

By Senator Pruitt

28-21A-03

1 A bill to be entitled
2 An act for the relief of Rocky Bowling;
3 providing an appropriation to compensate Mr.
4 Bowling for damages sustained as a result of
5 the negligence of the Department of
6 Transportation; providing an effective date.

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8 WHEREAS, on or about May 4, 1992, Rocky Bowling, a
9 37-year-old husband, was lawfully riding a motorcycle in a
10 northerly direction on State Road 600 in Seminole County,
11 heading around the lakefront of Lake Monroe and approaching
12 the Interstate 4 overpass, and

13 WHEREAS, there was on the roadway an obstruction that
14 appeared to be part of a plastic barrier relating to road
15 construction that was or had been underway at that site, and

16 WHEREAS, Mr. Bowling reasonably attempted to avoid the
17 obstruction by swerving into what appeared to be a grass
18 median, and

19 WHEREAS, contrary to appearances, there was at the edge
20 of the median a raised curb that was not properly marked or
21 distinguishable by painting or otherwise, and the grass beyond
22 the curb was negligently maintained so as to allow growth over
23 the curb, thereby hiding the curb from Rocky Bowling's view,
24 and

25 WHEREAS, upon making contact with the curb, Mr.
26 Bowling's motorcycle was launched upward, causing the
27 motorcycle to rotate and causing Mr. Bowling to crash
28 violently to the roadway and median area, which resulted in
29 extensive and very serious physical injuries to Mr. Bowling,
30 damages to his motorcycle, and loss of consortium for his
31 spouse, and

1 WHEREAS, the curb and obstruction were dangerous
2 conditions that existed with the knowledge or consent of the
3 Department of Transportation and that were negligently
4 maintained by the department or were allowed to be negligently
5 maintained by others, and

6 WHEREAS, the road construction and maintenance was an
7 inherently dangerous procedure, the liability for which cannot
8 be delegated to others, and the department had the duty to
9 supervise the proper and safe completion of the construction
10 so as not to injure Rocky Bowling, and

11 WHEREAS, litigation relating to Mr. Bowling's injuries
12 ensued, and a trial took place May 15-17, 2000, at which it
13 was undisputed that the Department of Transportation was
14 responsible for maintaining the median area, the concrete curb
15 of which was covered by grass, and many witnesses testified
16 that the concrete curb was hidden by grass, and

17 WHEREAS, the jury returned a verdict awarding damages
18 in the sum of \$3,588,716.34, less the sum of \$3,500, which
19 represented a contribution from the City of Sanford, for a
20 total judgment of \$3,585,216.34, and

21 WHEREAS, in response to an appeal filed by the
22 Department of Transportation, the Fifth District Court of
23 Appeal on October 4, 2000, issued an amended final judgment
24 and an order denying defendant's motion for new trial, motion
25 for reconsideration, and motion for judgment notwithstanding
26 the verdict, and

27 WHEREAS, Mr. Bowling is entitled to compensation for
28 his loss of earnings, his past pain and suffering, and the
29 continuing severe pain that he experiences, for which he must
30 rely on pain medication daily for the remainder of his life,
31 NOW, THEREFORE,

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

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

Section 2. There is appropriated from the General Revenue Fund to the Department of Transportation the sum of \$3,585,216.34 for the relief of Rocky Bowling for injuries and damages sustained.

Section 3. The Comptroller is directed to draw a warrant in favor of Rocky Bowling in the sum of \$3,585,216.34 upon the funds of the Department of Transportation in the State Treasury, and the State Treasurer is directed to pay the same out of such funds in the State Treasury.

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

SENATE SUMMARY

Provides an appropriation to compensate Rocky Bowling for damages sustained as a result of the negligence of the Department of Transportation.

CODING:Words ~~stricken~~ are deletions; words underlined are additions.