



THE FLORIDA SENATE
SPECIAL MASTER ON CLAIM BILLS

Location
408 The Capitol
Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

November 5, 1998

<u>SPECIAL MASTER'S FINAL REPORT</u>	<u>DATE</u>	<u>COMM</u>	<u>ACTION</u>
The Honorable Toni Jennings President, The Florida Senate Suite 409, The Capitol Tallahassee, Florida 32399-1100	11/25/98	SM CA FR	

Re: SB 28 - Senator Campbell
Relief of Joyce Howard

THIS IS AN EXCESS JUDGMENT CLAIM FOR DAMAGES AWARDED TO THE CLAIMANT FOR INJURIES SUSTAINED DURING A FALL AT AN APARTMENT COMPLEX OWNED AND OPERATED BY THE LAKE WALES HOUSING AUTHORITY.

FINDINGS OF FACT:

Ms. Joyce Howard was a resident of the Sunrise Park Apartments, a complex that is owned and operated by the Lake Wales Housing Authority (LWHA). The LWHA is a public corporation created by §421.04, F.S.

On July 1, 1996, after falling down the interior stairs of her two-story apartment, Ms. Howard filed suit against the LWHA in the Circuit Court in and for Polk County, Florida (Case No. GCG-96-1718). She alleged that the negligent breach of the LWHA's duty to exercise reasonable care for the safety of its tenants caused her to suffer bodily injury, and other damages.

The jury determined that the legal cause of Ms. Howard's injury should be apportioned between Ms. Howard and the LWHA, and attributed 70% of the negligence that was a legal cause of her injuries to Ms. Howard and 30% to the LWHA. A final judgment for \$178,883.41 was entered on May 15, 1998.

On July 31, 1998, Senate Bill 28 was filed by Senator Campbell to compensate Ms. Howard for the remaining judgment amount of \$78,883.41, plus costs. However, on September 29, 1998, the parties filed a settlement stipulation that states that the parties had entered into a full and final settlement of all claims against the LWHA in the amount of Forty-five Thousand Dollars (\$45,000), inclusive of costs and attorney's fees. The settlement stipulation provides:

- 1) that payment was made by the Florida Housing Authority Risk Management Insureds (FHARMI), a self-insured risk pool of which the LWHA is a member;
- 2) that the insurance coverage provided by the FHARMI is the type of insurance that is contemplated by §768.28(5), F.S.; and
- 3) that Ms. Howard had contacted the sponsor of Senate Bill 28, Senator Campbell, to notify him that the claim had been settled, payment had been made, and that no further action was necessary by the Legislature. The letter also requested that the bill be withdrawn.

CONCLUSIONS OF LAW:

As the claim has been settled and payment has been made, no further action by the Legislature is required.

ATTORNEYS FEES:

Attorney's fees were provided for in the settlement agreement between the parties.

RECOMMENDATIONS:

No recommendation is necessary, as the claim has been settled by the parties, the bill is scheduled to be withdrawn on the opening day of session, and no further action by the Legislature is necessary.

Respectfully submitted,

James Parker Rhea
Senate Special Master

SPECIAL MASTER'S FINAL REPORT--SB 28

November 5, 1998

Page 3

Faye Blanton, Secretary of the Senate

Marleen Ahearn, House Special Master