

By the Committee on Judiciary; and Senator Simmons

590-02189-17

201730c1

1 A bill to be entitled
2 An act for the relief of Erin Joynt by Volusia County;
3 providing for an appropriation to compensate Erin
4 Joynt for injuries sustained as a result of the
5 negligence of an employee of Volusia County; providing
6 that certain payments and the appropriation satisfy
7 all present and future claims related to the negligent
8 act; providing a limitation on the payment of attorney
9 fees; providing an effective date.

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11 WHEREAS, on July 31, 2011, Erin Joynt, her husband, and two
12 children were vacationing beachgoers on Daytona Beach as they
13 journeyed from their native Wichita, Kansas, to their planned
14 destination of Walt Disney World, and

15 WHEREAS, at the same time, in the regular course of his
16 employment duties, Thomas Moderie, an employee of the Volusia
17 County Beach Patrol, was driving a Ford F-150 pickup truck owned
18 by the county along the beach, and

19 WHEREAS, Mr. Moderie negligently operated the truck,
20 running over Mrs. Joynt while she was sunbathing on the beach,
21 and

22 WHEREAS, as a result of the impact with the truck, Mrs.
23 Joynt sustained severe injuries, including, but not limited to,
24 multiple cranial and facial fractures, rib fractures, permanent
25 facial injuries, and chronic back pain, and

26 WHEREAS, Mrs. Joynt continues to suffer as a result of the
27 impact and is unable to blink her right eye without the
28 assistance of a gold weight sewn into her eyelid and has a
29 perforated eardrum and additional hearing loss, permanent facial

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30 paralysis, speech and neurological deficits, and chronic pain,
31 and

32 WHEREAS, after a 4-day trial in June 2014, at which Volusia
33 County acknowledged the negligence of Mr. Moderie, a jury found
34 the county liable for Mrs. Joynt's injuries and awarded her
35 compensatory damages in the amount of \$2.6 million, and

36 WHEREAS, on January 12, 2016, following resolution of an
37 appeal initiated by the county, a final judgment in the amount
38 of \$2 million was entered against Volusia County by the trial
39 court, and

40 WHEREAS, Volusia County is insured for Mrs. Joynt's claim
41 for damages through an excess liability insurance policy
42 underwritten by Star Insurance Company, and

43 WHEREAS, Volusia County has already paid \$85,000 of the
44 judgment to Mrs. Joynt pursuant to the statutory limits of
45 liability set forth in s. 768.28, Florida Statutes, which were
46 in effect at the time that Mrs. Joynt's claim arose, NOW,
47 THEREFORE,

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

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

53 Section 2. Volusia County is authorized and directed to
54 appropriate from funds of the county not otherwise encumbered,
55 or from the county's liability insurance coverage, and to draw a
56 warrant in the sum of \$1,895,000, payable to Erin Joynt as
57 compensation for injuries and damages sustained.

58 Section 3. The amount paid by Volusia County pursuant to s.

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59 768.28, Florida Statutes, and the amount awarded under this act
60 are intended to provide the sole compensation for all present
61 and future claims arising out of the factual situation described
62 in this act which resulted in injuries and damages to Erin
63 Joynt. The total amount paid for attorney fees relating to this
64 claim may not exceed 25 percent of the amount awarded under this
65 act.

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