

20232e1

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

20232e1

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

20232e1

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:

84

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

20232e1

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

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

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

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

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