

By Senator Posey

24-28-03

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A bill to be entitled
An act relating to Brevard County; providing
for the relief of Howard S. Evarts and his
wife, Donna Evarts; authorizing and directing
the Brevard County Board of County
Commissioners to compensate Mr. and Mrs. Evarts
for personal injuries suffered by Mr. Evarts in
an automobile accident caused by an employee of
Brevard County; providing an effective date.

WHEREAS, on June 18, 1998, Howard S. Evarts was the
driver of 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. Evarts was traveling
was appropriately stopped in the lane of travel waiting to
make a left-hand turn, and

WHEREAS, at the time of the accident, Mr. Evarts 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. Evarts suffered injuries to his cervical
spine, his thoracic spine, and his lumbar spine, and

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

WHEREAS, on November 30, 2000, a consent judgment was
entered following Mr. Evarts and Brevard County entering into

1 a stipulated judgment in Case Number

2 05-1999-CA-025509-XXXX-XX, in the amount of \$125,000, and

3 WHEREAS, Mr. Evarts is one of five persons who have
4 made claims relating to this accident, and

5 WHEREAS, Brevard County has expended \$101,410 in the
6 settlement of the case of Porter v. Brevard County, a case
7 arising out of the same accident, has paid other expenses for
8 property damage resulting from the same accident, and has only
9 \$98,590 remaining to divide between Mr. and Mrs. Evarts and
10 another plaintiff in the case, Mr. Alan S. Hammer, and

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

13 WHEREAS, Mr. Evarts received \$49,295 out of the portion
14 remaining from \$200,000, which is the county's statutory limit
15 on waivers of sovereign immunity, and

16 WHEREAS, Mr. Evarts received the net amount of
17 \$18,658.87 from the \$49,295 after payment of costs, medical
18 and hospital expenses, and attorney's fees, and

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

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

29 WHEREAS, the Brevard County Board of County
30 Commissioners has agreed that it would not oppose passage of
31 the claim bill and would support such a bill, NOW, THEREFORE,

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

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

5 Section 2. The Brevard County Board of County
6 Commissioners is authorized and directed to appropriate from
7 funds of the county not otherwise appropriated and to draw a
8 warrant in the amount of \$75,705, payable to Howard S. Evarts
9 and his wife, Donna Evarts, to compensate him for personal
10 injuries and damages suffered in the accident that occurred on
11 June 18, 1998.

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

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