

STORAGE NAME: h0683.ju
DATE: March 5, 2004

Florida House of Representatives
Sub-Committee on Claims
Summary Claim Bill Report

Bill #: HB 683
Sponsor: Rep. Cusack
Companion Bill: SB 32 by Sen. Lynn
Special Master: Stephanie Birtman, Esq.

A. Basic Information:

1. **Claimants:** Cordell Davidson and Veronica Hensley Davidson
2. **Respondent:** Volusia County
3. **Amount Requested:** \$4.7 million
4. **Type of Claim:** Equitable, based on a consent agreement wherein Volusia County agreed to pay \$4.9 million to the Davidsons over a period of four years. The County has already paid \$200,000.
5. **Respondent's Position:** Agreed to support the claim bill.
6. **Collateral Sources:** Each claimant received \$50,000 in uninsured motorist coverage from USAA, Mr. Davidson's motorcycle insurance carrier. While not legally considered a collateral source, Mr. Davidson has also received \$150,064 to date from his disability insurance carrier.
7. **Prior Legislative History:** None.

B. Attorney's fees and costs: The claimant's attorney has submitted an affidavit affirming that his fees do not exceed 25% of any recovery as required by s. 768.28(8), F.S. Costs for both cases were \$158,656. Lobbying fees are included within the 25% amount, and are included as part of the settlement award.

C. Procedural Summary: Claimants filed a complaint in the Circuit Court of Volusia County, alleging negligence on the part of the county's employee in the operation of a fire truck. Prior to trial, the parties struck a settlement in which the County agreed to pay the Davidsons a total of \$4.9 million in 4 equal annual installments, of which \$200,000 has already been paid. The amount of the settlement agreement includes attorneys fees and costs.

D. Facts of Case: On March 6, 1999, the Davidsons were riding Mr. Davidson's motorcycle south on U.S. 1 in Oak Hill, Florida, approaching an intersection with Center Street. The motorcycle was traveling the posted speed limit of 55 m.p.h., and both riders were wearing helmets. As the motorcycle approached the intersection, a fire engine attempted to turn left in front of the motorcycle, causing a collision. The fire engine was responding to a non-emergency call; the engine's emergency lights and siren were not on. As a result of the collision, Mrs. Davidson, who

was then not yet married to Mr. Davidson, and without health insurance, suffered injuries causing her left leg to be amputated above the knee. She also suffered a lacerated liver and spleen, and a fractured spine. Mr. Davidson was a 40 year old computer consultant. He suffered a fracture of his left femur which refused to completely heal, and which ultimately resulted in an infection of the bone. He has had 20 surgeries on the leg and heel (which was degloved). He currently has very limited use of his leg.

SM: _____
Stephanie O. Birtman

Date: _____