

By Senator Miller

21-111A-02

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; providing for the relief of
4 Angelo Juliano for injuries he sustained as a
5 result of the negligence of the department;
6 providing an effective date.

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8 WHEREAS, Angelo Juliano's date of birth is October 19,
9 1948, and

10 WHEREAS, Mr. Juliano was a corrections officer employed
11 by the Department of Corrections for approximately 10 years
12 before he was injured in an on-the-job accident on September
13 16, 1991, and

14 WHEREAS, on that date, Mr. Juliano fell in a trailer
15 maintained by the Department of Transportation while he was
16 guarding prisoners, and

17 WHEREAS, the trailer floor had been in need of repair
18 for at least 1 year before Mr. Juliano's fall occurred, and
19 there were memoranda confirming this need, and

20 WHEREAS, although the department asserted that repairs
21 were too costly, 1 month after Mr. Juliano fell, a department
22 employee fell in the same spot and suffered injuries, and,
23 after that accident, the flooring was immediately repaired
24 with plywood at the cost of a few dollars, and

25 WHEREAS, as a result of his fall, Angelo Juliano
26 suffered serious injuries that resulted in his being out of
27 work for several years and undergoing three surgeries to his
28 left leg, and

29 WHEREAS, solely as a result of the injuries Mr. Juliano
30 sustained in his fall, he was notified by the Department of
31

1 Corrections that they were required to terminate him from his
2 position as a correctional officer, and

3 WHEREAS, as a correctional officer, Mr. Juliano's
4 wages, including fringe benefits, were determined in a
5 workers' compensation proceeding to be \$787.50 per week, and
6 his fringe benefits included retirement benefits valued at
7 \$141.20 per week, sick leave and vacation leave valued at
8 \$59.85 per week, and health benefits, and

9 WHEREAS, since his termination, Mr. Juliano has been
10 employed by private security firms but has earned
11 substantially less than he was earning at the time of his
12 accident, generally in the range of \$250-\$400 per week, with
13 earnings at the lower levels during the past year, and

14 WHEREAS, in addition to his physical injuries, Mr.
15 Juliano has, for approximately the past 2 years, been under
16 authorized psychiatric care for depression that is directly
17 related to the injuries he sustained in the accident, and

18 WHEREAS, Mr. Juliano has received workers' compensation
19 benefits from the Department of Corrections, but those
20 benefits are limited to the maximum compensation rate in
21 effect at the time of the accident, which, in 1991, was \$392,
22 or only 50 percent of what he had been earning, and

23 WHEREAS, after 4 years of intense litigation, this
24 matter went to trial, and the jury rendered a verdict in favor
25 of Mr. Juliano and against the Department of Transportation,
26 and

27 WHEREAS, pursuant to the jury's verdict, a judgment was
28 entered in favor of Mr. Juliano in the amount of \$402,500, and

29 WHEREAS, the Department of Transportation appealed the
30 jury's verdict and judgment to the Third District Court of
31 Appeal, and

1 WHEREAS, the appellate court affirmed the judgment for
2 Mr. Juliano and denied the Department of Transportation's
3 subsequent motion for rehearing, and

4 WHEREAS, the Department of Transportation then filed a
5 Petition for Certiorari with the Florida Supreme Court, and

6 WHEREAS, the Florida Supreme Court
7 _____, and

8 WHEREAS, since all judicial remedies have been
9 exhausted, this claim bill may now be presented to the
10 Legislature, and

11 WHEREAS, after the Department of Transportation has
12 paid \$100,000 pursuant to its obligation under section 768.28,
13 Florida Statutes, the remaining excess judgment amount owed
14 will be \$302,500, NOW, THEREFORE,

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

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

20 Section 2. There is appropriated from the General
21 Revenue Fund to the Department of Transportation the sum of
22 \$302,500, which amount includes statutory attorney's fees and
23 costs, for the relief of Angelo Juliano for injuries and
24 damages sustained.

25 Section 3. The Comptroller is directed to draw a
26 warrant in favor of Angelo Juliano in the sum of \$302,500 upon
27 funds of the Department of Transportation in the State
28 Treasury, and the State Treasurer is directed to pay the same
29 out of such funds in the State Treasury.

30 Section 4. This act shall take effect upon becoming a
31 law.

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SENATE SUMMARY

Appropriates funds for the relief of Angelo Juliano for injuries caused by the negligence of the Department of Transportation.