

By Senator Ring

32-00201-12

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1                                   A bill to be entitled  
2           An act for the relief of Laura Strazza Phillips;  
3           providing an appropriation to compensate her for  
4           injuries she sustained as a result of the negligence  
5           of an employee of the Department of Agriculture and  
6           Consumer Services; providing a limitation on the  
7           payment of fees and costs; providing an effective  
8           date.  
9  
10          WHEREAS, on April 25, 1996, Laura Strazza, n/k/a Laura  
11          Strazza Phillips, was riding as a passenger in a motor vehicle  
12          on U.S. 1 in Juno Beach, Palm Beach County, and  
13          WHEREAS, an employee of the Department of Agriculture and  
14          Consumer Services, Division of Forestry, was operating, on and  
15          next to that highway, a large transport truck that collided with  
16          the motor vehicle in which Laura Strazza Phillips was a  
17          passenger, and  
18          WHEREAS, as a consequence of this motor vehicle crash,  
19          Laura Strazza Phillips sustained multiple grievous injuries such  
20          that she has been unable to work, has undergone surgical  
21          procedures, and needs to undergo future surgical procedures, and  
22          WHEREAS, a legal action was brought by Laura Strazza  
23          Phillips against the Department of Agriculture and Consumer  
24          Services, and  
25          WHEREAS, on July 13, 1999, a jury rendered a verdict in  
26          favor of Laura Strazza Phillips finding that the Department of  
27          Agriculture and Consumer Services was partly negligent in  
28          causing a motor vehicle crash between the vehicle in which Mrs.  
29          Phillips was riding as a passenger and the department's

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30 transport truck, and

31 WHEREAS, the jury rendered damages in the amount of  
32 \$1,464,000, and, after reduction for collateral sources and  
33 comparative negligence of the driver of the vehicle in which  
34 Laura Strazza Phillips was riding, a Final Judgment in the  
35 amount of \$944,829 and a Cost Judgment in the amount of  
36 \$32,490.62, both bearing interest at the statutory rate of 10  
37 percent per year, were entered against the Department of  
38 Agriculture and Consumer Services, and

39 WHEREAS, the Department of Agriculture and Consumer  
40 Services has paid Laura Strazza Phillips \$100,000, the maximum  
41 amount allowable under s. 768.28, Florida Statutes, and the  
42 remainder owed under the judgment is \$877,319.62, plus \$5,002.60  
43 in additional costs, for a total amount of \$882,322.22, NOW,  
44 THEREFORE,

45

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

47

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

50 Section 2. The sum of \$882,322.22 is appropriated from the  
51 General Revenue Fund to the Department of Agriculture and  
52 Consumer Services for the relief of Laura Strazza Phillips for  
53 injuries and damages sustained.

54 Section 3. The Chief Financial Officer is directed to draw  
55 a warrant in favor of Laura Strazza Phillips in the amount of  
56 \$882,322.22 upon funds of the Department of Agriculture and  
57 Consumer Services in the State Treasury, and the Chief Financial  
58 Officer is directed to pay the same out of such funds in the

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59 State Treasury.

60       Section 4. The amount paid by the Department of Agriculture  
61 and Consumer Services pursuant to s. 768.28, Florida Statutes,  
62 and the amount paid pursuant to this act are intended to provide  
63 the sole compensation for all present and future claims arising  
64 out of the factual situation described in this act which  
65 resulted in injuries to Laura Strazza Phillips. The total amount  
66 paid for attorney's fees, lobbying fees, costs, and other  
67 similar expenses relating to this claim may not exceed 25  
68 percent of the amount awarded under this act.

69       Section 5. This act shall take effect upon becoming a law.