

HB 0245

2004

1 A bill to be entitled

2 An act for the relief of Dr. Sherrill Lynn Aversa,
3 deceased; providing an appropriation to compensate the
4 estate of Dr. Sherrill Lynn Aversa for the death of Dr.
5 Sherrill Lynn Aversa as the result of negligence by an
6 employee of the Department of Transportation; providing
7 for attorney's fees and costs; providing an effective
8 date.

9
10 WHEREAS, on June 21, 1999, an employee of the Department of
11 Transportation was driving a departmental truck northbound on
12 Interstate 75 in Hillsborough County, Florida, and

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

16 WHEREAS, by departmental policy, employees of the
17 department are required to ensure that all items used by the
18 department and stored on a departmental truck are appropriately
19 secured to the truck, and

20 WHEREAS, one such item used by the department and stored on
21 the truck was a 12-foot extension ladder stored on the top of
22 the truck, and

23 WHEREAS, the department's employee failed to ensure that
24 the ladder was secured to the truck before leaving the
25 department's maintenance yard, and

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

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

33 WHEREAS, as a result of the swerving movements, the driver
 34 of the car behind the department's truck lost control of her
 35 vehicle, veered to the left, crossed the Interstate 75 median,
 36 and struck Dr. Aversa's vehicle, killing Dr. Aversa instantly,
 37 and

38 WHEREAS, as a result of these events, the estate of Dr.
 39 Aversa brought suit against the Department of Transportation for
 40 the negligence causing the death of Dr. Aversa, and

41 WHEREAS, after 3 years of litigation, the department
 42 admitted liability for the accident and agreed to settle the
 43 case, and

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

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

51

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

53

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

56 Section 2. There is appropriated from the General Revenue
 57 Fund to the Department of Transportation the sum of \$697,500,
 58 which amount includes attorney's fees and costs, for the relief

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59 of the estate of Dr. Sherrill Lynn Aversa as compensation for
60 the death of Dr. Sherrill Lynn Aversa.

61 Section 3. The Chief Financial Officer is directed to draw
62 a warrant in favor of the estate of Dr. Sherrill Lynn Aversa in
63 the sum of \$697,500 upon funds of the Department of
64 Transportation in the State Treasury, and the Chief Financial
65 Officer is directed to pay the same out of such funds in the
66 State Treasury.

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