

By Representative Silver

1 A bill to be entitled
2 An act providing for the relief of Kathryn
3 Malloy, formerly known as Kathryn Sperdute;
4 providing for an appropriation to reimburse her
5 for injuries suffered in an accident that was
6 caused by the negligence of an employee of the
7 Palm Beach County School Board; providing an
8 effective date.

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10 WHEREAS, in June 1992, 47-year-old Kathryn Sperdute
11 (now known as Kathryn Malloy) left the nursing home where she
12 worked as a registered nurse, and

13 WHEREAS, she was driving her car and was in moving
14 traffic when, for reasons unknown, a car that was two cars in
15 front of her stopped suddenly, and

16 WHEREAS, Kathryn Sperdute was able to successfully stop
17 her vehicle but was hit from behind by a large maintenance
18 truck owned by the Palm Beach County School Board and driven
19 by one of its employees, and

20 WHEREAS, the impact propelled Kathryn Sperdute's car
21 into oncoming traffic, and, although her car was not hit
22 again, the impact was so severe that the seat she was sitting
23 in collapsed, the rear window of the car shattered, the car
24 needed extensive repairs, and she was injured, and

25 WHEREAS, despite the fact that Ms. Sperdute was wearing
26 a seat belt and, consequently, did not suffer any broken
27 bones, she did sustain significant injuries to her back, for
28 which she had already had three surgeries before the accident,
29 and

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1 WHEREAS, because of the injuries sustained during the
2 accident, Ms. Malloy had to have a morphine pump installed and
3 now suffers severe pain, including spinal headaches, and

4 WHEREAS, her injuries have necessitated her
5 hospitalization three times since the accident, and she will
6 be under a doctor's care for the remainder of her life, and

7 WHEREAS, once an active, energetic, and loving mother
8 and wife, she is now a divorced recluse whose relationship
9 with her only son has been strained and who is in pain every
10 day of her life, and

11 WHEREAS, in addition to the physical and emotional
12 damage Ms. Malloy has suffered due to the accident, she has
13 tried go back to work as a registered nurse, but has been
14 unsuccessful in doing so because of her constant pain, and

15 WHEREAS, a lawsuit was filed in this matter against the
16 Palm Beach County School Board, which admitted liability in
17 the case, and

18 WHEREAS, after intensive pretrial discovery and
19 litigation, the case went to trial on the issue of damages,
20 and the jury rendered a verdict in favor of Kathryn Malloy in
21 the amount of \$176,269, and

22 WHEREAS, a judgment was later entered for that amount
23 plus costs in the amount of \$9,781, for a total award of
24 \$186,050, and

25 WHEREAS, in accordance with the limits of liability set
26 forth in section 768.28, Florida Statutes, the school board
27 has paid \$100,000 to Ms. Malloy, leaving a balance owed of
28 \$86,050, NOW, THEREFORE,

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

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

3 Section 2. The Palm Beach County School Board is
4 authorized and directed to appropriate out of funds of the
5 school board not otherwise appropriated and to draw a warrant
6 in favor of Kathryn Malloy in the amount of \$86,050, to cover
7 the unpaid amount of a judgment in favor of Ms. Malloy for
8 injuries she sustained as a result of the negligence of the
9 school board.

10 Section 3. This act shall take effect July 1 of the
11 year in which enacted.

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