

By Senator Gruters

22-00070-23

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1 A bill to be entitled
2 An act for the relief of Kristin A. Stewart by
3 Sarasota County; providing an appropriation to
4 compensate her for injuries sustained as a result of
5 the negligence of an employee of Sarasota County;
6 providing legislative intent regarding the waiver of
7 certain liens; providing limitations on compensation
8 and the payment of attorney fees, lobbying fees, and
9 costs or other similar expenses; providing an
10 effective date.

11
12 WHEREAS, on May 13, 2020, Kristin A. Stewart, then 35 years
13 of age, was jogging westbound on a pedestrian crosswalk next to
14 Bahia Vista Street at the intersection with Witmarsum Boulevard,
15 and

16 WHEREAS, at the same time, a Sarasota County Ford F-550
17 utility truck driven by an employee of Sarasota County traveling
18 eastbound on Bahia Vista Street performed a legal U-turn
19 maneuver at the intersection with Witmarsum Boulevard in order
20 to travel westbound, and

21 WHEREAS, the Sarasota County employee drove the utility
22 truck into the pedestrian crosswalk and failed to come to a stop
23 or otherwise yield to Ms. Stewart, who was jogging westbound in
24 the pedestrian crosswalk, and the truck struck Ms. Stewart from
25 behind, and

26 WHEREAS, after running Ms. Stewart over from behind, the
27 Sarasota County utility truck continued to drive, dragging Ms.
28 Stewart on the concrete sidewalk for 65 feet and tearing the
29 skin off her torso, both of her hips, and both of her arms;

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30 tearing the hair out of the top of her scalp; crushing her
31 pelvis with a grade 3 open book pelvic fracture; tearing her
32 liver nearly in half with a grade 4 liver laceration; injuring
33 her lungs, kidneys, and colon; and breaking five of Ms.
34 Stewart's ribs and her vertebral body transverse processes at
35 T11, T12, L1, L2, L3, L4, and L5, and

36 WHEREAS, Ms. Stewart did not lose consciousness at any time
37 during or after being run over and dragged by the utility truck
38 and was awake, aware, and conscious of the injuries inflicted on
39 her, and

40 WHEREAS, Ms. Stewart was designated as a trauma 1 patient
41 and transported emergently to Sarasota Memorial Hospital, where
42 she underwent surgical debridement of the degloving injuries to
43 her skin; surgery to graft cadaver skin onto her degloving
44 injuries; surgery to repair her lacerated liver; orthopedic
45 surgery to insert two large screws to reduce the injuries to her
46 pelvis; and intubation and mechanical ventilation due to a
47 collapsed lung and respiratory insufficiency, and

48 WHEREAS, Ms. Stewart's 15-day hospitalization was followed
49 by months of home health care; wound care; ongoing and
50 continuous physical therapy; occupational therapy; further
51 surgical debridements; surgical removal of allografts; surgical
52 harvesting of skin from her right thigh for grafting to the
53 degloving injuries on her torso, her hips, and her arms; wound
54 revision surgery; and medical and psychological treatment for
55 posttraumatic stress disorder (PTSD) and anxiety, and

56 WHEREAS, Ms. Stewart, through no fault of her own, suffered
57 and was treated for multiple traumatic injuries and has
58 suffered, and will continue to suffer, mental pain and anguish

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59 and the loss of enjoyment of life, and

60 WHEREAS, Ms. Stewart incurred medical care and treatment
61 costs related to her injuries which, as of May 24, 2022, total
62 \$917,251.49, and

63 WHEREAS, since the crash, Ms. Stewart has required costly
64 and continuous care and treatment, and she will require such
65 care and treatment for the remainder of her life, and

66 WHEREAS, as a result of her injuries, Ms. Stewart is
67 medically unable to return to her career as an elementary school
68 teacher due to her continued pain, physical limitations, and
69 PTSD and anxiety, which make her medically unemployable, and

70 WHEREAS, with a work-life expectancy of another 29 years,
71 the amount of Ms. Stewart's past lost earnings and future
72 earning capacity after reduction to present value is \$1,927,498,
73 and

74 WHEREAS, as a result of losing her career, Ms. Stewart will
75 lose the health insurance she had as a teacher and will have to
76 pay over her lifetime to replace that health insurance coverage,
77 which, after reduction to present value, totals \$156,568, and

78 WHEREAS, Ms. Stewart suffered severe and permanent bodily
79 injury, severe and permanent scarring and disfigurement over
80 large parts of her body, mental pain and anguish, disability,
81 pain and suffering, and the loss of ability to enjoy life from
82 the time of the accident going forward into the future, and

83 WHEREAS, Sarasota County admits that its employee was
84 solely at fault for running Ms. Stewart over from behind; that
85 its employee was acting within the course and scope of his
86 employment and driving Sarasota County's F-550 utility truck
87 when he ran Ms. Stewart over from behind; that Ms. Stewart did

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88 nothing wrong to cause or contribute to causing the incident
89 that permanently injured, disfigured, and disabled her; and that
90 the negligence of Sarasota County through the acts of its
91 employee was the sole cause of Ms. Stewart's injuries and
92 damages, and

93 WHEREAS, Ms. Stewart will require costly continuous care
94 and treatment for the remainder of her life, which treatment
95 will cost \$388,538 after reduction to present value, and

96 WHEREAS, in resolving the civil action brought in the
97 Circuit Court for the Twelfth Judicial Circuit, in and for
98 Sarasota County, Kristin A. Stewart vs. Sarasota County, Case
99 No. 2020 CA 005362 NC, a final judgment was entered in favor of
100 Kristin A. Stewart against Sarasota County on June 14, 2022, in
101 the amount of \$5.95 million, and

102 WHEREAS, the parties signed a settlement agreement under
103 the terms of which a total amount of \$5.95 million is to be paid
104 to Ms. Stewart, of which Sarasota County has paid \$200,000
105 pursuant to s. 768.28, Florida Statutes, and

106 WHEREAS, Sarasota County and its insurer, Colony Insurance
107 Company, have agreed to support this claim bill being rendered
108 against Sarasota County in this matter and will support any such
109 bill in the amount agreed upon in the settlement agreement, NOW,
110 THEREFORE,

111

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

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

116 Section 2. In addition to the \$200,000 already paid to

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117 Kristin A. Stewart, Sarasota County is authorized and directed
118 to appropriate from funds not otherwise encumbered and to draw a
119 warrant in the sum of \$5.75 million payable to Kristin A.
120 Stewart as compensation for injuries and damages sustained due
121 to the negligence of an employee of Sarasota County.

122 Section 3. Excluding the federal portions of any liens,
123 Medicaid or otherwise, which the claimant must satisfy pursuant
124 to s. 409.910, Florida Statutes, it is the intent of the
125 Legislature that the lien interests relating to the care and
126 treatment of Kristin A. Stewart are hereby waived and
127 extinguished.

128 Section 4. The amount paid by Sarasota County pursuant to
129 s. 768.28, Florida Statutes, and the amount awarded under this
130 act are intended to provide the sole compensation for all
131 present and future claims arising out of the factual situation
132 described in this act which resulted in injuries and damages to
133 Kristin A. Stewart. The total amount paid for attorney fees
134 relating to this claim may not exceed 25 percent of the first 2
135 million dollars recovered and 20 percent of moneys recovered in
136 excess of 2 million dollars, the total amount paid for lobbying
137 fees may not exceed 5 percent of the amount recovered, and the
138 total amount paid for costs or other similar expenses may not
139 exceed \$88,709.64.

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