



HB 0797

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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 him 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 Alan S. Hammer was traveling was appropriately stopped in the lane of travel waiting to make a left-hand turn, and

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

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

WHEREAS, on November 30, 2000, a consent judgment was entered following Alan S. Hammer and Brevard County entering



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31 into a stipulated judgment in Case Number 05-1999-CA-025510-
32 XXXX-XX, in the amount of \$125,000, and

33 WHEREAS, Alan S. Hammer is one of five persons who have
34 made claims relating to this accident, and

35 WHEREAS, Brevard County has expended \$101,410 in the
36 settlement of the case of Porter v. Brevard County, a case
37 arising out of the same accident, has paid other expenses for
38 property damage resulting from the same accident, and has only
39 \$98,590 remaining to divide between Alan S. Hammer and other
40 plaintiffs in the case, Howard S. Evarts and his wife, Donna
41 Evarts, and

42 WHEREAS, Alan S. Hammer and Howard S. Evarts agreed to
43 divide the remaining amount of \$98,590 between themselves, and

44 WHEREAS, Alan S. Hammer received \$49,295 out of the portion
45 remaining from the \$200,000 amount that is the county's
46 statutory limit of liability pursuant to s. 768.28, Florida
47 Statutes, and

48 WHEREAS, from the payment of \$49,295, Alan S. Hammer
49 received the net amount of \$18,658.87 after payment of costs,
50 medical and hospital expenses, and attorney's fees, and

51 WHEREAS, the Brevard County Board of County Commissioners
52 agrees that the damages sustained by Alan S. Hammer exceed the
53 portion that remains from the amount constituting the county's
54 statutory limits of liability under s. 768.28, Florida Statutes,
55 and

56 WHEREAS, the Brevard County Board of County Commissioners
57 and Alan S. Hammer agreed that Mr. Hammer would seek to recover
58 the difference between \$125,000, the amount of the stipulated
59 judgment, and \$49,295, the amount Mr. Hammer actually received,
60 through a claim bill, and



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

64

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

66

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

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70 Section 2. The Brevard County Board of County
 71 Commissioners is authorized and directed to appropriate from
 72 funds of the county not otherwise appropriated and to draw a
 73 warrant in the amount of \$75,705, payable to Alan S. Hammer to
 74 compensate him for personal injuries and damages suffered as a
 75 result of the negligence of Brevard County.

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