

CHAPTER 2010-239

Senate Bill No. 54

An act for the relief of Erskin Bell, II, by the City of Altamonte Springs; providing an appropriation to compensate him for injuries and damages sustained as the result of negligence by the City of Altamonte Springs; providing a limitation on the payment of fees and costs; providing an effective date.

WHEREAS, in the fall of 2008, Erskin Bell, II, was a 20-year-old college student studying to be an air traffic controller, and

WHEREAS, on November 30, 2008, Mr. Bell was a passenger in a 2001 Honda Civic driven by his friend, 18-year-old Jennifer Hernandez. Returning from a church function, Ms. Hernandez and Mr. Bell were stopped at a red light at the intersection of Maitland Boulevard and Bear Lake Road just southwest of Altamonte Springs, in Orlando. While stopped at the traffic signal, their vehicle was struck from behind by an Altamonte Springs police car driven by Officer Mark Edward Maupin, and

WHEREAS, Officer Maupin was traveling at more than 100 miles per hour when he hit the rear of the vehicle occupied by Ms. Hernandez and Mr. Bell. The force of the resulting wreck was so severe that it demolished the car occupied by Ms. Hernandez and Mr. Bell. Mr. Bell was rendered unconscious by the impact and both Mr. Bell and Ms. Hernandez were airlifted to Orlando Regional Medical Center. Mr. Bell sustained catastrophic injuries, including massive skull fractures to his head and face, intracranial hemorrhaging, massive bilateral brain damage, and numerous internal injuries. Ms. Hernandez was hospitalized with a skull fracture. Officer Maupin also suffered a skull fracture and was taken to Florida Hospital South, and

WHEREAS, Erskin Bell has never regained consciousness and remains in a coma, requires 24-hour care, and the professional Life Care Plan estimates that about \$30 million will be required to provide care for Mr. Bell for his remaining life expectancy, and

WHEREAS, the City of Altamonte Springs entered into a settlement agreement with Erskin Bell's father, as guardian for his son, to pay the \$100,000 allowed under s. 768.28, Florida Statutes, relating to sovereign immunity, and an additional \$2 million, which is the limit of the city's municipal trust coverage through the Florida League of Cities, to cover the cost of Mr. Bell's current and future health care, and

WHEREAS, due to the need to expeditiously establish a Special Needs Trust to cover those costs, the City of Altamonte Springs has already paid \$1.95 million to establish the Special Needs Trust, and

WHEREAS, the City of Altamonte Springs has agreed to support a claim bill by the Legislature in the amount of \$150,000 in favor of Erskin Bell, II, to pay the remainder of the agreed amount, 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. The City of Altamonte Springs is directed to appropriate from funds of the city not otherwise appropriated and to draw a warrant in the sum of \$150,000, payable to the Special Needs Trust created for the exclusive use and benefit of Erskin Bell, II, as compensation for injuries and damages sustained.

Section 3. The amount paid by the City of Altamonte Springs pursuant to the settlement agreement between Erskin Bell, II, and the City of Altamonte Springs and the amount awarded under this act are intended to provide the sole compensation for all present and future claims against the City of Altamonte Springs or the City of Altamonte Springs Police Department arising out of the factual situation described in this act which resulted in the injuries and damages to Erskin Bell, II. The total amount paid for attorney's fees, lobbying fees, costs, and other similar expenses relating to this claim may not exceed 25 percent of the total amount awarded under this act.

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

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.