

By Senator Margolis

35-5-04

1 A bill to be entitled
2 An act relating to the Department of
3 Transportation; providing an appropriation to
4 compensate the estate of Dr. Sherrill Lynn
5 Aversa for the death of Dr. Sherrill Lynn
6 Aversa which was the result of negligence by an
7 employee of the department; providing for
8 attorney's fees and costs; providing an
9 effective date.

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11 WHEREAS, on June 21, 1999, an employee of the
12 Department of Transportation was driving a departmental truck
13 northbound on Interstate 75 in Hillsborough County, Florida,
14 and

15 WHEREAS, on that same day, Dr. Sherrill Lynn Aversa,
16 having completed an interview with the University of South
17 Florida Medical School, was traveling south on Interstate 75,
18 and

19 WHEREAS, by departmental policy, employees of the
20 department are required to ensure that all items used by the
21 department and stored on the truck are appropriately secured
22 to the truck, and

23 WHEREAS, one such item used by the department and
24 stored on the truck was a 12-foot extension ladder stored on
25 the top of the truck, and

26 WHEREAS, the department's employee failed to ensure
27 that the ladder was secured to the truck before leaving the
28 department's maintenance yard, and

29 WHEREAS, thereafter, while the employee traveled
30 northbound on Interstate 75, the extension ladder flew from
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1 the roof of the truck into the northbound traffic following
2 the department's truck, and

3 WHEREAS, the driver to the rear of the department's
4 truck swerved to avoid hitting the extension ladder which came
5 directly at the driver in her lane of Interstate 75, and

6 WHEREAS, as a result of the swerving movements, the
7 driver of the car behind the department's truck lost control
8 of her vehicle, veered to the left, crossed the Interstate 75
9 median, and struck Dr. Aversa's vehicle, killing Dr. Aversa
10 instantly, and

11 WHEREAS, as a result of these events, the estate of Dr.
12 Aversa brought suit against the Department of Transportation
13 for the negligence causing the death of Dr. Aversa, and

14 WHEREAS, after 3 years of litigation, the department
15 admitted liability for the accident and agreed to settle the
16 case, and

17 WHEREAS, the parties agreed to a consent judgment
18 solely against the department, with no comparative negligence
19 finding against any other party, in the amount of \$797,500,
20 and

21 WHEREAS, the Department of Transportation has paid
22 \$100,000 to the estate of Dr. Sherrill Lynn Aversa under the
23 statutory limits of liability set forth in section 768.28,
24 Florida Statutes, NOW, THEREFORE,

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

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

30 Section 2. The sum of \$697,500 is appropriated from
31 the General Revenue Fund to the Department of Transportation,

1 which amount includes attorney's fees and costs, as
2 compensation to the estate of Dr. Sherrill Lynn Aversa for the
3 death of Dr. Aversa.

4 Section 3. The Chief Financial Officer is directed to
5 draw a warrant in favor of the estate of Dr. Sherrill Lynn
6 Aversa in the sum of \$697,500 upon funds of the Department of
7 Transportation, and the Chief Financial Officer is directed to
8 pay the same out of such funds in the State Treasury.

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

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13 SENATE SUMMARY

14 Appropriates funds to the estate of Dr. Sherrill Lynn
15 Aversa as compensation for the death of Dr. Aversa which
16 was caused by the negligence of an employee of the
17 Department of Transportation.

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