



THE FLORIDA SENATE
SPECIAL MASTER ON CLAIM BILLS

Location
408 The Capitol

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5237

DATE	COMM	ACTION
12/1/01	SM	Unfavorable
	HC	
	FT	

December 1, 2001

The Honorable John M. McKay
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **SB 70 (2002)** – Senator Victor D. Crist
Relief of James T. Edwards

SPECIAL MASTER'S FINAL REPORT

THIS IS AN \$8,000,000 CLAIM BY JAMES T. EDWARDS FOR INJURIES CAUSED BY THE NEGLIGENCE OF HILLSBOROUGH COUNTY.

FINDINGS OF FACT:

By my letter dated September 28, 2001, attorneys for the parties were directed to demonstrate that the claim by James T. Edwards is ripe for consideration pursuant to Senate Rule 4.81(6). In response to this letter, Mr. Edwards' attorney disclosed that the Hillsborough County Commission would be voting on whether to accept a proposed settlement the latter part of October 2001. By letter dated October 23, 2001, the claimant's attorney informed me "the matter was not ripe for consideration for this legislative session." Moreover, there was no documentation that this matter has been to trial. Therefore, I find that this matter has not been settled nor have the judicial remedies been exhausted.

CONCLUSIONS OF LAW:

Senate Rule 4.81(6) provides:

The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted; except that the hearing and consideration of a claim that is still

SPECIAL MASTER'S FINAL REPORT – SB 70 (2002)

December 1, 2001

Page 2

within the judicial or administrative systems may proceed where the parties have executed a written settlement agreement.

This matter has not been settled nor have the judicial remedies been exhausted, therefore, consistent with Senate Rule 4.81(6), I believe that this claim is not ripe for consideration.

ATTORNEYS FEES:

Not applicable.

RECOMMENDATIONS:

Without determining this case on the merits, and based only on a statement by the claimant's attorney of record that the case is not ripe for consideration, I recommend that Senate Bill 70 be reported UNFAVORABLY.

Respectfully submitted,

Diana Caldwell
Senate Special Master

cc: Senator Victor D. Crist
Faye Blanton, Secretary of the Senate
House Claims Committee