

1                   A bill to be entitled  
2           An act for the relief of Erin Joynt by Volusia County;  
3           providing for an appropriation to compensate Erin  
4           Joynt for injuries sustained as a result of the  
5           negligence of an employee of Volusia County; providing  
6           that certain payments and the appropriation satisfy  
7           all present and future claims related to the negligent  
8           act; providing a limitation on the payment of  
9           compensation, fees, and costs; providing an effective  
10          date.

11  
12          WHEREAS, on July 31, 2011, Erin Joynt, her husband, and two  
13          children were vacationing beachgoers on Daytona Beach as they  
14          journeyed from their native Wichita, Kansas, to their planned  
15          destination of Walt Disney World, and

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

20          WHEREAS, Mr. Moderie negligently operated the truck,  
21          running over Mrs. Joynt while she was sunbathing on the beach,  
22          and

23          WHEREAS, as a result of the impact with the truck, Mrs.  
24          Joynt sustained severe injuries, including, but not limited to,  
25          multiple cranial and facial fractures, rib fractures, permanent

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26 facial injuries, and chronic back pain, and

27 WHEREAS, Mrs. Joynt continues to suffer as a result of the  
28 impact and is unable to blink her right eye without the  
29 assistance of a gold weight sewn into her eyelid and has a  
30 perforated eardrum and resulting hearing loss, permanent facial  
31 paralysis, speech and neurological deficits, and chronic pain,  
32 and

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

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

41 WHEREAS, Volusia County is insured for Mrs. Joynt's claim  
42 for damages through an excess liability insurance policy  
43 underwritten by Star Insurance Company, which has refused to  
44 compensate Mrs. Joynt and maintains that its duty to indemnify  
45 the county is not imposed until passage of this claim bill, and

46 WHEREAS, Volusia County has already paid \$100,000 of the  
47 judgment pursuant to the statutory limits of liability set forth  
48 in s. 768.28, Florida Statutes, which were in effect at the time  
49 that Mrs. Joynt's claim arose, and

50 WHEREAS, Volusia County has agreed to support the passage

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51 of a claim bill to ensure that the remainder of the judgment is  
52 satisfied, NOW, THEREFORE,

53

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

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

58 Section 2. Volusia County is authorized and directed to  
59 appropriate from funds of the county not otherwise encumbered,  
60 or from the county's liability insurance coverage, and to draw a  
61 warrant in the sum of \$1.9 million, payable to Erin Joynt as  
62 compensation for injuries and damages sustained.

63 Section 3. The amount paid by Volusia County pursuant to  
64 s. 768.28, Florida Statutes, and the amount awarded under this  
65 act are intended to provide the sole compensation for all  
66 present and future claims arising out of the factual situation  
67 described in this act which resulted in injuries and damages to  
68 Erin Joynt. The total amount paid for attorney fees, lobbying  
69 fees, costs, and similar expenses relating to this claim may not  
70 exceed 25 percent of the amount awarded under this act.

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