County.  
9           Section 3. This act shall take effect upon becoming a  
10 law.  
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