

By Senator Forman

32-95A-98

1 A bill to be entitled
2 An act providing for the relief of Frank
3 Roster; providing an appropriation to reimburse
4 him for injuries suffered due, in part, to the
5 negligence of the Department of Transportation;
6 providing an effective date.
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8 WHEREAS, on April 2, 1988, Frank Roster was riding his
9 bicycle in a southbound direction on a road in Hollywood,
10 Florida, and
11 WHEREAS, Mr. Roster was in the westernmost lane and was
12 riding as close to the right-hand side of the curb as
13 possible, and
14 WHEREAS, he was hit from behind by a car driven by
15 Donald Moulton, and
16 WHEREAS, as a result of the accident, Frank Roster was
17 rendered quadriplegic, has plates and screws in his neck, and
18 has been unable to work since the accident, and
19 WHEREAS, Mr. Roster is unable to have children, and his
20 wife must care for him constantly, and
21 WHEREAS, to date, Frank Roster has \$430,000 in unpaid
22 medical bills and anticipates continuing medical expenses, and
23 WHEREAS, a lawsuit was brought against the Department
24 of Transportation in this matter, and, in 1994, a jury
25 returned a verdict in favor of Frank Roster in the amount of
26 \$15,737,602, and the jury apportioned the fault, finding the
27 Department of Transportation to be 20 percent negligent, and
28 WHEREAS, the award included the sum of \$430,000 to
29 cover his unpaid medical bills; \$4,400,000 for future medical
30 care and treatment; \$897,602 in past and future lost wages,
31 and \$10,000,000 for past and future pain and suffering, and

1 WHEREAS, based on the apportionment of fault, the
2 amount awarded for the Department of Transportation's share of
3 the liability totals \$7,727,602, and

4 WHEREAS, the Department of Transportation appealed the
5 verdict, and the district court of appeal recently affirmed
6 the jury award, and

7 WHEREAS, the unpaid amount of the award is \$7,727,602,
8 which represents the amount of the department's apportioned
9 liability for the injury, NOW, THEREFORE,

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

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

15 Section 2. The Executive Office of the Governor is
16 directed to transfer existing spending authority or establish
17 spending authority from unappropriated trust fund balances in
18 the Department of Transportation in the amount of \$7,627,602
19 to a new category entitled "Relief - Frank Roster" as relief
20 for injuries incurred by Frank Roster due, in part, to the
21 negligence of the department.

22 Section 3. The Comptroller is directed to draw a
23 warrant in favor of Frank Roster in the sum of \$7,627,602 upon
24 funds of the Department of Transportation in the State
25 Treasury, and the State Treasurer is directed to pay the same
26 out of such funds in the State Treasury. Such amount shall be
27 paid in addition to the \$100,000 payable pursuant to section
28 768.28, Florida Statutes, Florida's sovereign immunity
29 statute.

30 Section 4. This act shall take effect July 1, 1998.
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SENATE SUMMARY

Provides an appropriation from funds of the Department of Transportation to compensate Frank Roster for injuries sustained in an accident that was due, in part, to the negligence of the department.