

HB 363

2010

1 A bill to be entitled
2 An act for the relief of Erskin Bell, II, by the City of
3 Altamonte Springs; providing an appropriation to
4 compensate him for injuries and damages sustained as the
5 result of negligence by the City of Altamonte Springs;
6 providing a limitation on the payment of fees and costs;
7 providing an effective date.

8
9 WHEREAS, in the fall of 2008, Erskin Bell, II, was a 20-
10 year-old college student studying to be an air traffic
11 controller, and

12 WHEREAS, on November 30, 2008, Mr. Bell was a passenger in
13 a 2001 Honda Civic driven by his friend, 18-year-old Jennifer
14 Hernandez. Returning from a church function, Ms. Hernandez and
15 Mr. Bell were stopped at a red light at the intersection of
16 Maitland Boulevard and Bear Lake Road just southwest of
17 Altamonte Springs, in Orlando. While stopped at the traffic
18 signal, their vehicle was struck from behind by an Altamonte
19 Springs police car driven by Officer Mark Edward Maupin, and

20 WHEREAS, Officer Maupin was traveling at more than 100
21 miles per hour when he hit the rear of the vehicle occupied by
22 Ms. Hernandez and Mr. Bell. The force of the resulting wreck was
23 so severe that it demolished the car occupied by Ms. Hernandez
24 and Mr. Bell. Mr. Bell was rendered unconscious by the impact
25 and both Mr. Bell and Ms. Hernandez were airlifted to Orlando
26 Regional Medical Center. Mr. Bell sustained catastrophic
27 injuries, including massive skull fractures to his head and
28 face, intracranial hemorrhaging, massive bilateral brain damage,

29 and numerous internal injuries. Ms. Hernandez was hospitalized
 30 with a skull fracture. Officer Maupin also suffered a skull
 31 fracture and was taken to Florida Hospital South, and

32 WHEREAS, Erskin Bell has never regained consciousness and
 33 remains in a coma, requires 24-hour care, and the professional
 34 Life Care Plan estimates that about \$30 million will be required
 35 to provide care for Mr. Bell for his remaining life expectancy,
 36 and

37 WHEREAS, the City of Altamonte Springs entered into a
 38 settlement agreement with Erskin Bell's father, as guardian for
 39 his son, to pay the \$100,000 allowed under s. 768.28, Florida
 40 Statutes, relating to sovereign immunity, and an additional \$2
 41 million, which is the limit of the city's municipal trust
 42 coverage through the Florida League of Cities, to cover the cost
 43 of Mr. Bell's current and future health care, and

44 WHEREAS, due to the need to expeditiously establish a
 45 Special Needs Trust to cover those costs, the City of Altamonte
 46 Springs has already paid \$1.95 million to establish the Special
 47 Needs Trust, and

48 WHEREAS, the City of Altamonte Springs has agreed to
 49 support a claim bill by the Legislature in the amount of
 50 \$150,000 in favor of Erskin Bell, II, to pay the remainder of
 51 the agreed amount, NOW, THEREFORE,

52
 53 Be It Enacted by the Legislature of the State of Florida:

54
 55 Section 1. The facts stated in the preamble to this act
 56 are found and declared to be true.

57 Section 2. The City of Altamonte Springs is directed to
58 appropriate from funds of the city not otherwise appropriated
59 and to draw a warrant in the sum of \$150,000, payable to the
60 Special Needs Trust created for the exclusive use and benefit of
61 Erskin Bell, II, as compensation for injuries and damages
62 sustained.

63 Section 3. The amount paid by the City of Altamonte
64 Springs pursuant to the settlement agreement between Erskin
65 Bell, II, and the City of Altamonte Springs and the amount
66 awarded under this act are intended to provide the sole
67 compensation for all present and future claims against the City
68 of Altamonte Springs or the City of Altamonte Springs Police
69 Department arising out of the factual situation described in
70 this act which resulted in the injuries and damages to Erskin
71 Bell, II. The total amount paid for attorney's fees, lobbying
72 fees, costs, and other similar expenses relating to this claim
73 may not exceed 25 percent of the total amount awarded under this
74 act.

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