

1 A bill to be entitled

2 An act for the relief of the Estate of Dr. Sherrill
3 Lynn Aversa; providing an appropriation to compensate
4 the Estate of Dr. Sherrill Lynn Aversa for Dr.
5 Aversa's death as a result of the negligence of the
6 Department of Transportation; requiring the Executive
7 Office of the Governor to establish spending authority
8 from unappropriated trust fund balances of the
9 department for compensation to the Estate of Dr.
10 Sherrill Lynn Aversa; providing a limitation on the
11 payment of fees and costs; providing an effective
12 date.

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14 WHEREAS, on June 21, 1999, an employee of the Department of
15 Transportation was driving a department vehicle north on
16 Interstate 75 in Hillsborough County, and

17 WHEREAS, on that same day, Dr. Sherrill Lynn Aversa, having
18 completed an interview at the University of South Florida
19 Medical School, was traveling south on Interstate 75, and

20 WHEREAS, according to departmental policy, employees of the
21 department are required to ensure that all items used by the
22 department and stored on a department vehicle are appropriately
23 secured, and

24 WHEREAS, one such item used by the department was a 12-foot
25 extension ladder stored on the roof of the truck driven by the

26 | department employee and the employee failed to ensure that the
27 | ladder was secured to the vehicle before leaving the
28 | department's maintenance yard, and

29 | WHEREAS, as the employee traveled north on Interstate 75 in
30 | the department vehicle, the extension ladder flew off the roof
31 | into the northbound traffic traveling behind the department
32 | vehicle, and

33 | WHEREAS, the driver of the vehicle traveling behind the
34 | department vehicle swerved to avoid hitting the ladder and, as a
35 | result of the swerving movement, lost control of her vehicle,
36 | veered to the left, crossed the Interstate 75 median, and struck
37 | Dr. Aversa's southbound vehicle, killing Dr. Aversa instantly,
38 | and

39 | WHEREAS, as a result of these events, the Estate of Dr.
40 | Sherrill Lynn Aversa brought suit against the department for its
41 | negligence in causing the death of Dr. Aversa, and

42 | WHEREAS, after 3 years of litigation, the department
43 | admitted liability for the accident and agreed to settle the
44 | case, and

45 | WHEREAS, the parties agreed to a consent judgment in the
46 | amount of \$800,000 solely against the department, with no
47 | finding of comparative negligence against any other party, and

48 | WHEREAS, the department has paid \$150,000 to the Estate of
49 | Dr. Sherrill Lynn Aversa consistent with the statutory limits of
50 | liability set forth in s. 768.28, Florida Statutes, NOW,

51 THEREFORE,

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

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

57 Section 2. The Executive Office of the Governor is
 58 directed to establish spending authority from unappropriated
 59 trust fund balances of the Department of Transportation in the
 60 amount of \$650,000 to a new category titled "Relief: Estate of
 61 Dr. Sherrill Lynn Aversa" as compensation to the Estate of Dr.
 62 Sherrill Lynn Aversa for the death of Dr. Sherrill Lynn Aversa,
 63 which amount includes attorney fees and costs.

64 Section 3. The Chief Financial Officer is directed to draw
 65 a warrant, pursuant to the stipulated settlement agreement
 66 executed by the Department of Transportation and the personal
 67 representative of the Estate of Dr. Sherrill Lynn Aversa, in the
 68 amount of \$650,000 upon funds of the Department of
 69 Transportation not otherwise encumbered, and the Chief Financial
 70 Officer is directed to pay the same sum out of such funds in the
 71 State Treasury.

72 Section 4. The amount paid by the Department of
 73 Transportation pursuant to s. 768.28, Florida Statutes, and the
 74 amount awarded under this act are intended to provide the sole
 75 compensation for this excess judgment claim and for all other

76 | present and future claims arising out of the factual situation
77 | described in this act which resulted in the death of Dr.
78 | Sherrill Lynn Aversa. Of the amount awarded under this act, the
79 | total amount paid for attorney fees may not exceed \$123,500, the
80 | total amount paid for lobbying fees may not exceed \$39,000, and
81 | no amount may be paid for costs or other similar expenses.

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