

By the Committee on Judiciary; and Senator Soto

590-02839-15

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1 A bill to be entitled
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 the Central Florida Regional
6 Transportation Authority to make an appropriation from
7 funds of the authority not otherwise appropriated to
8 compensate her and her son for the death of Matthew
9 Robinson and for injuries and damages they sustained
10 as a result of the negligence of the Central Florida
11 Regional Transportation Authority as operator of Lynx
12 buses; providing that the amount already paid by the
13 authority and the appropriation satisfy all present
14 and future claims related to the negligent act;
15 providing a limitation on the payment of fees and
16 costs; providing an 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
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

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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 spondylolysis, and

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

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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 are
68 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
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

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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
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.