

By Senator Bullard

39-11-04

1 A bill to be entitled
2 An act relating to Citrus County; providing for
3 the relief of Bruce Michael McQuillin, as
4 Personal Representative of the Estate of
5 Deborah Ann McQuillin, deceased, and
6 individually, as surviving husband of Deborah
7 Ann McQuillin; providing for the relief of
8 Michael McQuillin, surviving minor son of
9 Deborah Ann McQuillin; providing for an
10 appropriation to compensate them for the death
11 of Deborah Ann McQuillin as a result of the
12 negligence of Citrus County; providing an
13 effective date.

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15 WHEREAS, on March 20, 1997, around midnight, Deborah
16 Ann McQuillin and two friends were riding in a 1989 Mustang on
17 Moccasin Slough Road, in a rural area east of Inverness in
18 Citrus County, and

19 WHEREAS, the vehicle ran off the pavement and, because
20 there was a 3-to-5-inch drop-off from the pavement to the
21 shoulder, when the driver attempted to bring the vehicle back
22 onto the pavement, the tires caught on the drop-off and the
23 car flipped several times, striking a tree in the process, and

24 WHEREAS, as a result of the accident, the other two
25 occupants of the car were thrown out of the car, suffering
26 serious injuries, and Deborah McQuillin was found dead in the
27 back seat, and

28 WHEREAS, there was a dispute over who had been driving,
29 but, based on the testimony of the survivors, the jury
30 determined that Mrs. McQuillin was the driver, and

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1 WHEREAS, evidence indicated that the vehicle may have
2 been traveling at a speed considerably over the speed limit
3 and that Mrs. McQuillin had a blood-alcohol level of 0.15, and

4 WHEREAS, other evidence demonstrated that the drop-off
5 in the roadway created a hazardous condition that violated
6 various standards for the design, construction, and
7 maintenance of streets and highways, including Citrus County's
8 rules requiring the surface of the shoulder to be level with
9 the pavement, and that the drop-off was the proximate cause of
10 the crash, and

11 WHEREAS, the jury entered a verdict in favor of the
12 plaintiff in the amount of \$5.6 million, but apportioned 80
13 percent of the negligence and liability to Deborah McQuillin
14 and 20 percent to Citrus County, and

15 WHEREAS, as a result of the respective attribution of
16 comparative negligence to the plaintiff and the county, the
17 award was reduced to \$1,125,892, including \$880,000 for
18 Deborah McQuillin's minor son, Michael, who was 7 years old at
19 the time of the accident, and

20 WHEREAS, the district court of appeal disallowed
21 \$10,080 of that sum, leaving a total of \$235,812 due to Mr.
22 McQuillin, plus court costs totalling \$13,761.31, and

23 WHEREAS, Citrus County has paid the statutory limit of
24 \$200,000, including \$100,000 on behalf of Bruce Michael
25 McQuillin and \$100,000 on behalf of his minor son, Michael,
26 NOW, THEREFORE,

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

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

1 Section 2. Citrus County is authorized and directed to
2 appropriate from funds of the county not otherwise
3 appropriated and to draw a warrant payable to Bruce Michael
4 McQuillin, as Personal Representative of the Estate of Deborah
5 Ann McQuillin, for the total amount of \$149,573.31, the sum
6 remaining from the \$249,573.31 owed to Mr. McQuillin and
7 apportioned as follows: the sum of \$1,600 for the funeral
8 expenses of Deborah McQuillin; \$12,760 for the loss of Mrs.
9 McQuillin's support and services by Bruce Michael McQuillin
10 from the date of the injury to the date of the final judgment;
11 \$118,252 for the loss of the decedent's support and services
12 by Bruce Michael McQuillin in the future; \$24,200 to Mr.
13 McQuillin for the loss of his wife's companionship and
14 protection and for pain and suffering in the past; \$79,000 to
15 Mr. McQuillin for the loss of his wife's companionship and
16 protection and for pain and suffering in the future; and
17 \$13,761.31 to be paid for court costs.

18 Section 3. Citrus County is authorized and directed to
19 appropriate from funds of the county not otherwise
20 appropriated and to draw a warrant payable to Bruce Michael
21 McQuillin, parent and legal guardian of Michael McQuillin, in
22 the amount of \$780,000, to be placed in a Special Needs Trust
23 created for the exclusive use and benefit of Michael
24 McQuillin, a minor, to compensate him for loss of parental
25 companionship, instruction, and guidance and for pain and
26 suffering. Upon the death of Michael McQuillin, the trust
27 balance shall revert to Citrus County.

28 Section 4. This act shall take effect upon becoming a
29 law.
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