

CHAPTER 98-428

Committee Substitute for Senate Bill No. 28

An act providing for the relief of Frank Roster; providing an appropriation to reimburse him for injuries suffered due, in part, to the negligence of the Department of Transportation; providing an effective date.

WHEREAS, on April 2, 1988, Frank Roster was riding his bicycle in a southbound direction on a road in Hollywood, Florida, and

WHEREAS, Mr. Roster was in the westernmost lane and was riding as close to the right-hand side of the curb as possible, and

WHEREAS, he was hit from behind by a car driven by Donald Moulton, who was legally intoxicated and who pled guilty to Felony Driving Under the Influence, and

WHEREAS, as a result of the accident, Frank Roster was rendered quadriplegic, has plates and screws in his neck, and has been unable to work since the accident, and

WHEREAS, Mr. Roster is unable to have children, and his wife must care for him constantly, and

WHEREAS, to date, Frank Roster has unpaid medical bills and anticipates continuing medical expenses, and

WHEREAS, a lawsuit was brought against the Department of Transportation and Donald Moulton and others in this matter, and, in 1994, a jury returned a verdict in favor of Frank Roster in the amount of \$15,737,602, and the jury apportioned the fault, finding the Department of Transportation to be 20 percent negligent, and

WHEREAS, the award included the sum of \$430,000 to cover his unpaid bills; \$4,400,000 for future medical care and treatment; \$897,602 in past and future lost wages, and \$10,000,000 for past and future pain and suffering, and

WHEREAS, based on the apportionment of fault, the amount awarded for the Department of Transportation's share of the liability totals \$7,727,602, and

WHEREAS, the Department of Transportation appealed the verdict, and the district court of appeal recently affirmed the jury award, and

WHEREAS, the unpaid amount of the award is \$7,727,602, which represents the amount of the department's apportioned liability for the injury, NOW, THEREFORE,

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

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

Section 2. The Executive Office of the Governor is directed to transfer existing spending authority or establish spending authority from unappropriated trust fund balances in the Department of Transportation in the amount of \$4,600,000 to a new category entitled "Relief - Frank Roster" as relief for injuries incurred by Frank Roster as a result of the accident which occurred on April 2, 1988.

Section 3. The Comptroller is directed to draw a warrant in favor of Frank Roster in the sum of \$4,600,000. The governmental entity responsible for payment of the warrant shall make payment from this warrant to the Florida Agency for Health Care Administration as complete payment and satisfaction of any and all Medicaid lien for past benefits provided prior to the disbursement of funds to the claimant. The lien amount shall be calculated up to the date that this act becomes a law.

Section 4. This act shall take effect July 1, 1998.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.