



HB 0799

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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 them for personal injuries suffered by Howard S. 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 Howard S. 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, Howard S. 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, Howard S. Evarts suffered injuries to his cervical spine, his thoracic spine, and his lumbar spine, and

WHEREAS, it is anticipated that Howard S. 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 Howard S. Evarts and Brevard County entering



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30 into a stipulated judgment in Case Number 05-1999-CA-025509-
 31 XXXX-XX, in the amount of \$125,000, and

32 WHEREAS, Howard S. Evarts is one of five persons who have
 33 made claims relating to this accident, and

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

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

42 WHEREAS, Howard S. Evarts received \$49,295, half of the
 43 \$98,590 remaining from the \$200,000 amount that is the county's
 44 statutory limit of liability pursuant to s. 768.28, Florida
 45 Statutes, and

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

49 WHEREAS, the Brevard County Board of County Commissioners
 50 agree that the damages sustained by Howard S. Evarts exceed the
 51 portion that remains from the amount constituting the county's
 52 statutory limit of liability under s. 768.28, Florida Statutes,
 53 and

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



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

62
 63 Be It Enacted by the Legislature of the State of Florida:

64
 65 Section 1. The facts stated in the preamble to this act
 66 are found and declared to be true.

67 Section 2. The Brevard County Board of County
 68 Commissioners is authorized and directed to appropriate from
 69 funds of the county not otherwise appropriated and to draw a
 70 warrant in the amount of \$75,705, payable to Howard S. Evarts
 71 and his wife, Donna Evarts, to compensate them for personal
 72 injuries and damages suffered by Howard S. Evarts as a result of
 73 the negligence of Brevard County.

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