



ENROLLED
HB 0797

2003 Legislature

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

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

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

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

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

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

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

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



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

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

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

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

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