

By the Committee on Civil Justice & Claims and  
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, 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 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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