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CS/HB 3531

2015 Legislature

1  
2 An act for the relief of Sharon Robinson,  
3 individually, as guardian of Mark Robinson, and as  
4 personal representative of the Estate of Matthew  
5 Robinson; authorizing and directing the Central  
6 Florida Regional Transportation Authority to make an  
7 appropriation from funds of the authority not  
8 otherwise appropriated to compensate her and her son  
9 for the death of Matthew Robinson and for injuries and  
10 damages they sustained as a result of the negligence  
11 of the authority as operator of Lynx buses; providing  
12 that the amount already paid by the authority and the  
13 appropriation satisfy all present and future claims  
14 related to the negligent act; providing a limitation  
15 on the payment of fees and costs; providing an  
16 effective date.

17  
18 WHEREAS, on November 4, 2010, Matthew Robinson, 10, and  
19 Mark Robinson, 12, both children of Sharon Robinson, were  
20 crossing the street at the intersection of Columbia Avenue and  
21 Dyer Street in Kissimmee, and

22 WHEREAS, Matthew Robinson and Mark Robinson were struck by  
23 the front bike rack of a Lynx bus while in the crosswalk and  
24 dragged underneath the bus when the driver of the bus failed to  
25 yield to pedestrians in the crosswalk, and

26 WHEREAS, while the bus was still moving, Mark Robinson was

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27 | able to crawl out to safety, but Matthew Robinson's belt loop  
28 | was caught in the undercarriage of the bus, and

29 |       WHEREAS, Matthew Robinson was dragged underneath the bus  
30 | until the rear tire crushed his head, and

31 |       WHEREAS, Matthew Robinson was pronounced dead at the scene,  
32 | and

33 |       WHEREAS, Mark Robinson was transported to the hospital via  
34 | ambulance and diagnosed with a stress fracture of the vertebrae  
35 | with spondylolisthesis, and

36 |       WHEREAS, Mark Robinson wore a brace until he recovered from  
37 | his physical injuries, but has permanent injury due to the  
38 | spondylolisthesis, and

39 |       WHEREAS, Mark Robinson's medical bills total \$27,137.90,  
40 | and

41 |       WHEREAS, Sharon Robinson and Mark Robinson both suffer from  
42 | posttraumatic stress disorder, and Ms. Robinson suffers from  
43 | symptoms placing her in the range of severe depression, and

44 |       WHEREAS, the driver of the bus that struck Matthew Robinson  
45 | and Mark Robinson had been previously involved in six  
46 | preventable accidents, and

47 |       WHEREAS, the driver was found guilty of violating s.  
48 | 316.075, Florida Statutes, and was terminated by Lynx for  
49 | violation of safety policies and procedures after a finding that  
50 | the accident was preventable, and

51 |       WHEREAS, Sharon Robinson, individually, as guardian of Mark  
52 | Robinson, and as personal representative of the Estate of

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53 Matthew Robinson, filed a lawsuit against Central Florida  
 54 Regional Transportation Authority, which operates Lynx, in the  
 55 Ninth Judicial Circuit in Osceola County, and

56 WHEREAS, before trial, the respondent admitted liability,  
 57 and the parties reached a settlement agreement totaling \$3.2  
 58 million, of which the Central Florida Regional Transportation  
 59 Authority has paid \$200,000 under the statutory limits of  
 60 liability set forth in s. 768.28, Florida Statutes, and

61 WHEREAS, the Central Florida Regional Transportation  
 62 Authority fully supports the passage of this claim bill for the  
 63 unpaid portion of the settlement amount, NOW, THEREFORE,

64

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

66

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

69 Section 2. The Central Florida Regional Transportation  
 70 Authority is authorized and directed to appropriate from funds  
 71 of the authority not otherwise appropriated and to draw a  
 72 warrant, payable to Sharon Robinson, individually, as guardian  
 73 of Mark Robinson, and as personal representative for the Estate  
 74 of Matthew Robinson, for the total amount of \$3 million as  
 75 compensation for injuries and damages sustained as a result of  
 76 the negligence of an employee of the Central Florida Regional  
 77 Transportation Authority.

78 Section 3. The warrant shall be drawn to Sharon and Mark

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79 Robinson's attorneys to be placed in The Florida Bar Interest on  
 80 Trust Accounts (IOTA) program for the benefit of Sharon  
 81 Robinson, as the personal representative of the Estate of  
 82 Matthew Robinson, for a reduced statutory fee after attorney  
 83 fees and costs pursuant to s. 733.617(2), Florida Statutes, in  
 84 the amount of 3 percent of the first \$1 million and 2.5 percent  
 85 of the remainder, reducing the fee to \$58,529.34. The payment to  
 86 Sharon Robinson, as mother individually, will be 37.5 percent of  
 87 the remainder or \$821,838.99; to Warren Robinson, as father  
 88 individually, 2.8 percent of the remainder or \$61,250.00; and  
 89 for Mark Robinson in the amount of 59.7 percent of the remainder  
 90 or \$1,308,481.67, to be placed in a trust account, guardianship,  
 91 or structure to provide income, protect from wasteful  
 92 dissipation, and provide protection of the assets for the  
 93 benefit of Mark Robinson; for a total in the sum of \$3 million.  
 94 The Central Florida Regional Transportation Authority is  
 95 directed to pay the same out of funds not otherwise  
 96 appropriated. The remainder of the total shall be paid to  
 97 reimburse for taxable costs and fees. Lobbying and attorney fees  
 98 shall be prorated and may not exceed 25 percent.

99       Section 4. The amount paid by the Central Florida Regional  
 100 Transportation Authority pursuant to s. 768.28, Florida  
 101 Statutes, and the amount awarded under this act are intended to  
 102 provide the sole compensation for all present and future claims  
 103 arising out of the factual situation described in the preamble  
 104 to this act which resulted in the death of Matthew Robinson and

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105 | the injuries and damages sustained by Mark and Sharon Robinson.  
106 | The total amount paid for attorney fees, lobbying fees, costs,  
107 | and other similar expenses relating to this claim may not exceed  
108 | 25 percent of the amount awarded under this act.

109 |       Section 5. This act shall take effect upon becoming a law.