

## CHAPTER 2023-323

### Senate Bill No. 10

An act for the relief of Kristin A. Stewart by Sarasota County; providing an appropriation to compensate her for injuries sustained as a result of the negligence of an employee of Sarasota County; providing legislative intent regarding the waiver of certain liens; providing limitations on compensation and the payment of attorney fees, lobbying fees, and costs or other similar expenses; providing an effective date.

WHEREAS, on May 13, 2020, Kristin A. Stewart, then 35 years of age, was jogging westbound on a pedestrian crosswalk next to Bahia Vista Street at the intersection with Witmarsum Boulevard, and

WHEREAS, at the same time, a Sarasota County Ford F-550 utility truck driven by an employee of Sarasota County traveling eastbound on Bahia Vista Street performed a legal U-turn maneuver at the intersection with Witmarsum Boulevard in order to travel westbound, and

WHEREAS, the Sarasota County employee drove the utility truck into the pedestrian crosswalk and failed to come to a stop or otherwise yield to Ms. Stewart, who was jogging westbound in the pedestrian crosswalk, and the truck struck Ms. Stewart from behind, and

WHEREAS, after running Ms. Stewart over from behind, the Sarasota County utility truck continued to drive, dragging Ms. Stewart on the concrete sidewalk for 65 feet and tearing the skin off her torso, both of her hips, and both of her arms; tearing the hair out of the top of her scalp; crushing her pelvis with a grade 3 open book pelvic fracture; tearing her liver nearly in half with a grade 4 liver laceration; injuring her lungs, kidneys, and colon; and breaking five of Ms. Stewart's ribs and her vertebral body transverse processes at T11, T12, L1, L2, L3, L4, and L5, and

WHEREAS, Ms. Stewart did not lose consciousness at any time during or after being run over and dragged by the utility truck and was awake, aware, and conscious of the injuries inflicted on her, and

WHEREAS, Ms. Stewart was designated as a trauma 1 patient and transported emergently to Sarasota Memorial Hospital, where she underwent surgical debridement of the degloving injuries to her skin; surgery to graft cadaver skin onto her degloving injuries; surgery to repair her lacerated liver; orthopedic surgery to insert two large screws to reduce the injuries to her pelvis; and intubation and mechanical ventilation due to a collapsed lung and respiratory insufficiency, and

WHEREAS, Ms. Stewart's 15-day hospitalization was followed by months of home health care; wound care; ongoing and continuous physical therapy; occupational therapy; further surgical debridements; surgical removal of allografts; surgical harvesting of skin from her right thigh for grafting to

the degloving injuries on her torso, her hips, and her arms; wound revision surgery; and medical and psychological treatment for posttraumatic stress disorder (PTSD) and anxiety, and

WHEREAS, Ms. Stewart, through no fault of her own, suffered and was treated for multiple traumatic injuries and has suffered, and will continue to suffer, mental pain and anguish and the loss of enjoyment of life, and

WHEREAS, Ms. Stewart incurred medical care and treatment costs related to her injuries which, as of May 24, 2022, total \$917,251.49, and

WHEREAS, since the crash, Ms. Stewart has required costly and continuous care and treatment, and she will require such care and treatment for the remainder of her life, and

WHEREAS, as a result of her injuries, Ms. Stewart is medically unable to return to her career as an elementary school teacher due to her continued pain, physical limitations, and PTSD and anxiety, which make her medically unemployable, and

WHEREAS, with a work-life expectancy of another 29 years, the amount of Ms. Stewart’s past lost earnings and future earning capacity after reduction to present value is \$1,927,498, and

WHEREAS, as a result of losing her career, Ms. Stewart will lose the health insurance she had as a teacher and will have to pay over her lifetime to replace that health insurance coverage, which, after reduction to present value, totals \$156,568, and

WHEREAS, Ms. Stewart suffered severe and permanent bodily injury, severe and permanent scarring and disfigurement over large parts of her body, mental pain and anguish, disability, pain and suffering, and the loss of ability to enjoy life from the time of the accident going forward into the future, and

WHEREAS, Sarasota County admits that its employee was solely at fault for running Ms. Stewart over from behind; that its employee was acting within the course and scope of his employment and driving Sarasota County’s F-550 utility truck when he ran Ms. Stewart over from behind; that Ms. Stewart did nothing wrong to cause or contribute to causing the incident that permanently injured, disfigured, and disabled her; and that the negligence of Sarasota County through the acts of its employee was the sole cause of Ms. Stewart’s injuries and damages, and

WHEREAS, Ms. Stewart will require costly continuous care and treatment for the remainder of her life, which treatment will cost \$388,538 after reduction to present value, and

WHEREAS, in resolving the civil action brought in the Circuit Court for the Twelfth Judicial Circuit, in and for Sarasota County, Kristin A. Stewart vs. Sarasota County, Case No. 2020 CA 005362 NC, a final judgment was

entered in favor of Kristin A. Stewart against Sarasota County on June 14, 2022, in the amount of \$5.95 million, and

WHEREAS, the parties signed a settlement agreement under the terms of which a total amount of \$5.95 million is to be paid to Ms. Stewart, of which Sarasota County has paid \$200,000 pursuant to s. 768.28, Florida Statutes, and

WHEREAS, Sarasota County and its insurer, Colony Insurance Company, have agreed to support this claim bill being rendered against Sarasota County in this matter and will support any such bill in the amount agreed upon in the settlement agreement, 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. In addition to the \$200,000 already paid to Kristin A. Stewart, Sarasota County is authorized and directed to appropriate from funds not otherwise encumbered and to draw a warrant in the sum of \$5.75 million payable to Kristin A. Stewart as compensation for injuries and damages sustained due to the negligence of an employee of Sarasota County.

Section 3. Excluding the federal portions of any liens, Medicaid or otherwise, which the claimant must satisfy pursuant to s. 409.910, Florida Statutes, it is the intent of the Legislature that the lien interests relating to the care and treatment of Kristin A. Stewart are hereby waived and extinguished.

Section 4. The amount paid by Sarasota 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 Kristin A. Stewart. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the first 2 million dollars recovered and 20 percent of moneys recovered in excess of 2 million dollars, the total amount paid for lobbying fees may not exceed 5 percent of the amount recovered, and the total amount paid for costs or other similar expenses may not exceed \$88,709.64.

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

Approved by the Governor June 9, 2023.

Filed in Office Secretary of State June 9, 2023.