

HB 6509

2017

1 A bill to be entitled

2 An act for the relief of Robert Allan Smith by Orange
3 County; providing for an appropriation to compensate
4 him for injuries sustained as a result of the
5 negligence of an employee of Orange County; providing
6 a limitation on the payment of fees and costs;
7 providing an effective date.
8

9 WHEREAS, Robert Allan Smith was involved in a motor vehicle
10 accident on DePauw Avenue and Orlando Street in Orlando, Orange
11 County, on September 7, 2006, and

12 WHEREAS, Mr. Smith was operating his motorcycle within the
13 25 mph speed limit, with headlights on, at approximately 1:43
14 p.m., in clear, dry weather, headed north on DePauw Avenue, the
15 quiet residential street he lived on and within 300 feet of his
16 home, and

17 WHEREAS, Mr. Smith approached the intersection of Orlando
18 Street, which is governed by a stop sign, and a work van headed
19 west on Orlando Avenue, owned by Orange County and driven by
20 Orange County employee Lynn Lawrence Godden, negligently pulled
21 from said stop sign directly into Mr. Smith's path and caused a
22 collision with Mr. Smith, and

23 WHEREAS, Mr. Smith saw the driver of the van visibly slow
24 down upon approaching the stop sign and look at Mr. Smith as he
25 approached on his motorcycle, but the driver of the van drove

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26 | through the stop sign into Mr. Smith's path, and Mr. Smith had
27 | too little time and distance to prevent a collision, and

28 | WHEREAS, the front of the Orange County van struck the
29 | right side of Mr. Smith, causing severe and life-threatening
30 | injuries, including traumatic amputation of his right leg above
31 | the knee, a badly fractured lower left leg with internal
32 | fixation, and a broken pelvis and sacrum with internal fixation,
33 | and Mr. Smith required a laparotomy to repair damage to his
34 | rectum and internal organs, and

35 | WHEREAS, the Orange County employee testified he stopped at
36 | the stop sign and saw, to his left, the motorcycle pull out of a
37 | driveway but erroneously thought it was heading in the other
38 | direction away from him, though there was no evidence to support
39 | this claim, so he then looked to his right and entered the
40 | intersection without looking back to his left, and

41 | WHEREAS, the Orange County employee violated Mr. Smith's
42 | right-of-way and was issued a citation by the Orlando Police
43 | Department for failure to yield from a stop sign and was found
44 | guilty of said citation by the traffic court judge, and

45 | WHEREAS, before the civil jury trial, Robert Allan Smith's
46 | past hospitalization, medical, and rehabilitation expenses
47 | exceeded \$550,000 and his past lost earnings were in excess of
48 | \$137,000, and

49 WHEREAS, the jury determined that Mr. Smith's future
 50 medical expenses will total \$2,376,000 over 40 years, and past
 51 medical expenses and lost wages totaled \$688,807.37, and

52 WHEREAS, Robert Allan Smith was awarded \$1,749,978 in
 53 damages for past and future pain and suffering, for a total
 54 verdict award of \$4,814,785.37, and

55 WHEREAS, after reduction for comparative negligence and
 56 setoffs to allow for bill reductions by Medicaid and the
 57 Veteran's Administration, a judgment was entered in Orange
 58 County on November 27, 2012, against Orange County and in favor
 59 of Robert Allan Smith in the amount of \$2,913,536.09, plus
 60 taxable costs, and

61 WHEREAS, after entry of the judgment, Orange County has
 62 made partial payment to Robert Allan Smith in the amount of
 63 \$100,000, but the remainder of the judgment remains wholly
 64 unsatisfied, pending passage of this act into law, NOW,
 65 THEREFORE,

66
 67 Be It Enacted by the Legislature of the State of Florida:

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

71 Section 2. Orange County is authorized and directed to
 72 appropriate from funds of the county not otherwise appropriated
 73 and to draw a warrant in the sum of \$2,813,536.09 payable to

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74 Robert Allan Smith as compensation for injuries and damages
75 sustained as a result of the negligence of an employee of Orange
76 County.

77 Section 3. The amount paid pursuant to s. 768.28, Florida
78 Statutes, and the amount awarded under this act are intended to
79 provide the sole compensation for all present and future claims
80 arising out of the factual situation described in the preamble
81 to this act which resulted in the injuries and damages sustained
82 by Robert Allan Smith. The total amount paid for attorney fees,
83 lobbying fees, costs, and similar expenses relating to this
84 claim may not exceed 25 percent of the total amount awarded
85 under this act.

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