

ENROLLED

HB 0683

2004 Legislature

A bill to be entitled

An act relating to Volusia County; providing for the relief of Cordell Davidson and Veronica Hensley Davidson; providing for an appropriation to compensate them for injuries and damages suffered as a result of the negligence of Volusia County; providing a schedule of payments; providing an effective date.

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

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

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

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

WHEREAS, the operator of the fire engine was cited by the Florida Highway Patrol for violating s. 316.122, Florida Statutes, which requires that a vehicle attempting to turn left at an intersection yield the right-of-way to any vehicle approaching from the opposite direction which is close enough to the intersection so as to constitute an immediate hazard, and

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

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

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

WHEREAS, his medical bills total \$1,103,119.80, and the present value of his total economic loss has been estimated at \$1,536,802, and

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

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

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

WHEREAS, Mrs. Davidson's injuries necessitate her occasional use of a wheelchair and have resulted in a medical

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recommendation that she use a motor scooter during the latter phase of her pregnancy and to carry her child after its birth, and

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

WHEREAS, Volusia County has paid to the Davidsons the maximum amounts allowed under s. 768.28, Florida Statutes, has approved an additional settlement of \$4.7 million, and will support presentation of a claim bill in that amount in the Florida Legislature, 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. Volusia County is authorized and directed to appropriate from funds of the county not otherwise appropriated and to draw a warrant payable to Mr. and Mrs. Cordell Davidson for the total amount of \$4.7 million, to compensate them for injuries and damages sustained as a result of the negligence of Volusia County, which payment shall be made according to the following schedule:

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

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