

By Senator DiCeglie

18-00133A-25

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1                   A bill to be entitled  
2       An act for the relief of Mande Penney-Lemmon by  
3       Sarasota County; providing for an appropriation to  
4       compensate her for injuries sustained as a result of  
5       the negligence of Sarasota County, through its  
6       employee; providing a limitation on compensation and  
7       the payment of attorney fees; providing an effective  
8       date.

9  
10       WHEREAS, on or about October 1, 2018, Mande Penney-Lemmon  
11       was lawfully driving over the Venice Avenue Bridge in Venice and  
12       came to a complete stop when traffic stalled in front of her  
13       vehicle at or near the intersection of East Venice Avenue and  
14       Tamiami Trail North, and

15       WHEREAS, at the same time, Jill Parnell, an employee of  
16       Sarasota County, who was acting within the course and scope of  
17       her official duties as a supervisor for the county's Department  
18       of Parks, Recreation, and Natural Resources, was driving over  
19       the same bridge in a motor vehicle owned by Sarasota County, and

20       WHEREAS, it was a clear and sunny day, and there were no  
21       visual obstructions as Ms. Parnell was driving, and

22       WHEREAS, Ms. Parnell admitted that she was wearing  
23       headphones at the time and did not notice that traffic had come  
24       to a stop ahead of her, and

25       WHEREAS, Ms. Parnell's vehicle collided directly into the  
26       back of Ms. Penney-Lemmon's vehicle, the impact of which caused  
27       Ms. Penney-Lemmon's vehicle to hit the vehicle stopped in front  
28       of her, and

29       WHEREAS, due to the impacts involving both the rear and

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30 front of Ms. Penney-Lemmon's vehicle which were caused by Ms.  
31 Parnell's negligent driving, Ms. Penney-Lemmon suffered  
32 significant physical and neurological injuries, including, but  
33 not limited to, discogenic injuries to her neck, disc herniation  
34 in her lower back, a type II SLAP tear in her left shoulder, and  
35 bilateral temporomandibular joint dysfunction, all of which have  
36 required medical intervention and have had a negative impact on  
37 her quality of life, and

38 WHEREAS, Ms. Penney-Lemmon was subsequently diagnosed with  
39 a traumatic brain injury as a result of the accident which will  
40 limit her ability to function normally for the remainder of her  
41 life, and

42 WHEREAS, Ms. Penney-Lemmon continues to suffer from chronic  
43 headaches and anxiety and depression related to the accident,  
44 and

45 WHEREAS, Ms. Penney-Lemmon brought a civil action against  
46 Sarasota County in the Twelfth Judicial Circuit in and for  
47 Sarasota County, case number 2022-CA-2865, for the negligent  
48 acts of its employee Ms. Parnell, which resulted in injuries to  
49 Ms. Penney-Lemmon, and

50 WHEREAS, the jury found that negligence on the part of  
51 Sarasota County, through the actions of its employee Ms.  
52 Parnell, was the cause of the injuries and damages to Ms.  
53 Penney-Lemmon and issued a verdict in her favor in the amount of  
54 \$2,491,364.63, plus interest at the rate of 9.34 percent per  
55 annum, or 0.000255191 percent per day, for past and future  
56 damages, and

57 WHEREAS, Sarasota County has paid the statutory limit of  
58 \$200,000 in damages under s. 768.28, Florida Statutes, and

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59 WHEREAS, this claim bill is for recovery of the excess  
60 judgment in favor of Ms. Penney-Lemmon, in the amount of  
61 \$2,291,364.63, NOW, THEREFORE,

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

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

67 Section 2. Sarasota County is authorized and directed to  
68 appropriate from funds not otherwise encumbered and to draw a  
69 warrant in the amount of \$2,291,364.63, payable to Mande Penney-  
70 Lemmon as compensation for injuries and damages sustained.

71 Section 3. The amount paid by Sarasota County pursuant to  
72 s. 768.28, Florida Statutes, and the amount awarded under this  
73 act are intended to provide the sole compensation for all  
74 present and future claims arising out of the factual situation  
75 described in this act which resulted in injuries and damages to  
76 Mande Penney-Lemmon. The total amount paid for attorney fees  
77 relating to this claim may not exceed 25 percent of the total  
78 amount awarded under this act.

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