

CHAMBER ACTION

1 The Committee on Judiciary recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act for the relief of Dr. Sherrill Lynn Aversa,  
8 deceased; providing an appropriation to compensate the  
9 estate of Dr. Sherrill Lynn Aversa for the death of Dr.  
10 Sherrill Lynn Aversa as the result of negligence by an  
11 employee of the Department of Transportation; providing  
12 for attorney's fees and costs; providing an effective  
13 date.

14  
15 WHEREAS, on June 21, 1999, an employee of the Department of  
16 Transportation was driving a departmental truck northbound on  
17 Interstate 75 in Hillsborough County, Florida, and

18 WHEREAS, on that same day, Dr. Sherrill Lynn Aversa, having  
19 completed an interview with the University of South Florida  
20 Medical School, was traveling south on Interstate 75, and

21 WHEREAS, by departmental policy, employees of the  
22 department are required to ensure that all items used by the

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23 | department and stored on a departmental truck are appropriately  
24 | secured to the truck, and

25 |       WHEREAS, one such item used by the department and stored on  
26 | the truck was a 12-foot extension ladder stored on the top of  
27 | the truck, and

28 |       WHEREAS, the department's employee failed to ensure that  
29 | the ladder was secured to the truck before leaving the  
30 | department's maintenance yard, and

31 |       WHEREAS, thereafter, while the employee traveled northbound  
32 | on Interstate 75, the extension ladder flew from the roof of the  
33 | truck into the northbound traffic following the department's  
34 | truck, and

35 |       WHEREAS, the driver to the rear of the department's truck  
36 | swerved to avoid hitting the extension ladder which came  
37 | directly at the driver in her lane of Interstate 75, and

38 |       WHEREAS, as a result of the swerving movements, the driver  
39 | of the car behind the department's truck lost control of her  
40 | vehicle, veered to the left, crossed the Interstate 75 median,  
41 | and struck Dr. Aversa's vehicle, killing Dr. Aversa instantly,  
42 | and

43 |       WHEREAS, as a result of these events, the estate of Dr.  
44 | Aversa brought suit against the Department of Transportation for  
45 | the negligence causing the death of Dr. Aversa, and

46 |       WHEREAS, after 3 years of litigation, the department  
47 | admitted liability for the accident and agreed to settle the  
48 | case, and

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49 WHEREAS, the parties agreed to a consent judgment solely  
50 against the department, with no comparative negligence finding  
51 against any other party, in the amount of \$800,000, and

52 WHEREAS, the Department of Transportation has paid \$150,000  
53 to the estate of Dr. Sherrill Lynn Aversa, and her husband, Lee  
54 A. Crandall, under the statutory limits of liability set forth  
55 in section 768.28, Florida Statutes, NOW, THEREFORE,

56

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

58

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

61 Section 2. The Executive Office of the Governor is  
62 directed to establish spending authority from unappropriated  
63 trust fund balances in the Department of Transportation in the  
64 amount of \$650,000 to a new category titled "Relief: Estate of  
65 Dr. Sherrill Lynn Aversa" as relief for injuries and damages  
66 sustained, which amount includes attorney's fees and costs.

67 Section 3. The Chief Financial Officer is directed to draw  
68 a warrant, pursuant to the Stipulated Settlement Agreement  
69 executed by the Department of Transportation and the personal  
70 representative of the estate of Dr. Sherrill Lynn Aversa, in the  
71 sum of \$650,000 upon funds of the Department of Transportation  
72 in the State Treasury, and the Chief Financial Officer is  
73 directed to pay the same out of such funds in the State  
74 Treasury.

75 Section 4. This act shall take effect upon becoming a law.