

By Representative Miller

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, punitive damages in the amount of \$10,000 were  
2 assessed against Donald Moulton, 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 \$7,627,602  
21 to a new category entitled "Relief - Frank Roster" as relief  
22 for injuries incurred by Frank Roster due, in part, to the  
23 negligence of the Department of Transportation.

24           Section 3. The Comptroller is directed to draw a  
25 warrant in favor of Frank Roster in the sum of \$7,627,602 upon  
26 funds of the Department of Transportation in the State  
27 Treasury, and the State Treasurer is directed to pay the same  
28 out of such funds in the State Treasury. Such amount shall be  
29 paid in addition to the \$100,000 payable pursuant to section  
30 768.28, Florida Statutes, Florida's sovereign immunity  
31 statute.

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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 of Transportation.