

CHAPTER 2019-187

Committee Substitute for House Bill No. 6517

An act for the relief of Robert Allan Smith by Orange County; providing for an appropriation to compensate Mr. Smith for injuries and damages he sustained as a result of the negligence of an employee of Orange County; providing legislative intent regarding lien interests held by the state; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, at 1:43 p.m. on September 7, 2006, Robert Allan Smith was driving his motorcycle north on DePauw Avenue, the quiet residential street he lived on in Orlando, within 300 feet of his home, within the 25-mile-per-hour posted speed limit, and with the motorcycle's headlights on in clear, dry weather, and

WHEREAS, as Mr. Smith approached the intersection of DePauw Avenue and Orlando Street, at which stop signs are posted for vehicles traveling on Orlando Street, Orange County employee Lynn Lawrence Godden, who was driving an Orange County work van west on Orlando Street, negligently pulled away from the stop sign, colliding with Mr. Smith, and

WHEREAS, Mr. Smith said he saw the driver of the Orange County van visibly slow down as he approached the stop sign, having observed Mr. Smith approaching on his motorcycle, but that the driver drove through the stop sign and into Mr. Smith's path and Mr. Smith was unable to avoid a collision, and

WHEREAS, the front of the Orange County van struck Mr. Smith, causing severe and life-threatening injuries and necessitating surgical procedures, including a traumatic amputation of his right leg above his knee, and

WHEREAS, Mr. Smith also suffered a badly fractured lower left leg with internal fixation, a broken pelvis and sacrum with internal fixation, and damage to the rectum and internal organs, which required a laparotomy, and

WHEREAS, the Orange County employee testified that he observed Mr. Smith's motorcycle as he approached the intersection, but he erroneously believed that it was heading away from him, although there was no evidence to support this claim, and that he was looking to his right, away from Mr. Smith, when he entered the intersection, and

WHEREAS, the Orange County employee was issued a citation by the Orlando Police Department for failure to yield from a stop sign, and

WHEREAS, after finding for Mr. Smith and against Orange County in a civil jury trial, the jury in the case determined that Mr. Smith's future medical expenses totaled \$2.376 million over 40 years and that his past

medical expenses and lost wages totaled \$688,807.37, and awarded him \$1,749,978 in damages for past and future pain and suffering, for a total award of \$4,814,785.37, and

WHEREAS, after the total award was reduced by amounts for comparative negligence and Medicaid and Veterans Administration setoffs, a final judgment was entered against Orange County on November 27, 2012, in the amount of \$2,913,536.09, and

WHEREAS, Orange County has paid Mr. Smith \$100,000 pursuant to the statutory limits of liability set forth in s. 768.28, Florida Statutes, which were in effect at the time Mr. Smith's claim arose, leaving a remaining unpaid balance of \$2,813,536.09, 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. Orange County is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$750,000 payable to Robert Allan Smith as compensation for injuries and damages he sustained as a result of the negligence of an employee of Orange County.

Section 3. It is the intent of the Legislature that the lien interests of the state relating to the claim of Robert Allan Smith for the treatment and care of Robert Allan Smith, excluding the federal portion of any liens, are hereby waived or extinguished.

Section 4. The amount paid by Orange County pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries and damages to Robert Allan Smith. Of the amount awarded under this act, the total amount paid for attorney fees may not exceed \$150,000, the total amount paid for lobbying fees may not exceed \$37,500, and the total amount paid for costs and other similar expenses relating to this claim may not exceed \$71,511.15.

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

Approved by the Governor May 23, 2019.

Filed in Office Secretary of State May 23, 2019.