

By the Committee on Transportation and Senator Forman

306-1075A-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, who was legally intoxicated and who pled
16 guilty to Felony Driving Under the Influence, and
17 WHEREAS, as a result of the accident, Frank Roster was
18 rendered quadriplegic, has plates and screws in his neck, and
19 has been unable to work since the accident, and
20 WHEREAS, Mr. Roster is unable to have children, and his
21 wife must care for him constantly, and
22 WHEREAS, to date, Frank Roster has unpaid medical bills
23 and anticipates continuing medical expenses, and
24 WHEREAS, a lawsuit was brought against the Department
25 of Transportation and Donald Moulton and others in this
26 matter, and, in 1994, a jury returned a verdict in favor of
27 Frank Roster in the amount of \$15,737,602, and the jury
28 apportioned the fault, finding the Department of
29 Transportation to be 20 percent negligent, and
30 WHEREAS, the award included the sum of \$430,000 to
31 cover his unpaid bills; \$4,400,000 for future medical care and

1 treatment; \$897,602 in past and future lost wages, and
2 \$10,000,000 for past and future pain and suffering, and

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

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

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

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

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

17 Section 2. The Executive Office of the Governor is
18 directed to transfer existing spending authority or establish
19 spending authority from unappropriated trust fund balances in
20 the Department of Transportation in the amount of \$4,600,000
21 to a new category entitled "Relief - Frank Roster" as relief
22 for injuries incurred by Frank Roster as a result of the
23 accident which occurred on April 2, 1988.

24 Section 3. The Comptroller is directed to draw a
25 warrant in favor of Frank Roster in the sum of \$4,600,000. The
26 governmental entity responsible for payment of the warrant
27 shall make payment from this warrant to the Florida Agency for
28 Health Care Administration as complete payment and
29 satisfaction of any and all Medicaid lien for past benefits
30 provided prior to the disbursement of funds to the claimant.

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1 The lien amount shall be calculated up to the date that this
2 act becomes a law.

3 Section 4. This act shall take effect July 1, 1998.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 SB 28

8 The committee substitute states the relevant facts of the case
9 in the preamble and the bill provides that the facts stated in
10 the preamble are declared to be true. The committee
11 substitute provides for spending authority for the comptroller
12 to draw a warrant in favor of Frank Roster in the sum of
13 \$4,600,000. From the warrant payment is to be made to the
14 Florida Agency for Health Care Administration for all medicaid
15 liens for past benefits received by Frank Roster.

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