

1 A bill to be entitled

2 An act for the relief of the Estate of Dr. Sherrill  
3 Lynn Aversa; providing an appropriation to compensate  
4 the Estate of Dr. Sherrill Lynn Aversa for Dr.  
5 Aversa's death as a result of the negligence of the  
6 Department of Transportation; providing a limitation  
7 on the payment of fees and costs; providing an  
8 effective date.  
9

10 WHEREAS, on June 21, 1999, an employee of the Department of  
11 Transportation was driving a department vehicle north on  
12 Interstate 75 in Hillsborough County, and

13 WHEREAS, on that same day, Dr. Sherrill Lynn Aversa, having  
14 completed an interview at the University of South Florida  
15 Medical School, was traveling south on Interstate 75, and

16 WHEREAS, according to departmental policy, employees of the  
17 department are required to ensure that all items used by the  
18 department and stored on a department vehicle are appropriately  
19 secured, and

20 WHEREAS, one such item used by the department was a 12-foot  
21 extension ladder stored on the roof of the truck driven by the  
22 department employee and the employee failed to ensure that the  
23 ladder was secured to the vehicle before leaving the  
24 department's maintenance yard, and

25 WHEREAS, as the employee traveled north on Interstate 75 in

CS/CS/HB 6535

2018

26 | the department vehicle, the extension ladder flew off the roof  
27 | into the northbound traffic traveling behind the department  
28 | vehicle, and

29 |       WHEREAS, the driver of the vehicle traveling behind the  
30 | department vehicle swerved to avoid hitting the ladder and, as a  
31 | result of the swerving movement, lost control of her vehicle,  
32 | veered to the left, crossed the Interstate 75 median, and struck  
33 | Dr. Aversa's southbound vehicle, killing Dr. Aversa instantly,  
34 | and

35 |       WHEREAS, as a result of these events, the Estate of Dr.  
36 | Sherrill Lynn Aversa brought suit against the department for its  
37 | negligence in causing the death of Dr. Aversa, and

38 |       WHEREAS, after 3 years of litigation, the department  
39 | admitted liability for the accident and agreed to settle the  
40 | case, and

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

44 |       WHEREAS, the department has paid \$150,000 to the Estate of  
45 | Dr. Sherrill Lynn Aversa consistent with the statutory limits of  
46 | liability set forth in s. 768.28, Florida Statutes, NOW,  
47 | THEREFORE,

48 |  
49 | Be It Enacted by the Legislature of the State of Florida:  
50 |

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

53           Section 2. There is appropriated from the State  
54 Transportation Trust Fund to the Department of Transportation  
55 the sum of \$650,000 for the relief of the Estate of Dr. Sherrill  
56 Lynn Aversa for the death of Dr. Sherrill Lynn Aversa, which  
57 amount includes attorney fees and costs.

58           Section 3. The Chief Financial Officer is directed to draw  
59 a warrant, pursuant to the stipulated settlement agreement  
60 executed by the Department of Transportation and the personal  
61 representative of the Estate of Dr. Sherrill Lynn Aversa, in the  
62 amount of \$650,000 upon funds of the Department of  
63 Transportation in the State Treasury, and the Chief Financial  
64 Officer is directed to pay the same sum out of such funds in the  
65 State Treasury.

66           Section 4. The amount paid by the Department of  
67 Transportation pursuant to s. 768.28, Florida Statutes, and the  
68 amount awarded under this act are intended to provide the sole  
69 compensation for this excess judgment claim and for all other  
70 present and future claims arising out of the factual situation  
71 described in this act which resulted in the death of Dr.  
72 Sherrill Lynn Aversa. Of the amount awarded under this act, the  
73 total amount paid for attorney fees may not exceed \$123,500, the  
74 total amount paid for lobbying fees may not exceed \$39,000, and  
75 no amount may be paid for costs or other similar expenses.

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