



115586

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/07/2017	.	
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The Committee on Judiciary (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 61 - 69  
and insert:  
warrant in the sum of \$1,895,000, payable to Erin Joynt as  
compensation for injuries and damages sustained.

Section 3. The amount paid by Volusia County pursuant to s.  
768.28, Florida Statutes, and the amount awarded under this act  
are intended to provide the sole compensation for all present  
and future claims arising out of the factual situation described  
in this act which resulted in injuries and damages to Erin



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12 Joynt. The total amount paid for attorney fees relating to this  
13 claim may not

14  
15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete lines 9 - 52  
18 and insert:  
19 attorney fees; providing an effective date.

20  
21 WHEREAS, on July 31, 2011, Erin Joynt, her husband, and two  
22 children were vacationing beachgoers on Daytona Beach as they  
23 journeyed from their native Wichita, Kansas, to their planned  
24 destination of Walt Disney World, and

25 WHEREAS, at the same time, in the regular course of his  
26 employment duties, Thomas Moderie, an employee of the Volusia  
27 County Beach Patrol, was driving a Ford F-150 pickup truck owned  
28 by the county along the beach, and

29 WHEREAS, Mr. Moderie negligently operated the truck,  
30 running over Mrs. Joynt while she was sunbathing on the beach,  
31 and

32 WHEREAS, as a result of the impact with the truck, Mrs.  
33 Joynt sustained severe injuries, including, but not limited to,  
34 multiple cranial and facial fractures, rib fractures, permanent  
35 facial injuries, and chronic back pain, and

36 WHEREAS, Mrs. Joynt continues to suffer as a result of the  
37 impact and is unable to blink her right eye without the  
38 assistance of a gold weight sewn into her eyelid and has a  
39 perforated eardrum and additional hearing loss, permanent facial  
40 paralysis, speech and neurological deficits, and chronic pain,



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41 and

42 WHEREAS, after a 4-day trial in June 2014, at which Volusia  
43 County acknowledged the negligence of Mr. Moderie, a jury found  
44 the county liable for Mrs. Joynt's injuries and awarded her  
45 compensatory damages in the amount of \$2.6 million, and

46 WHEREAS, on January 12, 2016, following resolution of an  
47 appeal initiated by the county, a final judgment in the amount  
48 of \$2 million was entered against Volusia County by the trial  
49 court, and

50 WHEREAS, Volusia County is insured for Mrs. Joynt's claim  
51 for damages through an excess liability insurance policy  
52 underwritten by Star Insurance Company, and

53 WHEREAS, Volusia County has already paid \$85,000 of the  
54 judgment to Mrs. Joynt pursuant to the statutory limits of  
55 liability set forth in s. 768.28, Florida Statutes, which were  
56 in effect at the time that Mrs. Joynt's claim arose, NOW,  
57 THEREFORE,