By Senator Margolis

35-99-06 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 б Aversa, which was the result of negligence by 7 an employee of the department; providing for attorney's fees and costs; providing an 8 9 effective date. 10 WHEREAS, on June 21, 1999, an employee of the 11 12 Department of Transportation was driving a departmental truck 13 northbound on Interstate 75 in Hillsborough County, Florida, 14 and WHEREAS, on that same day, Dr. Sherrill Lynn Aversa, 15 having completed an interview with the University of South 16 17 Florida Medical School, was traveling south on Interstate 75, 18 and WHEREAS, by departmental policy, employees of the 19 department are required to ensure that all items used by the 20 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 stored on the truck was a 12-foot extension ladder stored on 2.4 the top of the truck, and 25 WHEREAS, the department's employee failed to ensure 26 27 that the ladder was secured to the truck before leaving the 2.8 department's maintenance yard, and WHEREAS, thereafter, while the employee traveled 29 northbound on Interstate 75, the extension ladder flew from 30 31

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1 the roof of the truck into the northbound traffic following 2 the department's truck, and WHEREAS, the driver to the rear of the department's 3 4 truck swerved to avoid hitting the extension ladder which came directly at the driver in her lane of Interstate 75, and 5 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 median, and struck Dr. Aversa's vehicle, killing Dr. Aversa 9 instantly, and 10 WHEREAS, as a result of these events, the estate of Dr. 11 12 Aversa brought suit against the Department of Transportation 13 for the negligence causing the death of Dr. Aversa, and WHEREAS, after 3 years of litigation, the department 14 admitted liability for the accident and agreed to settle the 15 16 case, and 17 WHEREAS, the parties agreed to a consent judgment 18 solely against the department, with no comparative negligence finding against any other party, in the amount of \$797,500, 19 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, Florida Statutes, NOW, THEREFORE, 2.4 25 26 Be It Enacted by the Legislature of the State of Florida: 27 2.8 Section 1. The facts stated in the preamble to this 29 act are found and declared to be true. Section 2. The sum of \$697,500 is appropriated from 30 the General Revenue Fund to the Department of Transportation, 31

SB 34

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which amount includes attorney's fees and costs, as compensation to the estate of Dr. Sherrill Lynn Aversa for the death of Dr. Aversa. Section 3. The Chief Financial Officer is directed to draw a warrant in favor of the estate of Dr. Sherrill Lynn б Aversa in the sum of \$697,500 upon funds of the Department of Transportation not otherwise encumbered, and the Chief Financial Officer 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 Appropriates funds to the estate of Dr. Sherrill Lynn Aversa as compensation for the death of Dr. Aversa, which was caused by the negligence of an employee of the Department of Transportation. 2.4

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