

Senate Bill No. 40

An act relating to St. Lucie County; providing for the relief of Richard and Denise Ebner for injuries sustained due to the negligence of St. Lucie County; providing for the use of such funds; providing an effective date.

WHEREAS, On February 6, 1996, Richard and Denise Ebner were standing in front of their vehicle off the northbound shoulder of Glades Cut-Off Road in Fort Pierce, Florida, and

WHEREAS, a car was traveling in the northbound lane of Glades Cut-Off Road and approaching the area where the Ebners were parked, and

WHEREAS, a dump truck owned by St. Lucie County, while traveling in the southbound lane, collided with the other car, causing it to strike the Ebner's vehicle and Richard and Denise Ebner, and

WHEREAS, the collision was caused by the negligence of the driver of the St. Lucie County dump truck, and

WHEREAS, as a result of the collision, Richard Ebner sustained a right zygomaticomaxillary complex fracture, right orbital rim and orbital floor fracture, right medial orbital wall fracture, right maxillary sinus wall fractures, LaForte 1 fracture of the right maxilla, right pneumothorax, right basilar skull fracture, concussion, scalp laceration, open bite deformity, trigeminal neuralgia of the first division with overflow, loss of vision in the right eye, and right septal deformity, and

WHEREAS, Richard Ebner, as a result of such injuries, suffers from almost constant severe shooting pains in his face and head, frequent migraine headaches, dizziness, fainting, memory loss, and loss of concentration, and his mental capacity has been greatly reduced, and

WHEREAS, Richard Ebner has incurred medical bills in excess of \$84,000 as a result of his injuries, and

WHEREAS, Denise Ebner, as a result of the collision, sustained a torn medial meniscus and tear of the medial collateral ligament in her right knee, which required surgical arthroscopy, partial medial meniscectomy, and synovectomy of the medial compartment, and

WHEREAS, Denise Ebner continues to suffer from right-knee pain and stiffness, burning sensations in her right leg, numbness in her right foot, and lower back pain, and

WHEREAS, Denise Ebner has incurred medical bills in excess of \$7,000 as a result of her injuries, and

WHEREAS, as a result of his injuries, Richard Ebner is no longer able to operate his business, Rick's Garden World, a nursery and landscaping business, resulting in a loss of revenue which has caused the Ebners to mortgage their family home, placing it in danger of foreclosure, and

WHEREAS, the injuries have financially devastated the Ebners and have significantly decreased their quality of life, and

WHEREAS, the Ebners have received \$15,000 in a settlement with the driver of the vehicle that struck them, have received \$300,000 from their underinsured motorist insurance carrier, and have agreed to a settlement with St. Lucie county in the amount of \$200,000, plus an agreement for the county to support a claim bill in the amount of \$50,000, 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. St. Lucie County is authorized and directed to compensate Richard and Denise Ebner in the sum of \$50,000, out of county funds not otherwise appropriated. The funds designated for their benefit shall be used to pay statutory fees, costs, outstanding medical liens, and other immediate needs of the claimants.

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

Approved by the Governor June 23, 2003.

Filed in Office Secretary of State June 23, 2003.