

STORAGE NAME: h1195.cla.doc  
DATE: March 21, 2001

Florida House of Representatives  
Committee on Claims  
Summary Claim Bill Report

Bill #: HB 1195  
Sponsor: Representative Fields  
Companion Bill: SB 56, by Senator Campbell  
Special Master: Stephanie Birtman for Michael W. Carlson

**A. Basic Information:**

1. **Claimants:** Lawrence Douglas Bigney
2. **Respondent:** Palm Beach County Sheriff's Office
3. **Amount Requested:** \$75,000
4. **Type of Claim:** Equitable/Settlement
5. **Respondent's Position:** Agreed not to oppose the claims bill.
6. **Collateral Sources:** Claimant received \$10,000 through settlement with a potential tortfeasor.
7. **Prior Legislative History:** None.

**B. Procedural Summary:**

This is an excess judgment claim based on a settlement entered into between the parties, in which the Palm Beach County Sheriff's Office has agreed to compensate Lawrence Douglas Bigney in the amount of \$100,000 for the injuries he sustained arising out of a motor vehicle accident involving a Palm Beach County Sheriff's deputy. Pursuant to the settlement agreement, the Palm Beach County Sheriff's Office has agreed not to oppose Mr. Bigney's attempt to seek an additional \$75,000 through the claims bill process. This amount, if approved by the Legislature, will be paid from the Sheriff's operating fund. The Sheriff's Office has paid the claimant \$100,000 out of its operating funds. The Sheriff's Office has agreed not to support or object to the submission of a legislative claims bill by Mr. Bigney.

**C. Facts of Case:**

On January 28, 1998, Lawrence Bigney was lawfully operating a motorcycle westbound on Southern Boulevard in West Palm Beach, intending to make a left-hand turn onto Haverhill Road. A vehicle owned by the Palm Beach County Sheriff's Office and driven by Deputy Frank Mayo exited the parking lot on the northeast corner of Southern Boulevard and Haverhill Road with the intent to make a left turn onto Southern Boulevard to travel eastbound. In doing so, Deputy Mayo traveled between westbound traffic which was stopped for the red light at the intersection of Southern Boulevard and Haverhill Road and pulled into the path of Mr. Bigney's motorcycle, failing to yield the right-of-way to Mr. Bigney. The right front portion of the deputy's official vehicle struck Mr. Bigney's motorcycle on the right side.

Lawrence Bigney was injured as a result of the accident, suffering severe compound comminuted fractures of the right distal tibia-fibula which nearly resulted in amputation of Mr. Bigney's right foot. Mr. Bigney has been hospitalized and has undergone surgery four times between January 28, 1998 and April 21, 1999. In addition, Mr. Bigney has been unable to return to his employment as a police/public safety officer and fire inspector.

Mr. Bigney has received a settlement of \$10,000 from Dean Huff, a motorist who allegedly waived Deputy Mayo across the intersection prior to the accident. This amount represents the limits of Mr. Huff's insurance policy.

SM: \_\_\_\_\_ SD: \_\_\_\_\_ Date: \_\_\_\_\_  
Michael W. Carlson Stephanie O. Birtman