

By Senator Posey

24-29-03

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A bill to be entitled

An act relating to Brevard County; providing for the relief of Alan S. Hammer; authorizing and directing the Brevard County Board of County Commissioners to compensate Mr. Hammer for personal injuries suffered in an automobile accident caused by an employee of Brevard County; providing an effective date.

WHEREAS, on June 18, 1998, Alan S. Hammer was a passenger in a vehicle that was struck from the rear by a passenger bus moving at approximately 45 miles per hour which was owned by the Brevard County Board of County Commissioners, and

WHEREAS, the vehicle in which Mr. Hammer was traveling was appropriately stopped in the lane of travel waiting to make a left-hand turn, and

WHEREAS, Mr. Hammer was ejected from the vehicle in which he was traveling as a result of the impact of the collision, and

WHEREAS, at the time of the accident, Mr. Hammer was an independent contractor and was without personal resources for medical insurance, other than nominal personal injury protection, to adequately care for the injuries he suffered as a result of the accident, and

WHEREAS, Mr. Hammer suffered injuries to his cervical spine, his thoracic spine, and his lumbar spine, and

WHEREAS, it is anticipated that Mr. Hammer will require surgery in the future and will need to change his vocation in order to continue to support himself, and

1           WHEREAS, on November 30, 2000, a consent judgment was  
2 entered following Mr. Hammer and Brevard County entering into  
3 a stipulated judgment in Case Number

4 05-1999-CA-025510-XXXX-XX, in the amount of \$125,000, and

5           WHEREAS, Mr. Hammer is one of five persons who have  
6 made claims relating to this accident, and

7           WHEREAS, Brevard County has expended \$101,410 in the  
8 settlement of the case of Porter v. Brevard County, a case  
9 arising out of the same accident, has paid other expenses for  
10 property damage resulting from the same accident, and has only  
11 \$98,590 remaining to divide between Mr. Hammer and other  
12 plaintiffs in the case, Mr. Howard S. Evarts and his wife,  
13 Mrs. Donna Evarts, and

14           WHEREAS, Mr. Hammer and Mr. Evarts agreed to divide the  
15 remaining amount of \$98,590 between themselves, and

16           WHEREAS, Mr. Hammer received \$49,295 out of the portion  
17 remaining from \$200,000, which is the county's statutory limit  
18 on waivers of sovereign immunity, and

19           WHEREAS, Mr. Hammer received the net amount of  
20 \$18,658.87 from the \$49,295 after payment of costs, medical  
21 and hospital expenses, and attorney's fees, and

22           WHEREAS, the Brevard County Board of County  
23 Commissioners agree that the damages sustained by Mr. Hammer  
24 exceed the portion that remains from the amount constituting  
25 the county's statutory limit on waivers of sovereign immunity,  
26 and

27           WHEREAS, the Brevard County Board of County  
28 Commissioners and Mr. Hammer agreed that Mr. Hammer would seek  
29 to recover the difference between \$125,000, the amount of the  
30 stipulated judgment, and \$49,295, the amount Mr. Hammer  
31 actually received, through a claim bill, and

1           WHEREAS, the Brevard County Board of County  
2 Commissioners has agreed that it would not oppose passage of  
3 the claim bill and would support such a bill, NOW, THEREFORE,  
4  
5 Be It Enacted by the Legislature of the State of Florida:

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

9           Section 2. The Brevard County Board of County  
10 Commissioners is authorized and directed to appropriate from  
11 funds of the county not otherwise appropriated and to draw a  
12 warrant in the amount of \$75,705, payable to Alan S. Hammer to  
13 compensate him for personal injuries and damages suffered in  
14 the accident that occurred on June 18, 1998.

15           Section 3. This act shall take effect July 1, 2003.  
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