

By Senator Hooper

21-00069-23

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1 A bill to be entitled

2 An act for the relief of the Estate of Molly Parker;
3 providing an appropriation to compensate the estate
4 for Ms. Parker's death as a result of the negligence
5 of the Department of Transportation; providing a
6 limitation on compensation and the payment of attorney
7 fees; providing legislative intent regarding the
8 waiver of certain liens; providing an effective date.
9

10 WHEREAS, on December 12, 2019, 39-year-old Molly Parker was
11 driving her vehicle eastbound on State Road 2 in Jackson County,
12 Florida, approaching the intersection with Old U.S. Road, and

13 WHEREAS, at the same time, a dump truck loaded with fill
14 dirt and weighing over 40,000 pounds, and owned by the
15 Department of Transportation and driven by an employee of the
16 department, was traveling southbound on Old U.S. Road and
17 arrived at a stop sign at the intersection of Old U.S. Road and
18 State Road 2, and

19 WHEREAS, the department's employee, failing to yield the
20 right-of-way to Ms. Parker as she entered the intersection,
21 drove the dump truck into the intersection, causing a violent
22 and severe crash in which Ms. Parker's vehicle struck the side
23 of the dump truck, and

24 WHEREAS, the department's employee was later cited for a
25 violation of s. 316.123(2)(a), Florida Statutes, in connection
26 with the crash, and

27 WHEREAS, as a result of the impact, Ms. Parker suffered
28 complex comminuted depressed left cranium skull fractures;
29 severe traumatic brain injury; extensive mid-face fractures of

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30 her facial bones; a comminuted calcaneal fracture; fractures of
31 her spinal transverse processes at L1, L2, L3, and L4; a
32 fracture of her sternum; pulmonary contusions; and kidney
33 injury, and

34 WHEREAS, Ms. Parker was designated as being in need of
35 Level 1 trauma care and transported emergently by helicopter to
36 Southeast Alabama Medical Center in Dothan, Alabama, where she
37 underwent emergency brain surgery followed by intensive care,
38 where she died from her injuries on December 22, 2019, and

39 WHEREAS, Ms. Parker, through no fault of her own, suffered
40 and was treated for multiple traumatic injuries until she died
41 from those injuries, and

42 WHEREAS, the Estate of Molly Parker incurred costs totaling
43 \$255,347.49 for medical and surgical care and treatment related
44 to the injuries Ms. Parker suffered in the crash, and

45 WHEREAS, prior to her death, Ms. Parker was educated and
46 gainfully employed as a professional photographer; and with a
47 work life expectancy of another 27.61 years, the amount of her
48 lost earnings, lost support, lost services, and net
49 accumulations after reduction to present value is \$3,040,393,
50 and

51 WHEREAS, Ms. Parker's survivors, her husband and her 4-
52 year-old son, have experienced mental pain and suffering in
53 connection with her tragic and traumatic injury and death and,
54 as a result of her death, must endure the loss of her
55 companionship, guidance, and protection, and

56 WHEREAS, the department completed an internal investigation
57 into the cause of the collision, which included investigations
58 by a department safety specialist, unit manager, and the

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59 District 3 safety manager, each of whom testified under oath
60 that the collision was caused solely by the negligence of the
61 department's employee and that their investigations revealed
62 that Ms. Parker did nothing wrong to cause or contribute to
63 causing the motor vehicle crash that killed her, and

64 WHEREAS, in resolving the civil action brought by the
65 personal representative of the Estate of Molly Parker against
66 the department in the Circuit Court for the Second Judicial
67 Circuit, in and for Leon County, Case No. 2020-CA-002294, a
68 final judgment was entered on June 23, 2022, pursuant to the
69 parties' settlement agreement, in favor of the estate in the
70 amount of \$6.25 million, and

71 WHEREAS, under the terms of the settlement agreement, a
72 total amount of \$6.25 million is to be paid to the Estate of
73 Molly Parker, of which the department has paid \$300,000 pursuant
74 to s. 768.28, Florida Statutes, and

75 WHEREAS, the unpaid settlement amount in excess of the
76 limitations on liability set forth in s. 768.28, Florida
77 Statutes, is \$5.95 million, and

78 WHEREAS, the department has agreed to this claim bill being
79 rendered against the department in this matter and supports
80 passage of this claim bill in the amount agreed upon in the
81 settlement agreement, NOW, THEREFORE,

82
83 Be It Enacted by the Legislature of the State of Florida:

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

87 Section 2. The sum of \$5.95 million is appropriated from

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88 the General Revenue Fund to the Department of Transportation for
89 the relief of the Estate of Molly Parker for injuries and
90 damages sustained as a result of Ms. Parker's death.

91 Section 3. The Chief Financial Officer is directed to draw
92 a warrant in favor of the Estate of Molly Parker in the sum of
93 \$5.95 million upon funds of the Department of Transportation in
94 the State Treasury and to pay the same out of such funds in the
95 State Treasury.

96 Section 4. The amount paid by the Division of Risk
97 Management of the Department of Financial Services pursuant to
98 s. 768.28, Florida Statutes, and the amount awarded under this
99 act are intended to provide the sole compensation for all
100 present and future claims arising out of the factual situation
101 described in this act which resulted in the death of Molly
102 Parker. The total amount paid for attorney fees relating to this
103 claim may not exceed 25 percent of the sum of the total amount
104 previously paid by the Department of Transportation and the
105 amount awarded under this act.

106 Section 5. Excluding the federal portions of any liens,
107 Medicaid or otherwise, which the claimant must satisfy pursuant
108 to s. 409.910, Florida Statutes, it is the intent of the
109 Legislature that the lien interests relating to the care and
110 treatment of Molly Parker are hereby waived and extinguished.

111 Section 6. This act shall take effect upon becoming a law.