

Committee Substitute for Senate Bill No. 38

An act relating to Volusia County; providing for the relief of Fred Fedorka; providing for an appropriation to compensate him for the death of his wife, Carol Fedorka, and for injuries he sustained as a result of the negligence of Volusia County; providing an effective date.

WHEREAS, on March 5, 1997, at 1:45 p.m., Fred Fedorka and his wife, Carol Fedorka, were operating motorcycles traveling north on State Road A1A in Volusia County, and

WHEREAS, they had stopped their motorcycles in traffic because the car traveling north in front of them was preparing to make a left-hand turn, and

WHEREAS, while they were waiting for the car in front of them to make the turn, a Volusia County public-works truck, which was also traveling north, failed to stop and crashed into the back of Fred and Carol Fedorka's motorcycles, and

WHEREAS, Carol Fedorka was transported by helicopter to Halifax Medical Center, where, although every effort was made to save her, she died 13 days later as a result of multiple trauma in which almost every bone in her body had been broken, and

WHEREAS, Fred Fedorka also suffered multiple injuries, including fractures of the pubis, clavicle, nasal bone, C5 vertebra, ribs, and lumbar vertebra, lung contusion, tears in the bladder and urethra, and open wounds to the face and ear, and

WHEREAS, Fred Fedorka was transported to Columbia Medical Center - Peninsula of Ormond Beach and later transported to Halifax Medical Center, and

WHEREAS, Fred Fedorka continues to suffer physical disabilities due to his catastrophic injuries, including numbness in the hands, restriction of motion in his left shoulder, loss of coordination and balance, loss of senses and motor skills in his lower extremities, disfiguring scars and a noticeable dent on the right side of his head, loss of part of the right ear, significant back and neck pain, and constant pain and burning during urination due to the tear in his urethra, and

WHEREAS, medical bills for Carol Fedorka were in excess of \$239,000 and medical bills for Fred Fedorka were in excess of \$245,000, and

WHEREAS, Fred Fedorka's injuries will necessitate future medical care, including future surgeries, and

WHEREAS, a lawsuit was filed against Volusia County, which was scheduled for trial in September 1999, and

WHEREAS, as a result of mediation that was concluded on July 28, 1999, the parties have reached an agreement to settle this matter for a total of \$1 million, and

WHEREAS, pursuant to the settlement reached at mediation, Volusia County has paid the sum of \$200,000, in accordance with the statutory limits on waiver of sovereign immunity provided under section 768.28, Florida Statutes, and

WHEREAS, pursuant to the settlement, Volusia County will support the passage of a claim bill in the remaining amount of \$800,000, NOW, THEREFORE,

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

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

Section 2. Volusia County is authorized and directed to appropriate from funds of the county not otherwise appropriated and, after December 1, 2000, to draw a warrant in the sum of \$800,000 for the use and benefit of Fred Fedorka as compensation for the death of his wife, Carol Fedorka, and as compensation for injuries he sustained due to the negligence of Volusia County.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor April 20, 2000.

Filed in Office Secretary of State April 20, 2000.