

By Senator Lynn

7-14A-04

1                           A bill to be entitled  
2           An act relating to Volusia County; providing  
3           for the relief of Cordell Davidson and Veronica  
4           Hensley Davidson; providing for an  
5           appropriation to compensate them for injuries  
6           and damages suffered as a result of the  
7           negligence of Volusia County; providing a  
8           schedule of payments; providing an effective  
9           date.

10

11           WHEREAS, at approximately 7:51 p.m. on Saturday, March  
12   6, 1999, Cordell Davidson and his fiancée, Veronica Hensley,  
13   were proceeding south on U.S. 1 in Oak Hill, on Mr. Davidson's  
14   motorcycle, and

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16           WHEREAS, at the intersection of U.S. 1 and Center  
17   Street, a volunteer fireman who was driving a fire engine  
18   owned by Volusia County began a left-hand turn that placed the  
19   fire engine directly in the path of the motorcycle, with the  
20   result that the two vehicles violently collided, and

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22           WHEREAS, both Mr. Davidson and Miss Hensley were  
23   crushed between the vehicles, then propelled airborne well  
24   over 100 feet by the force of the impact, and

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26           WHEREAS, an eyewitness testified that the motorcycle  
27   was not exceeding the speed limit, and Mr. Davidson was not  
28   cited for any violations or improper actions, and

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30           WHEREAS, the operator of the fire engine was cited by  
31   the Florida Highway Patrol for violating section 316.122,  
32   Florida Statutes, which requires that a vehicle attempting to  
33   turn left at an intersection yield the right-of-way to any  
34   vehicle approaching from the opposite direction which is close

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1 enough to the intersection so as to constitute an immediate  
2 hazard, and

3           WHEREAS, in the accident, Mr. Davidson suffered severe  
4 injuries, including multiple rib fractures, bilateral  
5 pulmonary contusions, a separation of the pubic symphysis, an  
6 open femur fracture, a significant left-heel degloving injury,  
7 and a deep laceration to the left upper forearm, which  
8 required immediate surgery and necessitated his being on  
9 ventilator support, and

10           WHEREAS, during the subsequent months he underwent  
11 repeated surgeries, experienced continuing complications, and  
12 was advised to have his left leg amputated, a treatment that  
13 he declined, and

14           WHEREAS, he continues to have physical therapy for  
15 problems with his left leg and must occasionally use a cane  
16 and crutches, and

17           WHEREAS, his medical bills total \$1,103,019.80 and the  
18 present value of his total economic loss has been estimated at  
19 \$1,536,802, and

20           WHEREAS, Miss Hensley, who is now Mrs. Davidson, was  
21 airlifted to a hospital after the accident, where her  
22 admitting diagnosis was severe blunt trauma to her left lower  
23 extremity, fracture of the left femur, liver laceration,  
24 spleen laceration, fractured tibia, traumatic pneumothorax,  
25 and fracture of the lumbar spine, and

26           WHEREAS, due to irreparable damage to her left leg,  
27 that leg was amputated above the knee, and

28           WHEREAS, Mrs. Davidson was approximately 6 months  
29 pregnant when this claim bill was submitted and was  
30 experiencing problems with her prosthesis as a result of  
31 weight gain and prenatal changes in her body, and

1           WHEREAS, Mrs. Davidson's injuries necessitate her  
2 occasional use of a wheelchair and have resulted in a medical  
3 recommendation that she use a motor scooter during the latter  
4 phase of her pregnancy and to carry her child after its birth,  
5 and

6           WHEREAS, Mrs. Davidson's medical bills total  
7 \$113,904.29, and the present value of her total economic loss  
8 has been estimated at \$1,167,698, and

9           WHEREAS, Volusia County has paid to the Davidsons the  
10 maximum amounts allowed under the statutory waiver of  
11 sovereign immunity, has approved an additional settlement of  
12 \$4.7 million, and will support presentation of a claim bill in  
13 that amount in the Florida Legislature, NOW, THEREFORE,

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

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

19           Section 2. Volusia County is authorized and directed  
20 to appropriate from funds of the county not otherwise  
21 appropriated and to draw a warrant payable to Mr. and Mrs.  
22 Cordell Davidson for the total amount of \$4.7 million, to  
23 compensate them for injuries and damages sustained as a result  
24 of the negligence of Volusia County, which payment shall be  
25 made according to the following schedule:

- 26           (1) \$1,175,000 on July 1, 2004;  
27           (2) \$1,175,000 on July 1, 2005;  
28           (3) \$1,175,000 on July 1, 2006; and  
29           (4) \$1,175,000 on July 1, 2007.

30           Section 3. This act shall take effect upon becoming a  
31 law.